

CONTRA COSTA LAFCO

3.3 Procedures for Processing Multi-County Boundary Changes: Alameda-Contra Costa LAFCOs

The purpose of this multi-county LAFCO procedure is to establish a cooperative, interactive framework for the processing of changes of organization or reorganization proposals pursuant to the authority of the CKH Act. Specifically, the procedures are to:

- Provide assistance in a Commission’s decision-making process so that regional, sub-regional and/or local issues are given appropriate consideration and weight.
 - Give applicants guidance as to the type of information a particular LAFCO may need as part of its review and evaluation concerning their applications.
 - Ensure consistency in the decision-making process.
 - Facilitate communication between principal and non-principal LAFCOs.
 - Acknowledge the importance of Commission decisions in striving to balance social, economic and environmental factors for the benefit of current and future residents and property owners.
1. Initial Proposal Review By Executive Officers - Prior to the filing of an application, or as soon after the filing as practical, the applicant is strongly encouraged to meet with the Executive Officer of the county in which the project is located to discuss the scope and components of the proposal. The Executive Officer may advise an applicant that:
 - (a) The two Commissions have agreed on a cooperative interactive process for the evaluation and consideration of such an application;
 - (b) This type of application is generally more complex and likely to raise special concerns and questions for one or both Commissions, so the applicant is strongly encouraged to contact the other affected LAFCO to discuss and review the proposal;
 - (c) The review, transfer and hearing process may be extended to include a review by an ad-hoc joint Commission Committee so that issues and concerns of one or both Commissions can be adequately discussed and addressed; and
 - (d) Each Commission may assess a supplemental fee in order to recover actual costs for the additional time and expense associated with processing a multi-county application.

After reviewing the proposal with the applicant, the Executive Officer of the county in which the project is located will provide, as soon as practical, written notification to the other affected Executive Officer as to the scope and nature of the application and include copies of all documents and other information submitted as part of the application. The Executive Officer

may provide a copy of the notification to his/her Commissioners for their information and comment, if any.

The two Executive Officers will discuss and, if necessary, meet to evaluate the proposal and attempt to reach consensus on which Track is the most appropriate for the processing of the application. The discussion and evaluation may include:

- (a) The scope, location and nature of the application;
- (b) A determination of principal and non-principal county designation in accordance with the provisions and definitions of the Cortese-Knox-Hertzberg Act;
- (c) Whether a request for transfer of jurisdiction is needed;
- (d) The degree to which the application may be of interest to one or both Commissions; and
- (e) A tentative calendar for processing and hearing; the processing, transfer and hearing schedule shall not be unreasonably delayed. The scheduling of a special meeting(s) by one or both Commissions may be required in order to consider the proposal.

2. Executive Officer Determination and Commission Notification - The results of the Executive Officer's review will be shared with the respective Commissions on an information basis along with a recommendation as to the suggested processing Track for the application. The notification will also include a tentative schedule. By statute, any decision regarding a transfer of jurisdiction must be approved by the full Commission (the ad-hoc joint Commission Committee and Executive Officers can only make recommendations).

If there is a consensus by the Executive Officers, the applicant will be given written notification as to the processing Track and tentative scheduling of the application. If no consensus can be reached between the Executive Officers as to which Track is appropriate for the processing of the application, then:

- The two Executive Officers and Commission Chairs will meet to review and evaluate the specifics of the application and attempt to reach an understanding on the appropriate processing Track, or
 - If no consensus, the Commission Chair who feels the proposal should be considered by the Joint Commission Committee may schedule the item for his/her Commission's next meeting in order to consider whether to formally request the other LAFCO to convene an ad-hoc joint Commission Committee or whether to transfer jurisdiction.
3. Application Processing Tracks - The processing of an application that involves multi-county jurisdiction for a sphere of influence (SOI) change, change of organization or reorganization will follow one of three Tracks.

(a) Track One

Spheres of Influence

For a sphere of influence application, no formal transfer of jurisdiction request will be required. The LAFCO in which the project is located will have decision-making authority. However, before scheduling the matter for action, the decision-making LAFCO will allow reasonable time to the other affected LAFCO to schedule the matter for discussion and subsequent comment. The desires of the applicant as to the prospective hearing schedule will be considered but will not take precedence over the rights or concerns of the other affected LAFCO.

Municipal Service Reviews

Service reviews may need to cross county lines in order to provide the best analysis of multi-agency service structures. In the case of Alameda and Contra Costa Counties, the principal LAFCO will lead the effort. However, the principal LAFCO will work with the other affected LAFCO to create a joint decision-making process in order to implement the requirements of §56430.

(b) Track Two - Routine Changes of Organization or Reorganization

In the case of a change of organization, the LAFCO in which the project is located will submit a written request with supporting documentation to the principal LAFCO, requesting a transfer of jurisdiction pursuant to §§56387 and 56388.

In the case of a reorganization, the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district or districts for which a reorganization is proposed, shall be the principal county, and no transfer of jurisdiction is required.

The non-principal LAFCO may elect to exercise its discretionary authority to make comments and/or provide recommendations as to possible terms or conditions to the principal LAFCO for consideration as part of its decision-making process.

(c) Track Three - Complex Changes of Organization or Reorganization

A change of organization or reorganization proposal will be referred to an Ad-Hoc Joint Commission Committee if it meets one or more of the following criteria:

- One or both Executive Officers perceive that the nature, scope or interest in the proposal is such that it warrants referral; or
- The Commission Chairs and/or the respective Commissions have determined that it would be in the best interests of their Commission to have the proposal referred to the Ad-Hoc Joint Commission Committee.

The Ad-Hoc Joint Commission Committee will be convened on an “as needed” basis and comprise two members from each LAFCO. The appointments will be made by the respective Commission Chairs in accordance with individual Commission policies and practices.

- The Executive Officers will, as soon as practical, schedule a meeting of the Ad-Hoc Joint Commission Committee. The meeting will be public and noticed in accordance with applicable State open meeting statutes. Moreover, the applicant, proponents, opponents and other interested parties will be notified of the meeting:
- The meeting will be scheduled within an appropriate time frame so as to not unduly delay the processing of the application; however, scheduling will not be at the expense of, nor compromise, fulfillment of the Ad-Hoc Joint Commission Committee’s responsibilities. The Committee will have discretion to schedule additional meetings if determined to be appropriate and necessary for their full consideration of the issues;
- A staff summary of the proposal will be prepared and will include any supporting documents that may be of interest to the Committee members;
- The Committee will submit a written report to each of the Commissions on the results of the meeting, as well as a non-binding consensus opinion, if appropriate, with respect to the merits of the proposal and the appropriateness of a transfer of jurisdiction;
- The consensus opinion may include suggested terms and conditions that may be taken into consideration by the principal LAFCO as part of its decision-making process. If there is no consensus opinion, the report would reflect that fact.

Upon completion of the work of the Ad-Hoc Joint Commission Committee and depending on whether the matter was a change of organization or reorganization proposal, the applicant would continue to be processed in accordance with the procedures as set forth for Tracks One or Two.