

Patrick Jones
County Member

Janice Powell
City Member

Tim Garman
County Member

Tenessa Audette
City Member

Mary Rickert
County Member Alternate

Stan Neutze
City Member Alternate



Fred Ryness
Special District Member

Ronnean Lund
Special District Member

Rosemary Smith
Special District Alternate

Larry Russell
Public Member

Michael Spencer
Public Member Alternate

AGENDA ITEM 9.A

Date: June 6, 2024

From: George Williamson, Senior Advisor

Subject: Mayors' City Selection Committee Request to Alter LAFCO Membership

The Commission will review a request from the Mayors' City Selection Committee of Shasta County to change the number of Regular City Members seated on the Commission from two to three with one Alternate City Member.

BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) is the principal act that governs LAFCOs throughout the state. It defines the powers, composition, and processes for LAFCO. Specifically, Section 56325 specifies the general composition of LAFCO as follows:

- Two (2) Commission members appointed by the Board of Supervisors from their own membership and one (1) alternate.
- Two (2) Commission members appointed by the cities in the county, each of whom shall be a mayor or council member, appointed by the City Selection Committee, and one (1) alternate.
- Two (2) Commission members who are presiding officers or members of legislative bodies of independent special districts, appointed by the independent special district selection committee pursuant to Section 56332, and one (1) alternate.
- One (1) Commission member representing the general public appointed by the other members of the Commission, and one (1) alternate.

This composition provides for a seven (7) member commission with equal representation from county, city, and special district members, and with public member representation. It also provides for one (1) alternate for each category so that in the event a regular member cannot attend, a voting member representing that category may still participate in the meeting.

There are five exceptions to the composition as defined in CKH Act which were enacted by special legislation. These exceptions are for each of the counties listed below:

- Section 56326 - Los Angeles County
Two (2) county members, one (1) resident of the San Fernando Valley Statistical Area, two (2) appointed by the city selection committee, one (1) appointed city member from a legislative body having a population in excess of 30 percent of the total population of the county, two (2) special district members, and one (1) public member, for a total of nine (9) commission members.

- Section 56326.5 - Sacramento County
Two (2) county members, one (1) City of Sacramento member, one (1) regular city member, two (2) special district members, and one (1) public member, for a total of seven (7) commission members.
- Section 56327 - Santa Clara County
Two (2) county members, one (1) city member from the city with the largest population, one (1) regular city member, and one (1) public member who is not a resident of cities already represented on the commission, for a total of five (5) commission members.
- Section 56328 - San Diego County
Two (2) county members, two (2) regular city members, one (1) city member from the city with the largest population, two (2) special district members, and one (1) public member, for a total of eight (8) commission members.
- Section 56328.5 - Kern County
Two (2) county members, two (2) regular city members, one (1) city member from the city with the largest population, two (2) special district members, and (2) public members, for a total of nine (9) commission members.

There are also provisions in the CKH Act for counties that do not have cities such as Trinity County, and those that do not have special district representation. To alter the composition of a specific LAFCO, special legislation would need to be passed by the state legislature and approved by the governor to amend the CKH Act.

DISCUSSION

At the April 19, 2024, Shasta County Mayors' City Selection Committee Special Meeting, the attending members made the following recommendation (Attachment B):

"By motion made, seconded (Neutze/Powell), and unanimously carried, the Mayors' City Selection Committee recommended changing the city membership of the Shasta County Local Agency Formation Commission (LAFCO) from two members and one alternate to three members, to reflect the three incorporated cities within Shasta County and to provide permanent representation on the LAFCO board for all three cities."

As stated above, in order to change the composition for Shasta County, special legislation for a statutory change to the CKH Act would be required. In order to introduce a bill for this change, a representative of the state assembly or senate would need to sponsor a bill and introduce it as part of the new legislative cycle. These cycles typically occur over two years and require authorship of the bill, lobbying to garner support, and continued coordination of legislative staff as the bill moves through both the assembly and senate prior to being presented to the governor for signature.

It should be noted that the majority of exceptions for LAFCO compositions are based on population size. For instance, the San Fernando Valley had an estimated 2022 population of 1.86 million and Los Angeles County has a total population of 9.7 million. Additionally, the largest city in Kern County is Bakersfield which had an estimated 2022 population of 410,647. By comparison, Redding had an estimated 2022 population of 92,906.

It should also be noted that the CKH Act contains a provision that specifies the role of Commissioners when seated on LAFCO. CKH Act Section 56331.4 states that “while in service on the commission, all commission members shall exercise their independent judgement on behalf of the interests of residents, property owners, and the public as a whole in furthering the purposes of [LAFCO]. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority. This section does not require the abstention of any member on any matter, nor does it create a right of action in any person”. As such, when city members are appointed to the Commission, they are not representing their individual city interests but rather cities in general throughout Shasta County.

RECOMMENDATION

The Commission is invited to hold discussion on the composition of Shasta LAFCO and provide direction to staff. Since the County Members are anticipated to be absent from the meeting due to scheduling conflicts, it is recommended that the discussion be continued to the next Regular Commission meeting for further input from county, city, special district, and public members.