MEMORANDUM

TO: Local Agency Formation Commission
FROM: Stephen Lucas, Executive Officer
SUBJECT: Agenda Item 6.1 - Executive Officer’s Report
DATE: March 28, 2018 for the meeting of April 5, 2018

ADMINISTRATION:

1. The Special District election saga is over. On the 5th try, the Butte County Special District's elected Tom Lando as the regular non-enterprise District representative and Al McGreehan as the Alternate special district member. Both terms expire in 2021.

2. In cooperation with the County Administration and Auditor, Staff is currently conducting a special district election for a representative to the Consolidated Redevelopment Agency Oversight Board for Butte County. This is a mandated (2015 - SB 107) responsibility for the LAFCO Executive Officer who acts to coordinate special district voting absent a Independent Special Districts Selection Committee which is not constituted in Butte County. Nominations were requested from eligible districts (Attachment 1), resulting in the nominations of Bob Malowney (Chico Area Recreation and Park District) and Al McGreehan (Paradise Recreation and Park District).

3. Staff attended the Annual Spring Education Day conducted by the Special Districts Risk Management Association at no cost to its members. Both the Clerk and Management Analyst have received the Safety Specialist Certificate. Attendance at the workshop as well as other SDRMA events results in a reduction in our agency insurance costs of approximately $2,000/year.

PROJECT NOTES:

1. The Board of Supervisors discussed potential fire service options for the County at its January 23, 2018 meeting. The options included: no changes, forming a dependent county service area (CSA), or an independent community services district (CSD) or an independent fire protection district (FPD). The BOS directed its staff to further evaluate the formation of a county service area framework that will allow enhanced fire services to be provided, preferably by area or zones of benefit. Staff will continue to work with the County Administration on this issue.

2. The Oroville Region Water Study is under construction by NorthStar Engineering. The goal of the Study is to provide the general public a collection of easily understandable comparable data in order to effectively participate in future community discussions about water services. Outreach and information collection has been ongoing and it is anticipated the Study will be in public review draft sometime in April provided data requested from agencies is received in a timely manner.
3. Staff met with the Chico City Manager and his senior staff to discuss/develop a plan for the annexation of the north Chico islands (approx 450 acres). The meeting was productive and the Executive Officer has prepared a draft letter agreement that is currently being considered by City staff. The draft agreement calls for the City to submit annexation applications for the North Chico Annexation Area by July 2018. Both LAFCO and City staff will conduct public outreach in the spring of 2018.

4. Staff has initiated a Municipal Service Review and Sphere of Influence Update for the eight (8) drainage and reclamation providers in Butte County. Staff has met with district managers, collected and evaluated new data since the last MSR was conducted and is formatting the public review draft which is expected to be released in early April.

5. The City of Chico has undertaken the preparation of a Municipal Service Review (MSR) and Sphere of Influence Plan (SOI) under a letter agreement with LAFCO. Staff has reviewed the Administrative Draft and provided comments and direction to the Consultant/City.

6. The Durham Irrigation District has undertaken the preparation of a Municipal Service Review (MSR) and Sphere of Influence Plan (SOI) under a letter agreement with LAFCO. Staff is currently reviewing Administrative Draft documents.

7. Following the adoption of the Municipal Service Review and Sphere of Influence Plan for Mosquito Abatement Districts in Butte County in December 2017, Staff has continued to pursue the desired outcomes as follows.

**Butte County Mosquito and Vector Control District**

Staff has assisted the Butte County Mosquito and Vector Control District in preparing an application for the annexation/detachment of the "rice fields" from the Durham MAD to the BCMVCD. The BCMVCD adopted a resolution of application February 14, 2018. Both LAFCO and District staff conducted an informational meeting with affected landowners on March 27, 2018 at the District's south Chico office located at 444 Otterson Drive. The meeting was attended by only two landowners. It is expected a public hearing will be scheduled for Commission consideration of the reorganization proposal in June.

**Oroville Mosquito Abatement District (OMAD)**

Staff continues to monitor/assist the Oroville Mosquito Abatement District’s efforts to implement the determinations made by LAFCO in its Municipal Service Review (MSR)/Sphere of Influence(SOI) Plan. To date the OMAD has:

- At its 12/22/17 meeting, unanimously approved a Motion of Intent to dissolve the District and annex to the BCMVCD and enter into a contractual agreement with the BCMVCD to perform mosquito abatement services;

- At its 2/26/18 meeting, the Board unanimously approved the Services Agreement with BCMVCD pending the two districts reaching agreement as to the amount of consideration OMAD is to pay BCMVCD for the services to be performed by it under the Agreement. The OMAD Board also created an ad hoc committee to work with BCMVCD’s ad hoc committee in discussing and agreeing upon a fair and appropriate service fee;
• The District has approved a contract to perform a financial audit of the District for the past three years. The audit is expected to commence in April and will provide a clearer picture as to the Districts financial position which is critical to the overall reorganization process moving forward.

Durham Mosquito Abatement District (DMAD)

At last communication, the District Manager indicated the District was preparing an integrated vector management plan (IVMP) and engaging a consultant to develop a website.

Commissioner/Supervisor Lambert held a town hall meeting at the Durham Veterans Hall on February 21, 2018 at which he solicited input concerning the services provided by DMAD. It is reported that the 40 or so citizens in attendance were supportive of DMAD and did not seek any changes to its services. A second town hall meeting is scheduled for March 28, 2018 with the Executive Officer joining Supervisor Lambert to address the mosquito study and potential governance options for the Durham community. A town hall meeting with a panel of experts on mosquito abatement services has not yet been scheduled.

CALAFCO: The Board of Directors continues to evaluate the organizations structure and funding options in acknowledgement of the tremendous work load that falls on a minimal staff and collection of willing LAFCO volunteers from around the state.

LEGISLATION: CALAFCO has a full legislative plate this session.

AB2258 (Caballero) - This is CALAFCOs biggest priority bill (Attachment 2) as it will make LAFCos eligible for grant funding to complete additional studies and implement consolidations, dissolutions or reorganizations recommended in municipal service reviews. Initially the amount of grant money requested is likely to be one million dollars and would be awarded on a competitive application basis. This effort builds on the Little Hoover Commission recommendations that LAFCos pursue reorganizations related to poorly or non-functioning districts. CALAFCO and Staff have submitted letters of support (Attachment 3 and 4) for this very important bill.

AB3254 (ALGC) - This is the annual local government omnibus bill that makes non-controversial changes to the government code. Both the CALAFCO (Attachment 5) and Butte LAFCO (Attachment 6) have submitted letters of support.

GENERAL NOTES: None
## APPLICATION ACTIVITY

### Project Status As of March 22, 2018

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<tr>
<th>File</th>
<th>Applicant</th>
<th>Project Name</th>
<th>Date Application Received</th>
<th>Certificate of Filing</th>
<th>LAFCO Hearing Date</th>
<th>Certificate of Completion</th>
<th>SBE Submittal Date</th>
<th>Additional Comments</th>
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<tr>
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<td>Butte County</td>
<td>CSA No. 114 - Expansion of Powers</td>
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<td>Chico</td>
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<td>Letter agreement Oct. 2015</td>
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<td>PID</td>
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### Attachments:
1. RDA Oversight Board Nomination Request
2. AB2258 Fact Sheet
3. CALAFCO Support Letter - AB2258
4. Butte LAFCO Support Letter - AB2258
5. CALAFCO Support Letter - AB3254
Dear District Manager and Board Chair:

This letter is being sent to you as an invitation to your district to nominate a member of your board of directors for the position of Special District Representative to the Consolidated Redevelopment Agency Oversight Board for Butte County. The letter describes the process of selecting the special district representative.

Reason for Nomination

In 2011, the State of California dissolved redevelopment agencies throughout the state and created some 400 redevelopment agency (RDA) oversight boards as successor agencies. In 2015, Senate Bill 107 further directed that these oversight boards be consolidated into a single consolidated redevelopment oversight board in each county. The new Consolidated Redevelopment Oversight Board for Butte County will oversee the dissolutions of the redevelopment agencies in Butte County to include the disbursement of certain cash assets of the former redevelopment agencies to the county, cities, school districts, and special districts that share in the general 1% property tax. The independent special districts get a seat on that Board to help assure that the proper distributions are made.

Up to seven members are allowed on each countywide RDA oversight board, one of whom may be a member appointed by the independent special district selection committee (ISDSC). The ISDSCs, where they exist, are comprised of the presiding officer, or his or her designee, of every independent special district under the “umbrella” of the local agency formation commission (LAFCO). Pursuant to state law guiding LAFCOs, the Committee meets to appoint special district representatives to serve on LAFCOs. Although Butte LAFCO has had special district representation since 1979, in 2004 the Butte County Special Districts Association (BCSDA) which functioned as the ISDSC, requested LAFCO repeal the Special District Rules and Regulations and requested the LAFCO Executive Officer manage all elections that would otherwise be conducted by ISDSC.

Selection of Special District Representative

When no ISDSC exists or when it is not feasible for the ISDSC to meet, state law authorizes the LAFCO Executive Officer to manage the business of the Committee. State law allows provision of ballot materials from LAFCO and response from a district by electronic mail, with the prior concurrence of the presiding officer of the district or his or her alternate as designated by the governing body. In Butte County, typically the process is conducted by email whenever feasible. That format will be continued for
selection of the independent special districts representative to the Consolidated Redevelopment Agency Oversight Board for Butte County.

Eligible Districts

Although 41 independent special districts operate in the County pursuant to the LAFCO law, the California Health and Safety Code [Section 34179(j)(3)] limits eligibility on the Countywide RDA oversight board to those special districts that have territory in the jurisdiction of a former RDA and are eligible to receive property tax revenues pursuant to Health &Safety Code Section 34188.

The Butte County Auditor-Controller-Treasurer-Tax Collector has provided a list of districts that receive the RPTTF funds; these include:

- DRAINAGE DISTRICT 1
- RECLAMATION #833
- OROVILLE MOSQUITO ABATEMENT
- PARADISE CEMETERY
- GRIDLEY-BIGGS CEMETERY
- OROVILLE CEMETERY
- BUTTE MOSQUITO ABATEMENT
- CHICO AREA RECREATION AND PARK
- PARADISE PARK & RECREATION
- FEATHER RIVER PARK & RECREATION
- SOUTH FEATHER WATER & POWER
- PARADISE IRRIGATION
- RECLAMATION #2056
- LAKE OROVILLE AREA PUD

Only these districts may nominate and vote for the special district representative to the Countywide RDA.

Process to Select Special District Representative to County RDA Oversight Board

The process will consist of nomination and election periods. The districts listed above must choose the RDA special district representative prior to July 1, 2018. If that does not occur, based on the 2011 law, the Governor will make the appointment on behalf of independent special districts.

Nominations

- Boards of directors of the above-listed districts may nominate any board member as a candidate for the RDA oversight board special district representative position.
- At this time, a formal ballot is not required. A written nomination letter will be sufficient if it provides the name of your nominee and the District Board on which he or she serves. The nomination must be made by an official action of your Board of Directors and signed by the appropriate Officer of the Board.
- Nomination letters must be returned to Stephen Lucas, Executive Officer, Butte Local Agency Formation Commission, 1453 Downer Street, Suite C, Oroville, California 95965 by Friday, March 9, 2018, either by U.S. Mail, e-mail or hand delivered. Postmarks of March 10, 2017 will be accepted. Nomination letters received by LAFCO, or postmarked after the closing date, will not be accepted.
- If you do not have a District Board meeting scheduled within this time frame and would like to make a nomination, you will have to schedule a special Board meeting.
Elections

- After the close of the nomination period, Butte LAFCO will determine if a formal election is required if more than one nominee is submitted. If only a single nominee is submitted, that person will be declared the RDA oversight board special district representative and no further action is necessary.
- If multiple nominees are submitted, a mailed ballot will be provided to each district eligible to vote for the special district RDA oversight board representative.
- For the election to be valid, at least a quorum (8) of the (14) special districts listed above must submit valid ballots. The candidate receiving the most votes will be deemed elected as the RDA oversight board special district representative.

Schedule

The following table shows the schedule for the mail ballot nomination and election process:

<table>
<thead>
<tr>
<th>Wednesday</th>
<th>February 7, 2018</th>
<th><strong>Start of 30 Day Nomination Period</strong> (Letter Sent to the 14 Eligible Special Districts)</th>
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<tr>
<td>Friday</td>
<td>March 9, 2018</td>
<td><strong>End of Nomination Period</strong> (Butte LAFCO Must Receive Nomination by 5:00 p.m.)</td>
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<td>Monday</td>
<td>March 12, 2018</td>
<td><strong>Start of Voting Period (if necessary)</strong> (Ballots Mailed to the 14 Eligible Districts)</td>
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<td>Tuesday</td>
<td>April 10, 2018</td>
<td><strong>End of Voting Period</strong> (Butte LAFCO must receive ballots by 5:00 p.m.)</td>
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<tr>
<td>TBD</td>
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<td><strong>Ballots Counted</strong></td>
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<tr>
<td>TBD</td>
<td>TBD</td>
<td><strong>Results Announced; Districts Notified</strong></td>
</tr>
</tbody>
</table>

*If more than one candidate is nominated

Butte LAFCO encourages your district to consider and submit a nomination for the special district representative to the Butte County RDA oversight board before March 9, 2018. If you have any questions about the position or the process, please contact Butte LAFCO staff at (530) 538-7784. You may also direct questions to the Maria Solis of the Butte County Auditor's Office at 530-552-3616/msolis@buttecounty.net or Heather MacDonald of the Butte County Administrative Office at 530-552-3337/hmacdonald@buttecounty.net.

Sincerely,

**Steve Lucas**
Stephan Lucas
Executive Officer

cc: LAFCO  
Butte County Auditor  
Butte County Administration
AB 2258 establishes a funding program to provide grants to Local Agency Formation Commissions (LAFCOs) to conduct studies and analyses of local government agencies and services for the purposes of creating improved efficiencies in the delivery of services and to complete the process to terminate inactive special districts.

Grant funds will be used specifically to conduct special studies to identify and fund projects which create greater efficiencies in the provision of municipal services and initiate actions based on those studies that remove or reduce local costs, thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans, and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would be administered by the Strategic Growth Council and would sunset on December 31, 2023.

The Legislature established LAFCOs in 1963 to encourage the orderly formation of local government agencies. Since that time, the role and responsibilities of LAFCOs have substantially increased to include preserving agricultural and open space land resources, discourage urban sprawl, and to ensure the efficient and sustainable provision of public services. Operating in all 58 California counties, LAFCOs are responsible for assisting in the provision of effective local government services through its explicit authority to conduct boundary changes, approve spheres of influence, conduct municipal service reviews, and initiate changes of organization and reorganization for special districts.

Recently, some critics have become frustrated with the deliberative LAFCo process that was not designed to yield immediate results, but rather to ensure all parties are actively engaged and the citizens’ right to protest is not infringed. This has resulted in legislation that often overrides local LAFCo processes in favor of a more streamlined approach that removes some or many of the deliberative safeguards imposed on LAFCOs. An August 2017 Little Hoover Commission report on special districts outlined such concerns and recommended the Legislature consider one-time grant funding to pay for specified activities, suggesting that a small amount of funds ($1-$3 million) could save taxpayers money if local government services are streamlined and efficiency is improved.

The California Association of Local Agency Formation Commissions (CALAFCO) surveyed its members to assist in developing a grant funding program. For a relatively small cost, LAFCOs would be able to address known service and governance concerns that could potentially save California taxpayers additional money.

Fact Sheet for AB 2258 | UPDATED: 3/22/2018
through the reorganization of local government agencies and improved efficiencies in service delivery.

**SOLUTION**

AB 2258 establishes a grant funding program, administered by the Strategic Growth Council, to provide LAFCos with funding to initiate and complete dissolution of inactive districts, prepare special studies, and potentially initiate actions based on determinations contained in the study. The grant program includes specific eligible activities and a requirement to report to the Strategic Growth Council as to the use of grant funds.

**CONTACT**

Adriana Zorio | Legislative Director  
adriana.zorio@asm.ca.gov | 916.319.2030

Pamela Miller | California Association of Local Agency Formation Commissions (CALAFCO)  
pmiller@calafco.org | 916.442.6536
March 26, 2018

The Honorable Anna Caballero  
California State Assembly  
State Capital Room 5158  
Sacramento, CA 95814  

Subject: Support of AB 2258 (as amended March 15, 2018)

Dear Assemblymember Caballero:

The California Association of Local Agency Formation Commissions (CALAFCO) is pleased to support Assembly Bill 2258. The bill establishes a funding program to provide grants to Local Agency Formation Commissions (LAFCos) for conducting in-depth studies and analyses of local government agencies and services for the purposes of creating improved efficiencies in the delivery of local government services and completing the dissolution of inactive special districts. The grant program would be administered by the Strategic Growth Council and sunset on December 31, 2023.

The Legislature established LAFCos in 1963 to encourage the orderly formation of local government agencies. Since that time, the role and responsibilities of LAFCos have substantially increased. Operating in all 58 California counties, LAFCos are responsible for meeting important statutory directives to maintain orderly boundaries and seek greater efficiencies in delivering local services, and yet these directives often times cannot be met under current funding mechanisms. As a result, much needed LAFCo activities are sometimes delayed or rejected. Further, there is an increasing call at many levels for LAFCos to conduct more in-depth studies of local agency service providers that would specifically consider options for greater efficiencies in the delivery of public services and improved governance models.

After a full year of study by the Little Hoover Commission on special districts and the role LAFCo plays in their oversight, in August 2017 the published final report contained several recommendations directly related to LAFCo. One recommendation was for the Legislature to provide one-time grant funding to pay for specified LAFCo activities, particularly to incentivize LAFCos or smaller special districts to develop and implement dissolution or consolidation plans with timelines for expected outcomes.

While many LAFCos are initiating action to create improved efficiencies in the delivery of local government services, the reality is that certain LAFCos and smaller districts lack the resources to propose consolidations and dissolutions. A CALAFCO statewide survey in 2017 showed that lack of funding was one of the top reasons why LAFCos do not initiate such actions.
Through **AB 2258**, LAFCos will be able to actively address known service and governance concerns that could potentially save California taxpayers additional money through the reorganization of local government agencies and improved efficiencies in service delivery. It would also fund the statutory mandate for LAFCos to dissolve inactive districts as identified by the State Controller’s Office (pursuant to SB 448, 2017). By establishing this one-time grant funding, **AB 2258** provides an additional tool for LAFCos to conduct detailed studies and implement greater efficiencies in delivering local services based on local circumstances and conditions.

Thank you for your leadership on this very important matter and we look forward to working with you in support of this measure. Please feel free to contact me should you have any questions about CALAFCO’s position.

Sincerely yours,

[Signature]

Pamela Miller
Executive Director

Cc:  Members, Assembly Local Government Committee
     Debbie Michel, Chief Consultant, Assembly Local Government Committee
     William Weber, Consultant, Assembly Republican Caucus
March 28, 2018

The Honorable Anna Caballero  
California State Assembly  
State Capital Room 5158  
Sacramento, CA  95814

Subject: Support of AB 2258 (as amended March 15, 2018)

Dear Assemblymember Caballero:

The Butte Local Agency Formation Commission (LAFCo) joins the California Association of Local Agency Formation Commissions (CALAFCO) in support for Assembly Bill 2258. Sponsored by CALAFCO, the bill establishes a funding program to provide grants to LAFCos for conducting in-depth studies and analyses of local government agencies for the purposes of creating greater efficiencies in the delivery of local government services and completing the dissolution of inactive special districts. The grant program would be administered by the Strategic Growth Council and sunset on December 31, 2023.

The Legislature established LAFCos in 1963 to encourage the orderly formation of local government agencies. Since that time, the regulatory role and responsibilities of LAFCos has substantially increased without additional funding. As a result, much needed LAFCo oversight is sometimes delayed or is minimized due to funding constraints. In August 2017, the Little Hoover Commission published a report on special districts and their oversight by LAFCos, which contained several recommendations directly related to LAFCo. One recommendation was for the Legislature to provide one-time grant funding to pay for specified LAFCo activities, particularly to incentivize LAFCos or smaller special districts to develop and implement dissolution or consolidation plans with timelines for expected outcomes.

Butte LAFCO has created numerous Municipal Service Reviews (MSRs) that determined various agencies represented an opportunity for improved governance structures or service delivery models, but such actions required additional studies to support these recommendations. By establishing this one-time grant funding, AB 2258 will allow Butte LAFCO to pursue these documented objectives.

Thank you for authoring this important piece of legislation. Please feel free to contact me should you have any questions about Butte LAFCO’s position.

Sincerely yours,

[Signature]

Stephen Lucas
Executive Officer

Cc: Members, Assembly Local Government Committee  
Debbie Michié, Chief Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus  
Pamela Miller, Executive Director, CALAFCO
March 26, 2018

Honorable Cecilia Aguiar-Curry, Chair
Assembly Local Government Committee
California State Assembly
State Capitol, Room 5144
Sacramento, CA 95814

RE: SUPPORT of AB 3254: Local Government Committee Omnibus Bill

Dear Chair Aguiar-Curry:

The California Association of Local Agency Formation Commissions (CALAFCO) is pleased to support the Assembly Local Government Committee Bill AB 3254 which makes technical, non-substantive changes to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act).

This annual bill includes technical changes to the Act which governs the work of Local Agency Formation Commissions. These changes are necessary as Commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. AB 3254 currently makes minor technical corrections to language used in the Act. CALAFCO is grateful to your Committee and staff, and the members of our Legislative Committee, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps insure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee’s authorship and support of this bill, and your support of the mission of Local Agency Formation Commissions. As always I am happy to provide any additional information needed.

Yours sincerely,

[Signature]

Pamela Miller
Executive Director

cc: Members, Assembly Local Government Committee
    Debbie Michel, Chief Consultant, Assembly Local Government Committee
    William Weber, Consultant, Assembly Republican Caucus
Honorable Cecilia Aguiar-Curry, Chair  
Assembly Local Government Committee  
California State Assembly  
State Capitol, Room 5144  
Sacramento, CA  95814

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Butte LAFCo is grateful to your Committee and staff, and the members of the California Association of Local Agency Formation Commissions (CALAFCO) Legislative Committee, all of whom worked diligently on this language to ensure there are no substantive changes while creating a significant increase in the clarity of the Act for all stakeholders.

This legislation helps insure the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state. We appreciate your Committee’s authorship and your support of the mission of LAFCos. Please feel free to contact me should you have any questions about our support of AB 3254.

Yours sincerely,

Steve Lucas  
Executive Officer

cc: Members, Assembly Local Government Committee  
Debbie Michel, Chief Consultant, Assembly Local Government Committee  
William Weber, Consultant, Assembly Republican Caucus  
Pamela Miller, Executive Director, CALAFCO