

Mono County Local Agency Formation Commission

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
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AGENDA

Wednesday, March 20, 2013 – 2:00 p.m.
Town/County Conference Room, Minaret Village Mall
Mammoth Lakes, California

1. **CALL TO ORDER**
2. **PUBLIC COMMENT**
3. **MINUTES:** Review and approve minutes from June 6, 2012 – **p. 1**
4. **PUBLIC HEARING:** Bridgeport PUD MSR/SOI amendment and annexation #1301 of six parcels totaling 8.3 acres to the Bridgeport Public Utilities District – **p. 3**
5. **SPHERE OF INFLUENCE REVIEW:** Conduct initial review. – **p. 24**
6. **MONO LAFCO HANDBOOK:** Conduct workshop and provide any desired direction to staff – **p. 67**
7. **ADJOURN** to preliminary budget hearing May 1, 2013

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DRAFT MINUTES

June 6, 2012

COMMISSIONERS PRESENT: Larry Johnston & Byng Hunt, Mono County; Jo Bacon, Town of Mammoth Lakes; Earl Henderson & Hank Brown, special districts; John Ross, public member.

STAFF PRESENT: Scott Burns, LAFCO executive officer; Brent Calloway, CDD analyst; C.D. Ritter, LAFCO secretary

1. **CALL TO ORDER:** Chair Earl Henderson called the meeting to order at 3:05 p.m. in the Town/County Conference Room at Mammoth Lakes.
2. **PUBLIC COMMENT:** None.
3. **MINUTES:** Commissioner Brown questioned who had suggested Hilton Creek CSD annex the two water districts. Scott Burns indicated that the CSD had spoken about it, not the water districts. LAFCO promotes entities talking, so could be more aggressive. After brief discussion about item 4, graph 4, which said "Staff could track hours and provide that information," commissioners agreed to stipulate that staff *would* track LAFCO hours as part of a subsequent motion at this meeting.

MOTION: Adopt minutes from May 2, 2012, as submitted. (*Bacon/Hunt. Ayes: 6.*)

4. **PUBLIC HEARING: 2012-13 Final Budget**

Open public hearing: No items. **Close public hearing.**

Scott Burns noted the budget is status quo of 10 years ago. Can upcoming work be done within budgeted moneys? *Yes, mostly review, not revision. Town districts may be more in depth due to fiscal realities.*

MOTION: Adopt 2012-13 final budget and monitor staff hours spent on LAFCO. (*Hunt/Bacon. Ayes: 6.*)

5. **SPHERE OF INFLUENCE REVIEW SCHEDULE:** Scott Burns set up schedule in workshop format. The review could be funded through budget into May/June if needed. A grant has been obtained to update General Plan, Housing Element, Transportation Element, and to react to specific programs as they arise. Town of Mammoth assigns its LAFCO commissioners this month. Mono Supervisors probably are up to speed. Outreach: Mosquito abatement through MCWD and new agricultural commissioner who could extend services. Annexations: Snowcreek, Bridgeport Public Utility District. Cal Fire is a changing entity, with some growth control if it prohibits development outside fire protection districts.

6. **MONO LAFCO HANDBOOK WORKSHOP:** Scott Burns indicated several sections needing change are shown in color.

Why do terms end in the month of May? *Typically, the first meeting of any year is the preliminary budget meeting in May.* Suggestions: Term should be concurrent with the commissioner's agency term. Make who serves on LAFCO less specific.

Why have alternates? *LAFCO law requires alternates.* Suggestions: Fix meeting date, confirm presence of a quorum. Advertise for alternate public member, as position has been vacant for several years. Bring fee schedule. Send handbook to special districts now for their consideration.

7. **ADJOURN** at 3:38 p.m. to January/February Special Meeting on first 20 Spheres of Influence.

Prepared by C.D. Ritter, LAFCO secretary

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STAFF REPORT

March 20, 2013

TO: Mono LAFCO

FROM: Brent Calloway, Analyst
Scott Burns, Executive Officer

RE: Sphere Amendment & Annexation Bridgeport Public Utilities District

Recommendations

1. Adopt Resolution R13-01 approving a Municipal Service Review & Sphere of Influence Amendment.
2. Adopt Resolution R13-02 approving annexation #1301 to the Bridgeport Public Utilities District subject to all terms and conditions.

Project Description/Background

The Bridgeport Public Utilities District (BPUD) contacted Mono LAFCO inquiring about an annexation of the parcel currently developed with its district offices and a production well. It had come to the attention of the district that the parcel was not within the district boundary, and if the parcel was annexed into the district, its property tax obligations would be reduced. After a consultation with Mono LAFCO and a review of annexation records, it was discovered that several parcels along the southern edge of the historic town site, while believed to be within and effectively managed as if within the district boundaries, were never formally annexed. Also, the County-owned "hospital" parcel and school district athletic field parcel are not within the district. Six parcels were identified as parcels that should be included in a larger annexation that would result in an orderly, contiguous district boundary concurrent with the historic service area of the district and current land use designations. The BPUD board agreed to move forward with the annexation of all six parcels.

Two of the parcels, the county hospital and the BPUD-owned parcel are not currently within the Sphere of Influence. The BPUD Sphere of Influence Recommendation states that the Sphere of Influence "encompasses privately owned land planned for development within the community of Bridgeport..." Staff believes not including publicly owned land developed with critical infrastructure within this description was a mapping oversight, and such lands should be included within the Sphere of Influence particularly when surrounded by or adjacent to a community.

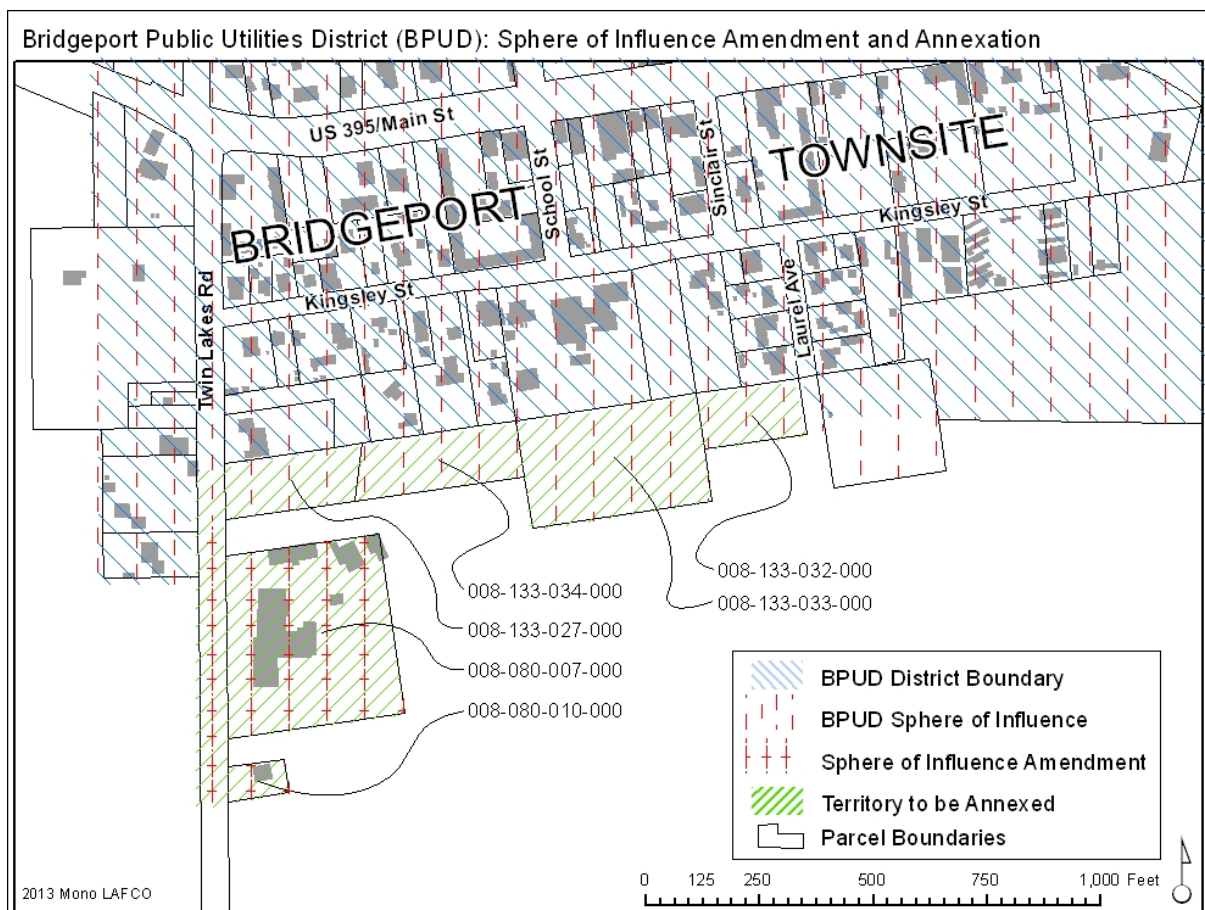
While not a preferred course of action, due to the unusual circumstances of this application, a sphere amendment and annexation are proposed to be considered as one application. As a matter of procedure the commission will first consider Resolution R13-01 amending the sphere

of influence to include the County-owned hospital parcel and the BPUD office and well parcel and then Resolution R13-02 approving annexation #1301 of six parcels.

The amendment of a Sphere of Influence requires a noticed public hearing. Notice was given in accordance with government code section 56150.

As the territory to be annexed has no population, no affected local agency has submitted a written demand for notice and hearing and all landowners have given their consent, the application qualifies under government code section 56662. The commission may act upon the application without a noticed public hearing and may waive protest proceedings streamlining the annexation process.

The following figure illustrates the southern portion of the Bridgeport town site affected by the application. The subsequent analysis is relevant to both actions



As previously noted, all of the parcels to be annexed have been managed as if already within the district. Several official maps (attached) indicate that the four parcels along the southern town-site boundary are within the district, including the maps within the LAFCO municipal service review and sphere of influence report and assessor's APN map books. Only when reviewing the previous LAFCO annexation files was it discovered that the southern town site district line has never been formally changed and remains a line from Laurel Road, 300 feet south and parallel to Kingsley Street to the intersection of Twin Lakes Road. Parcels south of this line on the west side of Twin Lakes Road have been formally annexed previously into the

district. In addition to creating a clean, orderly district boundary, this proposal will formally annex into the public utility district all of the parcels along the southern town site boundary with land use designations that allow for community development, preserving the integrity of the Agriculture land use.

Factors of Consideration Pursuant to Government Code Section 56668

1. *Population*: The current population of the territory is 0.
2. *Land Area*: The total land area of the territory to be annexed is 8.3 acres.
3. *Topography*: The topography is flat.
4. *Present and Future Land Use*: The publicly owned parcels have the Land Use Designation of Public Facilities, allowing for a wide range of public uses. The privately owned parcels have the Land Use Designation Multi-Family Residential Medium, allowing for residential development up to 15 units per acre. However, without additional environmental review provided through a land division or a planning permitting process, the three privately owned vacant lots, totaling 2.53 acres could be developed with nine residential units.
5. *Surrounding Land Use*: The parcels are surrounded by residential and agricultural uses.
6. *Landowners*: Landowners are BPUD, Mono County, Eastern Sierra Unified School District, Robert Sanovino, and LPD Ranch.
7. *Assessed Value, Tax Transfer*: The total assessed value of land for Assessor Roll Year 2012 is \$201,732. The Bridgeport Public Utilities District has declined to negotiate a tax exchange resolution, so no transfer of property tax will occur.
8. *Government Services, Availability, Adequacy and Structure*: The subject territory is already being served by the BPUD. The BPUD has adequate capacity to deliver potable water and collect, treat and dispose of wastewater generated by the subject territory. No other service provider offers water and sewer services in the area.
9. *Effects on Agriculture and Open-Space Lands*: The proposal will not have an effect on agricultural or open space lands and will align the district boundary with existing land use designations that allow for community development.
10. *Boundaries*: The boundaries of this territory have been clearly defined; they align with property ownership and land use designation boundaries. The boundary creates a contiguous district peninsula around the existing developed County hospital and BPUD parcels, preserving the integrity of the agriculturally designated lands not within the district.
11. *Comments from Affected Agencies, Landowners and the Public*: There were no comments from affected agencies, landowners or the public.
12. *Correspondence*: Staff has received no correspondence regarding this proposal.
13. *Ability to provide services including revenues*: BPUD has provided a plan of services, ensuring they have adequate existing infrastructure and capacity to serve the parcels at maximum buildout.

14. *Timely Availability of Water Supplies:* There are no issues regarding water supply or delivery. The district is pursuing upgrades to water treatment facilities that will improve water service availability.

15. *Regional Housing Needs:* This proposal has a positive effect on regional housing needs facilitating service availability for parcels planned for housing use.

16. *Environmental Justice:* This proposal will have no adverse effect with respect to the fair treatment of people of all races and income.

17. *Disadvantaged Unincorporated Communities:* There are no disadvantaged unincorporated communities within or adjacent to the sphere of influence of the BPUD.

Environmental Review

The proposed Sphere Amendment and Annexation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15302, Existing Facilities. As the water and sewer infrastructure is already in place to serve these parcels and the parcels to be annexed have either been receiving district services or managed as if within the district, the action will not result in a change to the existing conditions.

Attachments

Mono LAFCO Resolution R13-01 (Sphere Amendment)

Mono LAFCO Resolution R13-02 (Annexation 1301)

Exhibit A: Annexation Map

Exhibit B: Annexation Legal Description

BPUD Resolution 2012-02

Service Letter from BPUD

Map from Municipal Service Review

Assessor Parcel Map of historic town site.

Aerial Photo

RESOLUTION R13-01
A RESOLUTION OF THE MONO LOCAL AGENCY FORMATION COMMISSION (LAFCO)
AMENDING THE MUNICIPAL SERVICE REVIEW & SPHERE OF INFLUENCE
TO THE BRIDGEPORT PUBLIC UTILITIES DISTRICT

WHEREAS, the Bridgeport Public Utilities District (BPUD) adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission for Mono County (Commission) pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), the annexation of territory located within the County of Mono; and

WHEREAS, the principal reason for the proposed Sphere of Influence amendment is to include existing critical district and county infrastructure adjacent to the community of Bridgeport within the Sphere of Influence.

WHEREAS, a map of the proposal is set forth in Exhibit A, attached hereto and by this reference herein; and

WHEREAS, on March 20, 2013, this Commission considered the proposal and report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code Section 56425, the Commission hereby finds and determines that:
 - A. The territory of the proposed amendment is consistent with applicable Mono LAFCO policies and the findings of the Municipal Service Review and Sphere of Influence attached as Exhibit B.
 - B. The Commission finds that this annexation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15302.
2. Pursuant to Government Code section 56428 the Commission finds that the proposal is considered and studied as part of the required periodic review of spheres of influence and waives payment of Mono LAFCO application fees.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Commission directs that a categorical exemption be filed and approves the Sphere of Influence Amendment.

APPROVED and **ADOPTED** this 20th day of March 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Byng Hunt, Chair
 Mono County LAFCO

C.D. Ritter
Secretary to LAFCO

APPROVED AS TO FORM

Marshall Rudolph, LAFCO Counsel

Exhibit A

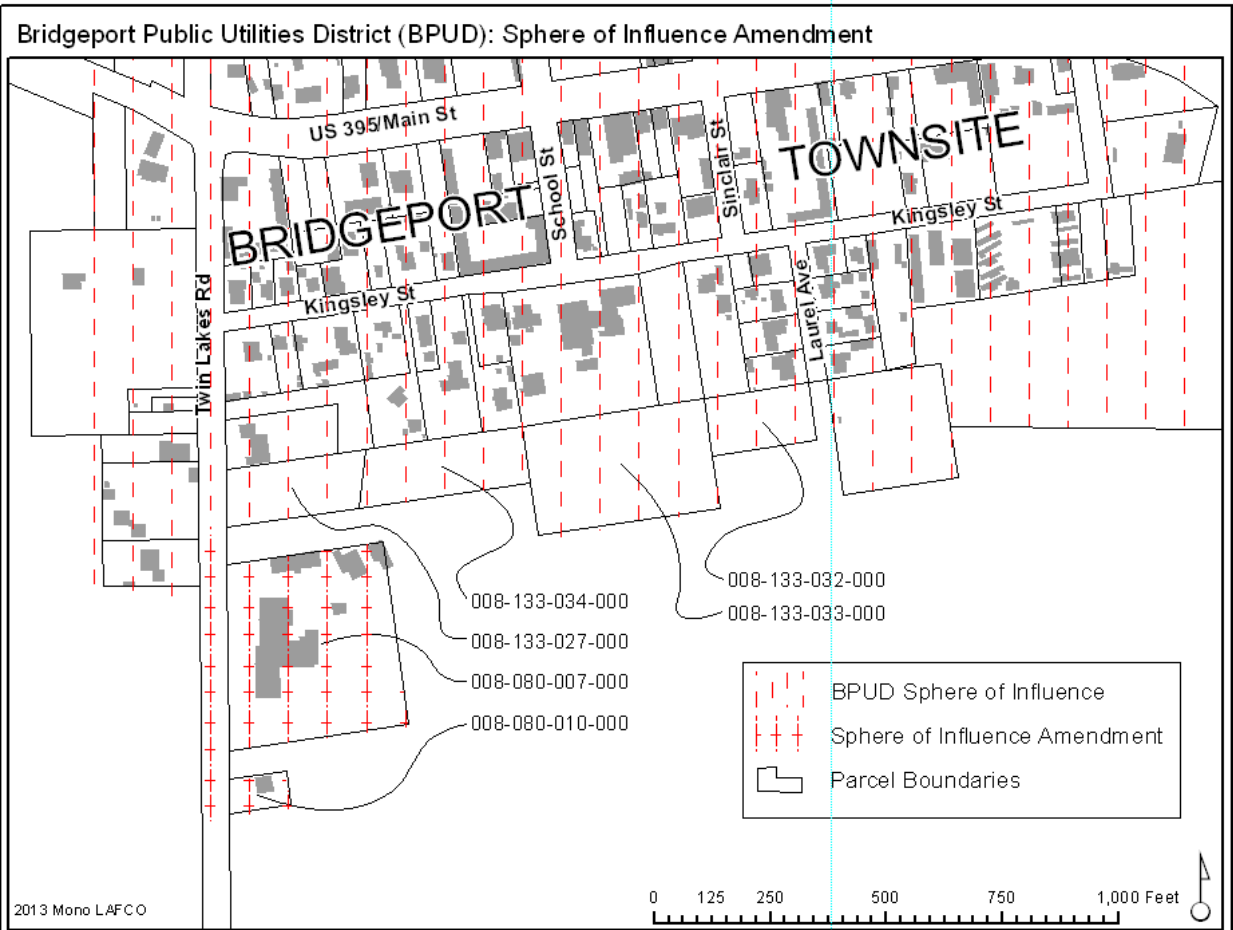


Exhibit B

Bridgeport Public Utilities District Sphere of Influence Findings

1. Present and Planned Land Uses: Present land uses in the area served by the Bridgeport PUD include residential, commercial, and public uses in the community of Bridgeport. The planned land uses for the area are similar. Development will be concentrated primarily within and adjacent to existing development, although land use designations for the Bridgeport Valley allow for the conversion of agricultural lands to residential uses with large lot sizes.
2. Present and Probable Need for Public Facilities and Services: Bridgeport has an existing and continuing need for public facilities and services to serve existing and planned development in the area.
3. Present Capacity of Public Facilities and Adequacy of Public Services: The district currently provides an adequate level of service but has needs to develop long-term planning documents to project future water and sewer demands and improvements needed to meet current and future projected demand.
4. Social or Economic Communities of Interest: The Bridgeport Valley area exhibits some social and economic interdependence with development in Nevada. This interdependence has no relevance in determining the Sphere of Influence for the district. Development in surrounding areas, such as Swauger Creek and Willow Springs, shares some social and economic communities of interest with the communities in the Bridgeport Valley.

RESOLUTION R13-02
A RESOLUTION OF THE MONO LOCAL AGENCY FORMATION COMMISSION (LAFCO)
APPROVING AND ORDERING AN ANNEXATION (1301) TO THE
BRIDGEPORT PUBLIC UTILITIES DISTRICT

WHEREAS, the Bridgeport Public Utilities District (BPUD) adopted a resolution of application to initiate proceedings before the Local Agency Formation Commission for Mono County (Commission) pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with section 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000), the annexation of territory located within the County of Mono; and

WHEREAS, the principal reason for the proposed annexation is to include critical district infrastructure within the district boundary and to clarify the formal boundary of the BPUD by including the BPUD office and well location, County hospital parcel, school district athletic fields parcel, and three vacant parcels planned for community development and included within the Sphere of Influence along the southern edge of the historic town site; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits A and B, attached hereto and by this reference herein; and

WHEREAS, on March 20, 2013, this Commission considered the proposal and report of the Executive Officer, along with public comment on the proposal.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Pursuant to Government Code Section 56663(a) and (b), the Commission hereby finds and determines that:
 - A. The owners of land within the uninhabited territory have given their consent to the change of organization; and
 - B. No subject agency has submitted a written demand for notice and hearing on this proposal.
2. The Commission finds that this annexation is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15302.
3. Pursuant to Government Code section 56428 the Commission finds that the proposal is considered and studied as part of the required periodic review of spheres of influence and waives payment of Mono LAFCO application fees.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Commission directs that a categorical exemption be filed and approves the annexation subject to the following terms and conditions:

1. BPUD shall be required to reimburse Mono LAFCO all fees and costs relating to annexation filing with the California Board of Equalization.
2. BPUD shall pay Mono LAFCO annexation fees of \$300 if not waived by the Commission.

APPROVED and **ADOPTED** this 20th day of March 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Byng Hunt, Chair
Mono County Local Agency Formation Commission

C.D. Ritter
Secretary to LAFCO

APPROVED AS TO FORM

Marshall Rudolph, LAFCO Counsel

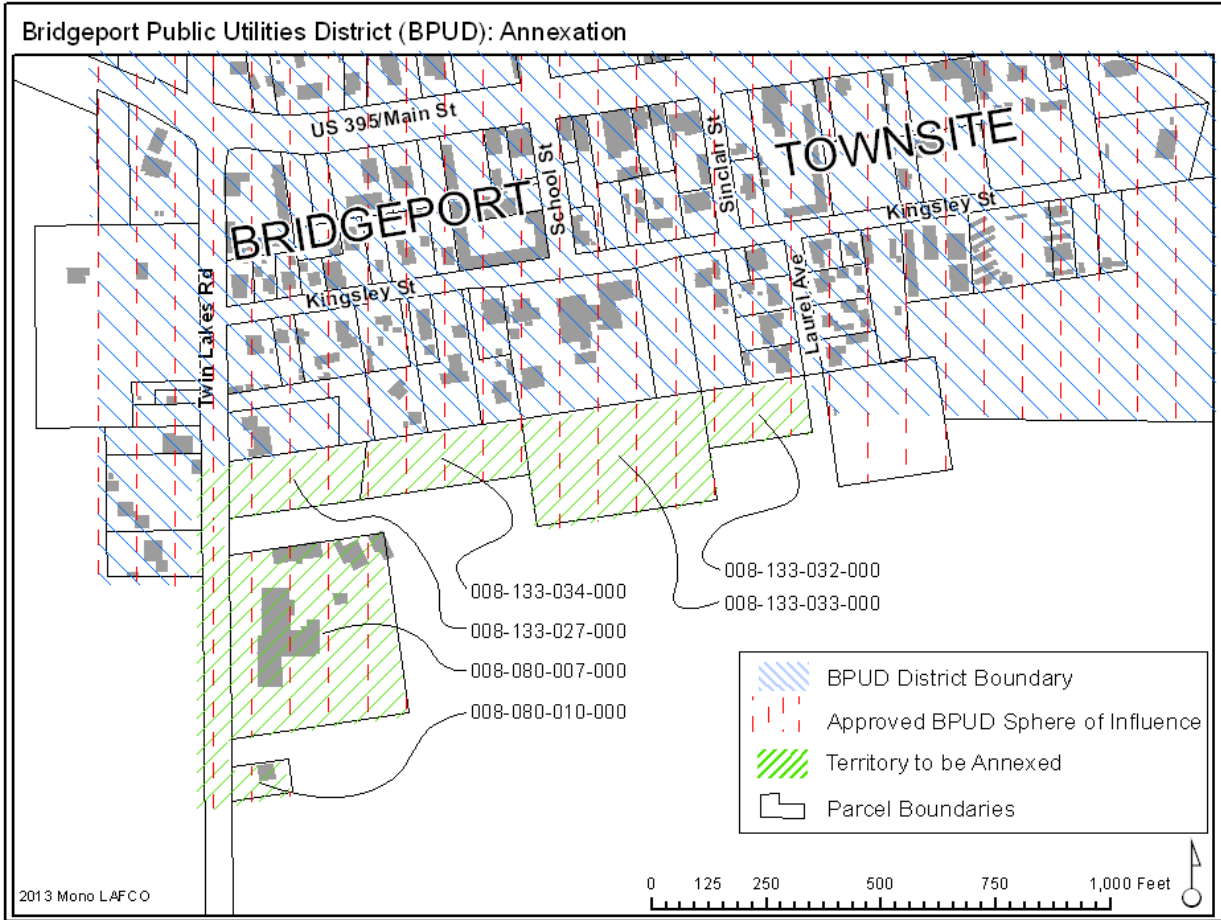
Exhibit A

Legal Description for Bridgeport Public Utilities District Annexation 1301

"From the point of beginning at the South West corner of the Laurel St. ROW in the town site of Bridgeport, Sec. 33 T.5N.,R25E.,M.D.B.&M:

- Course 1. South $8^{\circ}10'11''$ E a distance of 125', thence
- Course 2. South $81^{\circ}49'49''$ E a distance of 230', thence
- Course 3. South $8^{\circ}10'11''$ E a distance of 115', thence
- Course 4. South $81^{\circ}49'49''$ E a distance of 400', thence
- Course 5. North $8^{\circ}10'11''$ W a distance of 115', thence
- Course 6. South $81^{\circ}49'49''$ E a distance of 661', thence
- Course 7. South a distance of 80.5', thence
- Course 8. North $82^{\circ}7'0''$ E a distance of 371.37', thence
- Course 9. South $7^{\circ}53'0''$ E a distance of 400', thence
- Course 10. South $82^{\circ}7'0''$ W a distance of 428.63', thence
- Course 11. South a distance of 61.4', thence
- Course 12. North $82^{\circ}7'0''$ E a distance of 125', thence
- Course 13. South $7^{\circ}53'0''$ E a distance of 75', thence
- Course 14. South $82^{\circ}7'0''$ W a distance of 135.73', thence
- Course 15. West a distance of 60', thence
- Course 16. North a distance of 746.5', thence
- Course 17. East a distance of 60', thence
- Course 18. North $81^{\circ}58'38''$ E a distance of 1,279.91' to the point of beginning"

Exhibit B



BRIDGEPORT PUBLIC UTILITY DISTRICT
RESOLUTION NO. 2012-02

A RESOLUTION OF THE BOARD OF DIRECTORS
TO ANNEX LAND TO THE DISTRICT AND
REQUEST AMENDMENT OF THE LOCAL
AGENCY FORMATION COMMISSION SPHERE
OF INFLUENCE RECOMMENDATION OF 2010

WHEREAS, on or about July 22, 2003, the District acquired in fee, and subsequently developed for its administrative offices & infrastructure, including a well and pumping station, that real property commonly known as 235 Twin Lakes Road (the "Land"), a legal description of which is attached hereto as Exhibit 1; and,

WHEREAS, since that time, the Land so-referenced, and improvements thereon, have at all times been used as an integral and necessary portion of the District in supplying water to its customers, serving as the District's administrative center and its operations center, and the District intends that such services and operations shall continue at this location; and,

WHEREAS, the Land has not, prior to this time, been the subject of formal annexation proceedings, or included in the Sphere of Influence of the District by any Local Agency Formation Commission recommendation or otherwise.

It is therefore resolved by the Board of Directors of the District that:

1. Pursuant to Public Utilities Code § 17301, the District hereby commences annexation of the Land;
2. Pursuant to Government Code §§ 56650 and 56653, the District requests the Local Agency Formation Commission ("LAFCO") of Mono County consider and approve this Resolution of Application for reorganization to annex the Land.
3. As the District is the sole land owner of the land to be annexed, pursuant to Government Code § 56663, the District requests that this Resolution of Application be approved without the necessity of a hearing.
4. The Application be approved upon the condition that the annexation is for the purpose of continuing to provide only those types of services currently being provided as enumerated above.
5. Approval of this Application will allow for the inclusion of critical District-owned infrastructure into the District, allowing for more efficient delivery of services to its customers, and allowing for the consistency of operations pursuant to the below-request to include the Land within the District's Sphere of Influence.

BRIDGEPORT PUBLIC UTILITY DISTRICT**P.O. BOX 473****BRIDGEPORT, CA 93517****TEL: (760) 932-7251 FAX: (760)932-9992****E-MAIL BPUD@Qnet.com**

February 11, 2013

To: LAFCO

From: Board of Directors/Bridgeport Public Utilities District

Re: Annexation Project

The District currently has adequate capacity and existing infrastructure in place to serve the following properties with water and sewer at their maximum potential build-out.

008-080-010-000 Bridgeport PUD etal RO Anderson Engineering

008-080-007-000 County of Mono Mono Gen. Hosp.

008-133-027-000 Scanavino, Robert

008-133-034-000 LPD Ranch Tr. 10-25-2006 c/o Jean M Parraguirre Tr.

008-133-033-000 Eastern Sierra Unified School District

008-133-032-000 LPD Ranch Tr. 10-25-2006 c/o Jean M Parraguirre Tr.

Thank you.

Ken Reynolds, President
Bridgeport Public Utility District

Bridgeport Public Utility District -- Municipal Service Review

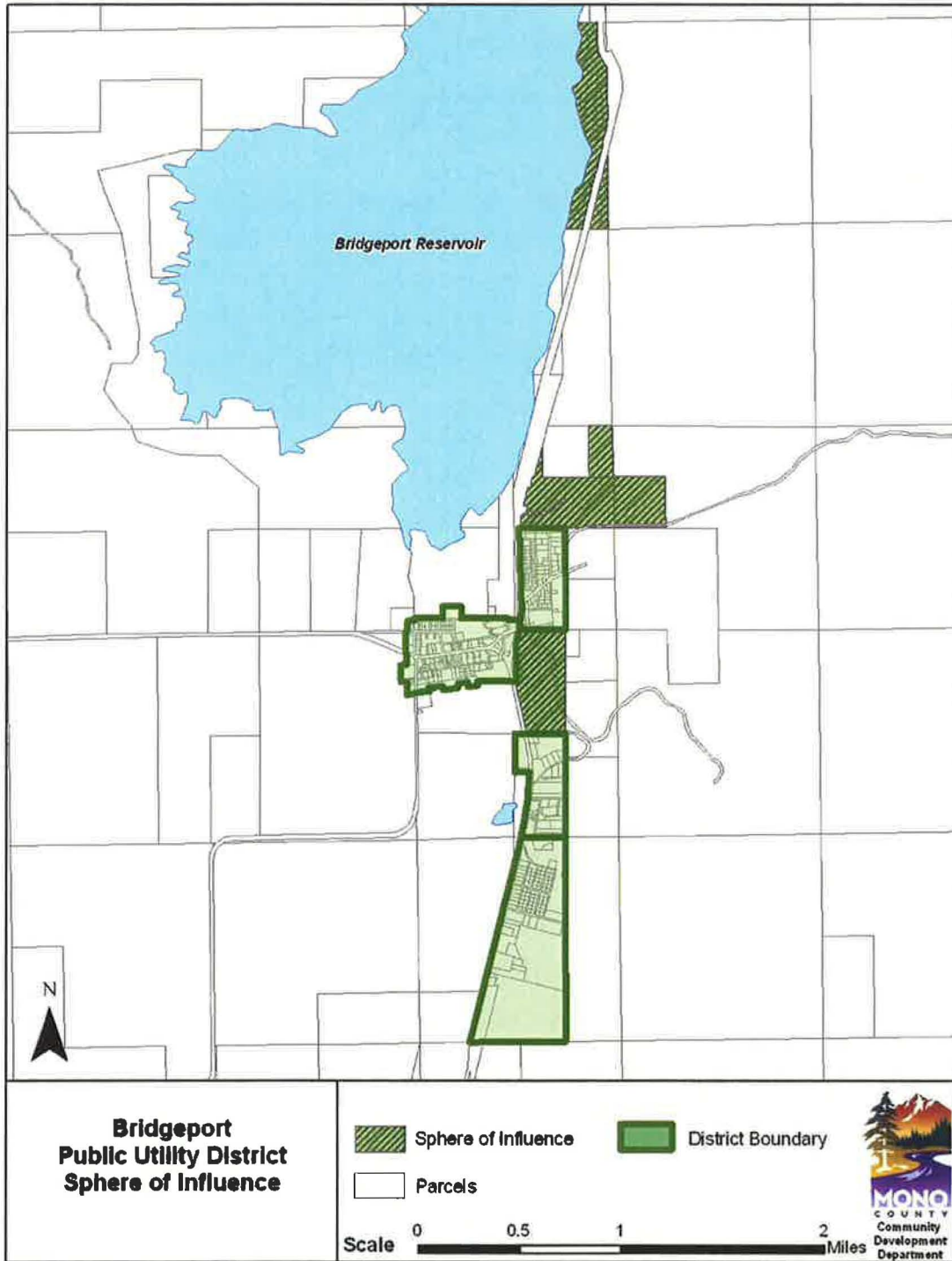


Figure 2 Bridgeport Public Utility District Sphere of Influence



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STAFF REPORT

March 20, 2013

TO: Mono LAFCO

FROM: Brent Calloway, Analyst
Scott Burns, Executive Officer

RE: Review of Municipal Service Reviews and Sphere of Influence (MSR/SOI)

Recommendations

1. Receive presentation and provide staff with direction regarding the MSR/SOI update/review process;
2. Review level 1 and level 2 MSR/SOI recommendations and provide direction if necessary; and
3. Provide staff with direction regarding level 3 and 4 reviews.

Project Description/Background

Government Code Section 56430 requires that the LAFCO commission periodically review and update within five years the Municipal Service Reviews and the Spheres of Influence of all special districts and cities. In Mono County 27 individual entities require Municipal Service Reviews. To streamline the update process, Mono LAFCO staff has reviewed each MSR/SOI and categorized each into one of four levels based on the level of complexity anticipated to update the documents. Staff has determined that most documents are adequate and require only minor technical adjustments for all of the MSR/SOIs that will include:

1. Paragraph explaining the targeted update process.
2. An analysis of disadvantaged unincorporated communities (Government Code 56430).
3. Updated census information.
4. Updated contact information.
5. Updated financial information.
6. Updated buildout information.
7. A uniformly formatted map of District and Sphere.

In addition to these technical updates; it is recommended that further review/updates be grouped as follows:

- Level 1 MSR/SOI reviews will consist of a brief commission review of the Sphere Of Influence map and recommendation. Staff anticipates that no changes to either will be required.

- Level 2 MSR/SOI reviews will also consist of a brief commission review of the maps and recommendation, however staff has identified minor clarifications with either the map or sphere recommendation and anticipate some discussion and/or research will be required.
- For level 3 MSR/SOI reviews, staff has identified issues that will require potentially complex staff research and/or commission review to resolve.
- For level 4 MSR/SOI reviews, staff has identified data gaps in the current MSR/SOI that compromise the ability of the document to serve its intended function. To resolve these issues, staff will need to consult with district staff before scheduling a commission review of the spheres and recommendations.

Level 1 reviews (11 agencies)

1. Wheeler Crest Community Services District
2. Wheeler Crest Fire Protection District
3. Antelope Valley Water District
4. White Mountain Fire Protection District
5. Chalfant Fire Protection District/CSD
6. June Lake Fire Protection District
7. Mammoth Lakes Community Services District
8. Southern Mono Healthcare District
9. Hilton Creek Community Services District
10. Mammoth Lakes Fire Protection District
11. Birchim Community Services District

Level 2 reviews (eight agencies) and brief description of identified issue.

1. Mono City Fire Protection District
The fire station is outside the district and sphere.
2. Bridgeport Fire Protection District
Sphere inconsistent with other fire districts.
3. Paradise Fire Protection District
The fire station is outside the district and sphere.
4. Lee Vining Fire Protection District
Should homes along NW shore of Mono Lake be included in sphere?
5. June Lake Public Utility District
PUD buildings are located outside the sphere and district.
6. Antelope Fire Protection District
Clarify conditional sphere in narrative.
7. Long Valley Fire Protection District
Clarify minus sphere in narrative.
8. Lee Vining Public Utility District
Sphere and District map and narrative to not correlate.

Level 3 (two agencies) and brief description of identified issue.

1. Bridgeport Public Utilities District
After reviewing the district files for the current annexation project (1301), it was found that the exact district boundary, particularly along the southern extension of the district east of US 395, is unclear.
2. Mammoth Lakes Mosquito Abatement District
The MLMAD has requested LAFCO consultation regarding reorganization options. Staff has done preliminary research on several options. One promising option is for the MLMAD to reorganize with the Owens Valley Mosquito Abatement District under direction of the Mono/Inyo County Agricultural Commissioner's office.

Level 4 (six agencies)

1. County Service Area #1 (Long Valley)
2. County Service Area #2 (Tri-Valley)
3. County Service Area #5 (Bridgeport)
4. Countywide County Service Area
The county service areas were originally set up to provide television service to areas under served by commercial broadcasts. The services provided by these districts are not accurately detailed in their current MSR/SOIs.
5. Town of Mammoth Lakes
6. Mammoth Community Water District
The Municipal Service Reviews for the Town and water district both contain a significant amount of detail, beyond the technical updates common to all MSR/SOIs, that is outdated.

Attachments

Disadvantaged Unincorporated Communities information
PowerPoint with current MSR/SOI map and sphere recommendations

Disadvantaged Unincorporated Communities Analysis

With the implementation of the Wolk Bill (SB 244) in 2012, the Cortese-Knox-Hertzberg Act requires Municipal Service Reviews to include an analysis with respect to the location, characteristics and the present and planned capacity of public facilities and adequacy of public services, including sewers, water, and structural fire protection needs or deficiencies of any disadvantaged unincorporated communities (DUCs) within or adjacent to a city's Sphere Of Influence.

The Wolk Bill created several definitions, including:

1. "Community" is an inhabited area within a city or county that is comprised of no less than 10 dwellings adjacent or in close proximity to one another;
2. "Unincorporated legacy community" is a geographically isolated community that is inhabited and has existed for at least 50 years.
5. "Disadvantaged unincorporated community" is an inhabited territory of 12 or more registered voters that constitutes all or a portion of a community with an annual median household income that is less than 80% of the statewide annual median household income.

The U.S. Census Bureau identifies a "census designated place" (CDP) as the statistical counterpart of a city in that it is a named place with a concentration of residents, housing, and commercial activity, but that is located in a county's unincorporated territory. In the 2010 Census, there are 15 identified "census designated places" in Mono County. They are shown in Table 1:

Table 1

Aspen Springs	Coleville	McGee Creek	Swall Meadows
Benton	Crowley Lake	Mono City	Topaz
Bridgeport	June Lake	Paradise	Walker
Chalfant	Lee Vining	Sunny Slopes	

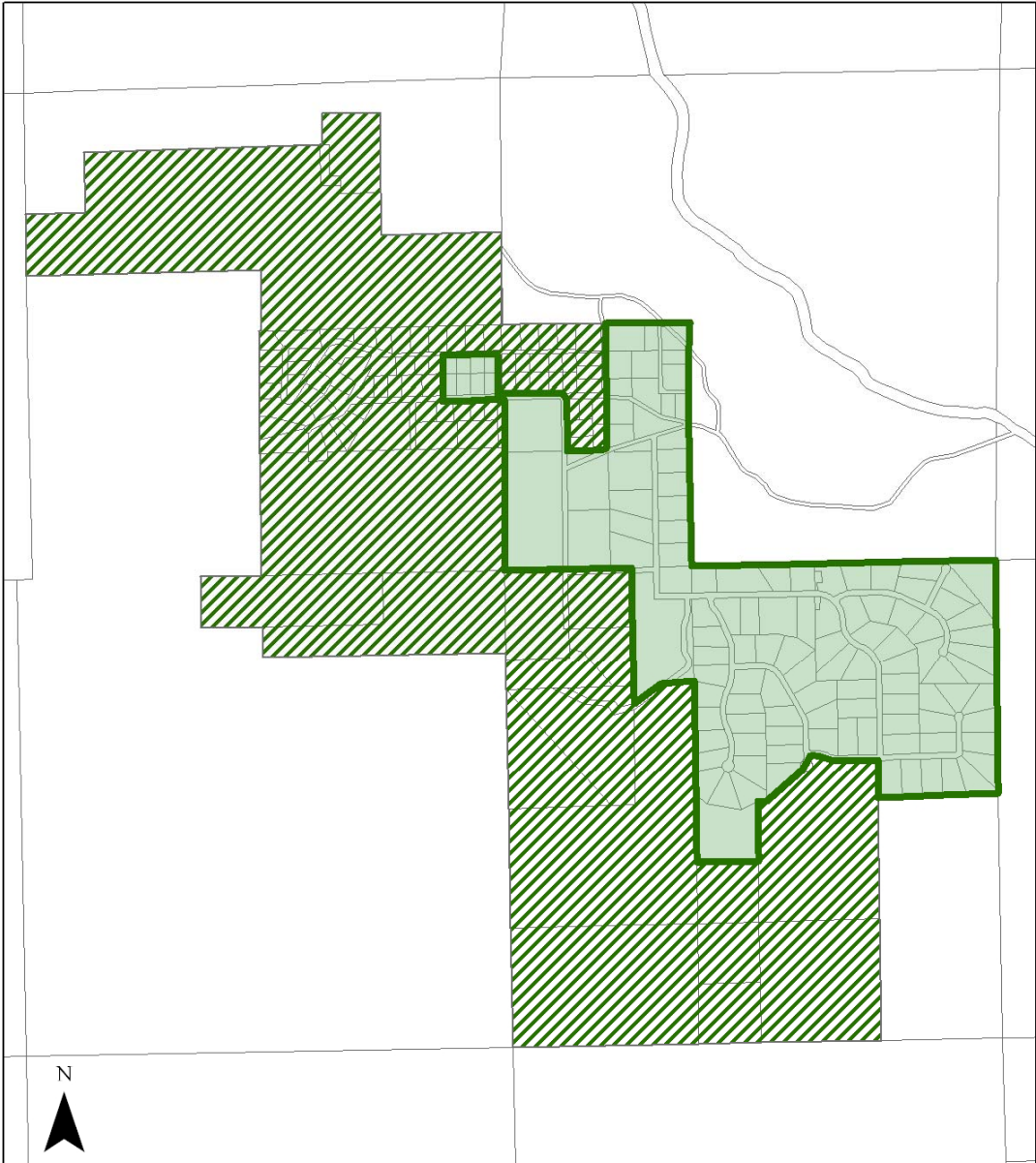
The 15 census designated places in Mono County all represent unincorporated "Legacy" communities. They also represent 89.3% of the unincorporated population of Mono County. As for their disadvantaged status, there is little accurate data available to determine if the median household income of each community is less than the DUC threshold of 80% of the statewide median or \$48,706. The American Community Survey collects income data as part of the census program, however the margin of error of this data set is too great to be used in our small communities.

The intent of SB 244 is "to encourage investment in these communities and address the complex legal, financial, and political barriers that contribute to regional inequity and infrastructure deficits within disadvantaged unincorporated communities." As communities in Mono County are geographically isolated from one another, it is rare for communities to be located within or adjacent to the Sphere Of Influence of an urban service-providing district and not receive services from such district. As the circumstance is rare and as a similar analysis is required for the General Plan Land Use Element update, a disadvantaged unincorporated community analysis will be conducted for all CDPs when located within or adjacent to an urban service providing district sphere of influence.

Wheeler Crest CSD

Sphere Recommendation

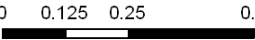
The Sphere of Influence for the Wheeler Crest Community Service District encompasses the existing district area along with additional private lands in the Wheeler Crest community.



**Wheeler Crest
Community Service District
Sphere of Influence**

 District Boundary  Sphere of Influence

 Parcels

Scale  0 0.125 0.25 0.5 Miles



Wheeler Crest Fire Protection District

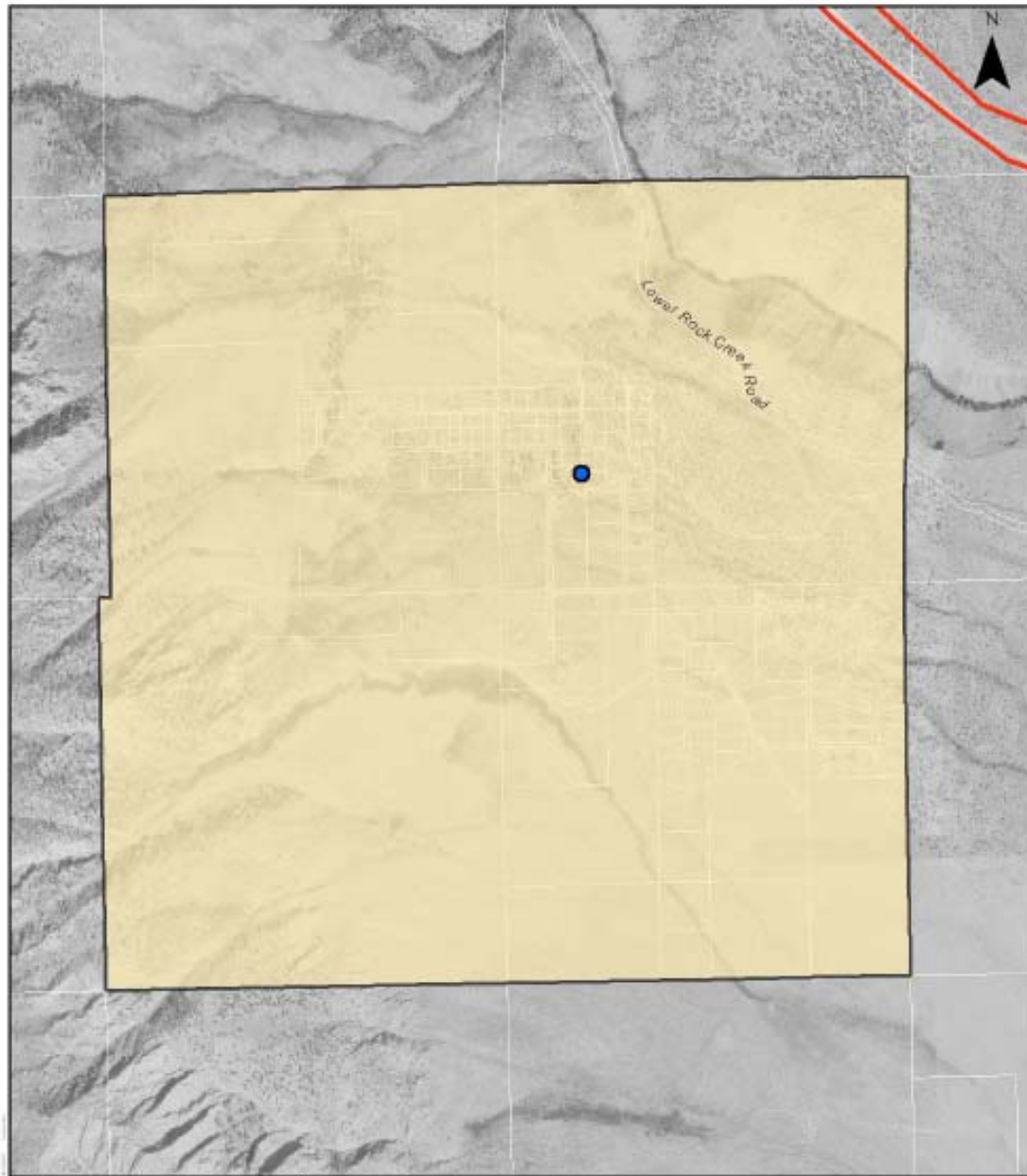
Sphere Recommendation

The Sphere of Influence for the Wheeler Crest Fire Protection District should remain as it is, coterminous with the boundaries of the district


Reorganization Recommendation

The Wheeler Crest Fire Protection District is a small district, with limited financial and physical resources. Currently, Wheeler Crest and Paradise are served by separate fire protection entities, with separate facilities, equipment and administration, located approximately three miles apart along Lower Rock Creek Road.

At some point in the future, a regional fire district in Southern Mono County might best provide fire protection services for the area, in the process reducing administrative costs, eliminating duplication of services, and creating a more financially stable district that would enjoy greater economies of scale than the smaller districts. One district that was planning for future development in Southern Mono County would also create a more cohesive approach to the longterm provision of fire protection services in the region. At the time reorganization is being considered, a reorganization study should be conducted to determine what governmental structure would best provide services for the region. Such a reorganization should occur only with the concurrence of both districts' Boards of Directors.



**Wheeler Crest
Fire Protection District
Sphere of Influence**

 District Boundary and
Sphere of Influence

 Fire Station

Scale 0 0.125 0.25 0.5 Miles



Antelope Valley Water District

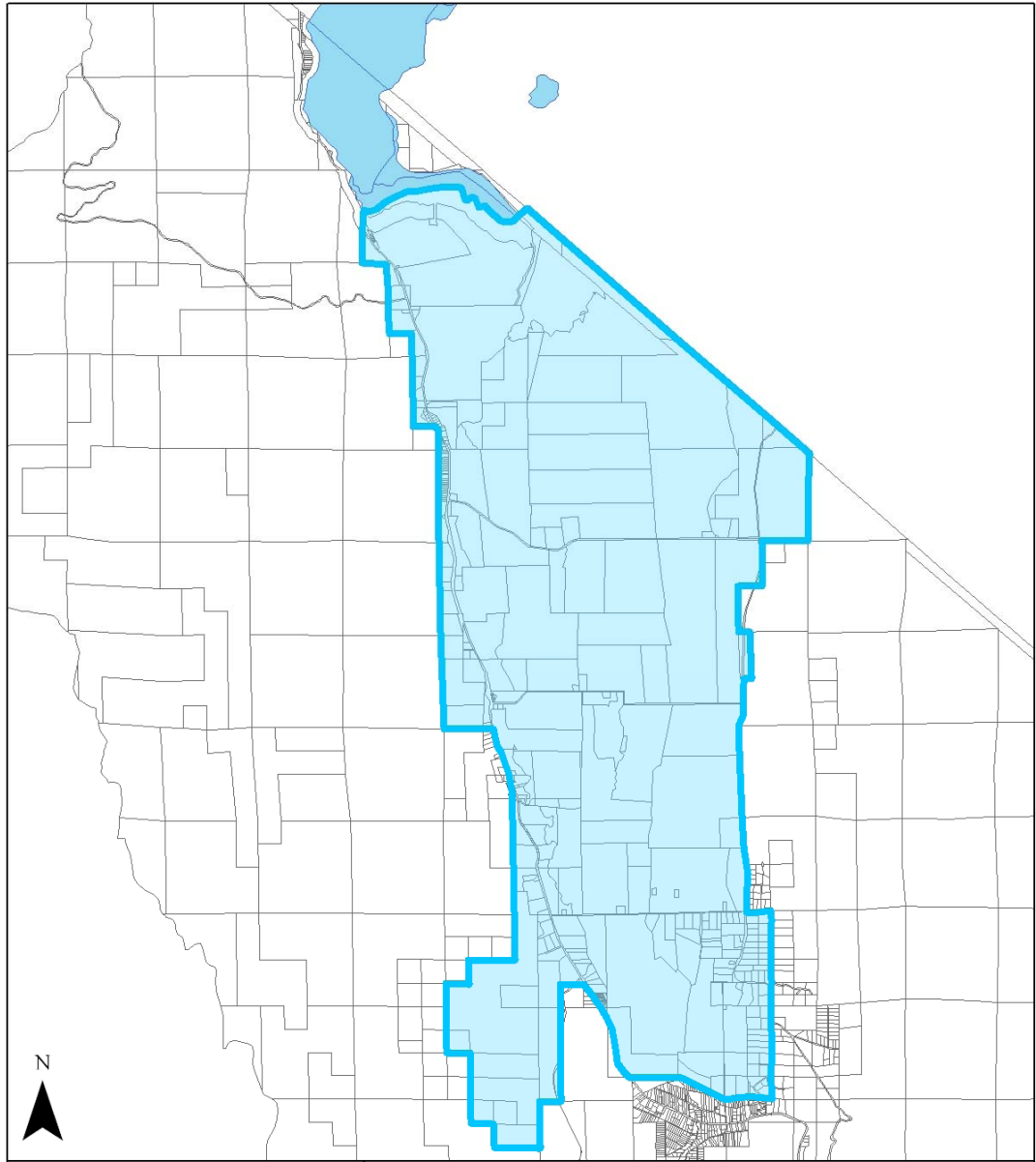
Sphere Recommendation

The Sphere of Influence for the Antelope Valley Water District should remain as it is, coterminous with the boundaries of the district.


Reorganization Recommendation

It is the general policy of LAFCO to recommend the dissolution of inactive districts. However, in view of the ongoing water situation in Mono County and the desire of area residents to maintain control of water rights and irrigation ditches in the Antelope Valley, LAFCO recommends that the inactive water district remain in place as a protective measure.

In the future, if the district becomes active again, and as development occurs in the Antelope Valley, additional community water services may become necessary or desirable. In the future, the district could consider reorganization with the Antelope Valley Fire Protection District into a multipurpose agency such as a Community Service District (CSD). At that time, a reorganization study should be conducted to determine what governmental structure would best provide services for the region. Such a reorganization could provide greater fiscal and service flexibility for the Antelope Valley but should occur only with the concurrence of the involved districts' Boards of Directors.



**Antelope Valley
Irrigation District**

 District Boundary

 Parcels

Scale 0 0.5 1 2 Miles

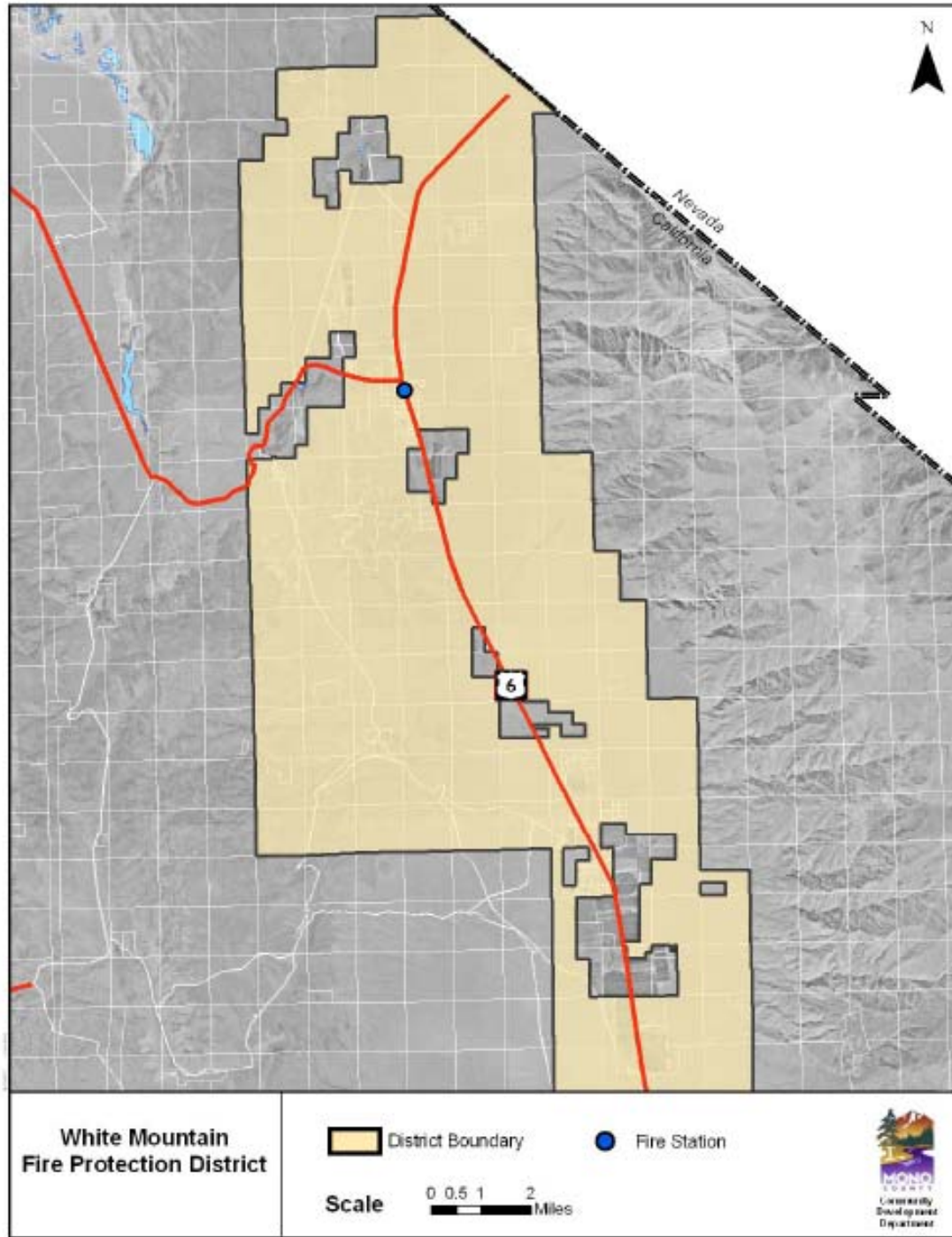


White Mountain Fire Protection District

Sphere Recommendation

The Sphere of Influence for the White Mountain Fire Protection District should remain as it is, coterminous with the boundaries of the district. The withdrawn lands located within the boundaries of the district should be annexed back into the district.

Currently, Benton and Chalfant are served by separate fire protection entities, with separate facilities, equipment and administration. In addition, both the White Mountain Fire Protection District from Benton and the Chalfant Valley Fire Department from Chalfant respond to calls from the Hammil Valley; Hammil Valley is within the boundaries of the White Mountain FPD but it has no fire facilities or equipment and is roughly equidistant from Benton and Chalfant. The Chalfant Valley Fire Department and the White Mountain FPD are both small districts with limited physical and financial resources. The Chalfant Fire Department was originally a part of a larger White Mountain FPD. Due primarily to socio-economic distinctions, this area was detached from White Mountain FPD and the new Chalfant Valley Fire Department, which is a Community Services District, was formed in 1988. Both Benton and Chalfant are experiencing significant growth and there is a need throughout the Tri-Valley for expanded fire protection and emergency medical services. At some point in the future, a regional Tri-Valley fire protection entity might best provide fire protection services for the area. Although a larger combined fire protection entity for the Tri-Valley could potentially reduce administrative costs, eliminate duplication of services in the Hammil Valley, and enjoy greater economies of scale than the smaller districts, past socio-economic distinctions have resulted in two distinct districts for the Tri-Valley. If these socio-economic distinctions change in the future, a regional Tri-Valley fire protection entity should be considered. At that time, a reorganization study should be conducted to determine what governmental structure would best provide services for the region. Such a reorganization should only occur with the concurrence of both districts' Boards of Directors.



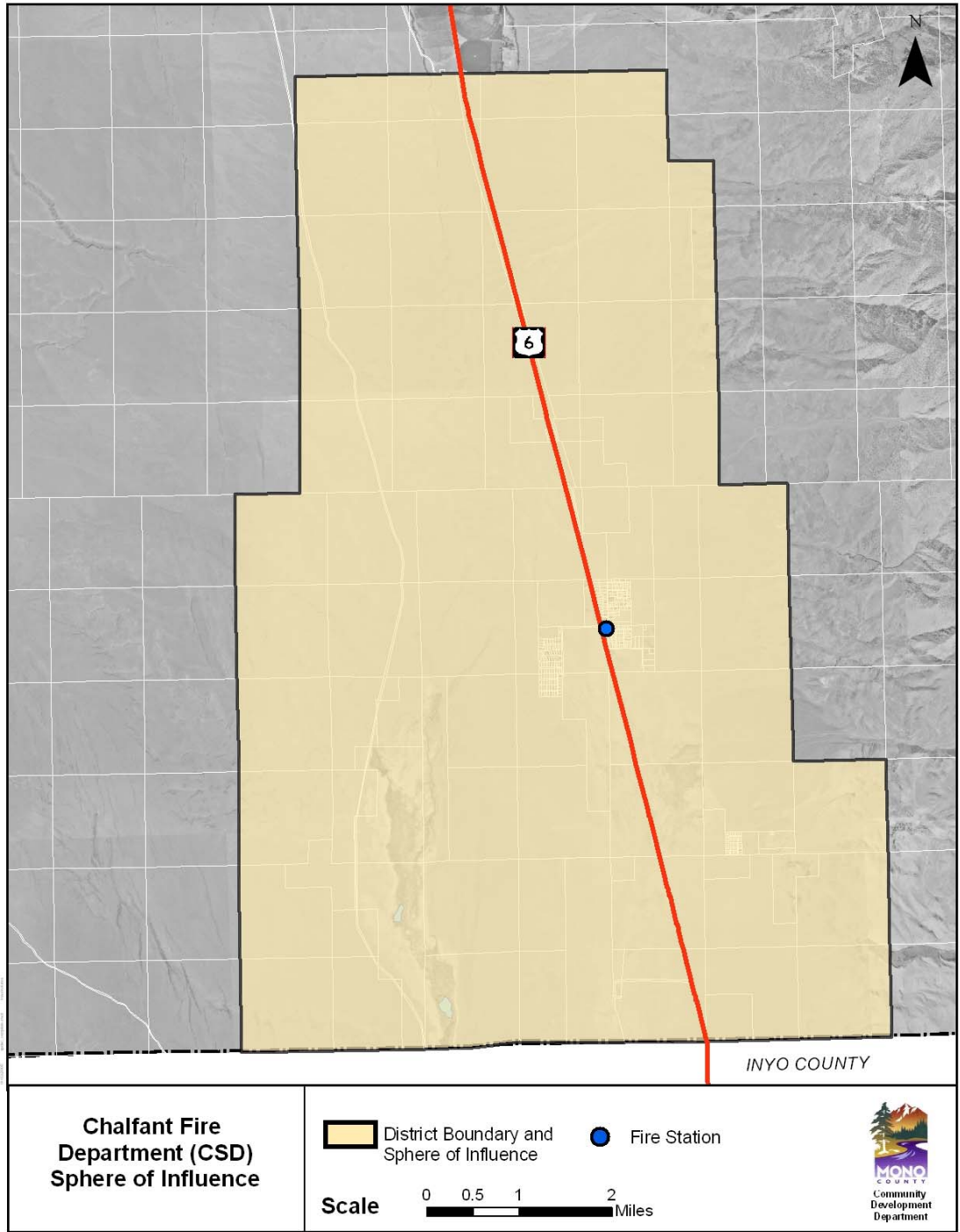
Chalfant Fire / CSD

Sphere Recommendation

The Sphere of Influence for the Chalfant Valley Fire Department, Community Service District, should remain as it is, coterminous with the boundaries of the district.

Currently, Benton and Chalfant are served by separate fire protection entities, with separate facilities, equipment and administration. In addition, both the White Mountain Fire Protection District from Benton and the Chalfant Valley Fire Department from Chalfant respond to calls from the Hammil Valley; Hammil Valley is within the boundaries of the White Mountain FPD but it has no fire facilities or equipment and is roughly equidistant from Benton and Chalfant. The Chalfant Valley Fire Department and the White Mountain FPD are both small districts with limited physical and financial resources. The Chalfant Fire Department was originally a part of a larger White Mountain FPD. Due primarily to socio-economic distinctions, this area was detached from White Mountain FPD and the new Chalfant Valley Fire Department, which is a Community Services District, was formed in 1988. Both Benton and Chalfant are experiencing significant growth and there is a need throughout the Tri-Valley for expanded fire protection and emergency medical services.

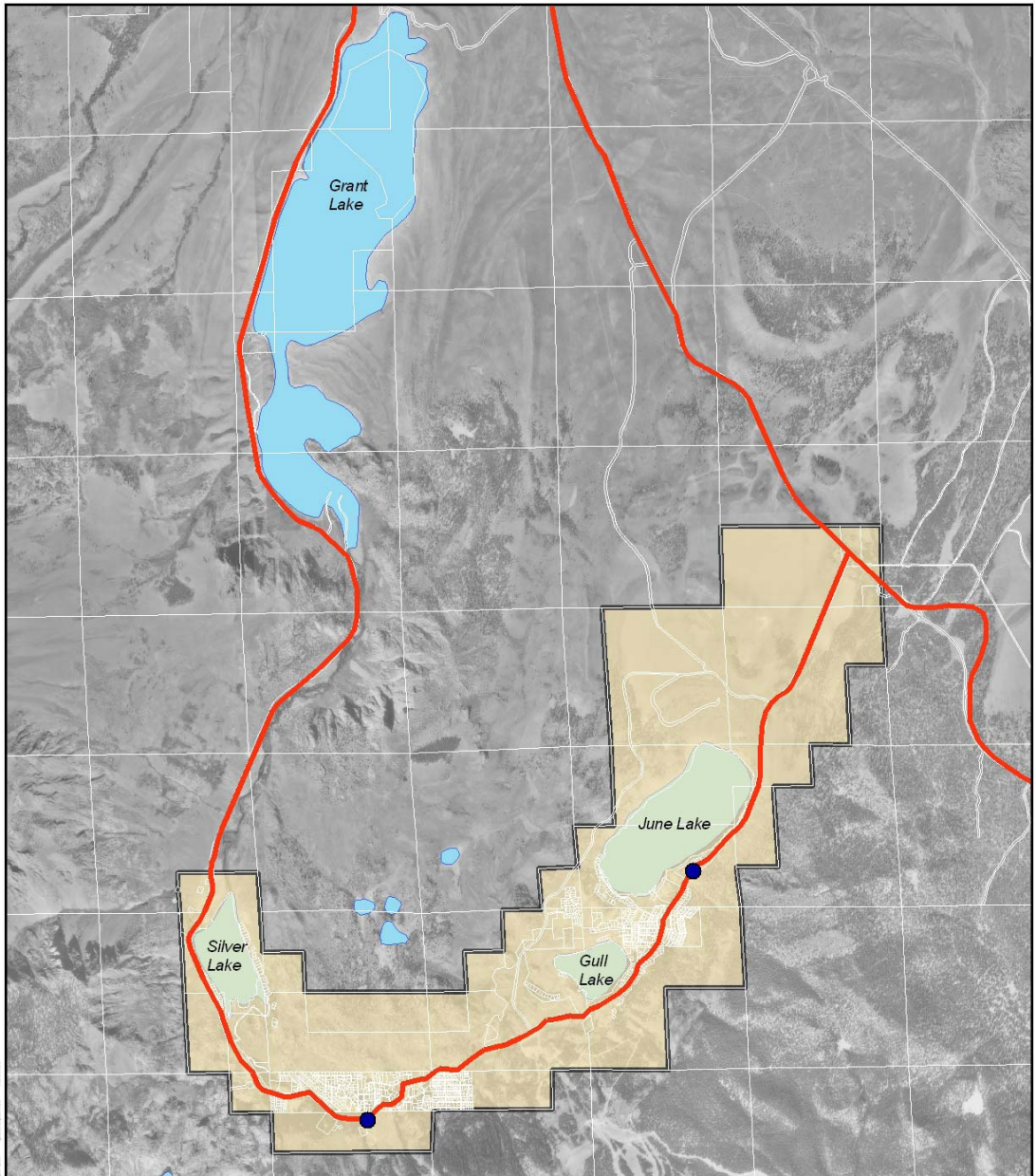
At some point in the future, a regional Tri-Valley fire protection entity might best provide fire protection services for the area. Although a larger combined fire protection entity for the Tri-Valley could potentially reduce administrative costs, eliminate duplication of services in the Hammil Valley, and enjoy greater economies of scale than the smaller districts, past socio-economic distinctions have resulted in two distinct districts for the Tri-Valley. If these socio-economic distinctions change in the future, a regional Tri-Valley fire protection entity should be considered. At that time, a reorganization study should be conducted to determine what governmental structure would best provide services for the region. Such a reorganization should only occur with the concurrence of both districts' Boards of Directors.




June Lake Fire Protection District

Sphere Recommendation

The Sphere of Influence for the June Lake Fire Protection District should remain as it is, coterminous with the boundaries of the district.



**June Lake
Fire Protection District
Sphere of Influence**

 District Boundary and Sphere of Influence

 Fire Stations

Scale 0 0.5 1 2 Miles

Mono County Department of Community Development

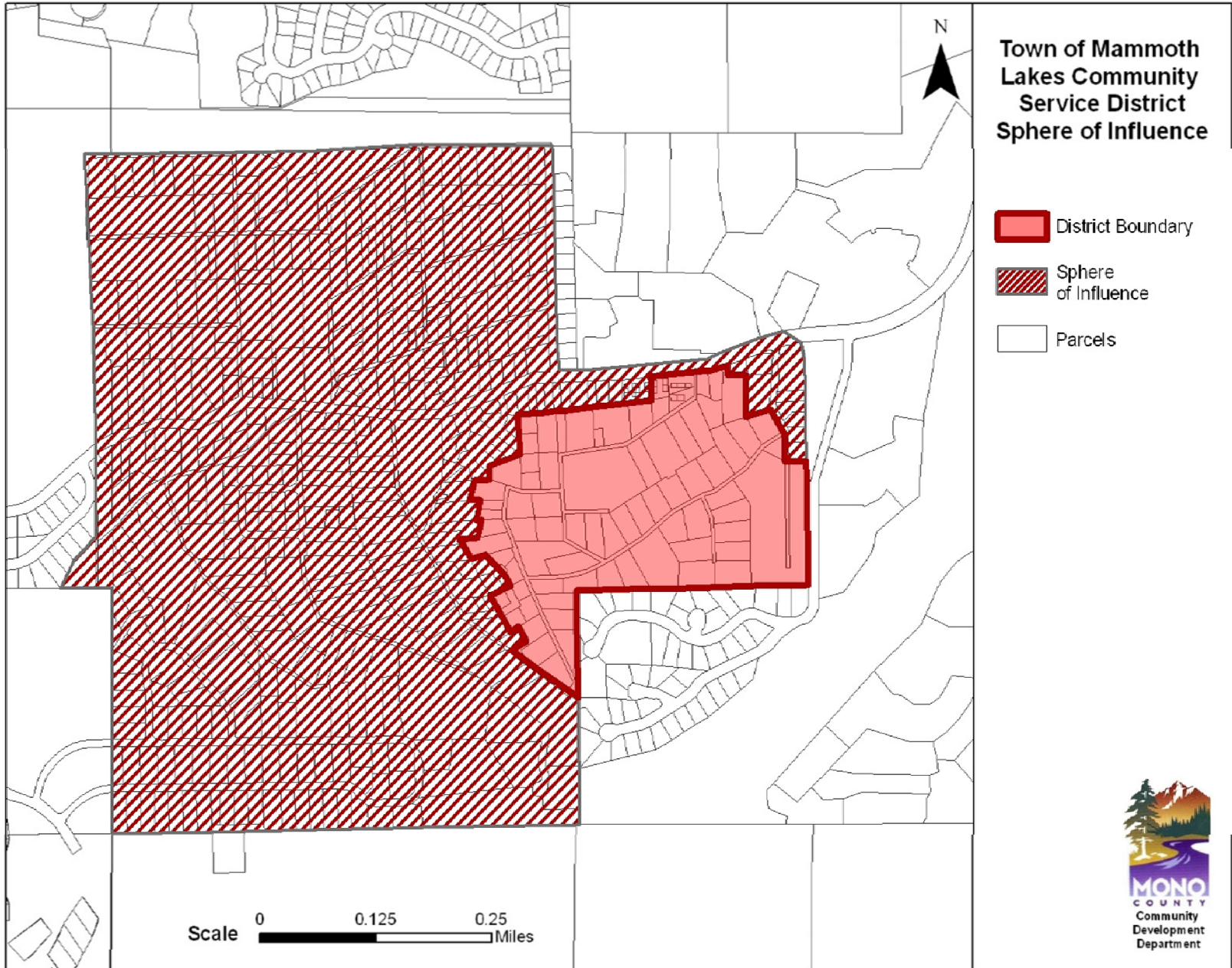
Mammoth Lakes Community Service District

Sphere Recommendation

The interim sphere of influence for the Mammoth Lakes Community Service District consists of the entire Old Mammoth area (see Figure 6). This interim sphere designation will enable the CSD to be utilized as a convenient funding and maintenance mechanism for upgrading roads in other nearby areas of Old Mammoth. An interim sphere of influence is defined as a sphere of influence boundary that will remain in effect until such time as the agency is joined to a city or another special district capable of providing the same or a broader level of service.

Reorganization Recommendation

At some point in the future, the road maintenance and snow removal activities currently provided by the district might best be provided under the authority of the Town of Mammoth Lakes. At that time, the feasibility of such a reorganization should be determined by a reorganization committee consisting of representatives of the district, the Town, and Mono LAFCO. Any reorganization of the Mammoth Lakes Community Service District and the Town of Mammoth Lakes should occur only with the concurrence of the Board of Directors of the District and the Mammoth Lakes Town Council.



Southern Mono Healthcare District

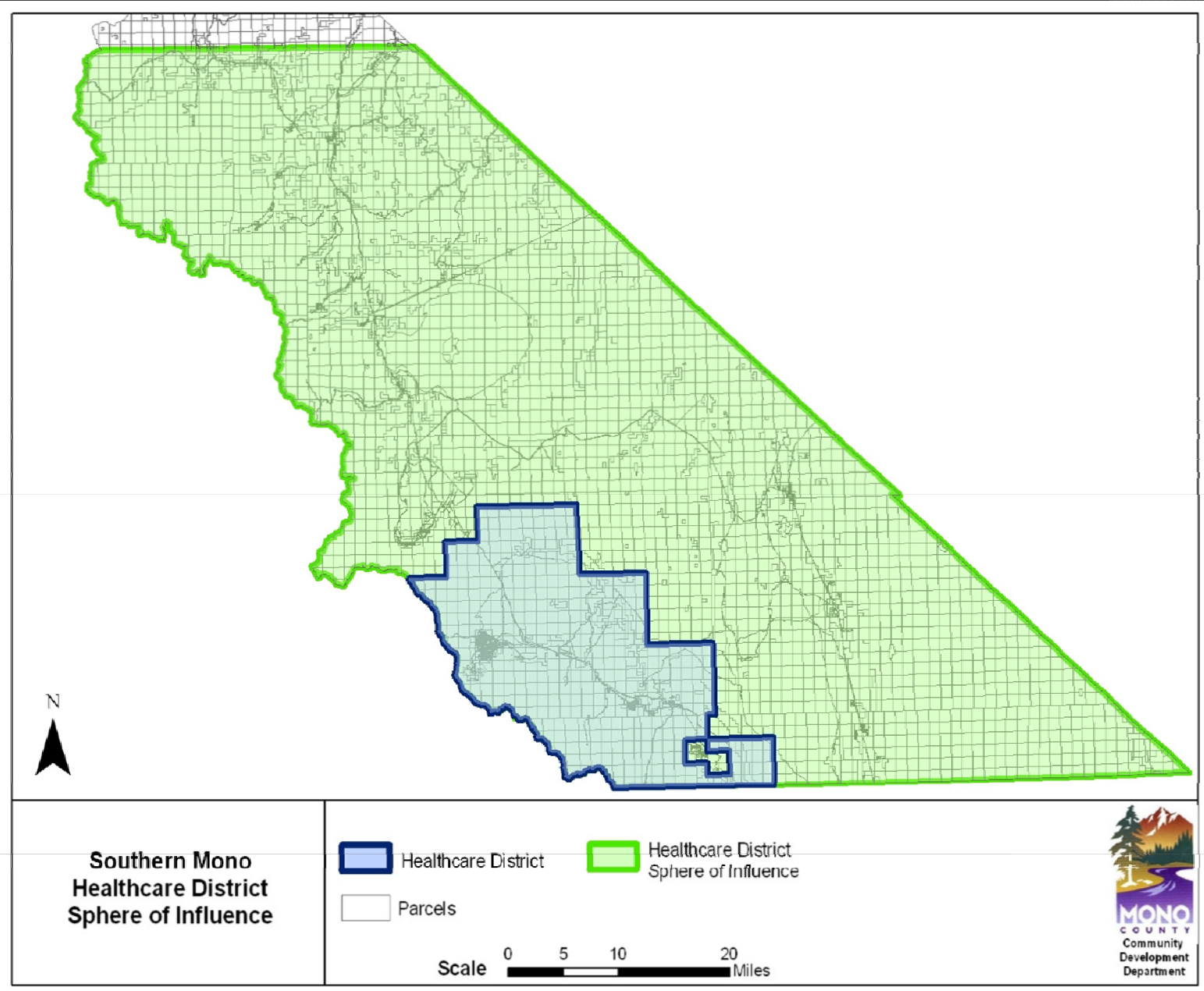
Sphere Recommendation

The existing Sphere of Influence for the Southern Mono Healthcare District is coterminous with the boundaries of the district. Since the district operates a clinic in Bridgeport and serves clients from throughout Mono County, as well as from Inyo County, the Sphere of Influence for the Southern Mono Healthcare District shall be from the Bridgeport Valley south to the Inyo County line. The Sphere of Influence should include those areas in Wheeler Crest and Paradise that are currently excluded from the boundaries of the district.

The existing sphere report for the SMHD, adopted in October 1990, established a Planning Concern Area (PCA) for the district that included June Lake, Lee Vining, and Mono City. The Planning Concern Area is superseded by the expansion of the Sphere of Influence boundaries.

Reorganization Recommendation

In order to provide more efficient, comprehensive healthcare services to the Eastern Sierra, and to eliminate existing overlap in service provision, LAFCO should work with Southern Mono Healthcare District, Northern Inyo Hospital District, and any other affected agencies, to provide a regional healthcare system for the Eastern Sierra. Existing districts should reorganize to create a single administrative entity for healthcare in the area. Reorganization should occur only when all affected agencies agree to a regional healthcare district.



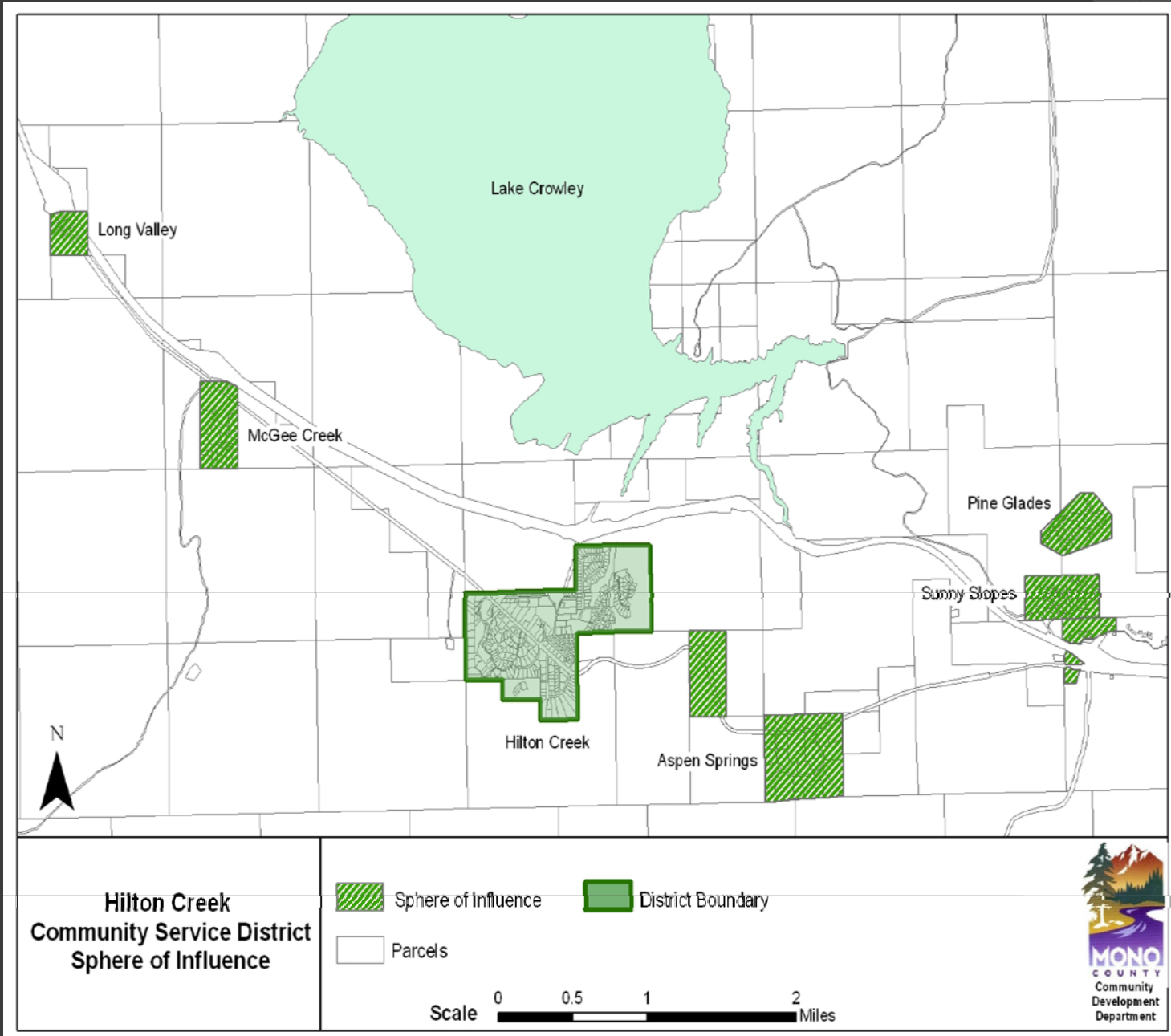
Hilton Creek Community Service District

Sphere Recommendation

The Sphere of Influence for the Hilton Creek Community Services District should remain as it is, including privately owned land within the community of Long Valley and US Forest Service permittees at Whiskey Tract (see Figure 2).

Reorganization Recommendation

Currently, the Hilton CSD provides adequate services within its boundaries. In the future, a regional water and sewer provider with separate service areas throughout the Long Valley communities might best provide sewer and water services for the region. At that time, a reorganization study should be conducted to determine what governmental structure would best provide services for the region. Such a reorganization should occur only with the concurrence of the involved districts' Boards of Directors.



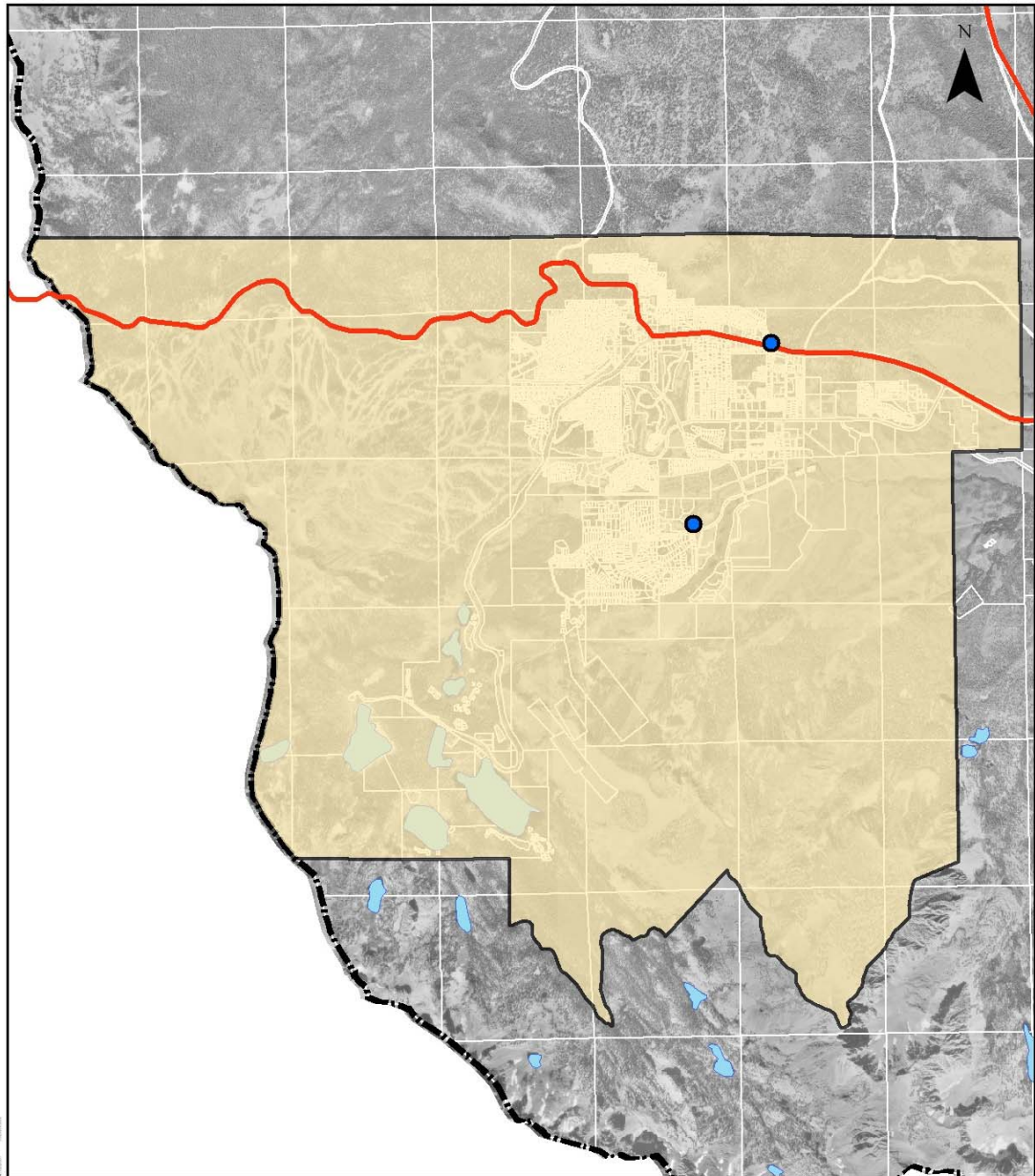
Mammoth Lakes Fire Protection District

Sphere Recommendation


The Sphere of Influence for the Mammoth Lakes Fire Protection District should remain as it is, coterminous with the boundaries of the district. LAFCO should study fire protection within the area north of SR 203 and US 395 in order to determine whether sphere of influence and/or district boundaries need to be reorganized in that area. Such a study should occur only with the participation of all affected entities. Any reorganization recommended by LAFCO should occur only with the concurrence of the Board of Directors of all affected entities.


Reorganization Recommendation


At some point in the future, the fire protection services currently provided by the district might best be provided under the authority of the Town of Mammoth Lakes. The feasibility of such a reorganization should be determined by a reorganization committee consisting of representatives of the Fire Protection District, the Town, and Mono LAFCO. If a reorganization is proposed that involves the Fire Protection District, the Town, and any other special districts in the Mammoth area, the feasibility of such a reorganization should be determined by a reorganization committee consisting of representatives of all involved districts, the Town, and Mono LAFCO, in accordance with Chapter 6 of the Cortese-Knox Act. Any reorganization of the Mammoth Lakes Fire Protection District and the Town of Mammoth Lakes should occur only with the concurrence of the Board of Directors of the District and the Mammoth Lakes Town Council. The current Board of Directors has no desire to consider reorganization.



**Mammoth Lakes
Fire Protection District
Sphere of Influence**

 District Boundary and Sphere of Influence

 Fire Station

Scale  Miles



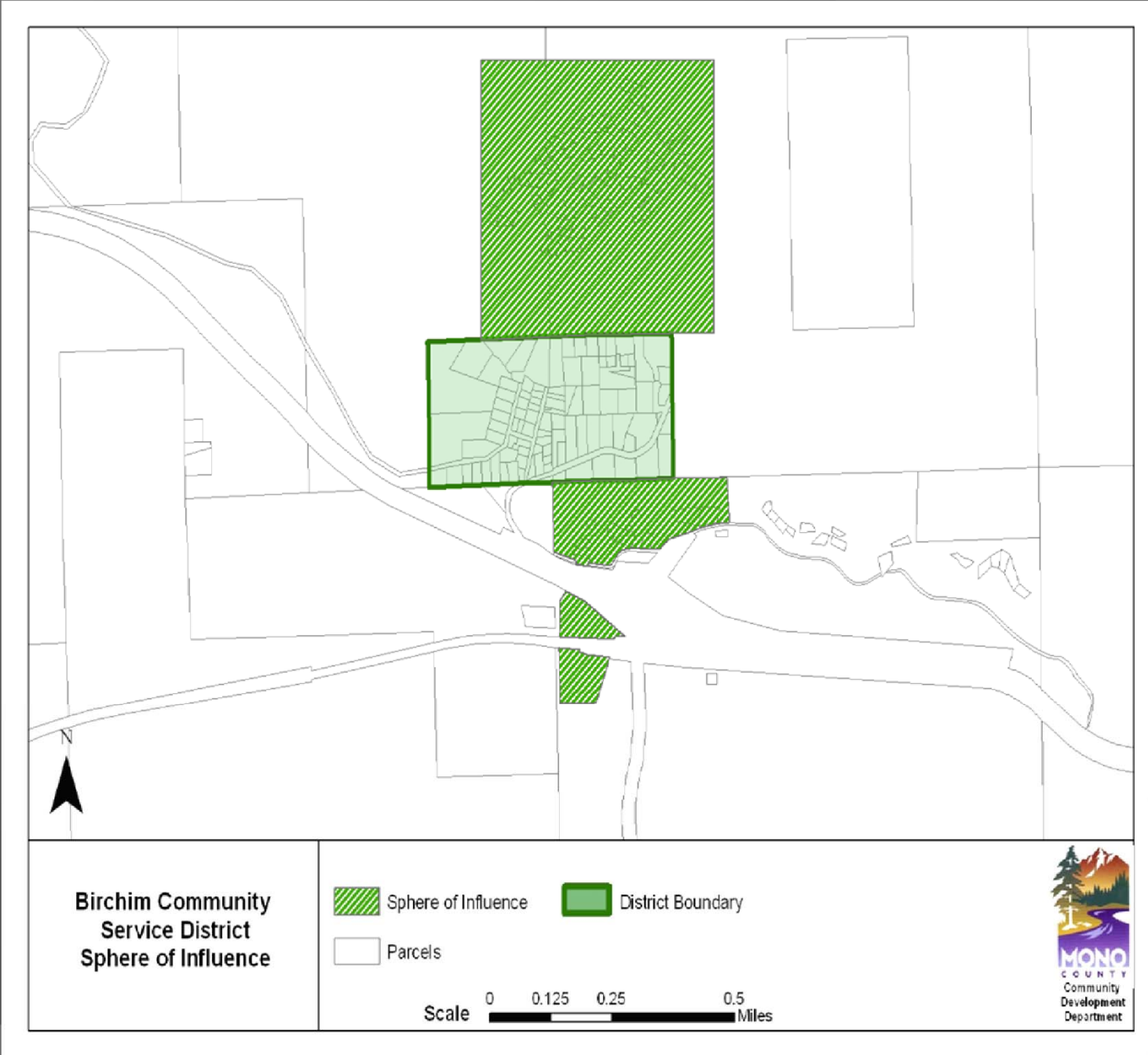
Birchim Community CSD

Sphere Recommendation

The Sphere of Influence for the Birchim Community Services District should remain as it is, including privately owned land within the community of Sunny Slopes and US Forest Service permittees at Pine Glades, Tom's Place, and Rock Creek Tract (see Figure 2). The BCSD has no intention of expanding its service boundaries at this time.

Reorganization Recommendation

Currently, the Birchim CSD provides adequate services within its boundaries. In the future, a regional water and sewer provider with separate service areas throughout the Long Valley communities might best provide sewer and water services for the region. At that time, a reorganization study should be conducted to determine what governmental structure would best provide services for the region. Such a reorganization should occur only with the concurrence of the involved districts' Boards of Directors.



Mono City Fire Protection District

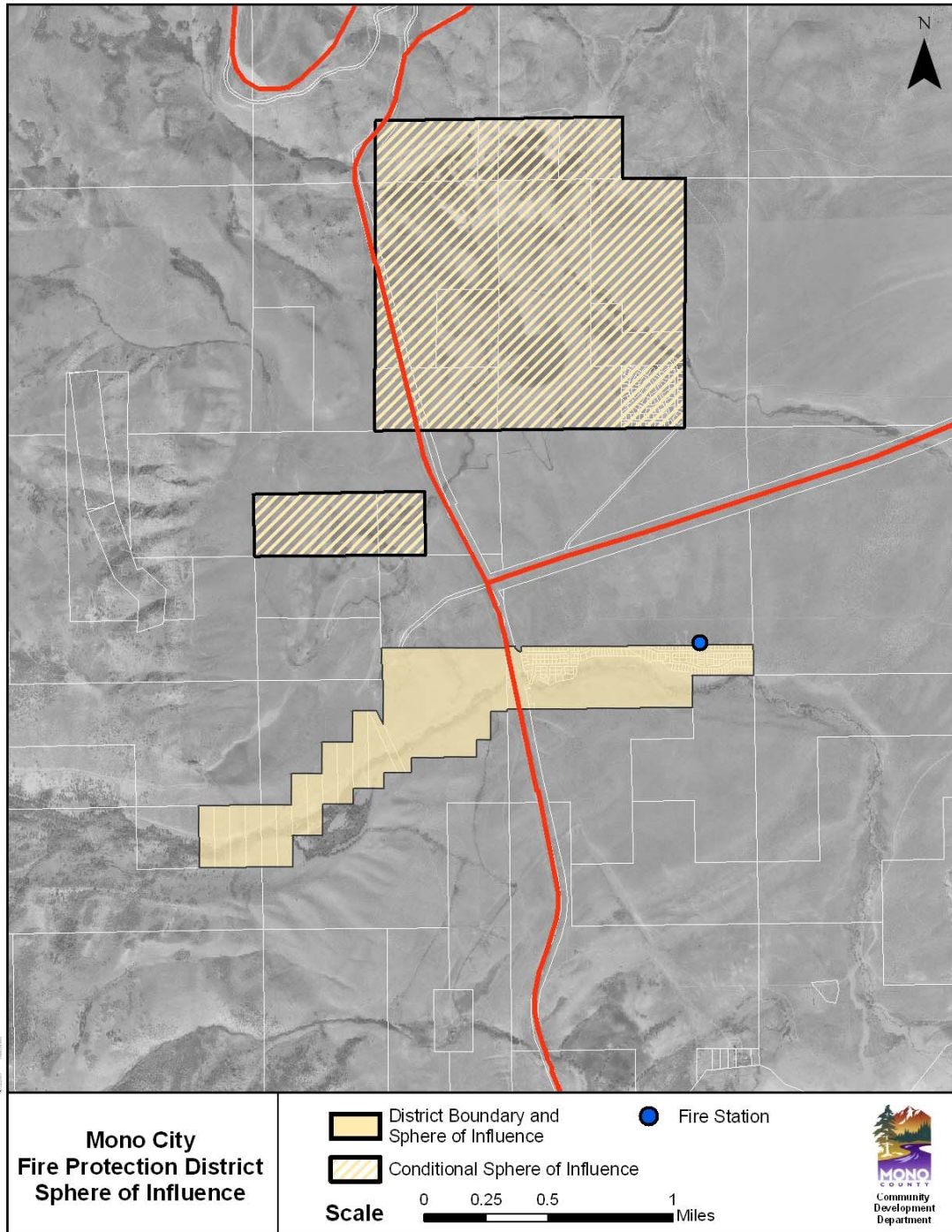
2

Sphere Recommendation

The Sphere of Influence for the Mono City Fire Protection District should remain as it is, coterminous with the boundaries of the district. A Conditional Sphere of Influence also exists for the nearby Conway Ranch area and a small area of development west of US 395 (see Figure 1). The conditional Sphere of Influence will only apply when and if additional development occurs at Conway Ranch and/or existing residents seek structural fire protection from a fire protection entity.

Reorganization Recommendation

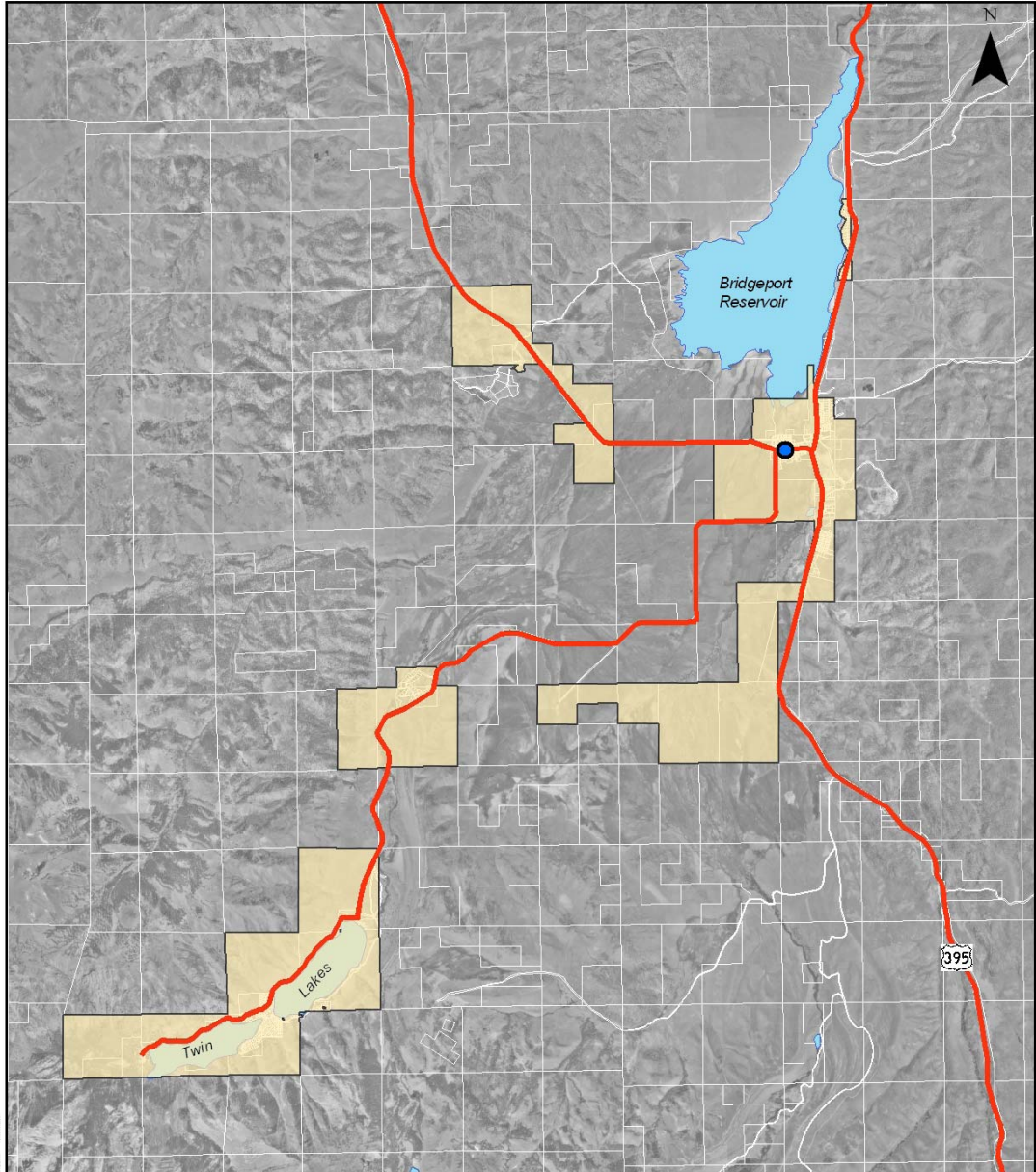
Currently, Lee Vining and Mono City are served by separate fire protection entities, with separate facilities, equipment and administration. The Lee Vining Fire Protection District and the Mono City FPD are both small districts with limited physical and financial resources. Increased development and tourism in the Mono Basin has created a need for expanded fire protection and emergency medical services. At some point in the future, a regional Mono Basin fire protection entity with separate facilities in Lee Vining and Mono City might best provide services for the area. At that time, a reorganization study should be conducted to determine what governmental structure would best provide services for the region. Such a reorganization should occur only with the concurrence of both districts' Boards of Directors.





Bridgeport Fire Protection District

Sphere Recommendation

The Sphere of Influence for the Bridgeport Fire Protection District should remain as it is, coterminous with the boundaries of the district.



**Bridgeport
Fire Protection District
Sphere of Influence**

 District Boundary and Sphere of Influence  Fire Station

Scale 0 0.5 1 2 Miles



Paradise Fire Protection District

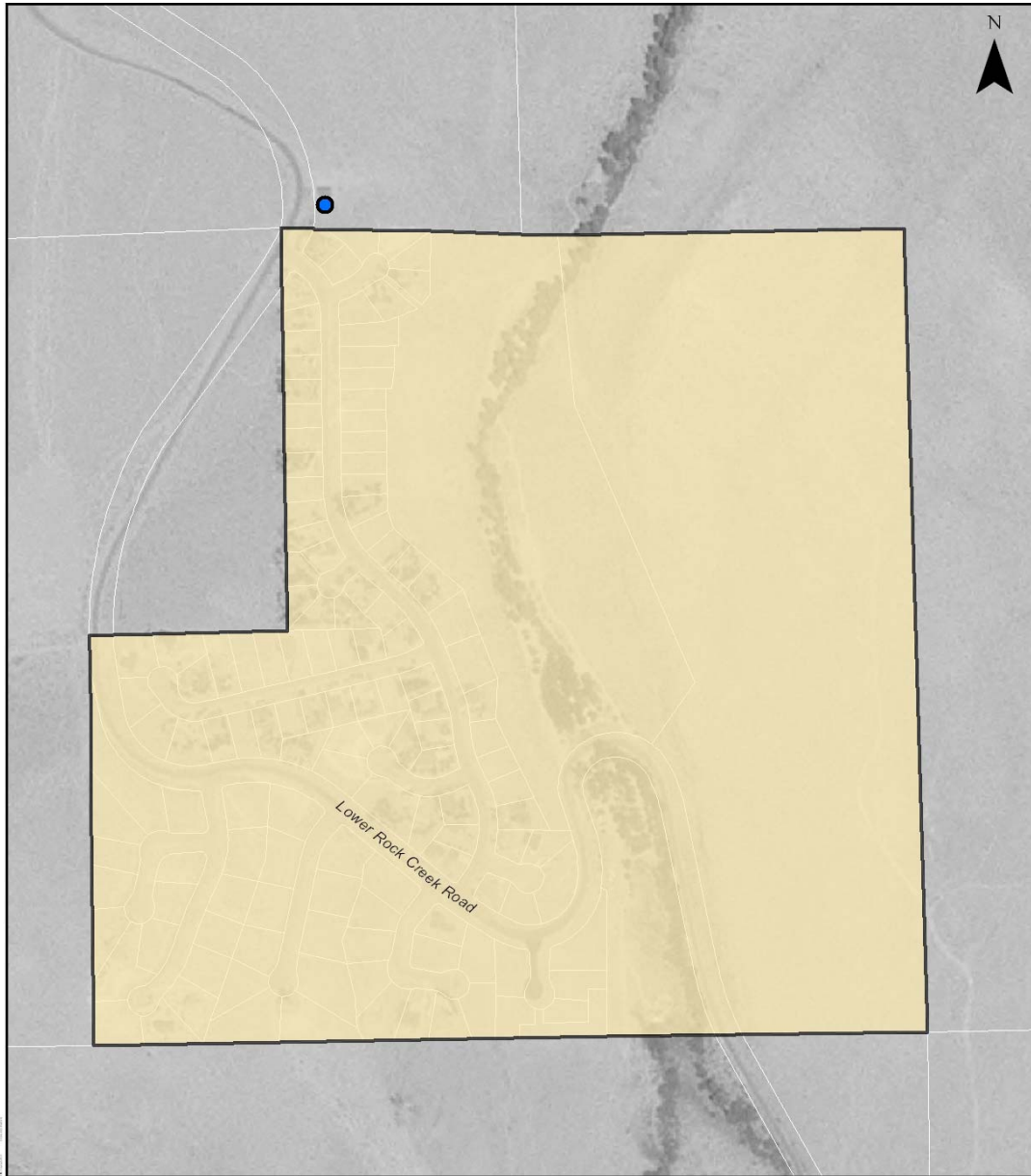
Sphere Recommendation




The Sphere of Influence for the Paradise Fire Protection District should remain as it is, coterminous with the boundaries of the district.

Reorganization Recommendation

The Paradise Fire Protection District is a small district, with limited financial and physical resources. The district has expressed an interest in combining with larger districts in the area to form a Southern Mono Fire Protection District. Currently, Wheeler Crest and Paradise are served by separate fire protection entities, with separate facilities, equipment and administration, located approximately one mile apart on Lower Rock Creek Road.

At some point in the future, a regional fire district in Southern Mono County might best provide fire protection services for the area, in the process reducing administrative costs, eliminating duplication of services, and creating a more financially stable district that would enjoy greater economies of scale than the smaller districts. One district that was planning for future development in Southern Mono County would also create a more cohesive approach to the long-term provision of fire protection services in the region. At the time reorganization is being considered, a reorganization study should be conducted to determine what governmental structure would best provide services for the region. Such a reorganization should occur only with the concurrence of both districts' Boards of Directors.



<p>Paradise Fire Protection District Sphere of Influence</p>	<p> District Boundary and Interim Sphere of Influence</p> <p> Fire Station</p> <p>Scale 0 0.05 0.1 0.2 Miles</p>	
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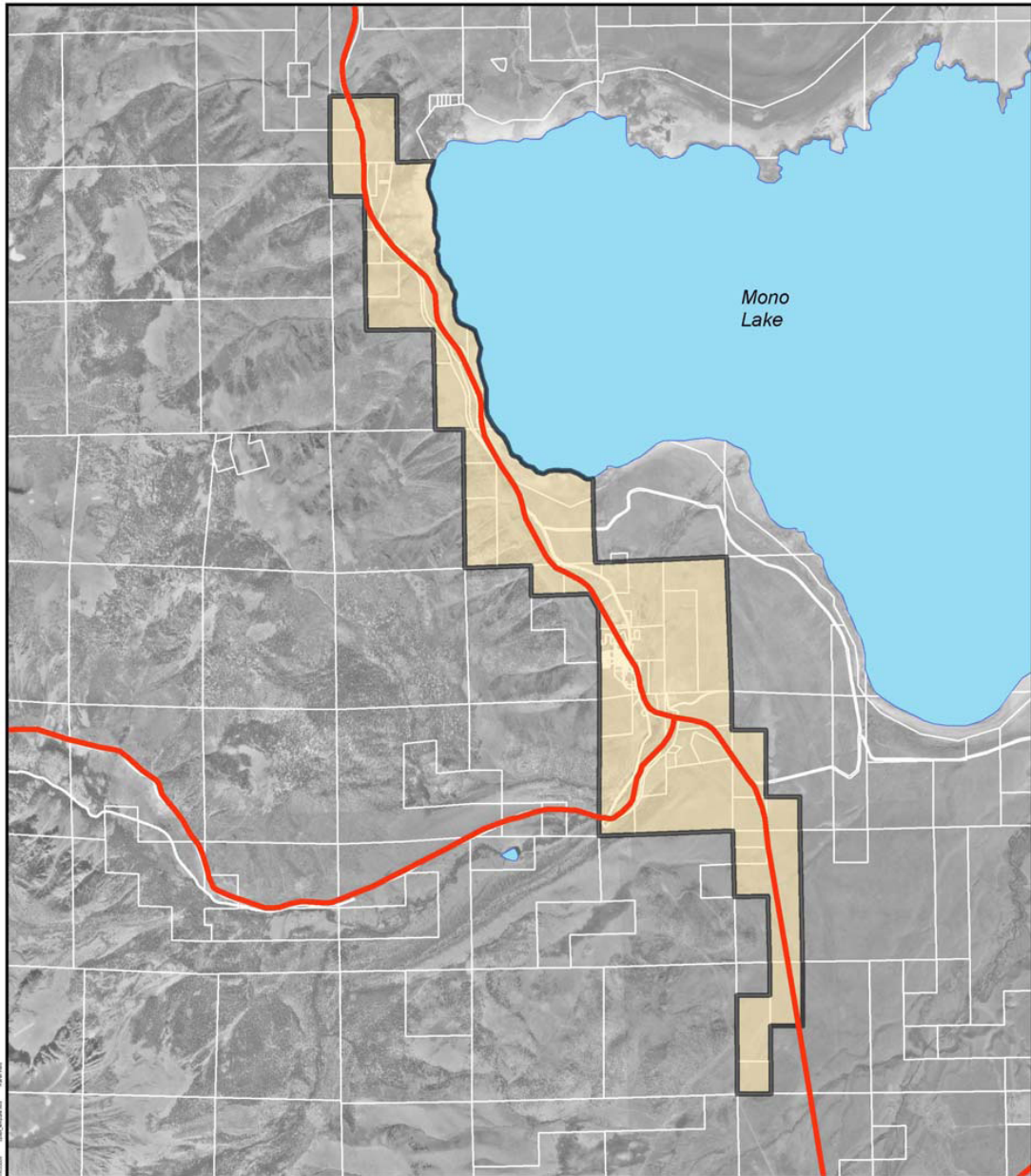
Lee Vining Fire Protection District

Sphere Recommendation


The Sphere of Influence for the Lee Vining Fire Protection District should remain as it is, coterminous with the boundaries of the district.

Reorganization Recommendation


Currently, Lee Vining and Mono City are served by separate fire protection entities, with separate facilities, equipment and administration. The Lee Vining Fire Protection District and the Mono City FPD are both small districts with limited physical and financial resources. Increased development and tourism in the Mono Basin has created a need for expanded fire protection and emergency medical services. At some point in the future, a regional Mono Basin fire protection entity with separate facilities in Lee Vining and Mono City might best provide services for the area. At that time, a reorganization study should be conducted to determine what governmental structure would best provide services for the region. Such a reorganization should occur only with the concurrence of both districts' Boards of Directors.



**Lee Vining
Fire Protection District
Sphere of Influence**

Legend  District Boundary and Sphere of Influence

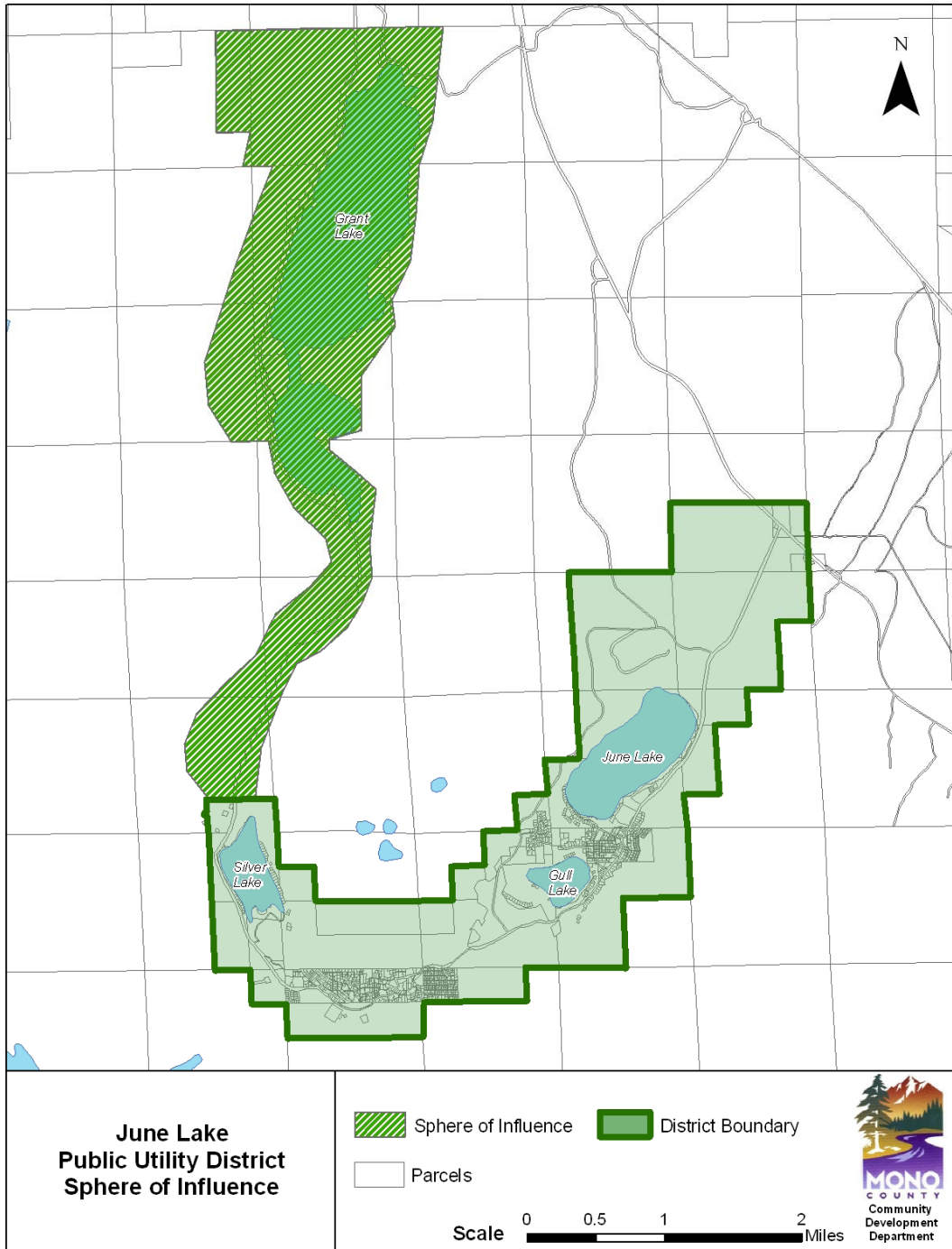
Scale 0 0.5 1 2 Miles


N
W E
S
Mono County Department
of Community Development

June Lake PUD

Sphere Recommendation

The Sphere of Influence for the June Lake Public Utility District encompasses the district area along with the adjacent area to the northwest along SR 158 that is designated as Concentrated Recreation in the Inyo National Forest Land and Resource Management Plan. These boundaries recognize the district's role as the primary water and sewer provider for the area, and will enable the district to extend service throughout the area, to existing and planned developments



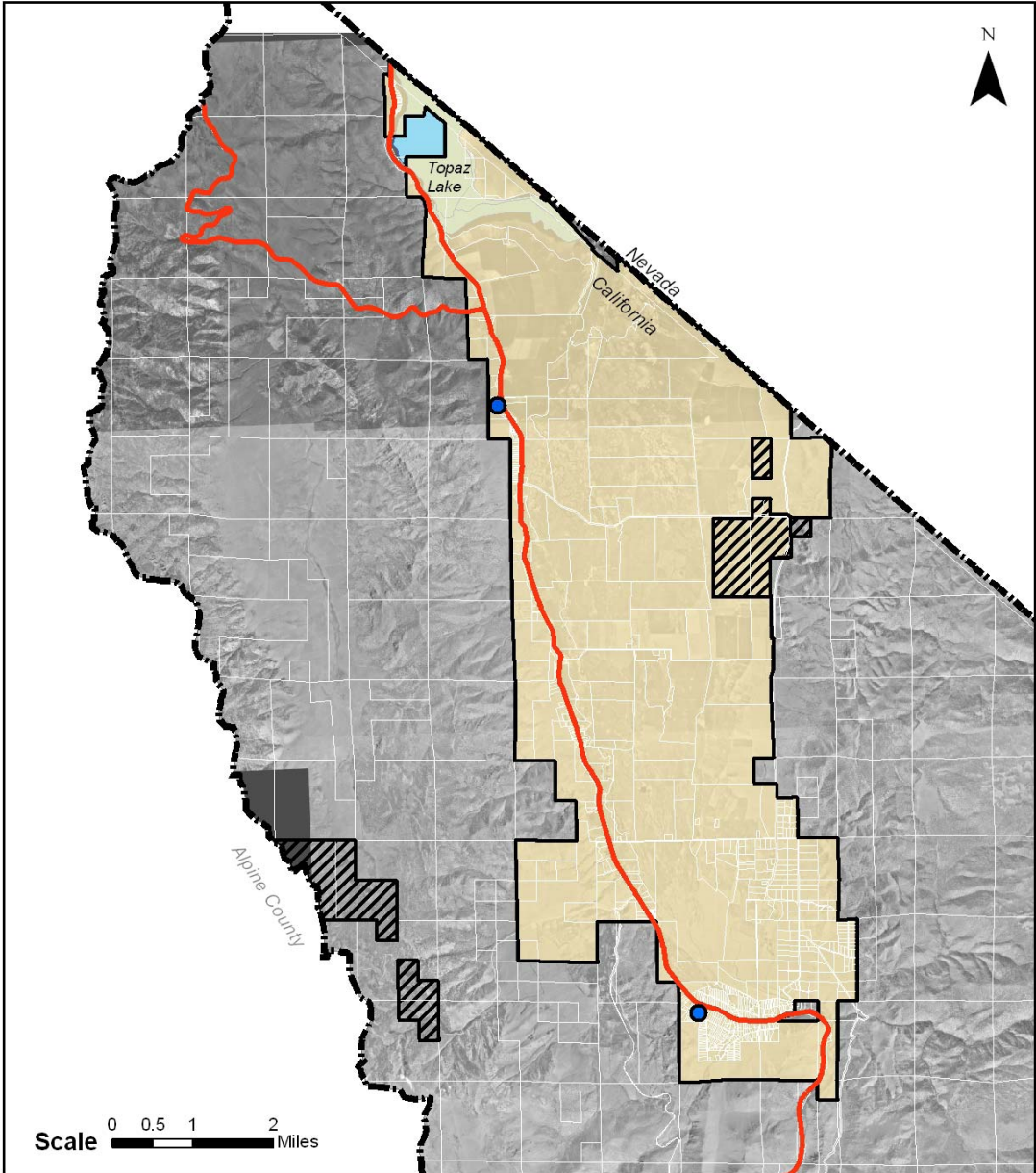
Antelope Valley Fire Protection District

Sphere Recommendation




The Sphere of Influence for the Antelope Valley Fire Protection District should remain as it is, coterminous with the boundaries of the district.

Reorganization Recommendation

Currently, the Antelope Valley Fire Protection District best provides services to the Antelope Valley community. The Antelope Valley includes another small special district, the Antelope Valley Water District, which is currently inactive. As development occurs in the Antelope Valley, additional community water services may become necessary or desirable. In the future, the FPD could consider reorganization with the Antelope Valley Water District into a multipurpose agency such as a Community Service District (CSD). At that time, a reorganization study should be conducted to determine what governmental structure would best provide services for the region. Such a reorganization could provide greater fiscal and service flexibility for the Antelope Valley but should occur only with the concurrence of the involved districts' Boards of Directors.



**Antelope Valley
Fire Protection District
Sphere of Influence**

-  District Boundary and Sphere of Influence
-  Conditional Sphere of Influence
-  Fire Station



Long Valley Fire Protection District

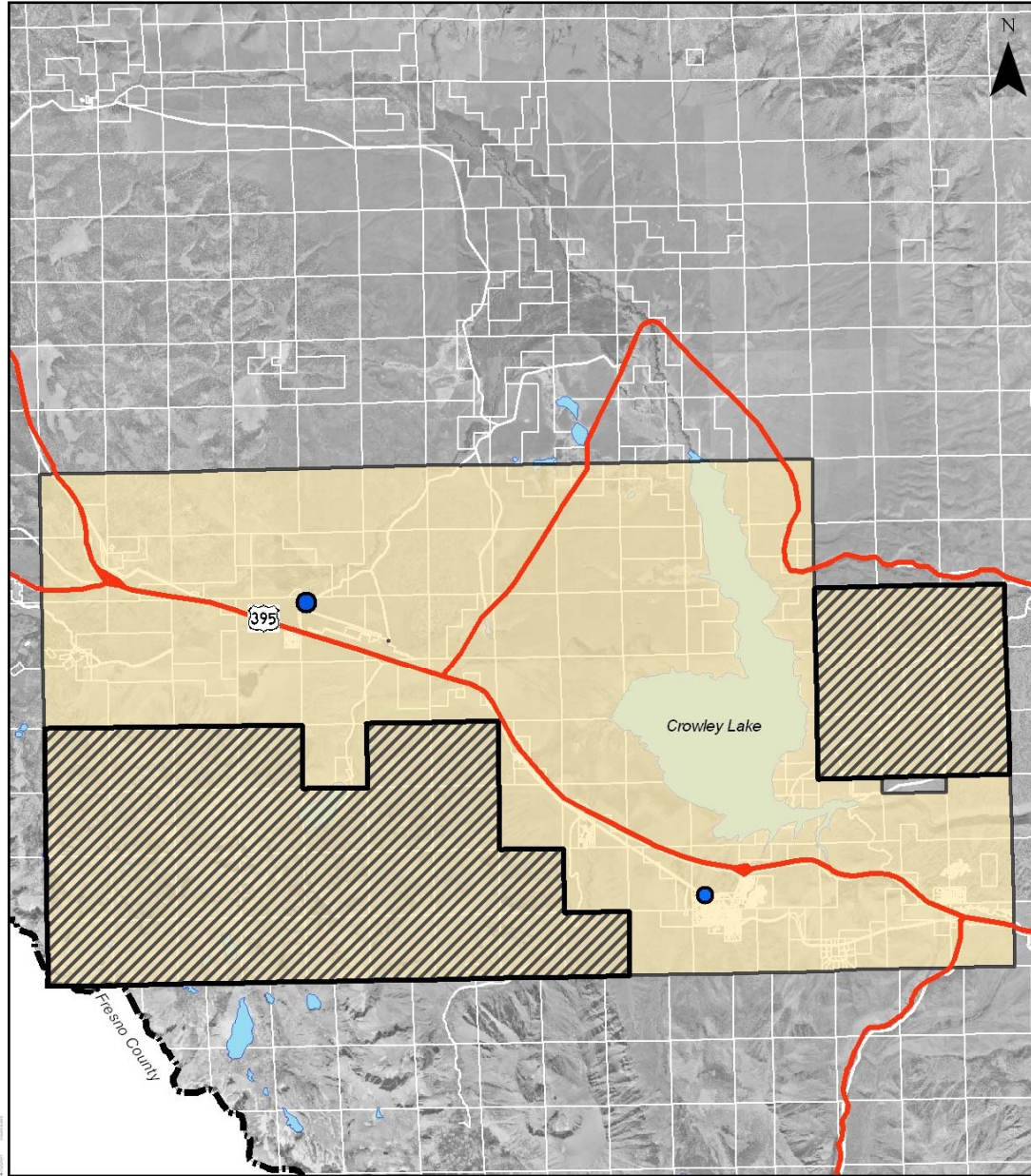
Sphere Recommendation

The Sphere of Influence for the Long Valley Fire Protection District should remain as it is, coterminous with the boundaries of the district. The Long Valley Fire Department sphere includes the area north of Highway 203 and they have no desire to change the scope of their sphere at this time.



Reorganization Recommendation


Mammoth Yosemite Airport, which is owned and operated by the Town of Mammoth Lakes, is located within the boundaries of the Long Valley FPD. Currently, both the Long Valley FPD and the Mammoth Lakes FPD respond to emergencies at the airport and have similar response times to the airport. The Long Valley FPD and the Mammoth Lakes FPD have established agreements to enhance response levels in the airport vicinity. The Town of Mammoth Lakes, as the FAA permitted airport operator, has the responsibility for aircraft firefighting and rescue. Long Valley FPD has responsibility for structural fire protection, although the district also responds to all incidents involving aircraft. The Long Valley FPD has a small auxiliary station at the Hot Creek Fish Hatchery, which is intended to provide additional coverage in response to recent development at the airport until additional facilities can be completed at the airport.

The airport is an island of property owned by the Town of Mammoth Lakes, outside of the Town boundaries. Town governmental departments fulfill administrative, managerial, and operational functions at the airport. The Mammoth Lakes Fire Protection District is a special district and a separate legal entity from the Town of Mammoth Lakes. As such, it would not be appropriate for the Mammoth Lakes FPD to assume responsibility for structural fire protection at the airport. However, should the Mammoth Lakes FPD become a town department, then the town's fire department should assume responsibility for structural fire protection at the airport. If a change in service provider appears warranted, such a change should occur only with the support of the Long Valley FPD and only when it can be demonstrated that service will be improved by the change of provider.



**Long Valley
Fire Protection District
Sphere of Influence**

-  District Boundary and Sphere of Influence
-  District Area Not Within Sphere of Influence

 Fire Station

Scale 0 0.5 1 2 Miles



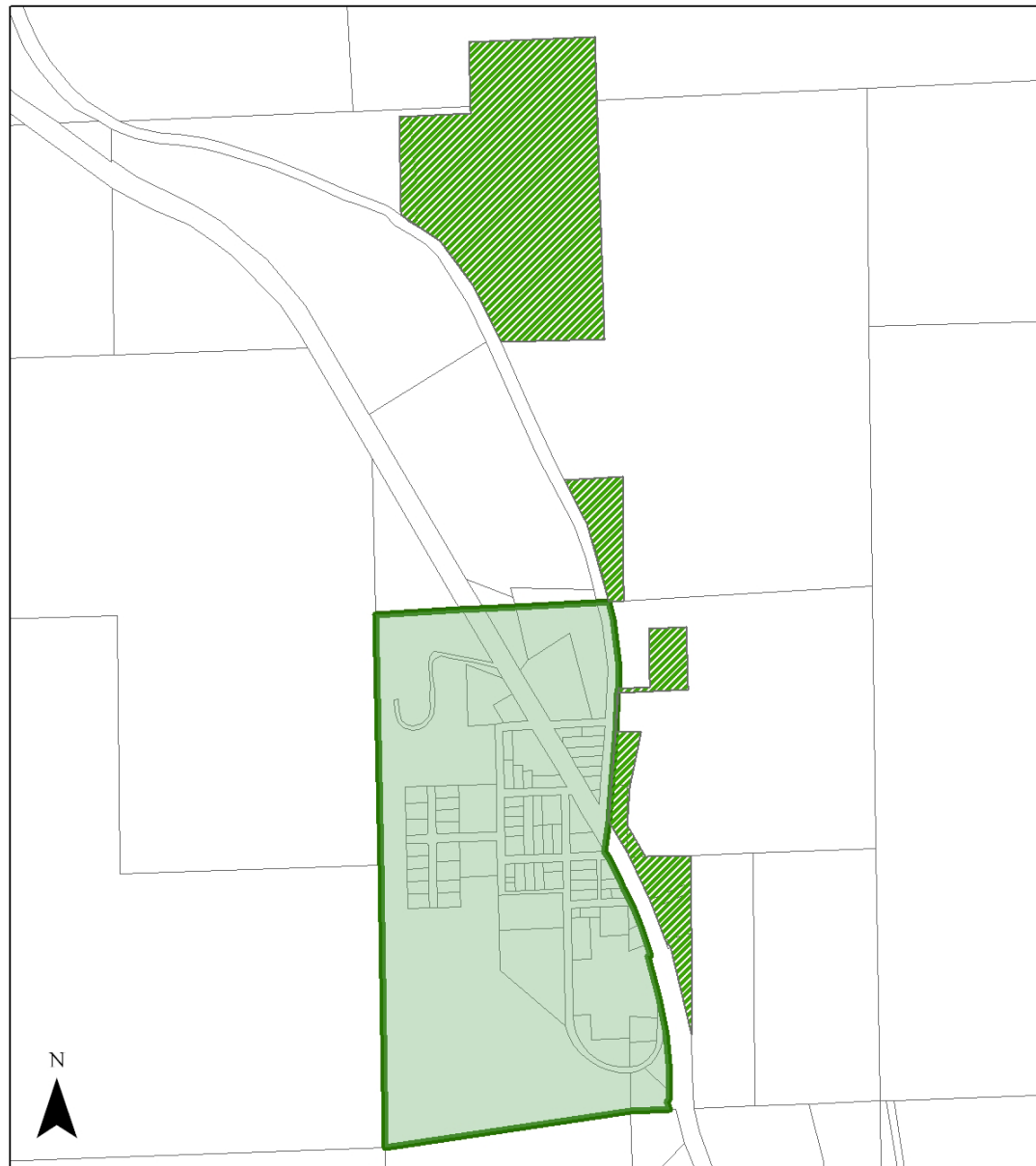
Lee Vining Public Utility District

Sphere Recommendation



The Sphere of Influence for the Lee Vining Public Utility District consists of the current district area along with the Mono Basin National Forest Scenic Area Visitor Center, the County Park, and an area adjacent to the district that is owned by Southern California Edison.

Reorganization Recommendation

Currently, the Lee Vining PUD provides adequate services within its boundaries. As more development occurs within the area, a regional water and sewer provider might best provide services to the Mono Basin area. Small private and mutual water companies could ultimately transfer service responsibilities to a regional service provider. When reorganization is being considered, a reorganization study should be conducted to determine what governmental structure would best provide services for the region. Such a reorganization should occur only with the concurrence of the involved districts' Boards of Directors.



**Lee Vining
Public Utility District
Sphere of Influence**

 Sphere of Influence  District Boundary

 Parcels

Scale 0 0.05 0.1 0.2 Miles

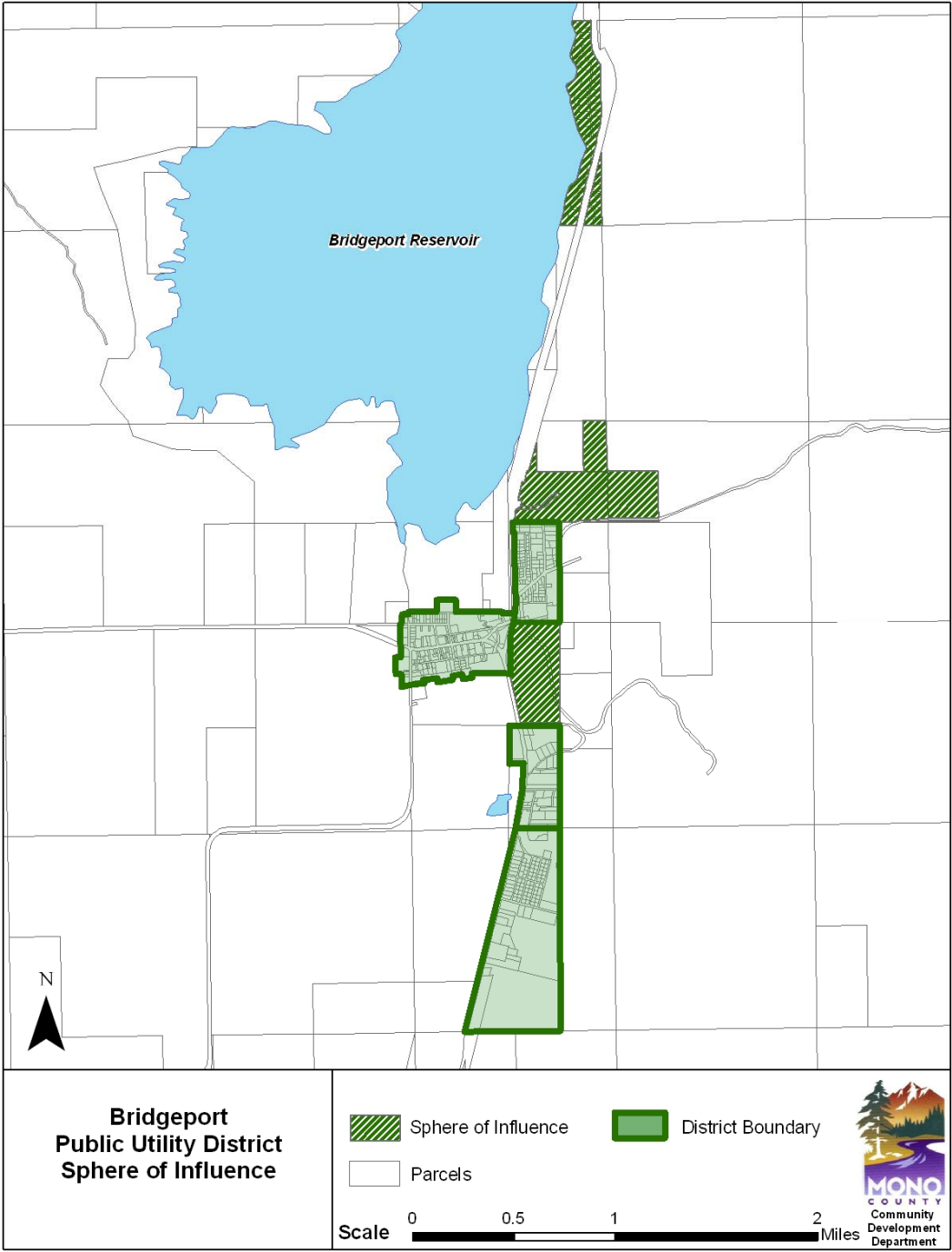


Bridgeport PUD

Sphere Recommendation

3

The Sphere of Influence for the Bridgeport Public Utility District encompasses privately owned land planned for development within the community of Bridgeport, i.e. the Bridgeport Townsite, the Evans Tract, the Bridgeport Reservoir subdivision, and the Indian Housing.



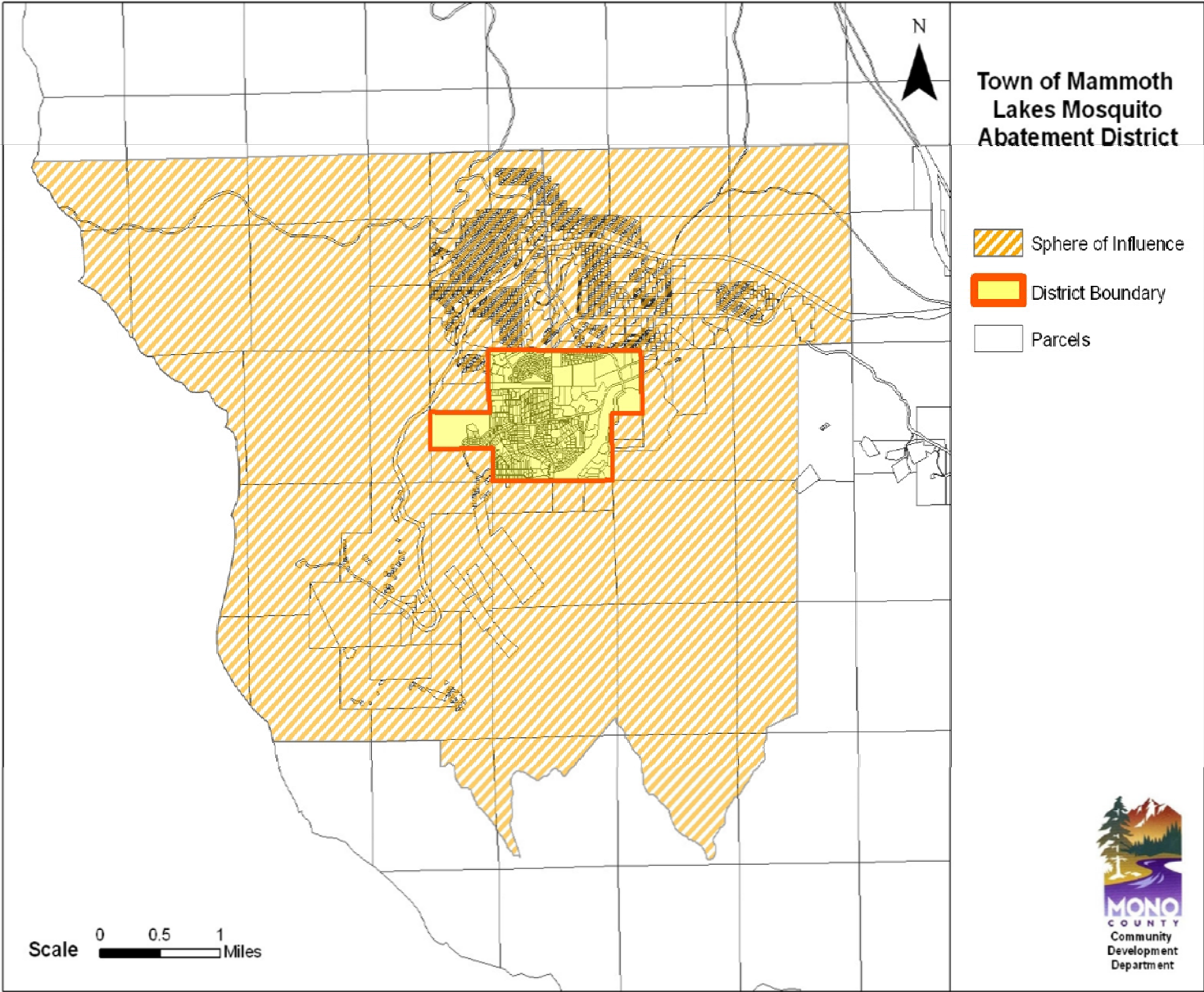
Mammoth Lakes Mosquito Abatement District

Sphere Recommendation

The sphere of influence for the Mammoth Lakes Mosquito Abatement District should be coterminous with the boundaries of the Town of Mammoth Lakes (see Figure 6). Such a sphere of influence recognizes the district's role as the provider of mosquito abatement services to the incorporated area and will enable the district to extend service throughout the incorporated area to existing and planned developments.

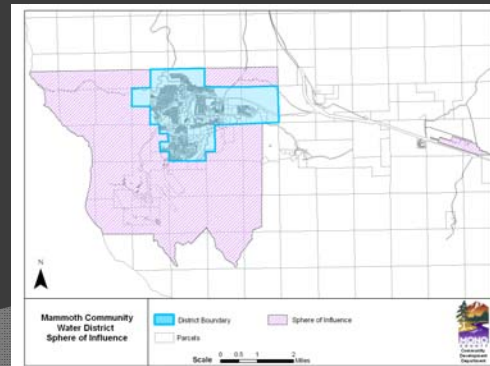
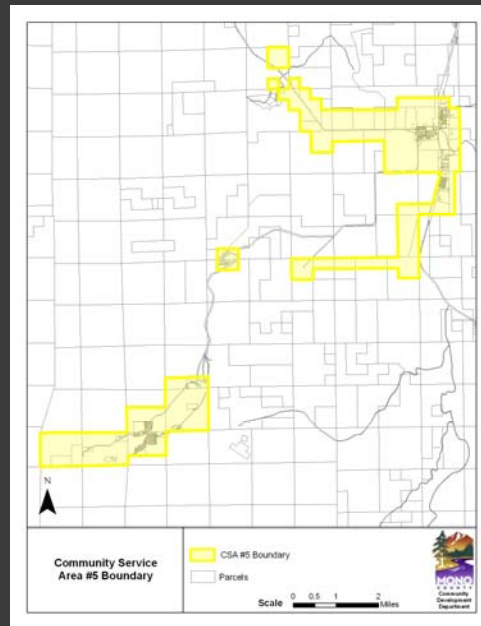
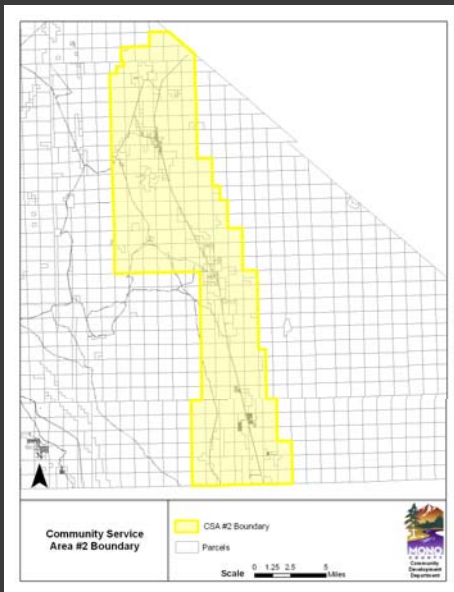
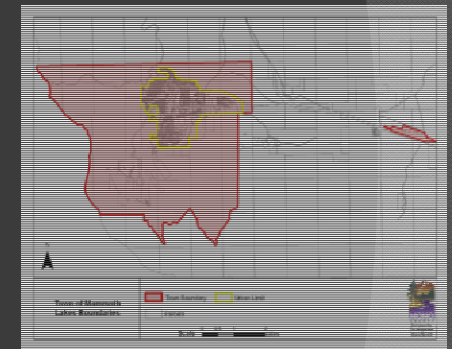
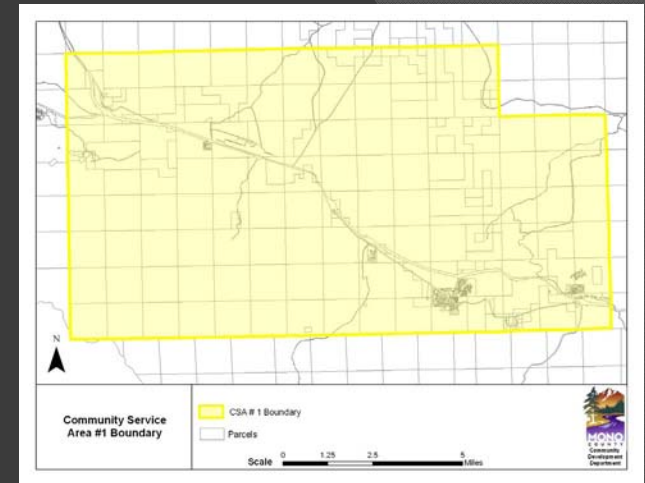
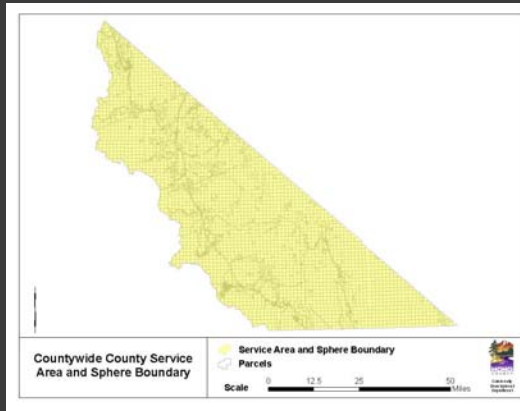
Reorganization Recommendation

At some point in the future, the mosquito abatement activities currently provided by the district might best be provided under the authority of the Town of Mammoth Lakes. At that time, the feasibility of such a reorganization should be determined by a reorganization committee consisting of representatives of the district, the Town, and Mono LAFCO. Any reorganization of the Mammoth Lakes Mosquito Abatement District and the Town of Mammoth Lakes should occur only with the concurrence of the Board of Directors of the District and the Mammoth Lakes Town Council.



Level 4

- CSA #1 Long Valley
- CSA #2 Tri Valley
- CSA #5 Bridgeport
- Countywide CSA
- Town of Mammoth Lakes
- Mammoth Community Water



DRAFT

MONO
LAFCO HANDBOOK
Including
Policies and Procedures

2012

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I. PURPOSE, JURISDICTION, AUTHORITY AND COMPOSITION

A. PURPOSE AND EFFECT OF THESE POLICIES, STANDARDS AND PROCEDURES (56300)

Mono LAFCO is charged with the duty of applying and incorporating the policies and provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 into its decision making process regarding annexations, incorporations, reorganizations, formations and other changes of government. Mono LAFCO is required to adopt written policies and procedures and to exercise its powers in a uniform manner consistent with those policies and procedures and within the policy directives of the Act. Specifically, the policies and standards set forth in this chapter are designed to:

1. Provide Information: Give Mono LAFCO applicants who seek to reorganize guidance regarding the information they need to provide Mono LAFCO so that the Mono LAFCO staff can make appropriate determinations concerning their applications and provide information and notice to elected officials, governmental staff, and members of the general public as to the standards and procedures that Mono LAFCO will use in evaluating applications.
2. Set Criteria: Provide Mono LAFCO applicants with explicit guidance as to the criteria Mono LAFCO will use in approving, disapproving, amending, or conditionally approving applications for changes of organization.
3. Provide greater consistency in Mono LAFCO decision-making process by initiating regularly scheduled municipal service reviews.
4. Facilitate communication among local agencies in the region.
5. Minimize adverse impacts of growth on the social, economic and environmental structure of Mono County.
6. Provide for planned, orderly and efficient urban development patterns based upon comprehensive study and projection of future needs with appropriate consideration toward preserving open space and prime agricultural lands within those patterns.

B. THE LEGISLATURE’S CREATION OF LAFCO

Mono LAFCO is an intra-local agency that was created by state legislation to ensure that changes in governmental organization occur in a manner that provides efficient and quality services and preserves open-space land resources.

The creation of Mono LAFCO was a legislative response to actions by local jurisdictions in the 1940s and ‘50s. These agencies incorporated or annexed large, irregular portions of land in a manner that resulted in irrational urban boundaries and isolated populations without efficient services or with no services at all. In 1963, the Legislature established a Local Agency Formation Commission in each county and delegated to them its regulatory authority over local agency boundary changes. Additional legislation in the 1960s extended LAFCO authority. In the 1970s, the Legislature recognized the connection between decisions concerning governmental organization and the issues of urban sprawl and loss of prime agricultural land. In response to these concerns, Local Agency Formation Commissions were charged with implementing changes in governmental organization in a manner, which would preserve agricultural and open-space land resources and provide for efficient delivery of services. Concerned that LAFCO organizations were responding reactively without considering long-term regional issues, in 1972 the Legislature began requiring LAFCO to adopt a sphere of influence for each agency in its jurisdiction. The sphere is the physical boundary and service area each local government agency is logically expected to serve as it expands and each proposal the commission considers must be consistent with the sphere plan. The Legislature and the courts also require LAFCO to implement the California Environmental Quality Act (CEQA) as it applies to LAFCO actions.

In 1985, the Cortese-Knox Local Government Reorganization Act consolidated all statutes relative to local government changes of organization under Government Code § 56000, et seq. Later, in 1997, the Legislature assembled a Commission on Local Governance in the 21st century to examine governance issues with special attention to the Local Government Reorganization Act. “Growth within Bounds” is the commission’s report based on four major findings: 1) The future will be marked by continued phenomenal growth; 2) California lacks a plan to accommodate growth; 3) local government is plagued by fiscal insecurity; and 4) the public is not engaged.

The commission made eight recommendations:

1. LAFCO policies and procedures should be uniform, streamlined and clarified.
2. LAFCO must be neutral, independent and balanced in representation of counties, cities and special districts.
3. LAFCO powers must be strengthened to prevent sprawl and ensure the orderly extension and evolution of local government services.
4. The Legislature must strengthen LAFCO policies to protect agricultural and open-space lands.
5. The Legislature must comprehensively revise the state-local fiscal relationship.
6. The Legislature must develop incentives to encourage coordination of local plans within each region.
7. The Legislature must enhance communication, coordination, and procedures of LAFCO organizations and local governments.
8. The Legislature must increase opportunities for public involvement, active participation, and information regarding government decision-making.

These recommendations were incorporated into the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, which was adopted by the Legislature in September 2000, and became effective in 2001.

C. THE LEGISLATURE’S POLICY DIRECTION TO MONO LAFCO

Legislature has charged LAFCO with carrying out changes in governmental organization to promote specified legislative policies now codified in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Cortese-Knox-Hertzberg Act is set forth at length in Section 56000 of the Government Code. Section 56001, 56300, 56301, 56375, 56377, and 56668, contains the following major policy elements:

1. Orderly Growth: LAFCO is charged with encouraging orderly growth and development. Providing housing for persons and families of all incomes is an important factor in promoting orderly development (56001).
2. Logical Boundaries: LAFCO is responsible for encouraging the logical formation and determination of boundaries (56001).
3. Efficient Services: LAFCO must exercise its authority to ensure that affected populations receive adequate, efficient and effective governmental services (56001).
4. Preservation of Agricultural and Open Spaces: LAFCO is required to exercise its authority to guide development away from open space and prime agricultural land uses unless such actions would not promote planned, orderly and efficient development (56001).

D. MONO LAFCO JURISDICTION

1. Specific Authority (56375). Mono LAFCO has the specific authority to review and approve or disapprove:
 - a. Annexations to, or detachments from, cities or districts.

- b. Formation or dissolution of districts.
 - c. Incorporation or disincorporation of cities.
 - d. Consolidation, merger or reorganization of cities or districts.
 - e. The establishment of a subsidiary district(s).
 - f. The preparation of Municipal Service Reviews and adoption, amendment and update of Spheres of Influence.
 - g. Extensions of service beyond an agency's jurisdictional boundaries through out-of-agency-service agreements.
 - h. Pursuant to Government Code §56434, the commission may review and approve proposals that extend services into previously unserved territory.
 - i. Provision of new or different services by districts.
2. Limited Authority to Initiate Proposals (56375.2. a).
Under specific circumstances, Mono LAFCO may initiate proposals resulting in consolidation of districts, formations, dissolution, merger, or establishment of subsidiary districts, or reorganizations that include any of those changes of organization.
 3. Authority to Modify Proposals (56375.a. 1).
Mono LAFCO has the power to conduct studies, make recommendations, approve or disapprove proposals, modify boundaries and impose reasonable terms and conditions on approvals of proposals. Mono LAFCO will weigh, balance, deliberate and set forth facts and determinations regarding each action taken by the commission.
 4. Limitation of Authority Relating to Land Use Conditions (56375.6).
In order to carry out the legislative policies identified above, Mono LAFCO will exercise its power to make findings and approve or disapprove applications, or to impose reasonable conditions on approved applications based upon findings of fact. However, while Mono LAFCO organizations in general are charged with consideration of the impacts of land use in their determinations, they are prohibited from directing specific land use or zoning actions. Mono LAFCO can deny an application where the land use that would result violates the statutory policies of the Cortese-Knox-Hertzberg Act. The California Supreme Court has explained this unusual combination of power to deny coupled with no power to impose specific land use conditions to solve the same policy issue. It said the prohibition on imposing conditions regarding land use "*merely insures that final zoning decisions are made by the local agencies concerned. It certainly does nothing to detract from the power of a LAFCO to disapprove an annexation if it finds that it violates the detailed criteria which a Mono LAFCO must consider.*" Bozung v. LAFCO (1975) 13 Cal. 3d 263, 284. Thus, for example, Mono LAFCO may disapprove an application for an annexation to a city if it would create an area of urban development that is difficult to serve, or because it would cause the premature development of agricultural land. However, Mono LAFCO could not carry out the same policies by requiring land to be rezoned from residential to agricultural use, or by other direct exercise of land use authority through the zoning or subdivision process.

E. MONO LAFCO COMPOSITION AND LEGISLATIVE CHARGE

The LAFCO commissioner's role cannot be separated from the role of the commission itself.

1. General Statutory Requirements: Mono LAFCO is an independent and neutral, intra-local agency created by the Legislature to implement policies that the Legislature determined must be addressed from a regional perspective.
2. Independent Agency: Mono LAFCO is, by statute, a separate public agency from the County, the cities and the districts that provide funding and appoint members from the different agencies and the public to the commission.
3. Intra-Local Representation: The legislative body of Mono LAFCO is the commission. The Legislature established the composition of the commission to be representative of the local

governmental agencies in the county by providing for city, county, special district, and public membership.

4. **Public Interest:** While the commission is primarily made up of members appointed by individual local agencies, the Legislature requires the commissioners to exercise their independent judgment in carrying out the provisions of the Act and to make their decisions impartially, on behalf of the public as a whole (56325.1). Decisions required of Mono LAFCO relating to the most efficient form of local government and the preservation of agricultural and open-space lands inherently involve the balancing of potentially competing interests of cities, counties and special districts. In addition, such determinations usually affect the public at large because of various options for the delivery of services. Commissioners are not selected to represent or to cast the vote of their appointing agencies. While commissioners' decisions may be informed by their experience at their agency, the interests of that agency must not dictate those decisions.

Since commissioners are appointed by law to impartially carry out objective policies concerning public policy issues within the county, it is presumed that they will do so. It is for this reason that the Legislature determined that it is not an automatic conflict of interest for a commissioner to vote on issues that may affect their appointing agency. Nevertheless, if a commissioner feels that he or she is unable to act impartially, the commissioner should voluntarily disqualify himself or herself from participation on the issues presented.

II. BYLAWS FOR THE MONO LOCAL AGENCY FORMATION COMMISSION

A. ARTICLE I – TITLE

This commission shall be entitled and known as the Mono Local Agency Formation Commission.

B. ARTICLE II – MEETINGS

Section 1 – Date and Place

Regular Meetings: The bylaws specify regular meetings shall be held on the first Wednesday of each month, as needed. Scheduled meetings falling on holidays are held on the next regular business day, or are rescheduled.

Special Meetings: Special meetings may be called as needed, provided at least 24 hours public notice is given to each member of Mono LAFCO, newspaper and radio stations. The notice must specify the items of business, and only those items can be considered.

Notices, Agendas and Staff Reports: Notices, agendas and staff reports for each meeting are prepared by the executive officer based upon matters of business scheduled to come before the commission.

Notices of hearings are mailed approximately 15 days prior to each meeting. A packet consisting of the agenda and all staff reports is distributed approximately five days prior to the meeting.

Section 2 – Chair

A chair shall be selected by the members. It is the intent that the office of chair be rotated among the members. A member shall serve as chair for one year or until a successor is selected, unless the commission by unanimous vote elects to retain the same chair for a second year. The chair's term of office shall begin on the first Monday in May.

Section 3 – Vice-Chair

A vice-chair shall be selected by the members to serve for one year or until a successor is selected. The vice-chair shall serve as chair in the absence of the chair. The office of vice-chair

shall be rotated in a manner similar to that of the chair. The vice-chair's term of office shall begin on the first Monday in May.

Section 4 – Quorum

A majority of the commission's members shall constitute a quorum for the transaction of business.

Section 5 – Voting

A majority of the commission's members is required to approve, disapprove, or otherwise act on any proposal or other item. A tie vote shall constitute a denial.

C. ARTICLE III – RECORDS OF PROCEEDINGS

Section 1. All papers involving official acts of the commission shall be signed in accordance with appropriate statutes relating to such acts. In the absence of specific regulations, the signature of the chair or vice-chair attested by the executive officer or commission secretary shall be deemed sufficient.

Section 2. Routine correspondence, communications, or certifications may be signed by the executive officer.

Section 3. The executive officer shall keep a record of the resolutions, transactions, findings, and determinations of the commission.

D. ARTICLE IV – HEARINGS

Section 1 – Oaths. All persons giving testimony before the commission may be sworn by the secretary.

Section 2 – Order of Presentation. The staff shall make its report first. The proponents shall then present testimony. After the staff and the proponents have presented testimony, the commission shall hear testimony of those opposing the proposed action.

Section 3 – Rules of Evidence. The formal rules of evidence applicable to an action of law shall not apply to hearings before the Mono Local Agency Formation Commission. The only rule that shall govern the admissibility or the reception of evidence is the requirement that offered evidence has some reasonable tendency to explain or shed light upon the matter in inquiry.

E. ARTICLE V – COMMISSION COMPOSITION

1. **Selection of Members.** The authority and procedures for selecting members to serve on Mono LAFCO are contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (56325).
2. **City Members.** Two regular, and one alternate, city members are chosen by, and serve at the pleasure of, the Mammoth Lakes Town Council. City members of Mono LAFCO must be a member of Town Council during the time they serve. The appointed term of office on Mono LAFCO is four years, expiring on the first Monday in May.
3. **County Members.** Two regular, and one alternate, county members are appointed by, and serve at the pleasure of, the Board of Supervisors. The appointed term of office is four years, expiring on the first Monday in May. County members must be a County Supervisor during the time they serve.
4. **Public Members.** One regular and one alternate public member represent the general public. The public members are appointed by, and serve at the pleasure of, the regular city, county and special district members of Mono LAFCO. The public member and alternate serve a four-year term, which also expires on the first Monday in May. The manner of recruiting and selecting the public member is a policy decision for the regular city, county and special district members. No person

- appointed as a public member or alternate public member pursuant to (56329) shall be an officer or employee of the county or any city or district with territory in the county.
5. Special District Members. The commission of any county can be enlarged to seven members to include two special district representatives. Mono LAFCO has enlarged its commission in such a manner. The Special District Selection Committee appoints two regular and one alternate special district commissioners to serve on the commission. The two regular and one alternate special district commissioners serve four-year terms expiring on the first Monday in May. Special District commissioners are appointed by, and serve at the pleasure of, the Special District Committee, which is composed of the presiding officer or other board member of the legislative body of each independent special district in the county. If the executive officer determines that a meeting of the special district selection committee, for the purpose of selecting the special district representatives or for filling a vacancy, is not feasible, the executive officer may conduct the business of the committee in writing. The executive officer may call for nominations to be submitted in writing within 30 days. At the end of the nominating period, the executive officer shall prepare and deliver, or send by certified mail, to each independent special district one ballot and voting instructions. If only one candidate is nominated for a vacant seat, that candidate shall be deemed selected, with no further proceedings. As an alternative to the delivery of certified mail, the executive officer, with the prior concurrence of the district, may transmit the ballot and voting instructions by electronic mail, provided that the executive officer shall retain written evidence of the receipt of that material (56332 c.1).
 6. Alternate Members. Alternate members assure there will be a qualified person entitled to vote when a regular member is disqualified or absent. Alternate members may participate fully in Mono LAFCO proceedings with the exception that they do not vote except in the absence or disqualification of a regular member.
 - a. The alternate city member may vote only in place of a regular city member.
 - b. The alternate county member may vote only in the place of a regular county member.
 - c. The alternate public member may vote only in the place of the regular public member.
 - d. The alternate special district member may vote only in the place of a regular special district member. Alternate members receive the same compensation as regular members for their attendance. Alternates are encouraged to participate in Mono LAFCO meetings and attend CALAFCO conferences and workshops.
 7. Compensation. The Board of Supervisors has authorized payment of a per diem to members of Mono LAFCO for attendance at Mono LAFCO meetings. Compensation is \$25 per meeting and both regular and alternate members are entitled to receive this amount.
 8. Mileage and Expenses. Mileage to and from Mono LAFCO meetings is reimbursed at the current County rate. Mileage and other necessary expenses incurred while on LAFCO business are also compensable.

F. ARTICLE VI – COMMISSION RULES

Rule 1. Resolutions of the commission may be adopted conditionally and referred to the commission counsel for drafting in proper form.

Rule 2. All questions of law shall be referred to the commission counsel for opinion.

Rule 3. An agenda shall be prepared by the executive officer for each meeting of the commission, and a clear description of all matters requiring action shall be set forth therein. The commission may act on several items on the agenda under the heading “Consent Agenda” at one time, providing that there has been compliance with any mandatory notice and hearing procedures.

Rule 4. The commission shall select a chair and vice-chair to serve for a period of one year from the selection.

Rule 5. The executive officer of the commission shall be appointed by the commission.

Rule 6. The county counsel of the County of Mono shall assign legal counsel to the commission.

Rule 7. The executive officer shall appoint a staff analyst, a commission secretary, and other staff, as necessary, to conduct the business of the Local Agency Formation Commission.

Rule 8. The chair may second any motion and present and discuss any matter as a member of the commission. The chair may vote on all matters before the commission.

Rule 9. The roll need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of any objection, the chair may order the motion unanimously approved. When the roll is called on any motion, any member present who does not vote in an audible voice shall be recorded as voting "aye."

Rule 10. The chair shall preserve order and decorum and shall decide questions of order subject to appeal to the commission.

Rule 11. Any citizen desiring to address the commission shall, when recognized by the chair, step to the rostrum and give his name to the secretary. The chair may, in the interest of facilitating the business of the commission, limit the amount of time a citizen may use in addressing the commission.

Rule 12. All official actions or decisions by the commission shall be recorded in the minutes of the commission meeting and communicated by the secretary to all interested parties.

Rule 13. Written protests may be filed with the secretary of the commission prior to the time of the public hearing or may be presented to the commission at the time of the public hearing. The commission may consider written protest as one of the factors involved in the evaluation of a proposal. Following the disposition of the proposal, all written protests shall be referred to the executive officer to be inserted in the proposal file.

Rule 14. A Petition, Resolution of Application, or Application for Initiation of Proceedings may be withdrawn only after it has been accepted for filing by the executive officer, with the approval of the commission, and in accordance with the terms and conditions imposed by the commission.

Rule 15. A Petition, Resolution of Application, or Application for Initiation of Proceedings filed with the executive officer shall be accompanied by a completed proposal questionnaire, in the manner and form prescribed by the executive officer. An Application for Initiation of Proceedings shall also be accompanied by a list of sponsors, in the manner and form prescribed by the executive officer.

Rule 16. The executive officer shall ascertain each local agency required by law to be notified of the hearing on the proposal and secure from each local agency affected by the proposal a written statement providing such information as may be required by the commission. The failure of any agency to provide the information required by the commission within 45 days from the date of receipt of the request for information by the executive officer shall be deemed to be complete acquiescence to the proposal on the part of the local agency, and the local agency shall not be permitted to give testimony or evidence at the hearing on the proposal unless the failure to provide the required information is explained to the satisfaction of the commission.

Rule 17. Any rule may be altered, amended, or repealed by majority vote of the commission, except that such alteration, amendment, or repeal shall not affect any pending matter.

Rule 18. Any rule may be temporarily suspended by unanimous consent of the commission.

Rule 19. At the meeting succeeding that during which a final vote on any question has been taken, said vote may be reconsidered on the motion of any member of the commission, provided notice of intention to move such reconsideration shall have been given at the meeting at which such final vote was taken by a member voting with the majority; and it shall not be in order for any member to move for reconsideration at the meeting at which such final vote was taken. Said motion for reconsideration shall have precedence over every other motion except a motion to adjourn.

Rule 20. A checklist of procedural requirements for each proposal shall be prepared as part of the staff report for consideration by the commission.

Rule 21. A majority of the members of the commission shall constitute a quorum for the transaction of business.

Rule 22. Emergency or special meetings shall be called as provided in Section 54956 of the Government Code of the State of California.

Rule 23. The following procedures shall be utilized in the development and adoption of Spheres of Influence by the commission:

The executive officer of the commission shall solicit comments and opinions from the local governmental agency whose Sphere of Influence is under study and from other such agencies whose interest, in the opinion of the executive officer, may be affected by the study being undertaken. The information received from these agencies shall be considered by the executive officer in his preparation of a proposed Sphere of Influence determination for the agency.

Rule 24. Applicants should pay the necessary processing fee to cover a portion of the costs of preliminary proceedings to be taken by the commission upon any proposal. The fee should be deposited with the executive officer by the applicant within five days after the proposal is filed with the commission. No further action should be taken on the proposal until the processing fee is deposited with the executive officer. The commission may waive any fee by a four fifths affirmative vote if it determines that the imposition of such a fee will be detrimental to the public interest.

G. STAFF

The Mono LAFCO does not have its own employees, per se. Instead, the executive officer and others in the Mono LAFCO office are employed by the County of Mono and are employed by virtue of the adopted budget and provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act (CKH) of 2000.

1. Executive Officer. The executive officer serves at the pleasure of the commission. The commission may choose a new executive officer when a vacancy occurs or at any time the services of the incumbent are not deemed satisfactory (56384). The CKH Act sets forth the following specific responsibilities for the executive officer:
 - a. Conduct and perform the day-to-day business of the commission;
 - b. Review each application filed and prepare a report, including recommendations thereon; and
 - c. Prepare an impartial analysis of a ballot proposition for approval by the commission when required by law.
2. Recruitment and Appointment. There are no statutory requirements for recruiting and appointing the executive officer. This matter is subject to the discretion of the commission. Mono LAFCO has traditionally appointed the Community Development Director as its executive officer.
3. Commission Secretary. The commission secretary is supervised by the executive officer and serves at the pleasure of the executive officer and the commission. Responsibilities include a wide variety of clerical, administrative, and statutory responsibilities.
4. Commission Counsel. The Mono Local Agency Formation Commission utilizes the county counsel's office as commission counsel. Counsel advises the commission with respect to applicable statutes, proper proceedings, and other matters as necessary.
5. Other Staff. Further, the CKH Act provides in Section 56386.a, that the officers and employees of a city, county, or special district, including any local agency, school district, community college district, and any regional agency, or state agency or department, as may be necessary, or any other public agency shall furnish the executive officer with any records or information in their possession that may be necessary to assist the commission and the executive officer in their duties, including, but not limited to, the preparation of reports pursuant to Sections 56665 and 56800. (b) Upon request by the commission or the executive officer, the county surveyor, or any other county officer, county official, or employee as the board of supervisors may designate, shall examine and report to the commission or the executive officer upon any application or other document involving any of the matters specified in subdivision (1) of Section 56375.

H. BUDGET

1. Authority to Develop and Adopt. The CKH Act (56381) requires LAFCO to annually adopt a budget. The budget must be at least equal to the budget adopted for the previous fiscal year unless the commission finds that reducing staffing or program costs will still allow the LAFCO to fulfill the purposes and requirement of the Act. The CKH Act provides methods for apportioning LAFCO staffing and program costs among the County, Town and special districts. Through an agreement between the Town of Mammoth Lakes, Mono County and several special districts, Mono LAFCO budgets have been funded equally between the Town, County and Special Districts.
2. Budget Preparation Calendar. The executive officer prepares a proposed budget for LAFCO review in May and a final budget by June 15, after noticed public hearings. Once a budget is adopted by LAFCO, it is submitted to the County to be included in the budget recommendation to the Board of Supervisors. LAFCO may unilaterally amend its budget at any time on or before June 10. With the Board of Supervisors' concurrence, the LAFCO budget may be amended at any time prior to adoption of the final budget by the County.

III. LAFCO GENERAL POLICIES AND STANDARDS

The following are the general policies and standards that Mono LAFCO will apply to matters under Mono LAFCO consideration. Circumstances may arise where the application of one policy or standard may conflict with the application of another; in that event, Mono LAFCO will exercise its discretion to balance policies in a manner consistent with the directives within the Cortese-Knox-Hertzberg Act and with the standards set forth in these written policies and procedures.

A. COMMUNICATION BETWEEN LOCAL AGENCIES

Mono LAFCO has determined that an important part of its role is to encourage and promote communication and collaborative planning and studies between public agencies (such as the county, cities and special districts), members of the public, and service-providing members of the private sector such as water and electric companies.

B. URBAN DEVELOPMENT

Mono LAFCO will encourage application proposals that promote urban development to include through annexation to a city or district where it is reasonable to do so, and to discourage proposals for urban development without annexation. Mono LAFCO will also encourage cities and districts to annex lands that have been developed to urban levels, particularly areas that receive city or district services. Urban development includes development that utilizes either public water or sewer, and that involves industrial or commercial use, or residential use with density of at least one unit per 1.5 acres.

C. DISCOURAGING URBAN SPRAWL

Mono LAFCO will discourage urban sprawl, and the commission will make findings and deny proposals that can reasonably be expected to result in sprawl. Sprawl is characterized by irregular, dispersed, and/or disorganized urban or suburban growth patterns occurring at relatively low density and in a manner that precludes or hinders efficient delivery of municipal services, especially roads, public sewer and public water.

D. ENVIRONMENTAL CONSEQUENCES (CEQA)

LAFCO shall operate in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 and the Guidelines for implementation of the California Environmental Quality Act. Like other public agencies, Mono LAFCO is required to comply with CEQA and consider the environmental consequences of its actions. Each proposal must receive the

appropriate environmental review for consideration by the commission in making its decisions at times. Mono LAFCO is a “responsible agency” and reviews and considers the environmental document prepared for the project by another agency (city, county, or special district). Occasionally, Mono LAFCO will be the “lead agency” and may be required to prepare and certify a Negative Declaration or Environmental Impact Report (EIR) for a proposal. If a city, county, or special district is the proponent, it is usually the lead agency.

E. BALANCING JOBS AND HOUSING

Mono LAFCO will encourage applications that improve the regional balance between jobs and housing. Mono LAFCO will consider the impact of a proposal on the regional supply of residential housing for all income levels. The agency that is the subject of the proposal must demonstrate to the commission that any adverse impacts of the proposal on the regional affordable housing supply will be mitigated.

F. COMPACT URBAN FORM AND INFILL DEVELOPMENT ENCOURAGED

When reviewing proposals that result in urban development, Mono LAFCO will consider whether the proposed development is timely, compact in form and contiguous to existing urbanized areas. Mono LAFCO will favor development of vacant or under-utilized parcels already within a city or other urbanized area before annexation of new territory.

G. PUBLIC ACCESSIBILITY AND ACCOUNTABILITY

Mono LAFCO recognizes that the public’s ability to participate in the local governance process is improved when the government structure is simple, accessible, and when decision-makers are accountable to those affected. The commission will consider this principle when it evaluates proposals for change of organization or reorganization.

H. ADEQUATE SERVICES

Mono LAFCO will consider the ability of an agency to deliver adequate, reliable and sustainable services and water resources, and will not approve a proposal that has significant potential to diminish the level of service in the agency’s current jurisdiction. The agency must provide satisfactory documentation of capacity to provide service within a reasonable amount of time.

I. EFFICIENT SERVICES

Community needs are normally met most efficiently and effectively by proposals that:

1. Utilize existing public agencies rather than create new ones;
2. Consolidate the activities and services of public agencies in order to obtain economies from the provision of consolidated services; and
3. Restructure agency boundaries and service areas to provide more logical, effective, and efficient local government services.

J. COMMUNITY IMPACTS:

Mono LAFCO will consider the impacts of a proposal and any alternative proposals on adjacent areas, on mutual social and economic interests, and on the local government structure. The commission may deny a proposal if adverse impacts are not mitigated to an acceptable level.

1. Application. The application shall describe the effect the annexation could have on adjacent areas and outside the agency. It shall also describe any social and economic benefits, or detriments, that will accrue to the agency and other affected agencies. The proposal should not be motivated by inter-agency rivalry, land speculation, or other motives not in the public interest, and should not create significant negative social or economic effects on the County or neighboring agencies.

2. Explanation and Discussion. This standard responds to the Cortese-Knox-Hertzberg factor listed under Section 56668(c). As worded in the law, the factor is somewhat vague and tends to overlap with the purpose of several other standards, including those pertaining to the protection of agricultural land, meeting needs of the housing market, orderly growth, and the provision of urban services. Consequently, meeting this standard requires placing in perspective the overall beneficial consequences of a proposal as compared to potential negative impacts, through qualitative analysis.
3. Benefits. Examples of mutual social and economic benefits include achieving a balanced housing supply within the community, the provision of commercial areas where existing commercial development does not meet the needs of residents, the creation of new employment opportunities to meet the needs of the unemployed or under-employed, protecting sensitive resources, advancing the time when public improvements needed by the larger community may be provided, improvement of levels of service within the community without incurring additional costs or harming other public service providers and protection of communities of regional/national economic and social importance, through the utilization of permanent open space and reserve areas. These types of benefits may, in a given case, argue for a project as off-setting negative consequences or negative determinations identified in responding to other discretionary standards. The written response to this standard provides the opportunity to make a case for a proposal which, based on other standards, might appear to be questionable.
4. Impacts. Potential negative impacts upon the County and neighboring agencies will also be considered. Examples include proposals that negatively impact Special District budgets or service provision or proposals that demand Special District services without the provision of adequate funding, threaten major employers, alter current/future military missions or otherwise cause hardship to communities of regional/national economic and social importance.
5. Required Documentation. In cases where Special Districts might be harmed, either through detachment or annexation, the applicant should work with the executive director to identify the affected agencies and work with those agencies to identify and mitigate the impacts prior to the LAFCO hearing.
6. LAFCO will not normally approve detachments from special districts or annexations that fail to provide for adequate mitigation of the adverse impacts on the district. Where the adverse impact is fiscal, adequate mitigation will normally include a permanent funding source for lost revenues or increased costs to the affected Special District. Where potential impacts on other agencies have been identified, the application may be deemed incomplete or the LAFCO hearing continued until the applicant has met with the affected agencies and made a good-faith effort to reach agreement with those agencies on appropriate mitigation.
7. Standard. This standard requires that an application for a change of organization or reorganization show the interrelationship and effect of the proposed project on adjacent areas, both within and outside the boundaries of the affected agency, and to weigh the overall beneficial aspects of a proposal as compared to the potential negative impacts. The application shall provide a written response to this standard and all supporting documentation regarding mitigation.
8. LAFCO Action. If the applicant and the affected agencies have reached agreement on permanent, annual mitigation for the impacts to affected agencies, LAFCO will normally include the mitigation measures in its terms and conditions approving the change of organization. If the parties have failed to reach agreement, LAFCO shall hear from both sides and determine an appropriate mitigation, if any, and impose that mitigation to the extent it is within its powers. If the needed mitigation is not within LAFCO's authority and approval would, in the determination of the commission, seriously impair the district's operation, the commission may choose to deny the application.

K. CONFORMANCE WITH GENERAL, TRANSPORTATION, AND SPECIFIC PLANS

1. Consistency with General and Specific Plans. Mono LAFCO will approve changes of organization or reorganization only if the proposal is consistent with the general plan and relevant specific plans and transportation plans of the applicable planning jurisdiction.
2. Planning Jurisdiction. The applicable planning jurisdiction is as follows:
 - a. For areas within a city's sphere of influence, the city is the applicable planning jurisdiction; and
 - b. For areas outside a city's sphere of influence, Mono County is the applicable planning jurisdiction.
3. Notification of Consistency. Prior to consideration of the application and proposal by Mono LAFCO, the applicable planning jurisdiction shall be requested to advise Mono LAFCO in writing whether the proposal meets all applicable consistency requirements of state law, including internal consistency. If the applicable planning jurisdiction is also applying to Mono LAFCO by Resolution of Application, such findings may be included in the resolution. Mono LAFCO shall retain independent discretion to determine consistency and may require additional information if necessary, particularly where the proposal involves an amendment to the general plan of the applicable planning jurisdiction.
4. Consistency Found Adequate. For purposes of this standard, the proposal shall be deemed consistent if the proposed use is:
 - a. Consistent with the applicable general plan designation and text; and
 - b. The anticipated types of services to be provided are appropriate to the land use designated for the area.
5. Pre-zoning or Planning. All territory proposed for annexation must be specifically planned and/or pre-zoned by the planning agency. The pre-zoning or zoning of the territory must be consistent with its general plan and sufficiently specific to determine the likely intended use of the property. State law permits no subsequent change to the zoning by a city for a period of two years under most circumstances.

L. BOUNDARIES

1. Definite Boundaries Required. Mono LAFCO will not accept as complete any application for a proposal unless it includes boundaries that are definite, certain, and fully described.
2. Boundary Criteria. Mono LAFCO will normally favor applications with boundaries that do the following:
 - a. Create logical boundaries within the affected agency's Sphere of Influence, and where possible, eliminate previously existing islands or other illogical boundaries.
 - b. Follow natural or man-made features and include logical service areas, where appropriate.
3. Boundary Adjustments. Mono LAFCO will request that applicants amend their proposals if boundaries:
 - a. Split neighborhoods or divide an existing identifiable community, commercial district, or other area having a social or economic identity.
 - b. Result in islands, corridors, or peninsulas of incorporated or unincorporated territory or otherwise cause or further distort existing boundaries.
 - c. Are drawn for the primary purpose of encompassing revenue-producing territories.
 - d. Create areas where it is difficult to provide services.
4. Boundary Disapprovals. If Mono LAFCO cannot suitably adjust the boundaries of a proposal to meet the criteria established in item 2 above, it will normally deny the proposal.

M. REVENUE NEUTRALITY

Revenue neutrality is applicable to all proposals. Mono LAFCO will approve a proposal for a change of organization or reorganization only if the commission finds that the proposal will result in a similar

exchange of both revenues and service responsibilities among each affected agency. A proposal is deemed to have met this standard if the amount of revenue that will be transferred from an agency or agencies currently providing service in the subject territory to the proposed service-providing agency is substantially equal to the expense the current service provider bears in providing the services to be transferred.

1. Adjustment to Create Revenue Neutrality. In the event, the expense to the new service provider is substantially greater than or less than that amount of revenue transferred from the current service provider, the current service provider and new service-providing agency must agree to revenue transfer provisions to compensate for the imbalance. Such provisions may include, but are not limited to, tax sharing, lump-sum payments, and payments over a fixed period.
2. Failure to Achieve Revenue Neutrality. Where achieving substantial revenue neutrality is not possible because of the limitations of state law, Mono LAFCO shall impose all feasible conditions available to reduce any revenue imbalance, or it may deny the proposal. The commission recognizes that strict compliance with the revenue neutrality standard may not be feasible for certain proposals and that the need for service may sometimes outweigh the requirement for complete revenue neutrality. Where the failure to achieve revenue neutrality is primarily due to a disagreement between the affected agencies, the commission shall deny the application.
3. Revenue-Sharing Agreements. Paragraphs 1, 2, and 3 of this section will be considered to be complied with if:
 - a. The affected agencies have agreed to a specific revenue split for the proposal and have filed a copy of that agreement with the executive officer with a statement that the agreement adequately provides for revenue neutrality; or
 - b. A master tax exchange agreement or agreed-upon formula is in effect between the affected agencies and the agencies confirm in writing that such agreement is applicable to this proposal and that it provides for a balanced exchange of service costs and revenues.

N. PRIME AGRICULTURAL AND OPEN SPACE LAND CONSERVATION

A primary goal of Mono LAFCO is the preservation of open space and prime agricultural lands. Mono LAFCO will exercise its powers to preserve prime agricultural ("ag") land as defined in Section 56064 of the Government Code, and open-space land as defined in Section 65560 of the Government Code pursuant to the following standards

1. Conditions for Approval of Prime Ag/Open Space Land Conversion. Mono LAFCO will apply a heightened level of review when considering proposals for changes of organization or reorganization likely to result in the conversion of prime ag/open-space land use to other uses, and will approve such proposals only when the commission finds that the proposal will lead to planned, orderly, and efficient development. For purposes of this standard, a proposal leads to planned, orderly, and efficient development if all of the following criteria are met:
 - a. The land subject to the change of organization or reorganization either is contiguous to lands developed with an urban use or lands that have received all discretionary approvals for urban development.;
 - b. The proposed development of the subject lands is consistent with the Spheres of Influence, including the master services element of the affected agency or agencies; and
 - c. The proposal will have no significant adverse effect on the physical and economic integrity of other adjacent or nearby ag/open-space lands.
2. Approved Sphere of Influence Required. Mono LAFCO will not make the affirmative findings that the proposed development of the subject lands is consistent with the Spheres of Influence in the absence of approved Spheres of Influence, containing all of the elements required by Section III.B below.

3. Determining Impact on Adjacent Ag/Open Space Lands. In making the determination, whether conversion will adversely impact adjoining prime agricultural or open-space lands, Mono LAFCO will consider the following factors:
 - a. The prime ag/open space significance on the subject and adjacent areas relative to other ag/open-space lands in the region;
 - b. The use of the subject and the adjacent areas;
 - c. Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of adjacent or nearby prime ag/open-space land, or will be extended through or adjacent to any other prime ag/open-space lands that lie between the project site and existing facilities;
 - d. Whether natural or man-made barriers serve to buffer adjacent or nearby prime ag/open-space land from the effects of the proposed development; and
 - e. Applicable provisions of the general plan Open Space and Land Use elements, applicable growth-management policies, or other statutory provisions designed to protect agriculture or open-space land.
4. Comments on Prime Ag/Open Space Projects. Mono LAFCO will comment upon, whenever feasible, a Notice of Preparation for Environmental Impact Reports (EIRs) or projects that involve the development of large tracts of open space or agricultural land.
5. Williamson Act Contracts – Spheres. The commission will not normally approve a change to the Sphere of Influence of a local government agency of land that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (the Williamson Act) if that local government agency provides or would provide facilities and services related to sewers, nonagricultural water, or streets and roads to the land unless these facilities or services benefit land uses that are allowed under the contract and the landowner consents to the change to the Sphere of Influence. Mono LAFCO will make specific findings considering the criteria and applicability of Government Code Section 56426.5 prior to approval of a change to the Sphere of Influence.
6. Williamson Act Contracts – Annexations. Mono LAFCO will not normally approve or conditionally approve a change of organization or reorganization that would result in an annexation by a city or a special district of land that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (the Williamson Act), if that city or special district provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract. Mono LAFCO shall consider the criteria and applicability of annexing land pursuant to Government Code Section 56856.6.
7. Agricultural Buffer Policy. Mono LAFCO will normally disapprove an annexation of territory to a city or urban service district or the formation of a urban service district that will facilitate urban development where the territory to be annexed or formed is adjacent to agricultural lands unless adequate protections are included in the proposal to protect agricultural activities on nearby agricultural lands.

O. NEED FOR SERVICES

A need for the services that will be made available must be established. Mono LAFCO will determine that a need for service exists if any of the following situations are present:

1. Public Health and Safety Threat. If the lack of the service creates a demonstrated threat to the public health and safety.
2. Community Needs. If a proposal includes the extension or provision of community services that are not considered growth inducing, such as fire protection, recreation, road maintenance, etc., and the residents of the area have indicated a desire for the service. A positive indication from the residents may be established by a city or district being requested by residents to initiate annexation on their behalf.

3. Five-year Urbanization. If a proposal will result in the extension of services that may reasonably be expected to result in urbanization of the subject territory, the area growth patterns must indicate that the subject area is likely to be developed for urban use within five years, if permitted, and local planning regulations provide:
 - a. It is designated for urban uses in the appropriate land use authority's general plan;
 - b. If the proposal includes annexation to a city, the subject territory has been pre-zoned for urban uses; and
 - c. Development at the site is consistent with the policies of the applicable general plan, and the policies of the Cortese-Knox-Hertzberg Act.

P. TRIBAL LANDS

If a proposal involves an amendment or establishment of a Sphere of Influence or change of organization, which could ultimately lead to the provision of services to tribal lands, the proper tribal authority shall be informed of Mono LAFCO's intention to seek a partial waiver of sovereign immunity prior to its approval of a change of organization.

Q. UPDATED MUNICIPAL SERVICE REVIEW REQUIRED

At the time Mono LAFCO receives an application for a sphere of influence amendment, information contained in the applicable Municipal Service Review (MSR) shall be reviewed and updated, as necessary. Revised determinations within an applicable MSR will be required when significant changes in the MSR baseline result in inconsistencies with existing MSR determinations.

R. EXCEPTIONS

Mono LAFCO may make exceptions to any of the standards in this chapter if it determines that such exceptions can be justified under one or more of the following grounds:

1. Unique. The project has a unique physical constraint that is so unusual and inconsistent with other similar locations that granting an exception would constitute a grant of a special privilege.
2. Standards Conflicts. The exception is required to resolve conflicts between standards of the policies set forth herein.
3. Quality/Cost. Making an exception results in significantly improved quality or substantially lower cost of service available.
4. No Alternative. The exceptions are required because no feasible or logical alternative exists.

IV. SPHERES OF INFLUENCE

A. GENERAL POLICIES

Mono LAFCO must adopt a sphere of influence for each city and each district in its jurisdiction, and all Mono LAFCO actions must be consistent with a sphere plan. Mono LAFCO must review as necessary and update each agency's Sphere of Influence at least once every five years. A Sphere of Influence is defined in Section 56425 of the Government Code as "a plan for the probable physical boundary and service area of a local agency or municipality as determined by the commission."

The determination of a Sphere of Influence is one of the most important planning functions given to Local Agency Formation Commissions by the state Legislature. The Cortese-Knox-Hertzberg Act is an important tool for "planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities describes Spheres of Influence." Spheres serve a similar function in Mono LAFCO determinations as general plans do for cities and counties. Consistency with the adopted sphere is mandatory, and changes to the plan require careful review.

While Mono LAFCO encourages the participation and cooperation of the subject agency, the sphere of influence plan is a Mono LAFCO responsibility, and the commission is the sole authority as to the sufficiency of the documentation and the plan's consistency with law and Mono LAFCO policy. In determining the sphere of influence of each agency, Mono LAFCO must consider and prepare a written statement of its determinations with respect to the following four factors as required by Section 56425 (e) of the Cortese-Knox-Hertzberg Act:

1. The present and planned land use in the area;
2. The present and probable need for public facilities and services in the area;
3. The present capacity of public facilities and adequacy of public services provided by the agency; and
4. Any social or economic communities of interest in the area that the commission determines are relevant to the agency.
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.
 - Upon determination of a sphere of influence, the commission shall adopt that sphere.
 - On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence.
 - In determining a sphere of influence, the commission may assess the feasibility of governmental reorganization of particular agencies and recommend reorganization of those agencies when reorganization is found to be feasible and if reorganization will further the goals of orderly development and efficient and affordable service delivery. The commission shall make all reasonable efforts to ensure wide public dissemination of the recommendations
 - When adopting, amending or updating a sphere of influence for a special district, the commission shall do both of the following:
 - 1) Require existing districts to file written statements with the commission specifying the functions or classes of services provided by those districts; and
 - 2) Establish the nature, location, and extent of any functions or classes of services provided by existing districts.

In order to prepare and update spheres of influence, Mono LAFCO is required to conduct a review of the municipal services provided in the county, region, subregion, or other appropriate designated area. The standards, procedures and policies Mono LAFCO applies to service reviews are set forth in these policies and procedures. Spheres of influence must be consistent with the findings of the applicable municipal service reviews and will be modified as necessary.

1. Consistency Requirement. Every sphere of influence plan must be internally consistent, as well as consistent with Mono LAFCO's Policies and Procedures, the state Legislature's policy direction to Mono LAFCO, the sphere plans of all other agencies in the area, the commission's statement of written determinations with respect to its review of municipal services in the applicable area, and with the long-range planning goals for the area.
2. Sphere Boundaries. In establishing the boundaries of a sphere of influence plan for an agency, Mono LAFCO will consider the factors listed in Section 56425 (e) of the Government Code as noted above.
 - a. With respect to the second factor (present and probable need for public facilities and services), Mono LAFCO will not include lands that are unlikely to require the services provided by the agency; e.g., lands not designated for development by the applicable general

- plan, territory where development is constrained by topographical factors, or areas where the projected and historical growth rates do not indicate a need for service within the timeframe of the sphere plan.
- b. With respect to the third factor (present capacity of facilities and adequacy of services), Mono LAFCO will not include areas in an agency's sphere of influence, which cannot feasibly be served by the agency within a time frame consistent with the sphere plan.
 3. No Concurrent Amendment. Mono LAFCO will not amend a Sphere of Influence concurrently with its action on an applicant's proposal. Exceptions to this standard generally will be discouraged and will occur only when necessary and practical and at the direction of the commission upon the recommendation of the executive officer.
 4. Time Factor. Sphere of Influence amendments and municipal service reviews will ordinarily take longer to process than applications for changes of organization and generally will require more-detailed information.
 5. Updated Plans Encouraged. Agencies are encouraged to keep the supporting documentation for their Municipal Service Reviews and Sphere of Influence plans up to date so that applications for changes of organization or reorganization are able to proceed with minimal delay.
 6. Planning Concern Area. Mono LAFCO may designate, at its discretion, a geographic area beyond the Sphere of Influence as a Planning Concern Area to any local agency.
 - a. An Area of Concern is a geographic area beyond the Sphere of Influence in which land use decisions or other governmental actions of one local agency (the "Acting Agency") impact directly or indirectly upon another local agency ("the Concerned Agency"). For example, approval of a housing project developed to urban densities on septic tanks outside the city limits of a city and its sphere of influence may result in the city being forced subsequently to extend sewer services to the area to deal with septic failures and improve city roads that provide access to the development. The city in such situation would be the Concerned Agency with appropriate reason to request special consideration from the Acting Agency in considering projects adjacent to the city.
 - b. Mono LAFCO will notify any Concerned Agency when the commission receives notice of a proposal of another agency in the Planning Concern Area to the Concerned Agency, and will give great weight to its comments.
 7. Zero, Minus, and Interim Spheres. The commission may adopt a "zero" sphere of influence (encompassing no territory) for an agency when the commission has determined that the public service functions of the agency are either non-existent, no longer needed, or should be reallocated to some other agency of government. Adoption of a "zero" sphere indicates the agency should ultimately be dissolved. The commission may initiate dissolution of an agency when it deems such action appropriate. The commission may adopt a "minus" sphere (excluding territory currently within that agency's boundaries) when it has determined that territory within the agency's boundaries is not in need of the agency's services, or when the agency has no feasible plans to provide efficient and adequate service to the territory in question. The commission may adopt an "interim sphere," which means a sphere of influence boundary that will remain in effect until such time that the agency is joined into a city or another special district capable of providing the same or broader level of services.

B. CONTENTS OF THE SPHERE OF INFLUENCE PLAN

1. General Requirements. The Spheres of Influence for all cities and special districts within Mono LAFCO jurisdiction shall contain the following:
 - a. A sphere map of the depicted territory defining the probable boundary of the agency's service area 20 years hence (the long term of influence).
 - b. Documentation to support the commission's determinations regarding the factors stated in §56425(e). Generally, this information will be provided in the applicable Municipal Service Review(s), supplemented and updated as necessary to assure the information and analysis

satisfy Mono LAFCO policy requirements and are complete, current and accurate.

2. Specific Requirements for City Sphere Plans.
 - a. City/County Agreement. When required by G. C. §56425(b), a city and county shall meet and confer regarding the boundaries of the city's sphere prior to the commission's final determination. If a city and county have reached agreement regarding the boundaries, development standards, and zoning requirements within a proposed city sphere, the commission shall give great weight to the agreement in the commission's final determination of the city's sphere.
 - b. Parcel Inventory and Absorption Study. The commission must be able to make a positive determination that the city's sphere is consistent with its historical and expected growth rates, and that the territory within the sphere is likely to be annexed within the 20-year time frame. The commission's determination will be based on information provided by the city, including: 1) private vacant land inventory; 2) analysis of the vacant lands to determine their suitability for development; and 3) market study to determine the absorption rate of the usable vacant lands. If the city is unable to supply such information, LAFCO will make a sphere determination after considering the city's historical growth rates for each land use designation, pertinent city and use and zoning regulations, and the physical characteristics of the property intended to be included in the sphere.
 - c. Spheres for New Cities. The commission should adopt a Sphere of Influence plan for a newly incorporated city within a year of the date of incorporation.
3. Specific Requirements for District Sphere Plans.
 - a. Appropriate capacity. A district's sphere plan must document that the territory within the district's sphere is likely to require the district's services and that the district has or will have the capacity to serve the area at the appropriate level.
 - b. Spheres for new districts. Mono LAFCO will adopt a Sphere of Influence plan for a newly formed district within two years of the completion of formation proceedings.

C. MUNICIPAL SERVICE REVIEWS

In order to establish an appropriate sphere for an agency, Mono LAFCO must have adequate information on present and future service needs in the area and the capabilities of the agency to meet those needs. To this purpose, the Cortese-Knox-Hertzberg Act requires Mono LAFCO to conduct service reviews prior to establishing or updating spheres of influence. A service review is a comprehensive review of provision of specified services within a designated geographic area. Its purpose is to evaluate the provision of services on a regional basis and to recommend actions, when necessary, to promote the efficient provision of those services. The service reviews are intended to help Mono LAFCO, the public and other agencies better understand the public service structure and evaluate options for the provision of efficient and effective public services. Mono LAFCO uses the information and analysis provided by the Municipal Service Review (MSR) to ascertain whether an agency can provide adequate and efficient services to the areas in the agency's sphere within the applicable time frame.

Mono LAFCO will prepare or update the appropriate Municipal Service Reviews prior to or in conjunction with the adoption or update of an agency's sphere of influence plan. The commission will periodically develop and implement a multi-year coordinated schedule for preparing MSRs and updating spheres of influence, in accordance with the Legislature's direction to review each agency's sphere of influence every five years and update as necessary and provided for in Mono LAFCO's budget.

1. General Standards. Mono LAFCO shall prepare Municipal Service Reviews in conformance with the provisions of Government Code §56430. A Municipal Service Review must provide information specific to each agency to support the commission's written determinations with respect to the following:

- a. Growth and population projections for the affected area;
 - b. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies;
 - c. Financial ability of agencies to provide service;
 - d. Status of, and opportunities for, shared facilities;
 - e. Accountability for community service needs, including governmental structure and operational efficiencies; and
 - f. Any other matter related to effective or efficient service delivery.
2. Municipal Service Reviews Must Support Spheres of Influence. In addition to the requirements discussed above, Municipal Service Reviews shall contain information on which the commission can base its determination of the appropriate sphere of influence for an agency, including:
- a. Identification of existing land uses and a reasonable projection of land uses, which would occur if services were provided consistent with each agency's sphere of influence plan. This analysis should include maps and explanatory text detailing the following:
 - Present designated and actual land uses in the area, improved and unimproved properties, and agricultural and open-space lands, as defined by G.C. Sections 56064 and 56059;
 - Proposed future land uses in the area; and
 - Discussion of present and probable future needs for public facilities and services in the sphere area. The discussion should include consideration of the need for all types of major facilities, not just those provided by the agency.
 - b. A determination of the present and future capacity of facilities and adequacy of services the agency provides or has plans to provide. The review must include specific information and analysis of how the agency will meet anticipated growth in demand within its current boundaries and within the area included in its sphere. This information will guide the commission's designation of appropriate sphere of influences in the Sphere of Influence plan. The required information should include the following:
 - Maps and explanatory text that indicate the location and capacity of existing and proposed facilities, including a plan for timing and location of new or expanded facilities;
 - Actual and projected costs of services to consumers in current dollars. A statement of actual and projected allocations of the cost of services between existing and new residents shall be included.
 - c. Identification of any relevant social or economic communities of interest in the area. For example, an area completely within one subdivision governed by a single homeowners association should be noted, in order to avoid unnecessary division of the territory between service agencies.
 - d. Uses of the Municipal Service Review. Upon approval of the Municipal Service Review, Mono LAFCO will utilize it both in establishing the agency's sphere of influence and in the consideration of all proposals affecting that agency.

D. AMENDMENTS AND UPDATES OF SPHERES

1. Adoptions and Revisions. Mono LAFCO will adopt, amend, or update Sphere of Influence plans after a public hearing and pursuant to the procedures set forth in Section 56430 of the Cortese-Knox-Hertzberg Act. Sphere actions are subject to the provisions of the California Environmental Quality Act (CEQA). After the initial updates, Sphere of Influence plans for every city and special district within the county shall be updated as necessary as determined by the commission. Wherever possible, city sphere updates shall be scheduled to coincide with city general plan updates.
2. Amendments and Updates Defined. Amendments generally involve discrete changes to a sphere of influence map or plan that are proposed by an agency or individual to accommodate a specific

- proposal. An amendment may or may not involve changes to the Municipal Service Review information. Updates generally involve a comprehensive review of the entire sphere of influence plan, including the map and applicable Municipal Service Review(s).
3. Amendments Required. An amendment to the sphere of influence plan or municipal service review will be required in the following circumstances:
 - a. To modify a sphere by adding or removing territory;
 - b. To move territory from one sphere of influence to another;
 - c. When a district seeks to provide a new or different function or class of service; and
 - d. When an agency proposes a significant change in its plans for service that make the current sphere plan impractical.
 4. Updates Required. Mono LAFCO will review the adopted sphere of each agency not less than once every five years, and will update it, as the commission deems necessary. Prior to completion of a sphere of influence update, Mono LAFCO will request the agency provide updated information for the applicable Municipal Service Review(s) and the Spheres of Influence. In the absence of adequate information from the agency, the commission will complete the sphere update by identifying the territories that currently receive the agency's services and excluding unserved territories from the sphere.
 5. General Requirements. Mono LAFCO will generally treat an update or a proposed amendment to an agency's Sphere of Influence similarly to an application for approval of a Sphere of Influence. Each of the following sets of policies apply to amendments to and updates of Spheres of Influence:
 - a. General policies; and
 - b. Specific policies and standards for Spheres of Influence and for updates and amendments thereto.

Mono LAFCO will not approve a sphere plan that would result in a sphere that is inconsistent with other Mono LAFCO policies or standards unless a specific finding is made.
 6. Precedence of Amendments over Annexations. Sphere of Influence amendments shall precede the commission's consideration of proposals for change of organization or reorganization.
 7. Treatment of Amendment under Spheres of Influence. Mono LAFCO will not place territory in an agency's sphere of influence unless the agency can show an immediate need for service by clear and convincing evidence.
 8. Demonstrated Need Required. An application for amendment to a Sphere of Influence must demonstrate a projected need or (in the case of reduction of the sphere) lack of need for or inability to provide service.
 9. Prime Agricultural and Open Space Land. Mono LAFCO will not approve amendment proposals involving sphere expansion that contain prime agricultural or open-space land if there is sufficient alternative land available for annexation within the existing Sphere of Influence.

E. DISTRICTS AND SERVICES THAT ARE NOT GROWTH-INDUCING

The commission may prepare abbreviated Municipal Service Reviews and Sphere of Influence Updates for agencies and districts providing non-growth inducing services, and where appropriate, determine Sphere of Influence actions to be exempt from the provisions of CEQA.

Non-growth-inducing services are defined as all public services except water conveyance, treatment, extraction and use of ground and (or) surface water for domestic services or to facilitate urban development; domestic wastewater collection, treatment and disposal to facilitate urban development; road construction and maintenance services. Districts providing non-growth-inducing services normally would serve finite geographical areas, surrounded by public lands, provide limited specified services to residents or landowners, have coterminous district/sphere of influence boundaries and are not generally or routinely considered for expansion through annexations or sphere amendments for the purpose of providing services for existing or future urban development.

V. ANNEXATIONS AND DETACHMENTS

A. GENERAL STANDARDS FOR ANNEXATION AND DETACHMENT

These standards govern Mono LAFCO determinations regarding annexations to and detachments from all agencies.

1. Consistency with Mono LAFCO Policies. The annexation or detachment must be consistent with the General Policies set forth in Section II of this chapter above.
2. Consistent with regional transportation plans and with city or county general and specific plans.
3. Consistency with Spheres and Municipal Service Reviews.
 - a. The annexation or detachment must be consistent with the internal Spheres of Influence boundaries. The land subject to annexation shall normally lie within the sphere of influence, which is land expected to be annexed before the next sphere update.
 - b. The annexation must also be consistent with the applicable Municipal Service Review. An annexation or detachment shall be approved only if the Municipal Service Review and any update done as part of the annexation process demonstrate that adequate services will be provided within the time frame needed by the inhabitants of the annexed or detached area.
 - c. Proposed annexations of lands that lie outside of the sphere of influence are presumed to be inconsistent with the Sphere Plan. In such case, the agency or proponent must first request Mono LAFCO consider a sphere amendment to bring the territory within the sphere of influence. Only if the amendment is approved can Mono LAFCO proceed with the annexation proposal.
4. Plan for providing services required. Every proposal must include a plan for providing services that addresses the items identified in Government Code Section 56653. This plan for providing services must be consistent with the Municipal Service Review of the agency.
5. Contiguity. If required by statute, or if necessary to ensure efficient service provision, territory proposed to be annexed must generally be contiguous to the annexing city or district. Territory is not contiguous if its only connection is a strip of land more than 300 feet long and less than 200 feet wide. (Government Code §56031 & § 56119)
6. Piecemeal Annexations Are Discouraged. Mono LAFCO will favorably consider proposals that are a part of an orderly, phased annexation program by an agency for territory within its Sphere of Influence. Mono LAFCO may modify small, piecemeal annexations within the sphere to include additional territory in order to promote orderly annexation and logical boundaries.
7. Annexations to Eliminate Islands. Proposals to annex islands and that otherwise correct illogical distortion of boundaries will be approved unless they would violate another provision of these standards.
8. Annexations That Create Islands. An annexation will not be approved if it will result in the creation of islands of incorporated or unincorporated territory or otherwise cause or further the distortion of existing boundaries. The commission may nevertheless approve the annexation where it finds that annexation as proposed is necessary for orderly growth and that reasonable effort has been made to include the island in the annexation but that inclusion is not feasible at this time.
9. Service Requirements. An annexation or attachment shall not be approved merely to facilitate the delivery of one or a few services to the detriment of either existing or future delivery of a larger number of services or services more basic to public health and welfare.
10. Adverse Impact of Annexation on other Agencies or Service Recipients. Mono LAFCO will deny annexation proposals that would result in significant adverse effects upon other service recipients or other agencies serving the affected area unless the approval is conditioned to avoid such impacts.
11. Need for Services. An annexation will normally not be approved unless an agency can

- demonstrate there is a demand and need for services in the short-term and that the annexation will not be premature meeting the criteria in Section II O.
12. Action Options. Mono LAFCO shall take one of the following three actions on an application for annexation or detachment:
 - a. Approve the proposal if it has found the change to result in the most efficient delivery of services for the affected population and complies with other applicable standards.
 - b. Modify or conditionally approve the proposal to ensure efficient service delivery and meet other policy objectives. These may include, but are not limited to:
 - Waiver of detachment from an existing service provider or, in the alternative, appropriate detachment fees.
 - Entering into a Joint Powers Agreement with another service provider.
 - Requiring the inclusion of additional territory or exclusion of territory in order to achieve boundaries that are more logical.
 - Such other conditions as authorized by Government Code § 56886.
 - c. Deny the annexation. In the event of such a denial, Mono LAFCO, where appropriate, may provide direction as to changes in the proposal that could cause the commission to consider approving a revised application.
 13. Service Extensions. Mono LAFCO disfavors extension of services by an agency without annexation unless such extension is by contract with another government entity or a private utility and the agency has sought Mono LAFCO approval through the filing of an application to Approve Out-of-Agency Service Agreement.

B. DETERMINATION OF THE MOST-EFFICIENT SERVICE PROVIDER

Mono LAFCO will approve an annexation and (or) detachment only if the commission determines that the annexing agency possesses the capability to provide better services for the affected population.

1. Best Combination of Service and Cost. For purposes of this standard, the best provider is the agency that provides the best combination of service cost and service level. In the case of providers with similar service costs, the provider with higher service levels normally shall be preferred. In the case of providers of similar service levels, the provider at the lowest cost normally shall be preferred. In comparing the providers of adequate but low-cost services, with high-quality, high-cost services, the commission shall make the decision based on the facts of the specific situation, compliance with other Mono LAFCO policies and the preferences of the affected population.
2. Annexation/Detachment. In the case of a city annexation and detachment from a special district, Mono LAFCO may consider the broader service issues in making the determination whether to approve the detachment and shift of services from the special district to the city. Even though when looked at in isolation, the service provided by the special district may be superior, Mono LAFCO may consider the overall efficiency and advantages of a single multipurpose agency and determine that these advantages justify the shift of service to the multipurpose agency or city.
3. “Affected Population” Defined. For purposes of this standard, “affected population” means any of the following:
 - a. The population, which inhabits or will inhabit the subject territory;
 - b. The population already being served by the annexing agency; or
 - c. The population of existing or potential alternative service providers.
4. Factors to be Considered. In evaluating the capability of an annexing agency or of alternative agencies, to provide the required service, Mono LAFCO shall utilize the information from the Municipal Service Reviews applicable to the proposed annexing entity, current service providers, and potential alternative service providers. In addition, Mono LAFCO shall take into account all of the following factors:

- a. Physical accessibility of the territory to the agency's service provision resources. For example, is the agency the provider of sewer service whose plant can most easily gravity-feed from the subject territory?
 - b. The agency's possession of or ability to acquire resources necessary to provide the needed service. For example, an agency may be judged unable to acquire water rights necessary to provide the water services needed by a territory proposed for annexation.
 - c. The agency's historic service provision effectiveness and efficiency. For example, an agency may be judged an inefficient service provider if it has a previously documented history of service interruptions, accidents, safety hazards, excessive complaints, noncompliance with CEQA, illegal activities or excess costs/charges.
 - d. The appropriateness of the agency's organizational structure to meet service needs. The legislative policy established in the Cortese-Knox-Hertzberg Act to favor consolidation of services into a single multi-service provider over allowing the proliferation of single-purpose service agencies.
 - e. The possibility of a negative effect on alternative service providers and those who use their services.
 - f. Other information supplied by the agencies and (or) developed by Mono LAFCO.
 - g. The factors listed in Government Code Section 56668.
5. Mono LAFCO Makes Determination. Mono LAFCO shall determine the most efficient overall service provider or combination of providers, not the affected agencies.

C. CITY ANNEXATIONS

1. Annexation of Streets. Annexations shall reflect logical allocation of streets and rights of way. Specifically:
 - a. Mono LAFCO may require inclusion of additional territory within an annexation in order to assure that the city reasonably assumes the burden of providing adequate roads to the property to be annexed. Where adjacent lands in the city will generate additional traffic, Mono LAFCO may require the city to annex the streets that serve these lands.
2. Mono LAFCO will favorably consider annexations with boundary lines located so that all streets and rights of way will be placed within the same jurisdiction as the properties that either abut thereon or use the streets and rights of way for access.
3. Urban Boundaries. Annexation boundaries shall normally be adjusted to include adjacent urbanized areas, to minimize piecemeal annexation, and to ensure the provision of urban services to the urbanized area.
4. Pre-zoning Required. The Cortese-Knox-Hertzberg Act requires the city to pre-zone territory to be annexed, and prohibits subsequent changes to the general plan and/or pre-zoning designations for a period of two years after completion of the annexation, unless the city council makes a finding at a public hearing consistent with the provisions of GC 56375 (e). The city's pre-zoning must take into account the likely intended development of the specific property.

In instances where Mono LAFCO amends a proposal to include additional territory, the commission's approval of the annexation will be conditional upon completion of pre-zoning of the new territory.

D. DETACHMENTS FROM CITIES AND DISTRICTS

1. General Requirements. Mono LAFCO will generally disfavor the detachment of territory from a high-quality service provider unless the following can be demonstrated:
 - a. The detachment is necessary to ensure delivery of services essential to the public health and safety;
 - b. The successor provider will be the most efficient services provider to the area as determined pursuant to Section IV.B above and the detachment will not significantly reduce the

- efficiency of service delivery to the remaining inhabitants of the current service provider's territory; or
- c. The agency is not providing service to the territory and is not likely to provide service in the foreseeable future.
2. **Bonded Indebtedness.** Detachment from a city or special district shall not relieve the landowners within the detaching territory from existing obligations for bonded indebtedness or other indebtedness incurred previously by the city or district to provide service to the detaching property unless the following apply:
 - a. The relief from indebtedness is part of a revenue exchange agreement applying to the detachment; and
 - b. The agency is legally authorized to and agrees to assume the cost and spread it over the remaining property within the agency.

E. EXTENSION OF SERVICES BY CONTRACT (GOVERNMENT CODE § 56133)

This section applies only to contracts to extend services beyond a local agency's jurisdictional boundaries (Out-of-Agency Service Agreements), which are subject to the provisions established by Section 56133 of the Government Code.

1. General Standards.

- a. **Applicable Policies:** When considering requests to extend services by contract beyond an agency's jurisdiction boundaries, Mono LAFCO will apply the same general substantive policies as for annexation requests. In addition, the application must be made in anticipation of annexation. As used in this section, the term "in anticipation of annexation" means that the agency has established to the satisfaction of Mono LAFCO a reasonable probability that the property will be annexed within a reasonable period.
- b. **Subsequent Annexation Application Required**
For all contract service extensions, the requesting agency must either:
 - File a concurrent application with Mono LAFCO for annexation of the property; or
 - Carry out both of the following:
 - 1) Place a condition in its contract with the property owner requiring submittal of an annexation application within a period not to exceed two years; and
 - 2) Record a notice against title to the property specifying that in the event that the agency does not proceed with annexation, the property owner must make application to Mono LAFCO for annexation of the territory within two years of Mono LAFCO approval of the request
 - Mono LAFCO may waive the General Standards included in Section E (1) a and b above for Out-of-Area Service Agreements if it can be demonstrated that near-term annexation is not feasible and the would-be servicing district makes all reasonable efforts for annexation to move forward at the earliest time possible and landowners consent to annexation to the district providing the services.
 - Contract Request Approval does not Guarantee Annexation Approval. The requesting agency shall advise the property owner in writing that approval of a contract request does not guarantee that an application to annex the property will be approved by the commission.
 - Unapproved Contracts Null & Void. If an agency enters into a contract without Mono LAFCO approval, the contract shall be null and void. If the executive officer receives notice of a violation of these provisions, he or she shall place the item on the commission's agenda for consideration of appropriate action.
 - Urgency Approvals. In a case that conforms to the standards set forth in this section (IV E), and that also involves an imminent peril to public health and safety, applicants may submit an abbreviated application, along with the

applicable deposit as specified in the Mono LAFCO fee schedule, to be considered for temporary urgency approval by the executive officer. The executive officer shall present the matter to the commission at the next available meeting for final consideration.

1. Delegation of Executive Officer to Review and Approve Out-of-Area Agreements
 - a. The commission hereby affirms, that the executive officer is empowered and authorized by these policies and procedures to perform the administrative task of reviewing and approving Out-of-Agency Service Agreements submitted by Mono LAFCO applicants consistent with these policies and Government Code §56133, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and the commission documents the delegation of said authority to the executive officer by and through the adoption of these policies and procedures. In the event the applicant disagrees with the executive officer's decision he may apply for reconsideration to the commission.
 - b. The executive officer may on a case-by-case basis defer the authority to consider of an Out-of-Agency Service Agreement back to the commission.

VI. INCORPORATIONS, FORMATIONS, CONSOLIDATIONS, DISSOLUTIONS AND DISINCORPORATIONS.

A. INCORPORATION OF CITIES

1. Compliance with Mono LAFCO Policies Required. Mono LAFCO will approve incorporation only if it finds that the proposal complies with the general policies and standards applicable to all changes of organization or reorganization, as well as with the following specific policies for incorporation and procedures of Mono LAFCO.
2. Determination of the Need for Incorporation. Mono LAFCO will only favor a proposal for incorporation if the commission finds that there is a significant unmet need for urban services or need for improved urban services within the territory for which incorporation is proposed. In determining whether such a need for urban services exists, the commission will base its determination on:
 - a. Current levels of service in the area to be incorporated;
 - b. Whether the area proposed for incorporation is already substantially urbanized or applicable general plans, specific plans, or area plans and/or realistic population and growth projections demonstrate the need for urbanization of the affected area within the next five years;
 - c. The Spheres of Influence for the jurisdictions currently providing services to the area.
 - d. The preferences of the community proposing to incorporate; and
 - e. Whether the incorporation proposal can be structured to ensure the long-term preservation of open space or agricultural lands.
3. Better Combination of Services. Mono LAFCO will approve a proposal for incorporation only if it finds that a new city on the whole will provide the best combination of urban services to the affected population.
4. Public Benefit Considered. Mono LAFCO will consider whether the proposed incorporation will benefit the affected population as a whole, or only a select group. Absent other considerations, Mono LAFCO will not approve an incorporation proposal that amounts to a grant of governmental powers to a special interest group.
5. Balancing Adverse Impacts. In making its decision on the incorporation, Mono LAFCO shall weigh the benefits of the incorporation against adverse impacts of the incorporation on:
 - a. Particular communities or groups in the incorporating area or affected unincorporated area;
 - b. Other service providers within the area of the proposed incorporation, including the County; and
 - c. Prime agricultural and open-space lands and the prevention of urban sprawl.

6. Plan for Providing Services Required. A proposal for incorporation must include a plan for providing services that addresses the items identified in Government Code Section 56653.
7. Prime Agricultural and Open Space Land. Prime agricultural and open-space land that is not designated for urbanization within the next five years of the date of the receipt of the application shall not be included within the boundaries of a proposed city unless the commission determines that inclusion is necessary for logical boundaries and orderly growth and the proposal is structured to ensure the long-term preservation of the open space or agricultural lands
8. Comprehensive Fiscal Analysis Required. A comprehensive fiscal analysis (CFA) of the projected fiscal condition of the new city shall be prepared as required by Government Code §56800. The applicant shall provide a draft CFA for review by Mono LAFCO staff for accuracy and content. Any such CFA shall project income and expense for a period of seven years after incorporation.
9. Substantial Revenue Neutrality and Fiscal Solvency Required. Mono LAFCO will approve a proposal for incorporation only if the Comprehensive Fiscal Analysis required by Section 56833.1 of the Government Code demonstrates that the proposed city will be able to fund municipal services and remain financially solvent, after making adjustments to attain revenue neutrality. As used herein, the term “revenue neutrality” shall mean an exchange of revenue and service delivery costs between the new city and the various affected agencies, as more specifically established by Government Code Section 56815. In determining revenue neutrality, Mono LAFCO will consider the overall impact of all agency funds and will not necessarily require revenue neutrality in each separate fund.
10. Financial Review Request.
Any interested person or agency may request a review of the CFA by the Office of the State Controller within 30 days of the commission’s acceptance of the CFA as complete. The requesting party will be responsible for the State Controller’s charges to conduct the review, and is required to deposit the estimated cost before the review will be initiated. If the requesting party fails to deposit the estimated cost and execute a payment agreement for the balance within seven days of being notified of the amount, the request will be will be deemed withdrawn.
11. Competing Applications Relative to the Proposed Incorporation. If Mono LAFCO receives more than one application affecting an area proposed for incorporation, and such competing application(s) is received within 30 days of the initial application for incorporation, the commission shall consider such competing application(s) before approval of the incorporation proposal pursuant to Government Code §56657.

B. DISTRICT FORMATION

1. Consistency with Mono LAFCO Policies. The formation of a special district must be consistent with the general policies set forth in these Policies and Procedures, as well as specific policies for formations
2. Unmet Needs. Mono LAFCO will encourage special district formations in areas that demonstrate a need for such services and areas where no existing agency can adequately or efficiently provide such services.
3. Plan for Providing Services Required. Every proposal for formation of a new special district must include a plan for providing services that addresses the items identified in Government Code Section 56653.
4. Mono LAFCO will Establish the Service Pattern. Mono LAFCO’s approval of a district formation will designate the nature, location, and extent of any functions or classes of services for the new district. This designation will be based upon the plan for providing services.
5. Consistency Required. Mono LAFCO will only approve district formation applications that foster development that is consistent with the General Plan, transportation and specific plans of all affected land use authorities.
6. Conflicts Not Allowed. Mono LAFCO will not approve district formations when the plan for

- providing services developed by applicants for district formations conflict with the plan for providing services of other agencies unless higher quality, more efficient service provision will occur as determined under Section IV.B above.
7. Public Benefit Considered. When considering applications for district formation, Mono LAFCO may consider whether the formation of the agency amounts to a grant of governmental powers to a special interest group. Mono LAFCO will also consider the impacts on other service providers, including the County.
 8. Fiscal Solvency. The applicant for any district formation shall be required to prepare, a fiscal analysis for the proposed district that projects services to be provided, costs to service recipients, and revenue and expenses for a period of at least 5 years. Mono LAFCO will not approve an application for district formation unless the fiscal analysis demonstrates the district can provide the needed services and remain fiscally solvent. If the financing element of the plan for providing services requires voter or landowner approval (for instance, a special tax or benefit assessment), Mono LAFCO's approval of the proposal will require voter approval of the funding mechanism as a condition for completion of the formation.

C. PROVISION OF NEW SERVICES BY DISTRICTS

1. Policies Applicable to New Service Proposals. Mono LAFCO will evaluate a proposal for a district to provide new services using the policies and standards applicable to the formation of a new district.
2. Plan for Providing Services Required. A proposal must include a plan for providing services that addresses the items identified in Government Code Section 56653.
3. New Services not Subsidized. Mono LAFCO will not approve a proposal for the provision of a new service where it is reasonably likely that existing ratepayers and/or taxpayers will have to subsidize the new service. The plan for providing service must include a fiscal analysis for the new service containing the elements set forth as required by Government Code §56800.

D. CONSOLIDATIONS AND MERGERS OF DISTRICTS INTO CITIES

1. Policies Applicable to Consolidations and Mergers. Mono LAFCO will approach the issues of consolidation of cities or districts in the same way as incorporation or a district formation. The merger of a district into a city will be treated as if it were an annexation of the district's territory combined with a detachment or dissolution.
2. General Requirements. Based upon a submitted plan for providing services and any other data provided, Mono LAFCO will determine whether the cities' or districts' organizations and operations can feasibly be combined. Mono LAFCO will give particular attention to the following:
 - a. The plan for providing services and safeguards to ensure uniform and consistent service quality throughout the newly consolidated or merged jurisdiction.
 - b. Staffing levels, personnel costs, and employment contracts.
 - c. Potential for cost efficiencies and economies of scale.
 - d. Potential for improved governance and accountability.
 - e. Plans for restructuring agency debt.
 - f. Provisions for combining capital reserves and improvement plans.
 - g. Provisions for establishing zones of benefit, if necessary.
3. Special Consolidation Procedures. Government Code Section 56853). If two or more local agencies file an application to consolidate that meets the standards established in Government Code Section 56853, the commission will either approve the proposal or require conditions that will ensure the proposal is consistent with Mono LAFCO policy. The commission will notify the agencies of change in the proposed conditions in the application, in accordance with the provisions established in Government Code Section 56853.

4. Procedure for Formation of Subsidiary Districts. Proposals for the merger of a district into a city or establishment of the district as a subsidiary district of the city shall follow the special procedure set forth in Government Code Sections 5686156863.

E. MONO LAFCO-INITIATED CHANGES OF ORGANIZATION AND REORGANIZATION

1. General. Mono LAFCO may initiate its own proceedings for consolidation of districts; and the dissolution, merger, or establishment of subsidiary districts; or reorganizations that include any of these changes of organization in accordance with all relevant provisions of the Cortese-Knox-Hertzberg Act §56375 (A). Such changes of organization shall hereinafter be referred to as Mono LAFCO initiated proposals for the purposes of this section.
2. Consolidation/Reorganization. Initiation of a consolidation or reorganization must be consistent with the recommendation of a consolidation study prepared pursuant to Government Code §56378 and/or §56425 or 56430 (Municipal Service Reviews), which evaluates the factors listed in Section III C. The commission will publicly consider a request from any interested person or agency to conduct such a study, or may initiate such as study on its own.
3. Procedure for Initiation of Proposals by the Commission.
 - a. The commission may initiate a proposal for any combination of change of organization or reorganization consistent with the recommendation of a study conducted pursuant to this section.
 - b. The commission shall adopt a resolution of initiating the proposal at a public meeting. The resolution shall contain all the information normally included in a Resolution of Application. The executive officer shall provide each affected agency with notice of the meeting at least 21 days in advance.
 - c. The commission may decide to refer the matter to a reorganization committee constituted pursuant to Section Government Code Section 56826.
 - d. A proposal initiated by the commission will be processed in accordance with all normal and specific procedural requirements of Cortese-Knox-Hertzberg and these policies.
4. Policy Considerations. The commission's general and applicable specific policies and standards will be used to evaluate Mono LAFCO-initiated proposals. Additionally, the commission must make specific determinations pursuant to Government Code Section 56881 if it approves a Mono LAFCO-initiated proposal:
 - a. Public service costs of the proposal are likely to be less than or substantially similar to the costs of alternative means of providing the service.
 - b. The change of organization or reorganization promotes public access and accountability for community service needs and financial resources.

F. DISINCORPORATION AND DISTRICT DISSOLUTIONS

1. Grounds for Disincorporation and District Dissolutions. Mono LAFCO will approve a proposal for disincorporation/dissolution only if it determines that:
 - a. The services offered or authorized are no longer necessary; or
 - b. The services can be provided more efficiently by another agency or provider and that agency agrees to provide the services; or
 - c. The agency is insolvent and unable to provide the services.
 - d. The agency meets the conditions for non-use of corporate powers set forth in Government Code Section 56871.
2. Bonded Indebtedness. Where possible, Mono LAFCO shall condition any dissolution to provide for the repayment of any bonded indebtedness or other obligations of the dissolved agency.

3. Disposition of Remaining Funds. A disincorporated city must turn its treasury over to the County Treasurer within 30 days of disincorporation. A dissolved district shall turn over its funds to its successor as determined under Government Code §57451.

G. REORGANIZATIONS

1. Evaluation Process. Mono LAFCO will independently evaluate each component organizational change that makes up a reorganization proposal following the standards of this chapter applicable to that component of the reorganization. Mono LAFCO will then balance the overall benefits against the costs and adverse impacts, in deciding on the reorganization as a whole.
2. Mitigation Requirements. The service quality, efficiency, and effectiveness available before reorganization shall constitute a benchmark for determining significant adverse effects upon an interested party. Mono LAFCO will approve a proposal for reorganization that results in significant adverse effects only if effective mitigating measures are included in the proposal.

VII. GENERAL PROCEDURES

A. APPLICANT RESPONSIBLE FOR COST OF SERVICE

Applicants are expected to pay all costs associated with processing a proposal through Mono LAFCO, including, without limitation, staff time at approved charge-out rates, consultant charges, county and state charges, and other expenses. Mono LAFCO has adopted a deposit schedule depending on the nature of the proposal, requiring the payment of an initial deposit and subsequent deposits as necessary. Mono LAFCO will periodically apply moneys from the deposit to reimburse for costs incurred. The executive officer may require an additional deposit when the initial deposit runs low or where necessary to cover an anticipated additional expense. If the deposits are not made in a timely manner, processing of the proposal will be suspended until it is submitted. Mono LAFCO will periodically provide the applicant with an expenditure report detailing the application of the deposit moneys.

B. NOTICE AND PUBLIC PARTICIPATION

1. Public Participation Encouraged. Mono LAFCO encourages participation in its decision-making process. Mono LAFCO shall endeavor to provide the widest possible dissemination of notice and shall not necessarily be limited to the minimums required by law and this operations manual. Opportunity to be heard shall be provided at Mono LAFCO meetings in accordance with the procedures set forth in the Bylaws.
2. Unnecessary Public Hearings Eliminated. Where Mono LAFCO is authorized by the Cortese-Knox-Hertzberg Act to consider a proposal without public hearing, the proposal will be considered without a public hearing, unless the executive officer or the commission determines that the matter is of sufficient public interest or controversy to warrant a public hearing.

C. PREFERENCE FOR RESOLUTION OF APPLICATION

1. Initiation of Applications. While the Cortese-Knox-Hertzberg Act permits initiation of applications to Mono LAFCO either by resolution of an affected agency or by direct landowner/voter petition, Mono LAFCO prefers that the resolution procedure be utilized wherever feasible. Use of the resolution of application procedure is preferable because: 1) it involves the affected public agency early in the process to assure that the agency's needs are considered; and 2) it better integrates CEQA processing by the affected public agency as lead agency.
2. Petition-initiated Application. Prior to accepting a petition-initiated application, Mono LAFCO will require the proponents to demonstrate that they have attempted to initiate proceedings by a resolution of application but that the agency has refused to adopt such a resolution.

D. APPLICATION REQUIREMENTS

1. Preapplication discussion. Mono LAFCO encourages a preapplication discussion between the proponent and Mono LAFCO staff, which can save the prospective applicant substantial time once the process has begun. Mono LAFCO staff will review procedures, information requirements, and processing fees with the applicant and provide application forms.
2. Complete Application. Applications to the commission should contain all the information and materials required by the Government Code Sections 56652 and 56653 as well as the applicable fees or deposit toward fees as specified by the Mono LAFCO Fee Schedule. Except when the commission is the lead agency pursuant to the California Environmental Quality Act (as defined in Public Resources Code Section 21067), an application must also contain complete documentation of the lead agency's environmental determination. No application for a change of organization or reorganization will be deemed complete and scheduled for hearing unless the requirements of Revenue and Taxation Code Section 99 regarding tax apportionment agreements of the Revenue and Taxation Code have been satisfied.
3. Indemnification. The application shall also include an agreement to pay costs and indemnification. The agreement to pay costs for time and materials and indemnification must be signed by the applicant for the application to be deemed complete. Where the application is by resolution of application from an agency, the application and related agreements must be signed by an authorized officer of the agency.
4. Application Timeline. All applications shall be deemed complete with all written documentation required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commission procedures, or the executive officer within one year of the date of the application being submitted to Mono LAFCO. If the application is not deemed complete within one year, the applicant shall be notified that the proposal will be returned unless a request for a hearing or extension is filed within 30 days. At that time the request for hearing or extension will be placed on the next available agenda and the commission may grant the extension for up to 90 days or may agree to hear the proposal on the next available agenda. If the extension or hearing is not granted or if the proposal is not complete within the time extension the proposal shall be terminated and returned to the applicant. The applicant shall forfeit the processing fees and be responsible for any cost recovery fees associated with the proposal.

E. RECONSIDERATION OF MONO LAFCO DECISIONS

1. Request and Fees. The request for reconsideration shall be made consistent with the provisions of Government Code Section 56895, and shall be accompanied by the appropriate reconsideration fee deposit as established in the Mono LAFCO Deposit Schedule. The person or agency shall file the written request within 30 days of the adoption of the initial or superseding resolution by the commission making determinations.
2. Grounds for Reconsideration. Mono LAFCO will normally only change its previous determination where one or more of the following circumstances are shown to exist:
 - a. Compelling new evidence exists about the proposal, that was previously unavailable, that might alter the commission decision.
 - b. Factors significant to the commission decision were overlooked, or have changed, such as a change in an applicable federal, state, or local law that might alter the commission's decision.
 - c. A significant, prejudicial error in procedure is found.
 - d. The executive officer shall review the reconsideration request to ensure compliance with

the above.

F. CONDUCTING AUTHORITY PROCEEDINGS (GOVERNMENT CODE § 57000)

1. Waiver of Conducting Authority Proceedings. The commission may waive final Conducting Authority proceedings and authorize the executive officer to file a Certificate of Completion upon approval of a change of organization or reorganization and satisfaction of all terms and conditions pursuant to Government Code Sections 56663 and 57200 and after the reconsideration period is over
2. Setting the Matter for Hearing. The commission shall include in the terms and conditions of its approval for a proposal a stipulation of a period, not less than 21 or more than 60 days, to be allowed for the collection and filing of written protests. Within 35 days of final Mono LAFCO action, the executive officer shall set the matter for hearing according to the schedule stipulated by the commission and cause a notice thereof to be published in compliance with Government Code Section 56150 et seq.
3. Delegation of Authority to Conduct Protest Hearing. The commission shall delegate to the executive officer the authority to conduct a protest hearing unless it specifies otherwise. Such delegation may include making the finding regarding the value of written protests and appropriate order as authorized by Government Code Section 57075 et seq. Such delegation shall be stated in the terms and conditions for approval of the subject proposal.

VIII. ADOPTION AND AMENDMENT

A. REGULAR AMENDMENTS

Regular Amendments to these policies shall be made as follows:

1. Full Text. The full text of any proposed amendment shall be sent to all members in the same manner as agenda packets, as specified in the Mono LAFCO Bylaws.
2. Amendment Proposed. At the meeting, the proposed amendment shall be read aloud in its entirety by the Chair, unless the commission waives such reading. Discussion may occur and modifications be made to the proposed amendment, but it may not be approved at that first reading.
3. Amendment Circulation. The proposed amendment to the policies, with any commission modifications, shall then be circulated to the following entities for their review and comment prior to adoption:
 - Town of Mammoth Lakes
 - County of Mono
 - Special Districts
4. Amendment Agendized. The proposed amendment, with any modifications, shall be agendized and read a second time at the next regular meeting of the commission, unless the commission waives such reading. Any comments received from local agencies shall be presented. Further discussion, and modifications may be made to the proposed amendment and it may be adopted at this second reading.

B. FILING OF POLICIES

Upon approval of these policies, and any amendments thereto, a copy shall be posted on the Mono LAFCO website.

FEE SCHEDULE