



Item #: 12

Project: Discussion/Action/Direction on a policy to complete mandated Service Area Plans/Municipal Service Reviews

Meeting Date: Thursday, March 23, 2023

Meeting Time: 08:30 a.m.

Location: El Centro City Council Chambers
1275 W. Main Street
El Centro, CA 92243



EXECUTIVE OFFICER'S REPORT

COMMISSIONERS

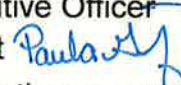
David H. West, Chair [Public]
Maria Nava-Froelich, Vice-Chair [City]
Javier Moreno [City]
Ryan Kelley [County]
Michael W. Kelley [County]

ALTERNATES

Jose Landeros [Public]
Robert Amparano [City]
Jesus E. Escobar [County]

REPORT DATE: March 7, 2023

FROM: Jurg Heuberger, Executive Officer 

Paula Graf, Sr. Analyst 

PROJECT: Discussion/Action/Direction on a policy to complete mandated MSR/SAP's

HEARING DATE: March 23, 2023

TIME: 08:30 a.m.

AGENDA ITEM NO: 12

HEARING LOCATION: El Centro City Council Chambers, 1275 Main St.,
El Centro, CA 92243

RECOMMENDATION(S) BY THE EXECUTIVE OFFICER (In Summary & Order)

- OPTION #1:** Direct the Executive Officer to send a notice to each City and Special District as recommended by the Executive Officer.
- OPTION #2:** Direct the Executive Officer to send a notice to each City and Special District as revised by the Commission.
- OPTION #3:** Take no action.

ANAYLSIS/REPORT

State legislation requires that every City and Special District have a MSR (Municipal Service Review Plan) also referred to as a SAP (Service Area Plan) under our policies. Service Area Plans (SAP)Municipal Service Reviews (MSRs) are the core of LAFCOs planning responsibility and are generally prepared in conjunction with SOI reviews and updates. MSRs involve comprehensive reviews and regional studies on future growth and how local agencies are planning for their municipal services and infrastructure systems. These studies are prepared before or in conjunction with the establishment, review or update of an SOI and are generally intended to inform in the areas of efficiency and affordability of infrastructure and municipal service delivery and assist LAFCOs in the review and initiation of changes of organization. In accordance with G.C. Section 56430, with each SAP/MSR that is prepared, LAFCOs are required to prepare written statements of its determinations with respect to each of the following:

1. Growth and population projections for the affected area.
2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the affected sphere of influence.
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the affected sphere of influence.
4. Financial ability of agencies to provide services.
5. Status of, and opportunities for, shared facilities.
6. Accountability for community service needs, including governmental structure and operational efficiencies.
7. Any other matter related to effective or efficient service delivery, as required by commission policy.

A MSR/SAP must be updated at least every five (5) years or more frequently as conditions warrant. For an example of conditions warrant, would be significant development applications being processed by a city, or information received by LAFCO that might indicate financial or other concerns that could affect that city or district. An example of information being received by LAFCO that would trigger an update is the Salton Community Service District after learning about their difficult position.

It also needs to be noted that all LAFCO's have to provide information to the State of California on our performance. In prior years the state used this information to criticize the LAFCO's for not following their mandates. Fortunately for us we have never been on the "bad" list and would prefer not to be.

It is our policy to notify each agency when an update is required under the 5-year cycle and to get them to update their MSR/SAP within a reasonable time. We generally give every agency more than enough time to comply.

If an agency fails to provide an update, we have two choices. First, we can prepare the MSR/SAP update for them and charge them all costs associated with that process. This can be expensive and generally more expensive than if they prepare it.

The second option is to place them on notice that no further annexations will be accepted until we have an up-to-date MSR/SAP. This generally works for the cities due to annexations being more common in the cities and not special districts.

At present we have a number of agencies that are due and in some cases past due for their updates. Most agencies work with us, and we have not had issues, but we are faced with some that do not believe that we will follow through with our options. Therefore, we are requesting your direction/authorization to notify each agency that we will in fact enforce our state mandated responsibility.

EXECUTIVE OFFICERS RECOMMENDATION

It is the recommendation of the Executive Officer that LAFCO conduct a public hearing and consider all information presented in both written and oral form. The Executive Officer then recommends, assuming no significant public input warrants to the contrary, that LAFCO take the following action:

OPTION #1: Direct the Executive Officer to send a notice to each City and Special District.

Cities: It is the Executive Officers recommendation that any City that fails to comply with the request by LAFCO to update its MSR/SAP within the time frame required, be placed on notice that no further annexations will be accepted until the MSR/SAP has been completed and accepted by LAFCO. In addition, LAFCO reserves the right and the authority to prepare the city's update with all costs to be charged against the city.

Special Districts: It is the Executive Officers recommendation that any Special District that fails to comply with the request by LAFCO to update its MSR/SAP within the time frame required, that LAFCO will commence the update with all costs to be charged against the district.

CC: City Managers
Special District Managers
County of Imperial, CEO