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ANNEXATION - CALIFORNIA

Tracy Rural County Fire Protection District v. Local Agency Formation Commission of San Joaquin County

Court of Appeal, Third District, California - October 13, 2022 - Cal.Rptr.3d - 2022 WL 7265008

Rural county fire protection district, joined by city, filed petition for writs of ordinary and administrative mandate and complaint for declaratory relief challenging decision by county local agency formation commission (LAFCO) adopting governance model for fire services requiring that future annexations to city would detach from district.

The Superior Court denied petition. District appealed.

The Court of Appeal held that:

- LAFCO did not have authority to issue resolution under statute granting it authority to approve proposals for change of organization;
- Resolution was not authorized under statute granting LAFCO authority to make and enforce regulations for orderly and fair conduct of hearings;
- Resolution was not authorized under statutes providing LAFCO with power to review and approve proposals for changes of organization consistent with procedures;
- Resolution was not authorized under statutes providing LAFCO with power to review and approve changes of organizations consistent with policies and guidelines;
- Resolution was contrary to statute setting forth legislative findings and declarations;
- Resolution was not authorized under statutes governing standards for LAFCO to assess proposals; and
- Resolution was not authorized by statutes granting LAFCO power to review spheres of influence.

County local agency formation commission (LAFCO) was not authorized to issue resolution ordering detachment of fire protection services from rural county fire protection district in future annexations of territory by the city, but rather it was required to act on specific proposals for annexation and/or detachment, under statute granting it power to review and approve with or without amendment proposals for organization or reorganization; although resolution was issued against backdrop of two annexation proposals, LAFCO was not reviewing either of those proposals when it issued challenged resolutions, and LAFCO instead established policy requiring city to include detachment in all future annexation proposals.

Statute granting county local agency formation commission (LAFCO) authority to make and enforce regulations for the orderly and fair conduct of hearings by LAFCO did not authorize it to issue resolution ordering detachment of fire protection services from rural county fire protection district in future annexations of territory by the city; resolution had nothing to do with orderly and fair conduct of hearings by LAFCO.

Resolution adopted by county local agency formation commission (LAFCO) ordering detachment of

fire protection services from rural county fire protection district in future annexations of territory by the city was not “procedure,” within meaning of statutes providing LAFCO with power to review and approve proposals for changes of organization or reorganization consistent with procedures adopted by LAFCO, and to adopt written procedures for evaluation of proposals, and thus statutes were not basis of authority to issue resolution; resolution did not set forth any rules of procedure for bringing or presenting an annexation proposal to the LAFCO, but it instead dictated the substance of that proposal.

Resolution adopted by county local agency formation commission (LAFCO) ordering detachment of fire protection services from rural county fire protection district in future annexations of territory by city was not “policy” or “guideline,” within meaning of statute providing LAFCO with power to review and approve proposals for changes of organization or reorganization consistent with policies and guidelines adopted by the LAFCO, and thus statute was not basis for authority to issue resolution; resolution was not statement of general principles, as it went beyond statement of general goals or outline of policy or conduct and specifically precluded consideration of annexation proposals that did not include detachment, and while policies could include directives, change in organization could not be one of them.

Resolution adopted by county local agency formation commission (LAFCO) ordering detachment of fire protection services from rural county fire protection district in future annexations of territory by city was contrary to statute setting forth legislative findings and declarations of Cortese-Kno-Hertzberg Local Government Reorganization Act of 2000, which made clear that dispositive issue to be decided was which agency or agencies could best provide the relevant services; preventing city from proposing what it considered to be best model for fire protection services, i.e., nondetachment from district, improperly limited LAFCO’s consideration of that dispositive issue in context of specific annexation being proposed.

Resolution adopted by county local agency formation commission (LAFCO) ordering detachment of fire protection services from rural county fire protection district in future annexations of territory by city was not “standard,” under statutes governing standards for assessing factors in reviewing a proposal for change of organization or for assessing evaluation of plan for providing services within affected territory, and thus statutes were not basis for LAFCO’s authority to issue resolution; resolution did not set up detachment model as standard against which annexation proposal should be compared in assessing proposal or factors, but it instead required detachment in the proposal itself.

Resolution adopted by county local agency formation commission (LAFCO) ordering detachment of fire protection services from rural county fire protection district in future annexations of territory by city was not authorized by statutes granting LAFCO power to review services and spheres of influence of cities and special districts, and to enact policies to promote development of areas within the sphere; LAFCO did something entirely different from sphere of influence determination when it ordered detachment for all future annexation proposals, and resolution went beyond authorizing logical and orderly development of areas within the sphere by effectively initiating future changes of organization by requiring detachment as condition of submitting any future annexation proposal.