

August 5, 2013

TO: Local Agency Formation Commission

FROM: Executive Officer

SUBJECT: 50<sup>th</sup> Anniversary of the Local Agency Formation Commission (LAFCO) and a Resolution declaring September 20th as "LAFCO-Day"

September 20, 2013 will mark the 50<sup>th</sup> anniversary of the Knox-Nisbet Act, the law that created Local Agency Formation Commissions (LAFCOs). The Knox-Nisbet Act was signed into law by Former Governor Edmund Gerald "Pat" Brown, Sr. on July 17, 1963, but was not effective for about 60 days. Today, non-emergency bills become law in the beginning of each calendar year, regardless of the Governor's signature date, as opposed to the 60-day waiting provision applicable in 1963. In recognition of LAFCO's 50<sup>th</sup> anniversary, it is recommended that the Commission adopt a special resolution and declare September 20<sup>th</sup> of every year as "LAFCO-Day." A proposed resolution is attached for Commission consideration. Also attached are the first known agenda prepared by the San Diego LAFCO, dated November 18, 1963; an August 27, 1963 San Diego County Counsel Opinion describing the legislation creating LAFCO; a map of the infamous boundaries of the City of San Diego, including San Ysidro, plus some entertaining cartoons that were retrieved from behind LAFCO's file cabinets upon moving to new office headquarters in 2011.

### **Background**

The reasons for the creation of LAFCO 50 years ago are similar to the reasons why LAFCOs still exist today. In 1963, it seemed as though there was both too much and too little government in California. That is, there were literally thousands of governmental agencies in the state, but some of them so small and independent of one another that comprehensive levels of governmental services were not always available where and when needed. For the average citizen, all of this government appeared on a map as a veritable jungle of jurisdictional boundaries. However, unlike in 1963, there is now an independent boundary review agency (LAFCO) to regulate local governmental agencies. Prior to LAFCO, jurisdictional boundaries were decided in an administrative approach and boundaries took on rather illogical and gerrymandered shapes. A textbook example in San Diego County is San Ysidro. The attached map of the City of San Diego (yellow boundaries) shows San Ysidro (north of the US/Mexican border) connected to the City by a narrow strip of submerged land under the San

Diego Bay. This type of boundary configuration was permissible in the 1950s, when five separate annexations brought San Ysidro under the control of the City of San Diego. However, today this type of boundary would be prohibited because a contiguity determination could not be made.

After 1963, LAFCOs became known as jurisdictional watchdogs. Attached are some old cartoons that were lost for decades until San Diego LAFCO's relocation in 2011; the cartoons show the emergence of the San Diego LAFCO as the boundary watchdog and gatekeeper. One cartoon is presumably of an analyst painting a sphere of influence boundary through the middle of a barn, farm, and over the top of a cow—we try not to do that anymore! The other cartoon is of the proposed incorporation (marriage) of Solana Beach (Sunny Solana) and San Dieguito (San Dieguito Sam) as one city. The bearded character in the cartoon toting a shot gun is a caricature of LAFCO serving as Boundary Gatekeeper/Sheriff. It is noteworthy to mention that the incorporation eventually occurred, but it occurred as two separate cities (Solana Beach and Encinitas) rather than as one larger city—so much for a happy jurisdictional marriage.

While LAFCOs have had their share of successes and failures, the San Diego LAFCO has been a standout among other LAFCOs. It pioneered many jurisdictional efforts and set a host of statewide records. Since 1963, for example, the San Diego LAFCO dissolved 193 special districts. Today, there are 82 special districts (61 independent and 21 dependent districts), plus 18 cities serving a combined population of nearly 3.2 million people. In the past twenty years alone, 105 agencies have been dissolved or consolidated. In 1975, the San Diego LAFCO was the first LAFCO in California to seat special districts on the Commission. This was a major accomplishment given the statewide reluctance to recognize special districts as a form of local government. Ten years later, the San Diego LAFCO annexed 23,000 people into the City of Chula Vista and concurrently reorganized a number of special districts in the largest populated city annexation in the history of California (Montgomery Annexation). And then in 1998, the San Diego LAFCO was the first LAFCO in California to utilize its initiatory authority to bring about the dissolution of two wastewater districts (Rancho Cielo and 4-S Ranch Sanitation Districts). In 2000, the San Diego LAFCO set another record by dissolving 58 County Service Areas in one Commission meeting.

The San Diego LAFCO has received statewide recognition for these and other efforts and is the recipient of an unprecedented 13 awards from the California Association of Local Agency Formation Commissions (CALAFCO). The award recipients included: Harry Ehrlich, 2010 Outstanding LAFCO Professional; Mike Ott, 2008 Outstanding LAFCO Professional; William D. Smith, 2007 Distinguished Service Award; Jan Bryson, 2006 Outstanding LAFCO Clerk; San Diego LAFCO, 2005 Project of the Year; San Diego LAFCO, 2004 Most Effective Commission; Shirley Anderson, 2003 Outstanding LAFCO Professional; San Diego LAFCO, 2002 Most Effective Commission; Ingrid Hansen, 2001 Outstanding LAFCO Professional; San Diego LAFCO, Project of the Year; San Diego LAFCO, 1999 Most Creative Solution to a Jurisdictional Problem; San Diego LAFCO, 1998 Most Effective Commission; Joe Convery, 1998 Outstanding Staff Analysis.

Below is a list of the relatively few Executive Officers and Assistant Executive Officers that have worked for the San Diego LAFCO since 1963. Also listed are the longest serving commissioners – all of whom are still active members of LAFCO today; longest serving legal counsel, plus the oldest commissioner who served on LAFCO.

#### List of Executive Officers

- Bob Small, 1963-68
- S. M. Skip Schmidt, 1968-76
- Mike Gotch\*, 1976-79
- Bill Davis\*, 1980-84
- Jane Merrill, 1984-92
- Mike Ott, 1992-Current

#### List of Assistant Executive Officers

- Mike Gotch\*, 1975-76
- Peter Detwiler, 1972-75
- Mike Ott, 1988-92
- Shirley Anderson, 2010-Current

#### Longest Serving Commissioners (Active)

- ◆ Supervisor Dianne Jacob, 1993-Current (County Member)
- ◆ Supervisor Bill Horn, 1995-Current (County Member)
- ◆ Harry Mathis, 1995- 2001 (City Member); 2001-Current (Alt. Public Member)
- ◆ Andy Vanderlaan, 1996-Current

#### Longest Serving Legal Counsel

- ◇ William D. Smith, 1984 - 2010

#### Oldest Serving Commissioner

- ◆ John Sasso\*, 1987-97 (90 years old)

*\*Deceased*

### **RECOMMENDATION**

In recognition of the San Diego LAFCO's 50 years of existence, it is recommended that the Commission declare September 20, 2013, and every September 20<sup>th</sup> thereafter as "LAFCO-Day". A resolution is attached for the Commission's review and adoption.

Respectfully Submitted,

MICHAEL D. OTT  
Executive Officer

MDO:ra

Attachments: (1) Resolution Declaring September 20<sup>th</sup> as LAFCO Day  
(2) November 18, 1963 LAFCO Agenda  
(3) August 27, 1963 San Diego County Counsel Opinion  
(4) Map of San Diego / San Ysidro  
(5) Sphere Cartoon, circa 1971  
(6) Sunny Solana and San Dieguito Sam Cartoon, circa 1973

**RESOLUTION  
DECLARING SEPTEMBER 20<sup>TH</sup>  
AS  
LAFCO DAY**

WHEREAS, California State Assemblyman John T. Knox, a second-term assemblyman from Richmond, who served as Chairman of the Assembly Local Government Committee in 1963, originally introduced SB 861, a bill in the 1963 Legislative Session regarding the formation of new cities and new special districts; and

WHEREAS, California State Senator Eugene T. Nisbet, a first-term senator representing the thirty-sixth Senatorial District in San Bernardino County, originally introduced AB 1662, a bill in the 1963 Legislative Session to create "Local Agency Annexation Commissions" in each County of the State;

WHEREAS, the bills introduced separately by Assemblyman Knox and Senator Nisbet were combined into the Knox-Nisbet Act of 1963, approved by both the California State Senate and the State Assembly;

WHEREAS, on July 17, 1963, Governor Edmund G. "Pat" Brown signed AB 1662, the Knox-Nisbet Act of 1963;

WHEREAS, the Knox-Nisbet Act created Local Agency Formation Commissions, or LAFCOs, in all 58 counties in the State of California;

WHEREAS, on September 20<sup>th</sup>, 1963, the Knox-Nisbet Act took effect in the State of California;

WHEREAS, by April 1, 1964, LAFCOs were functioning in all counties in the State of California except the City and County of San Francisco (the City and County of San Francisco activated a LAFCO in 2000);

WHEREAS, special districts gained the right to be represented on LAFCO in 1975, and, as of today, special district representatives serve on more than half of all LAFCOs in California;

WHEREAS, the Knox-Nisbet Act, along with District Reorganization Act of 1965 and the Municipal Organization Act of 1977, were succeeded by the Cortese-Knox Local Government Reorganization Act of 1985 and later by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000;

WHEREAS, essential concepts that are fundamental to LAFCO operations— independent commissions in each county; representation on LAFCO by county, city, and public members; the establishing of uniform criteria and procedures for forming new cities and

special districts and changing their boundaries; the right of landowners and registered voters to protest LAFCO decisions—all of which originated in the Knox-Nisbet Act, and are still found in today's Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and continue to guide LAFCO deliberations and decision-making;

WHEREAS, the State Legislature has empowered LAFCOs with regulatory authority over local agency boundary changes;

WHEREAS, State law tasks LAFCOs with encouraging orderly growth, promoting the logical formation and determination of local agency boundaries, discouraging urban sprawl, and preserving open space and prime agricultural lands;

WHEREAS, the State of California amended the law in 1971 to require that LAFCOs establish Spheres of Influence for each city and special district within their respective county;

WHEREAS, the State of California amended the law in 1993, empowering LAFCOs to initiate proposals to consolidate, dissolve, or merge special districts;

WHEREAS, the State of California amended the law in 2000 to require that LAFCOs prepare Municipal Service Reviews of cities and special districts, which are reports in which LAFCO's examine the adequacy of public services; identify infrastructure needs or deficiencies; address opportunities for shared facilities; and address accountability, governmental structure, and operational efficiencies of cities and special districts;

WHEREAS – the San Diego LAFCO has been a standout among other LAFCOs and pioneered many jurisdictional efforts. The San Diego LAFCO dissolved 193 special districts since 1963 and received an unprecedented 13 service awards from the California Association of Local Agency Formation Commissions.

**NOW, THEREFORE, BE IT RESOLVED**, that the San Diego LAFCO hereby declares September 20, 2013, as "Local Agency Formation Commission Day" or "LAFCO Day" throughout the County of San Diego.

PASSED AND ADOPTED by Commissioners XXXXXXXXXX on this 5<sup>th</sup> day of August, 2013. San Diego LAFCO staff present: XXXXXXXXXXXXXXX.

ANDREW L. VANDERLAAN  
Chairman

MICHAEL D. OTT  
Executive Officer

**AGENDA FOR LOCAL AGENCY FORMATION COMMISSION MEETING**  
Monday, November 18, 1963 - 1:30 p.m.  
Board of Supervisors' Hearing Chamber, Room 310, Civic Center  
San Diego, California

**13**

**Attachment (2)**

**OLD BUSINESS:**

1. Discussion of rules.

**NEW BUSINESS:**

2. Letter from Executive Officer submitting a draft of proposed Standards and Procedures.
3. Discussion of suggested letterhead.
4. Letter from the Executive Officer submitting a list of Special Districts.
5. Letter from the Executive Officer submitting suggested Commission Budget.
6. Letter from the Executive Officer recommending procedure for submission of claims for travel, etc.

**PROPOSALS:**

7. No. CA63-1 (Shelby Drive No. 2 Annexation), filed by George Carstanoff, and others, proposing to annex territory to the City of National City.
8. No. CA63-2 (Fritz Annexation), filed by Gilbert E. Fritz, proposing to annex territory to the City of National City.
9. No. CA63-3 (East Oxford Street Annexation), filed by Acting Planning Director, City of Chula Vista, proposing to annex territory to the City of Chula Vista.
10. No. CA63-4 (Hardin Annexation No. 5), filed by Wittman Engineering Co., proposing to annex territory to the City of El Cajon.

**MISCELLANEOUS:**

The following miscellaneous communications and reports are received and filed:

- a. Copy of letter from Executive Officer to Wm. R. MacDougall, County Supervisors Association of California, and to Richard Carpenter, League of California Cities, advising of the appointments of members and staff to the Commission; also requesting their evaluation of the proposed legislation to provide for alternate members.
- b. Letter from City of Walnut Creek to Board of Supervisors requesting roster of members of Commission and other pertinent information, and copy of reply by Executive Officer forwarding roster and copy of minutes of first meeting.
- c. Copy of letter from Chief Administrative Officer to Board of Supervisors advising of the establishment of the Commission and also advising that it is expected the costs can be absorbed by the budgets of the various offices and should adjustments be necessary, a suitable recommendation to the Board will be made.
- d. Letter from the Board of Supervisors advising that on November 12, 1963, the Board authorized the attendance of members and staff of the Local Agency Formation Commission at necessary County expense, and all members of the Board of Supervisors who wish to attend, at an indoctrination institute to be held in Los Angeles on December 13, 1963.
- e. Copy of letter from Clerk of the Board of Supervisors to Mr. Wm. R. MacDougall, County Supervisors Association of California, reporting that the Board on November 12, 1963, authorized the attendance of Commission and staff at the indoctrination institute to be held December 13, 1963, at Los Angeles, and also authorized all members of the Board to attend; also forwarding names and addresses of the members and staff, as requested.
- f. Letter from Clerk of the Board of Supervisors stating that the Board on November 5, 1963, Minute Item No. 124, directed the Clerk of the Board to serve as Secretary to the Local Agency Formation Commission.

No. 8  
Re Time and Place  
of Meetings

After discussion, there being no objection, it is decided that the time and place of the meetings will be at 1:30 p.m. every Monday, in the Board of Supervisors' Hearing Chamber.

No. 9  
Re Rules and Procedures

Mr. Small outlines briefly the need for the legislation which provided for the establishment of the Commission in an effort to bring order to the problem of annexations to districts and cities, the incorporation of new cities and formation of districts.

He submits for the consideration by the Commission a suggested draft of rules and procedures which may be followed in the processing of matters coming before the Commission. Mr. Sklar suggests that the proposal be taken under consideration for a decision at the next meeting.

No. 10  
Re County Boundary Commission

At this time the following members of the County Boundary Commission are introduced:

Robert C. Cozens, Chairman of the Board of Supervisors and  
Chairman of the County Boundary Commission  
A. H. Mueller, County Auditor  
John F. Mulgrew, representing the County Surveyor and Road Commissioner  
Billy L. Cook, representing the County Assessor  
Dan Cherrier, representing the Director of Planning  
there being absent C. J. Sexton, Registrar of Voters.

Also Present:

Frank Bliss, representing Rudolph Benitez, Boundary Commission Engineer

It is explained that the Boundary Commission members will act as staff for the Local Agency Formation Commission in securing any desired information in connection with annexation and formation petitions.

No. 11  
Re Legal Counsel for  
the Commission

Bertram McLees, Jr., the County Counsel, advises it was probably the intent of the Legislature that the County Counsel would act as legal advisor to the Commission and that he is willing to accept that responsibility. ON MOTION of Mr. Bird, seconded by Adm. Hartman, there being no objection, the Chairman declares the County Counsel to be the legal counsel for the Commission.

No. 12  
Re Suggested Appointment  
of Alternates for Commission Members

The Commission discusses the possibility of appointing alternates to act for the Commission members, and on advice of Counsel that the Legislature made no provision for the appointment of such alternates, ON MOTION of Mr. Bird, seconded by Mr. Fellows, Counsel and the executive officer are directed to seek appropriate legislation at a special session of the Legislature to provide for the appointment of alternates for all Commission members.

No. 13

Re Seminar to be  
held at Los Angeles

Mr. Bird calls attention to the meeting scheduled by the League of California Cities and the County Supervisors Association of California which will take place on December 13, 1963, at the Biltmore Hotel in Los Angeles for the purpose of discussing Commission matters. Chairman Sklar suggests that all Commission members who can do so should attend the seminar.

No. 14

Re Pending Items of  
Proposed Annexations  
and Formations

There is presented a list of various city and district annexations and/or formations that are still pending, following approval by the County Boundary Commission. The executive officer advises that the several cities and districts will be contacted relative to the progress or completion of any of these pending items.

No. 15

Re Miscellaneous Communications

There are read to the Commission and ordered filed the following miscellaneous communications:

Letter from League of Women Voters of Chula Vista, Chula Vista, California, dated November 2, 1963, commending the County Board of Supervisors for the formation of the new County Annexation Formation Commission, and offering to lend support.

Letter from Gold-Thompson and Company, Inc., 1810 Fair Oaks Avenue, South Pasadena, California, requesting the name, government or business affiliation, address and telephone number of all five members of the new Local Agency Formation Commission; and the name of the chairman and regular meeting dates, hour and locations.

Letter from the City Clerk of the City of Escondido, advising that City Manager Lloyd M. Mitchell is authorized to represent the city in all matters pertaining to the proposed annexations to the City of Escondido coming before this Commission.

Adjournment

There being no further matters concerning the Local Agency Formation Commission at this time, the meeting adjourns at 2:30 p.m.

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**HELEN KLECKNER, Secretary**  
Local Agency Formation Commission





# COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

13 <sup>21</sup>  
P

**Attachment (3)**

DATE August 27, 1963

TO: Board of Supervisors

FROM: County Counsel

(Ref: 8-12-63 No. 2)

Subject: Local Agency Formation Commission

Effective September 20, 1963, two new laws, Chapters 1808 and 1810 of Statutes of 1963, will add to local government a new agency entitled Local Agency Formation Commission. The function of this commission will be "To review and approve or disapprove with or without amendment, wholly, partially or conditionally," proposals for the incorporation of cities, proposals for the creation of special districts other than school districts and proposals for the annexation of territory to cities and special districts other than school districts. The commission also has the function of adopting standards and procedures for the evaluation of proposals for the creation of cities and special districts and for the annexation of territory thereto.

The commission is required to perform its function of review of such proposals following their initiation by the filing of a petition or the adoption of a resolution of intention by your Board. At that stage your Board must refer the proposal to the commission for its review. Thereafter, within 60 days, the commission must conduct a public hearing regarding the proposal and on the basis of that hearing take its authorized action. The hearing may be adjourned for as long as 60 days in the case of formations and as long as 30 days in the case of annexations. The commission's determination must be announced within 30 days following the close of the hearing. Following its action the commission must report to you on its determination and if the commission approves the proposal your Board may then proceed with the proposal but only in compliance with such modifications or conditions as are imposed by the commission. If the commission disapproves the proposal, the proceeding is terminated and no similar formation or annexation proposal may be initiated within one year thereafter.

Your Board is required by law to furnish the commission with necessary quarters, equipment and supplies and the usual and necessary operating expenses. The commission

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is authorized to utilize the County Boundary Commission as an advisory agency but is also authorized to appoint an executive officer and such staff as may be needed to conduct its work.

The commission is composed of two county officers appointed by your Board, two city officers appointed by a city selection committee consisting of the mayors of each city within the county, and a fifth member appointed by the other four. The law requires the city selection committee to make its appointment within 60 days after the effective date of the law but no specific time is fixed for your appointments or the appointment of the fifth member. Only certain county officers may be members of the commission. These include any member of your Board, the County Clerk, the County Auditor and Controller, the County Assessor, the County Surveyor and the County Registrar of Voters. Only the mayors and members of city councils may be appointed as the city representatives on the commission. Each member is appointed for a term of four years, or, in the case of a county or city officer, so long as he holds his county or city office if that be less than four years, except that the first board is required to select terms varying from one to four years by law so that one term will expire at the end of each of three years and two terms will expire at the end of the fourth year. Vacancies in the membership are filled by the appointing authority for the unexpired term.

The members of the commission (serve without compensation but) are entitled to be reimbursed for their reasonable and necessary expenses in attending meetings and in performing the duties of their office. In passing it may be noted that the law relating to annexations, had it been enacted alone, would have required the appointment of an alternate member by the city selection committee. It is my opinion, however, that since the two laws as enacted require the appointment of a local agency formation commission only and since that law does not provide for an alternate, none need be appointed.

*later amended*

As mentioned above the laws take effect September 20, 1963 but each contains a provision to the effect that

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neither law applies to proceedings to form or annex to cities or special districts if the formation or annexation proceeding has been initiated prior to the time when the first members of the commission are appointed. As I previously reported to you the bond attorneys have taken the position that proceedings should, if possible, be commenced and concluded with the aid of the commission and recommend that where your Board has discretion, it delay proceedings until such review can be had. Because of this recommendation you may prefer to delay where you have that discretion if bond issues are likely. In my opinion, however, the law does not require this delay and permits formations or annexations to proceed without reference to the commission if initiated prior to its initial appointment.

BERTRAM McLEES, JR.  
County Counsel

BMc:EW

336286

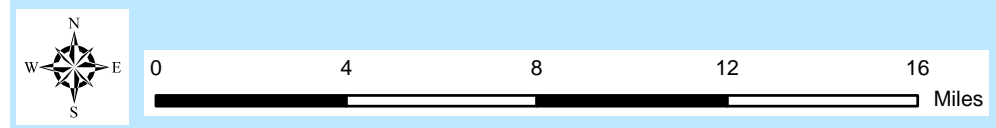
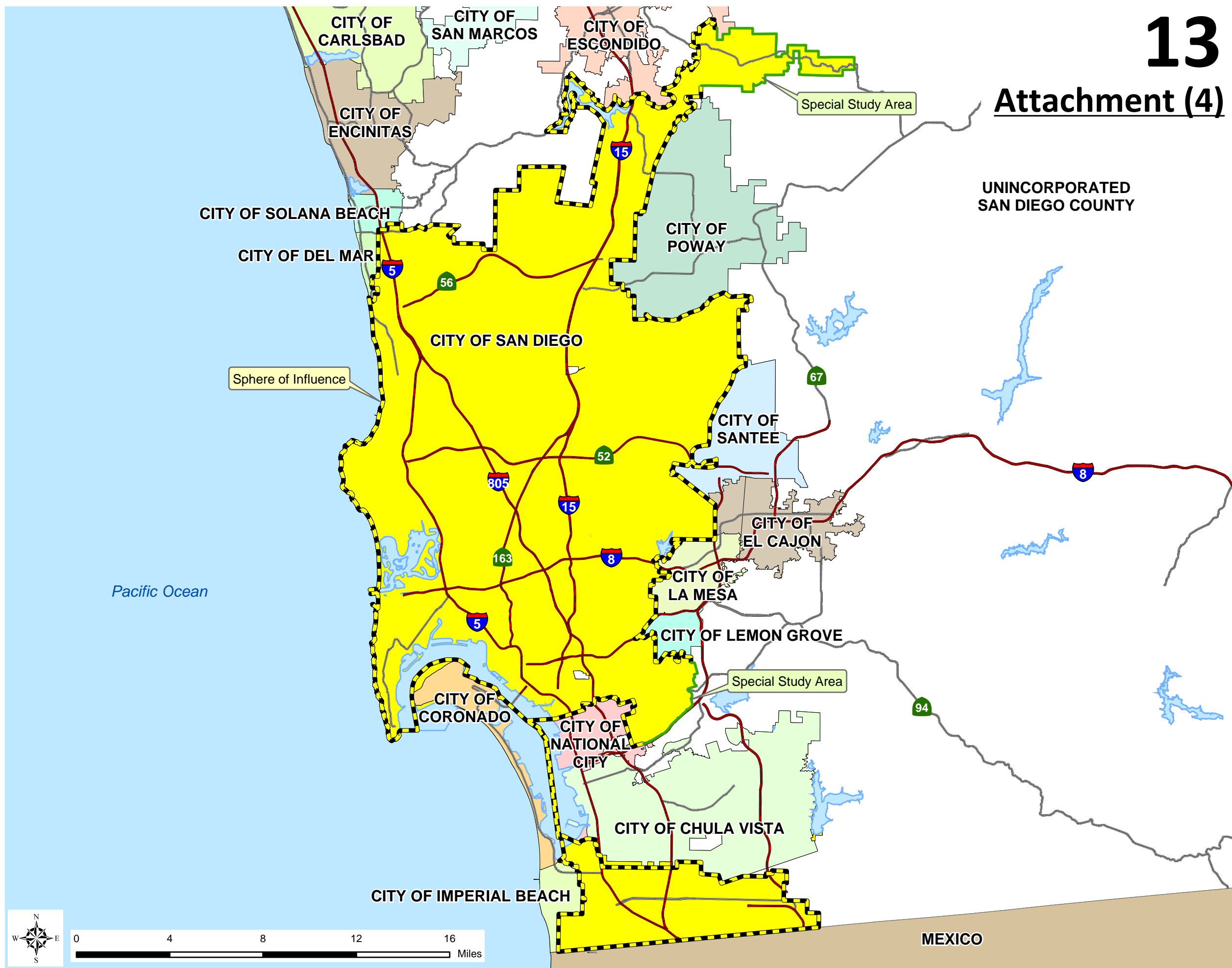
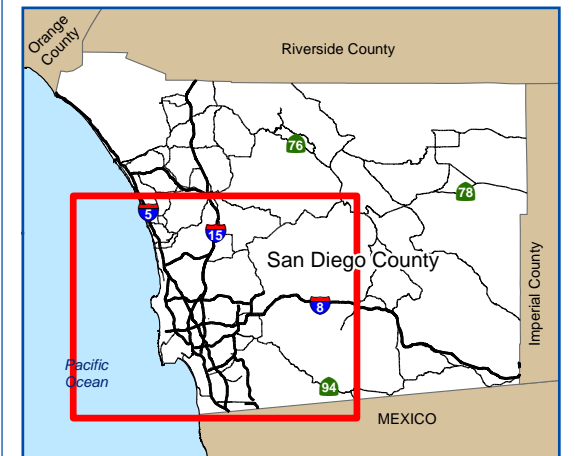
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Supervisors during Meeting  
of \_\_\_\_\_  
(Not on Board's List)  
R. M. KLACKNER  
Clerk of the Board of Supervisors  
By \_\_\_\_\_  
Deputy

### City of San Diego

#### LEGEND

- City of San Diego
- Sphere of Influence (SOI)
- Special Study Area

SOI Adopted: 2 / 4 / 85 - 11 / 2 / 87  
 Partial SOI Affirmed: 8 / 2 / 04  
 Partial SOI Affirmed: 5 / 2 / 05  
 SOI Affirmed: 3 / 3 / 08



UNINCORPORATED  
SAN DIEGO COUNTY

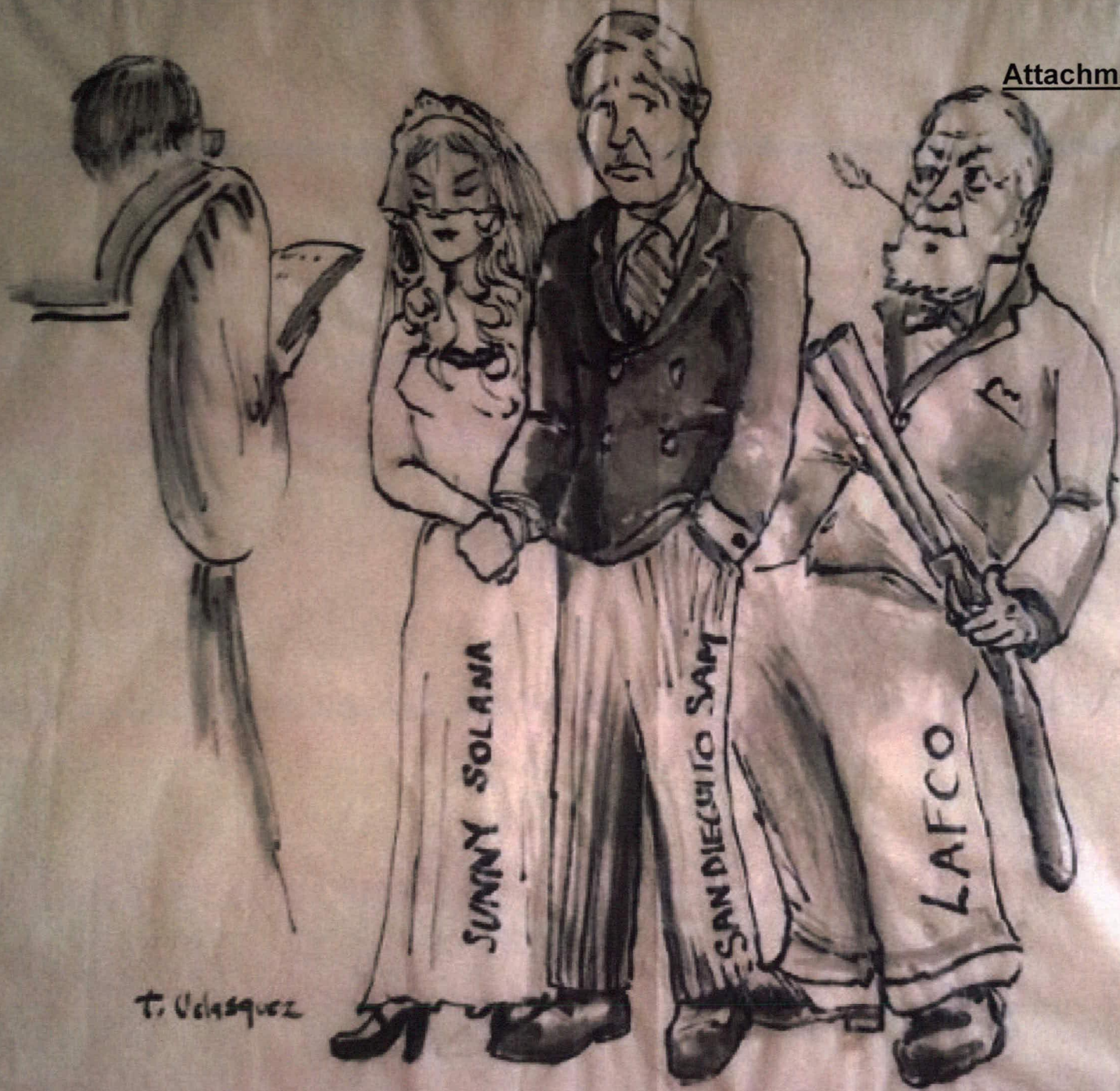
SAN DIEGO **LAFCO**



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This map has been prepared for descriptive purposes only and is considered accurate according to the GIS and LAFCO data.  
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 Printed October 2011.





T. Velasquez