

EXECUTIVE OFFICER'S REPORT

To The Local Agency Formation Commission

TO:

Commissioner	DAVID WEST	[Public]	Commissioner	MICHAEL KELLEY	[Supervisor]
Commissioner	JASON JACKSON	[City]	Commissioner	RAY CASTILLO (Vice-Chair)	[Supervisor]
Commissioner	MARIA NAVA-FROELICH	[City]			
	(Chair)				
	Alt Commissioner	JACK TERRAZAS		[Supervisor]	
	Alt Commissioner	JIM PREDMORE		[City]	
	Alt Commissioner	RALPH MENVIELLE		[Public]	

REPORT DATE: **March 1, 2018**

FROM: Jurg Heuberger, AICP, CEP, Executive Officer

PROJECT: City of Westmorland Annexation (WM 1-18)

HEARING DATE: March 22, 2018 **TIME:** 8:30am

AGENDA ITEM NO: 3C

HEARING LOCATION: El Centro City Council Chambers, 1275 Main Street, El Centro, CA

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

OPTION #1: Accept the Executive Officer's Decision

Project Data:

DATA & FACTS:

Project ID:	WM 1-18	
Project Name:	City of Westmorland	
Applicant/Proponent:	City of Westmorland	
Application Type:	Annexation by Petition	Exhibit "A"
Application Filed:	01/30/18	
Certificate of Filing:	02/06/18	Exhibit "B"
Area/Size:	8 th Street 0.317acres, H Street 0.534acres, 7 th Street 1.789acres	
Location/Legal:	See attached map and legal description	Exhibit "C"
Proposed Project:	Partial annexation of 8 th , 7 th , and H Street	

TAX AGREEMENT:

Board of Supervisors Action:	Tax & Fiscal Impact Agreement- Pending and required prior to recording
Tax Split:	Auditor-Controller Letter- Pending and required prior to recording

CEQA:

Lead Agency:	LAFCO
Documentation:	Exempt

ANALYSIS

I: Project Description:

The City of Westmorland submitted an annexation proposal via petition on 01/30/18. The proposed annexation consists of 0.317 acres of 8th Street, 0.534 acres of 7th Street, and 1.789 acres of 7th Street. The annexation will provide a clean-up to bring half-street right of way into the City (current right-of-way is half-City/half-County). The annexation will also allow the City to apply for FHWA funding for road improvements.

II: City Council Approvals:

Pending and required prior to recording

III: Sphere of Influence:

The proposed annexation is within the current adopted Sphere of Influence.

IIII: CEQA:

The proposed annexation is exempt from CEQA pursuant to GC 15301 (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety)

EXECUTIVE OFFICERS DECISION

It is the recommendation that the Commission accept the decision of the Executive Officer.

This project was approved by the Executive Officer and is provided as an informational item.

- 1: The Executive Officer has been delegated the authority by the Commission to review and approve this type of project and has conducted a full evaluation on this project.
- 2: The Executive Officer made the finding that this project is exempt from CEQA.
- 3: The Executive Officer made the finding that this project with the conditions imposed herein (or as modified) is in substantial compliance with the provisions of the Cortese/Knox/Hertzberg Reorganization Act of 2000 and the Imperial County LAFCO Policy, and Procedures.
- 4: The Executive Officer made the findings pursuant to Gov. Code Section 56375 that:
 - a) The project is contiguous to the City, does not create an island, and is a logical extension of the City and is within the sphere of Influence, and or urban area plan.
 - b) The protest proceedings pursuant to Part 4 commencing with Section 57000 are hereby initiated, and are in compliance with the resolution of approval by the Commission.
- 5: The Executive Officer approves the annexation subject to all the following conditions:
 - A: Executive Officer to forward the Resolution of approval to the City of Westmorland, as an information item and for compliance with all relevant conditions imposed herein. *(Pursuant to the Cortese/Knox/Hertzberg Reorganization Act of 2000, enacted through AB 2838, a conducting authority process, i.e. the City being the Conducting Authority, no longer exists and the LAFCO has been delegated the Conducting Authority Process).*
 - B: Pursuant to Cortese-Knox-Hertzberg, the Executive Officer is authorized to record the annexation with the County Recorder and the State Board of Equalization, ONLY upon compliance by the applicant and the City, with all applicable conditions, payment of requisite fees, and receipt of all documents necessary and required from the proponents, the City and/or other agencies.
 - C: The annexation boundary shall be as per map and legal description **(Exhibit – C)** attached hereto. The annexation shall include all contiguous Roads; Road Right of Ways; Canals, Canal Right of Ways; and Public Easements. The final annexation map shall be prepared by a California Licensed Engineer licensed to practice in the Category of work to be performed. Said final map shall be reviewed by the Surveyor of the County of Imperial and the Public Works Director of the City of Westmorland to assure that the map complies with the correct boundary and surveying requirements, as well as legal descriptions.
 - D: The City of Westmorland shall transmit to the Executive Officer certified copies of all approvals given or required to be given by the City of Westmorland.
 - E: The City of Westmorland shall within 90 days of the hearing by LAFCO, submit to the LAFCO a full City Boundary Map depicting the new annexation as part of the overall City Boundary. This City Boundary map shall be signed by a licensed Engineer and shall be submitted as follows;
 - a) A digital copy in AutoCAD 2009 or later format
 - b) A 24" x 36" or larger copy
 - c) A 18" x 24" copy.

- F: Upon receipt of the City Boundary Map required in condition E, the Executive Officer shall transmit said map to all affected public agencies, including but not limited to law enforcement, Assessor, etc.
- G: The applicant (petitioner) and/or the City as appropriate shall provide to LAFCO the following items in order to complete the processing of the annexation/de-annexation.
- 1) Eight (8) copies of the Annexation maps and legal descriptions prepared by the licensed engineer, and one "Mylar" copy meeting the size established by the **County Recorder's** office.
 - 2) Check made payable to the State Board of Equalization as required by Statute.
 - 3) Check payable to LAFCO as determined by the Executive Officer to fully offset the cost of processing the application, including all costs incurred by County or City departments charged with the responsibility to review any portion of this project.
 - 4) A letter from the Petitioners agreeing to the terms and conditions of the LAFCO and waiving all rights to an appeal, or reconsideration of the LAFCO decision, unless petitioner can show that a technical error occurred that would have or could have altered the decision of the LAFCO.
- H: The annexation shall not be recorded until all conditions have been completed and all costs paid in full.
- I: The annexation shall not record until the City provides to LAFCO a hard copy as well as a digital copy of the "mitigation" measures that, if any will be required to be implemented for this project. These mitigation measures will be made a part of the Resolution of approval by LAFCO and to the extent applicable will be required to be implemented or bonded for as appropriate.

LAFCO Policy:

The proposed annexation application appears to be consistent with the Cortese/Knox/Hertzberg Reorganization Act of 2000, the Imperial LAFCO Policies and Procedures and the County of Imperial General Plan (Chapter IV. B. of LAFCO's Policies, Standards and Procedures).

CC: City of Westmorland
Project File WM 1-18

ATTACHMENTS:

EXHIBIT A: Application
EXHIBIT B: Certificate of Filing
EXHIBIT C: Map