

EXECUTIVE OFFICER'S REPORT

To The

Local Agency Formation Commission

TO:

Commissioner **DON CAMPBELL** (Chair) [City] Commissioner **MICHAEL KELLEY** [Supervisor]
Commissioner **JASON JACKSON** (Vice-Chair) [City] Commissioner **RAY CASTILLO** [Supervisor]
Commissioner **DAVID WEST** [Public]

Alt Commissioner **JACK TERRAZAS** [Supervisor]
Alt Commissioner **MARIA NAVA-FROELICH** [City]
Alt Commissioner **VACANT** [Public]

REPORT DATE: September 2, 2014

FROM: Jurg Heuberger, AICP, CEP, Executive Officer

PROJECT: SPECIAL DISTRICT REPRESENTATION

HEARING DATE: **October 23, 2014** **TIME:** 8:30 a.m.

AGENDA ITEM NO: **8**

HEARING LOCATION: IID Board Room, 1285 Broadway, El Centro, CA
(for directions call 760-353-4115)

RECOMMENDATION(S) BY THE EXECUTIVE OFFICER (In summary & order)

- OPTION #1:** Authorize the Executive Officer to proceed in taking the lead to solicit resolutions in support of Special District representation on LAFCO, as outlined under the Executive Officer's Recommendation.
- OPTION #2:** Direct that the Special Districts through the efforts of one or more Special District determine, following the established CHK requirements, whether or not to be represented on LAFCO.
- OPTION #3:** Take no action.

ANALYSIS

I: Executive Officers Summary:

The Executive Officer recently notified the Commissioners that interest by one or more special districts to be represented on LAFCO had been brought to LAFCO's attention.

As the Commissioners also know there is a specific procedure that must be followed in order for special districts to have representation on LAFCO. The two options will be explained below.

Historically the LAFCO has made at least three attempts over the past fifteen years to have special districts join the LAFCO. None were successful, although one came within a few votes.

At the present time, the Commission consists of two members appointed by the Board of Supervisors, two members appointed by the City Select Committee, and one Public Member, appointed by the above two categories.

By law special districts can be on the Commission if they collectively pass resolutions requesting representation. They would need to have 50% plus 1 of the total special districts in favor.

III: Procedure:

The Cortese Knox Hertzberg Reorganization Act outlines the process as follows:

Gov. Code § 56332.5 specifically authorizes any special district to pass a resolution requesting that special districts be represented on LAFCO. This section also allows the Commission to initiate the process.

If the process is initiated with or by a special district, the resolution must be forwarded to the Executive Officer to LAFCO, which then starts the clock of a maximum of one year, within which a majority of special districts must also pass such a resolution if it is to pass. Likewise if it is initiated by LAFCO the time limit is the same. That is not to say that the process has to take or wait a year.

If a majority of special districts vote in favor of representation, then within 15 days of the Commission adoption its Resolution of Intention, the Executive Officer schedules a meeting of the Special Districts Selection Committee (similar to the City Select Committee) in order to appoint two members plus an alternate to the Commission.

III: Recommendation of the Executive Officer:

The Executive Officer recommends that the Commission take the lead to initiate the process of determining whether or not a majority of special districts pass resolutions in favor of representation.

If that is the will of the Commission, then direction as follows is recommended:

- a) Approve the attached Resolution proposing special district representation on the Imperial LAFCO.
- b) Authorize the Executive Officer to execute the procedures as required by the CHK to complete the process.
- c) Upon receiving a majority of resolutions in favor bring the matter back to the Commission for the required actions.
- d) If a majority of special districts do not pass resolutions in favor within the one year time frame, terminate and close the process.