

Journal of the  
California Association of Local Agency Formation Commissions

# THE SPHERE

# 2022

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# THE SPHERE

## CALAFCO Journal

October, 2022

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CALIFORNIA ASSOCIATION OF  
LOCAL AGENCY FORMATION  
COMMISSIONS

**CALAFCO**

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### CALAFCO MISSION

*The mission of CALAFCO is to provide educational, information sharing, and technical support for its members by serving as a resource for, and by collaborating with, the public, the legislative and executive branches of state government, and other organizations for the purpose of discouraging urban sprawl, preserving open space and prime agricultural lands, and encouraging orderly growth and development of local agencies.*



# A Message From The Chair of **CALAFCO**



**ANITA PAQUE**  
Chair of the Board

## Change makes us stronger

As I look back over the last 51 years since CALAFCO was formed, I am impressed by how far we have come and the opportunities we have before us.

This last year has been one of change and anticipation. Due to the pandemic we have not had a conference for two years. Zoom calls cannot completely replace seeing everyone, renewing old friendships, and making new ones. Thankfully this will change with our October conference. (While you are there please give a warm welcome René LaRoche, our new Executive Director.)

Over the last half century, CALAFCO has moved from a fledgling organization to a professional association. Over the years LAFcos have also changed - special districts have been added to many commissions, they have more tools, and more responsibilities. In 1963 the legislature formed LAFcos as a vehicle to discourage urban sprawl, preserve open space and agricultural lands and provide for the orderly formation of districts. In 2000 the CORTESE KNOX HERTZBERG LOCAL GOVERNMENT ACT was passed, updating the LAFco statutes and adding the requirement to conduct municipal services reviews. In 2017 the Little Hoover Commission reaffirmed the importance of LAFcos as a part of local governance and the oversight of special districts. This year Governor Newsom signed SB 938, legislation sponsored by CALAFCO, which will make it easier for LAFcos to hold special districts accountable.

These changes have made LAFcos stronger and better able to improve the lives of Californians. We are able to highlight deficiencies in special districts and push for better water, waste water and other services. With the Little Hoover Commission report, CALAFCO became recognized as an educational resource, and LAFcos themselves as an important player in ensuring that special districts provide municipal services to their constituents. With SB 938 CALAFCO demonstrated that we can recognize where changes are needed, bring the stakeholders together, and negotiate a significant piece of legislation to improve the tools we need to fulfill our goals. I am proud of the work that CALAFCO has done and who we have become over the last 51 years. Clearly CALAFCO is equipped to overcome the many challenges we will face in the future.

My thanks to all of the members of CALAFCO, its staff, volunteers and the Board and Executive Committee for all the work you do. You make CALAFCO the association that it is. Special thanks and good bye to Pamela Miller who, after nine years as Executive Director, has moved on. She has been an effective Executive Director and has shown respect and leadership in doing so. She has been a role model for me and I hope to all of our membership. As organizations grow and change so, too, do the people running them. In March René LaRoche became our new Executive Officer. Having worked with Rene over the past year, I know she will help us realize our visions for a better California.

# CALAFCO: 51 Golden Years

Written by: René LaRoche, Executive Director



Happy Belated Birthday, CALAFCO! While the pandemic delayed the celebration, the Big 5-0 birthday did not go unnoticed! For over 50 years, CALAFCO has been providing its membership with the educational resources, information sharing, technical support, and advocacy for which we are known. Obviously, there would be no CALAFCO without LAFCos, so it's appropriate to take a moment to reflect on how we got here.

## SQUEEZING ORANGE GROVES INTO SUBURBS

In the post-World War II years, California saw astounding growth. Its population doubled between 1940 and 1960, causing it to become the most populous state in the nation by the early 1960's.<sup>1</sup>

Open space and agricultural land were rapidly developed to address the increased demand for jobs, housing, and public services that the growing population needed.<sup>2</sup> It was in this environment that the State approved the formation of many new local government agencies, often with little thought as to the resulting governance structures. Familiar landscapes, such as the miles upon miles of orange groves in Southern California, were rapidly converted into suburbs, towns, and cities with little thought beyond immediate needs. This lack of regional planning and coordination led to overlapping and inefficient services — a high price to pay for the loss of so much of California's agricultural and open-space land.<sup>3</sup>



Vintage post card depicting train traveling through orange groves.

## CHAOS YIELDS TO SOUND LOCAL GOVERNMENT

The chaos that ensued from the unchecked growth became the impetus behind the 1959 creation of the Commission on Metropolitan Area Problems by Governor Edmund G. "Pat" Brown, Sr. The Commission was charged with studying and making recommendations regarding the "misuse of land resources" and the growing complexity of local governmental jurisdictions. The following year the

Commission would issue recommendations that spoke to the need for local governmental reorganization. Those recommendations would become the basis for two pieces of legislation during the 1963 legislative session. AB 1662 (Knox), addressed the formation of new cities and new special districts, and SB 861 (Nisbet), sought to establish Local Agency Annexation Commissions.<sup>4</sup> Both bills presented sound concepts, however, the establishment of annexation commissions was vehemently opposed

by both the League of California Cities and the County Supervisors Association of California (a former iteration of CSAC).<sup>5</sup> Ultimately, the two bills were combined, annexation commissions became agency formation commissions, and the amended text passed into law as the Knox-Nisbet Act (KNA) of 1963, which created LAFCos.<sup>6, 7, 8</sup>

In his letter of support to the Governor, William R. MacDougall, CSAC General Counsel and Manager, noted that "While we have definite objections to this bill in its original form, we feel that the amendments made by the Legislature and agreed to by your office have improved this bill to the point where it deserves the support of everyone truly interested in the soundness of California local government."<sup>9</sup>

Once KNA passed, it was up to the staff of the newly created LAFCos to develop the procedures necessary to administer the many complicated statutes.<sup>10</sup> While this would be further complicated in 1965 with the passage of the District Reorganization Act (DRA), the need for a central source of LAFCo information was clear right from the beginning. In an attempt to fill this void, CSAC published the *Local*



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# INDEMNIFY THIS!

Written by: David J. Ruderman and Aleks R. Giragosian, Colantuono, Highsmith & Whatley, PC



## Introduction

If LAFCo denies an annexation application, then wins in court when the applicant sues over the denial, can LAFCo require the applicant to pay LAFCo's attorneys' fees to defend the lawsuit? No, said the Second District Court of Appeal in its published decision this March in *San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach* ("SLO LAFCo").<sup>1</sup> The SLO LAFCo case has the potential to impact all LAFCos' ability to require an applicant to indemnify LAFCo for its decision on a change of organization, reorganization, or sphere of influence amendment.

## Background

In *SLO LAFCo*, the City of Pismo Beach and a developer applied to LAFCo to annex property to Pismo Beach for a housing development. The application form required the applicants to indemnify LAFCo for "any claim, action or proceeding ... asserted by any person or entity, including the Applicant, arising out of or in connection with the application."<sup>2</sup>

The Commission denied the annexation application and the developer sued LAFCo, challenging the denial. The Commission prevailed in the lawsuit and sought to recover \$400,000 in attorneys' fees from the developer and Pismo Beach under the indemnity provision on the application form, which required applicants to indemnify LAFCo even for lawsuits the applicants themselves bring.

The trial court denied the Commission recovery of its fees. In *SLO LAFCo*, the Court of Appeal affirmed, concluding LAFCo cannot seek attorneys' fees from applicants after it denies an application because it is not expressly permitted under the LAFCo law,

Cortese-Knox-Hertzberg. "Even broadly construed statutes have boundaries," the Court stated. "It is the Legislature's responsibility to amend statutes. Courts may not do so under the guise of implied powers."<sup>3</sup>

The *SLO LAFCo* court found the only provisions of Cortese-Knox-Hertzberg that allow the Commission to impose fees are Government Code sections 56383 and 66016, which allow LAFCos to charge fees for processing applications through a certificate of completion. These sections only contemplate fees necessary for the administrative process, not post-decision court proceedings like those *SLO LAFCo* sought under its indemnity. The Court further found LAFCos have no implied power to require an indemnity and the indemnity provision was not a valid contract because the applicant received nothing in exchange, i.e., no consideration.<sup>4</sup> In conclusion, the Court invited *SLO LAFCo* to ask the Legislature for a fix to its inability to recover its attorneys' fees.<sup>5</sup>

## What This Means for LAFCos

While the Court of Appeal's language is broad, *SLO LAFCo* does not prevent LAFCos from requesting applicants voluntarily sign indemnification agreements. Most applicants will because they have a practical interest in defending LAFCo from challenges to the requested change of organization. This will ensure that, if sued, LAFCo does not simply default or settle around the applicant rather than defend its decision. Similarly, LAFCo may be able to require indemnification as a condition of approval since

"...SLO LAFCo does not prevent LAFCos from requesting applicants voluntarily sign indemnification agreements."

(Continued on page 6)

# INDEMNIFY THIS!

(Continued from page 5)

approval could constitute adequate consideration to support the indemnification obligation, though the *SLO LAFCo* court implied this might not be the case.<sup>6</sup> However, both these scenarios apply only if LAFCo **approves** the requested change of organization. When LAFCo denies an application, *SLO LAFCo* holds that it cannot require the applicant to pay for LAFCo’s defense. This is particularly true when the party challenging LAFCo’s decision is the applicant itself, as was the case in *SLO LAFCo*. Thus, if your Commission denies an application for a change of organization, reorganization, or sphere of influence amendment and is sued by the applicant, LAFCo cannot require the applicant to bear the cost of the LAFCo’s defense.

*SLO LAFCo* exposes the limits of LAFCo authority under Cortese-Knox-Hertzberg. A legislative fix may be worth considering, as the *SLO LAFCo* court suggested. Unlike cities or counties, which can impose indemnification obligations under their police power or based on express statutory authority in particular areas of land use practice, such as challenges to approvals under the Subdivision Map Act,<sup>7</sup> LAFCOs have no such authority. Without the ability to shift the cost of defense to applicants, the cities, counties and (where they are represented on LAFCo) special districts that fund LAFCo will ultimately be required to cover these costs if not covered by LAFCo’s risk pool.

Unless or until there is a legislative fix, LAFCOs should be cognizant of the limits *SLO LAFCo* imposes on the Commission’s decision regarding denials. They should review their budgeted contingency or general reserve funds and consider increasing them to ensure LAFCo has adequate funds to defend against a challenge to a Commission’s decision to deny an application.

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<sup>1</sup> (2021) 61 Cal.App.5th 595, reh’g denied (Mar. 22, 2021), review denied (June 16, 2021).

<sup>2</sup> *Id.* at p. 599, emphasis added.

<sup>3</sup> *Id.* at p. 598.

<sup>4</sup> *Id.* at pp. 600–602.

<sup>5</sup> *Id.* at p. 602 (“LAFCO’s remedy is with the Legislature”).

<sup>6</sup> *Id.* at p. 600 (“LAFCO has a statutory duty to accept all completed applications (§ 56658, subd. (e)) and to review and approve or disapprove the application (§ 56375, subd. (a)(1))”).

<sup>7</sup> Gov. Code, § 66474.9, subd. (b).

## DATES TO REMEMBER

### 2023 CALAFCO Staff Workshop

April 26-28

Ironstone Vineyards, Murphys, California

Hosted by Calaveras, Nevada, and Placer LAFCOs

### 2023 CALAFCO Annual Conference

October 18-20

Monterey, California

### 2024 CALAFCO Annual Conference

October 16-18

Fish Camp, California



# COURT REPORT:

## A District Hoping to Dissolve Itself Cannot Bypass LAFCO and Go Directly to the Voters

Written by Contra Costa LAFCO



An appellate court recently ruled that a special district that wants to dissolve itself cannot ask voters directly whether it should be dissolved, but instead must work through the local agency formation commission to be dissolved, as required by the Cortese-Knox-Hertzberg Act.

The First District Court of Appeal in San Francisco ruled on September 8 that a ballot measure to dissolve the Knightsen Town Community Services District (KTCS D), a small district in rural eastern Contra Costa County, was invalid and issued an order to keep the District’s dissolution measure off the November 8 general election ballot.

In an unpublished opinion, the court held that the dissolution measure, which the KTCS D put on the ballot itself, was invalid because the Cortese-Knox-Hertzberg Act is the “sole and exclusive authority” to dissolve a special district. The CKH Act requires all dissolutions to be

reviewed and approved by LAFCO. The court held that a special district may not bypass the LAFCO process by putting the decision to dissolve itself

directly to voters.

The KTCS D was formed in 2005 to provide flood control and drainage services. The District encompasses 5,131 acres and serves a population of approximately 1,600. But since its formation, the District has provided no services in its service area.

In May 2020, the KTCS D applied to Contra Costa LAFCO to be dissolved. Among the reasons for dissolution were: (1) during its 15 years in existence, KTCS D has provided no services and did not intend to initiate or complete any projects in the future; (2) KTCS D’s small size means it has a limited tax base to implement, operate, administer, and maintain enhanced drainage and flood control projects; and (3) the majority of Knightsen residents do not have significant drainage or flood control problems and will not benefit from enhanced drainage and flood control projects. But in September 2020, the KTCS D Board of Directors voted to withdraw its dissolution application after Knightsen residents asked that they not dissolve.

Fast-forward to early August 2022, when the KTCS D Board bypassed LAFCO and adopted a resolution to place a measure to dissolve itself on the November 8 ballot. Contra Costa County, which would be the successor agency if the district was dissolved, sued in Superior Court to keep the measure off the ballot. The Superior Court ruled that the validity of the measure, if

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## LAFCO LAUGH

Usually, the EO Listserves are full of serious and technical questions and responses. A thought provoking question was recently posed as to how APNs are usually handled for residences that are situated on jurisdictional lines. The favorite of the many responses has to be the following from Dawn Mittleman Longoria, the Napa LAFCO Staff Analyst II and Interim Clerk, who shared this anecdote:

*One day a nicely-dressed, elder gentleman arrived at the LAFCO office. His home was split by two agency boundaries and he wasn’t sure where he should vote. I was new to LAFCO and anxious to help. I called the Registrar of Voters and they advised that it depended on the location of the bedroom. I turned to the gentleman and asked “Where is your bedroom?” He responded, “It’s been a long time since a young woman has asked me that question!” :o)*

# It's DUC Season!

## CALAFCO's Updated DUC Map—Methodology to Identify Disadvantaged Unincorporated Communities Statewide

Submitted by: RSG, Inc. Staff



To provide a tool for under-resourced local agency formation commissions, CALAFCO and Associate Member RSG, Inc. partnered to update the statewide map of Disadvantaged Unincorporated Communities (“DUC”) throughout California. Late last year, RSG was retained by CALAFCO to create the interactive map that identifies DUCs using the most recent and accurate household income data. (The map is currently live on the CALAFCO website under the “Resources” tab.)

This effort began in recognition of Senate Bill 244 (2012, Wolk) which requires LAFCOs to identify DUCs when making municipal review determinations (Gov’t Code Section 56430(a)), sphere of influence determinations (Gov’t Section 56425(e)(5)), and proposed city annexations of over 10 acres. The CALAFCO DUC map was created to be a tool accessible to LAFCOs that may be under-resourced to meet the requirements of SB 244.

Before this undertaking, the RSG team worked with Riverside LAFCO to develop a methodology for identifying DUCs when preparing a municipal services review for the 28 cities in Riverside County. Given the size and potential scale of DUCs, Riverside LAFCO established a methodology by policy to identify DUCs in their jurisdiction that results in a more efficient and accurate process. This methodology involved conducting an analysis of the most recent American Community Survey (“ACS”) 2015–19 data from the Census, current registered voter data, residential values, and land use data. Working with LAFCO staff, RSG applied the methodology in a test area and after refinements, applied it countywide.

To prepare for the statewide CALAFCO DUC map, RSG modified the methodology developed for Riverside LAFCO to make it possible to undertake this effort statewide, resulting in the identification of 1,018 DUCs in California.

A crucial component of the statewide DUC map required establishing which communities would meet the criteria of a DUC. For purposes of our analysis, a “disadvantaged community” was defined as a community with an annual median household income, or MHI, less than 80% of the statewide MHI, as defined by Wa-

ter Code Section 79505.5(a). Further, the statutory definition of DUCs from Government Code Section 56033.5, defines a DUC as an “inhabited territory” that constitutes all or a portion of a “disadvantaged community.” Lastly, an “inhabited territory” is defined as having at least 12 registered voters or determined by “commission policy,” as established in Government Code Section 56046; however, this definition was modified by RSG to use 50 registered voters based on RSG’s experience in the field and availability of voter registration data.

Over the course of several weeks, RSG compiled information from CalFIRE, the US Census Bureau, and the California Redistricting Commission’s Statewide Database to prepare an initial map. Although the map was generally accurate, it required refinement to remove miscoded areas due to inconsistencies in the boundaries of shapefile data used. After the release of this initial map, we received welcome feedback from Kai Luoma from Ventura LAFCO that helped our team identify some of these issues. We then refined our methodology and data to produce a more accurate version.

The full methodology used to prepare the statewide DUC map is detailed below:

1. Our team began by identifying unincorporated areas by acquiring Census block group data for the entire state and shapefiles of all incorporated cities from CalFire GIS.
2. Then our team identified areas that were at or below the 80% MHI threshold. This was done using data from the ACS 5-year MHI dataset for 2015–19, which identifies the state MHI and all Census block groups. Using the state MHI, RSG calculated 80% to establish a maximum MHI threshold. RSG compared this threshold to the MHI of Census block groups to identify unincorporated Census blocks that were at or below this threshold.
3. Next, RSG identified inhabited territory by using registered voter precinct data from the

*(Continued on page 13)*



# PowerPoint Like a Pro

## Design Tips for Making Your PowerPoint Presentation Sing

Submitted by: CV Strategies



Chances are you have used PowerPoint at some time in your professional career and know what a powerful tool it is for taking presentations from bland to bold. Chances are equally good that your presentation could have been even better by following some basic design rules.

Below are some tips for getting the most out of PowerPoint and effectively telling the story of your agency. Follow these guidelines and your PowerPoints are sure to sing!

### TIP #1: MINIMIZE TEXT

Body copy should briefly state the most important points, and your verbal presentation should explain them in full. Don't read the slides!

Use bullet points, not sentences, and follow the 6 x 6 Rule: One thought per line with no more than six words per line and no more than six lines per slide.

Less text has bigger impact and is easier to remember.

If the subject is complex, make a handout.

### TIP #2: WATCH YOUR FONT SIZE

Titles should be limited to one line of text at 32- to 36-point size and should be in the same location and direction on all slides.

Body copy should be 24- to 28-point size.

If you have a lot to say, keep the large font size and use several slides, advancing them as you talk.

### TIP #3: SANS-SERIF IS YOUR FRIEND

Use single sans-serif fonts such as Arial or Helvetica.

Avoid serif fonts such as Times New Roman or Palatino because they are sometimes more difficult to read.

Use one font for body copy and different one for headlines.

### TIP #4: MAKE IT ENGAGING

To give your presentation a professional edge, start with a blank slide instead of a template and use the automated designer tool on the right side of the screen.

Create an impactful cover slide and include your name as an introduction. Save the last slide for questions and contact information.

Use large graphics or photos to illustrate your point and avoid cliché clipart.

### TIP #5: THINK LIKE A GRAPHIC DESIGNER

For simple designs, switch up every third slide, even if it's just flipping a photo to the opposite side, to counteract short attention spans.

When formatting a slide, stick to three layouts: one column with text all the way across; two columns with text one side and a photo on the other; and three columns, usually centered content.

Lastly, no matter how fun you think it looks, don't distract your audience with unnecessary animations or format text with multiple colors.

## Did you Know?

Alpine County Local Agency Formation Commission has joined the ranks of LAFCo's with special district representatives. That now brings the total number of LAFCo's with special district reps up to 32.

## CALAFCO: 51 Golden Years

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Agency Commission *REPORTER* in



May of 1964, which reported exclusively on which LAFCoS had developed and published procedures.)<sup>11</sup> CSAC would follow that in 1965 by

publishing a Manual for Executive Officers.<sup>12</sup>

### BIRTH OF AN ASSOCIATION

At some unidentified point, support of LAFCoS transitioned from CSAC to LAFCo volunteers. Manned entirely by LAFCo volunteers, the first informal association undertook all event planning and communication efforts, with the associated costs borne by the individual commissioners and staff.<sup>13</sup> However, sometime in 1968, an effort to more formally organize the association began. During that year's conference in San Francisco, a steering committee was appointed and charged with considering and making recommendations for the establishment of a permanent statewide organization of LAFCoS. The committee worked on the project for a year and submitted its first set of proposed bylaws to the attendees at the November, 1969 conference. The bylaws were approved, subject to being ratified within sixty days by all of the LAFCoS in the state. While there was great support for an association, the majority of LAFCoS ended up ratifying the bylaws after the sixty day deadline, which automatically pushed the issue over to the next conference.<sup>14</sup>

Unfortunately, the next two years'

worth of records are missing, however, it's safe to assume that the proposed by-laws followed a normal process and were distributed and, most likely, reworked as needed between conferences. The result, of course, was the ultimate approval and ratification of the first set of CALAFCO bylaws.

Finally an official association, the first five-person CALAFCO Executive Board met on February 25, 1972. The minutes note that the staff members present were R. Sherman Coffman of San Mateo (Executive Officer), and William Siegel of Santa Clara (Legal Counsel.) The minutes also note that the full Board was in attendance and consisted of Mayor Maurice K. Hamilton of San Mateo, Mayor Claud Hendon of Riverside, Supervisor Wesley R. Craven of Fresno, Ira "Jack" Chrisman of Tulare, and Supervisor Dominic Cortese of Santa Clara. Supervisor Cortese would also become CALAFCO's first Board chair in a two-step process that saw him informally selected (due to a lack of a quorum) on April 27, 1972, then ratified at the next month's meeting.<sup>15, 16</sup>

Most of CALAFCO's staple offerings – conferences, workshops, and newsletters – were put into place in those early, formative years when the Executive Board met to strategize about proposed legislation, perform outreach to LAFCoS, as well as plan events (both the annual conference and the "Executive Officer's Workshop.")<sup>17</sup>

The quarterly newsletter—the cornerstone of CALAFCO member communications—was given life on November 15, 1973 when the Board approved its creation and targeted the next month for the

publication of the first issue.<sup>18</sup>

That was followed, in March 1974, by the appointment of an Editorial Committee to curate newsletter content. The initial committee consisted of Kent Taylor of Fresno LAFCo, Michael Johnson of San Mateo LAFCo, Lolly Haston of Humboldt LAFCo, and Peter Detwiler of San Diego LAFCo.<sup>19</sup> (Detwiler would go on to take his analytical and writing skills to work in the Governor's Office of Planning and Research, and later would become the Chief Consultant for the California Senate Local Government Committee.)

### ASSOCIATION ADVOCACY

In 1977, the complexity of administering LAFCo laws grew again with the passage of the Municipal Organization Act (MORGA). Together, the KNA, DRA, and MORGA contained similar, often redundant, provisions. This resulted in CALAFCO sponsoring its first major legislative amendment—a three year effort that began in 1981 to consolidate the three acts. Former CALAFCO Director Dominic Cortese, then serving in the State Assembly, agreed to carry the bill.<sup>20</sup>

The bill underwent an extended process of preprint reviews, interim hearings, edits and, finally, formal hearings and testimony to ultimately become the Cortese Knox Local Government Reorganization Act of 1985.<sup>21</sup> (This would later be subject to additional revisions in 2000, which would result in the Cortese–Knox–Hertzberg Act—or CKH.)<sup>22, 23</sup>

While CALAFCO had previously

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## CALAFCO: 51 Golden Years

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contracted for legislative advocacy for specific bills,<sup>24</sup> it was during this time that it contracted with Ed Gerber and Associates as its first “general” legislative advocate. The CALAFCO records that exist from the time period show that Gerber had a contract from 1982, to at least 1987.<sup>25, 26, 27, 28, 29</sup> However, anecdotal evidence has Gerber in that slot until around 1998.<sup>30</sup>

While the Board was still a working board, it continuously sought to professionalize the Association. Through the years, it adopted numerous policies to guide actions and decision-making, as well as formal job descriptions for volunteer and paid staff.

### NONPROFIT EVOLUTION

The next organizational advancement for CALAFCO occurred in 1998, when it was incorporated.<sup>31</sup> However, the change meant that someone was needed to administer the many facets of a corporation and, in the same year, Mike Gotch, a former LAFCo EO and retired Assembly member, resigned his seat as a CALAFCO Board Director to become CALAFCO’s first paid Executive Director. With most of the administrative work now done by professional staff, the Board was able to shift its focus more on governing. However, Gotch left the next year to become the Legislative Secretary for Governor Davis.<sup>32</sup>

Gotch was followed by Scott Harvey, who was contracted as the ED in 2000. However, for a short span between the two, SR Jones, the Nevada EO and CALAFCO EO at the time, would also act as ED.<sup>33</sup>

The year 2000 brought another organizational shift, as CALAFCO became a qualified nonprofit organization. Achieving nonprofit status meant that revenue could be used entirely for expenses. Holding nonprofit status also provided an incentive for donors, since donations were now possibly tax deductible. Yet, the tradeoff was that the association suddenly had a legal cap on the amount of money that it could spend on lobbying efforts — and it has been a balancing act ever since.

Harvey would serve as ED until 2004 and would be followed by Bill Chiat, who became the Association’s new contract Executive Director in September of 2004 following the issuance of an RFP. Chiat came to the Association with a broad local government background. His driving philosophies, for which he

would become known statewide, were collaboration, education, and facilitation, and he brought all those traits to the job.<sup>34, 35</sup>

Among his many achievements, Chiat would create List Serves to allow easy communication and collaboration between LAFCo’s. He would also implement The Sphere as a vehicle to elevate the Association’s communication with its members. His facilitation skills were also important from 2008 to 2010 when dissatisfaction with the board structure was voiced by the Southern California LAFCos who were seeking a more balanced representation on the CALAFCO Board of Directors. After a two-year process, the association was finally reconstituted in 2010 into the now familiar sixteen Board member structure.

In February 2012, Chiat retired and was succeeded by Pamela Miller. Miller would serve as a contracted Executive Director until June 2020 when her position would be converted to employee status. Ultimately, Miller would retire in February, 2022, but she first announced her retirement in February 2020, then opted to stay on to assist the Association when the COVID-19 pandemic began. Under Miller’s leadership, the Association graciously offered statewide training to all local government entities regarding the requirements of virtual meetings and other timely topics. Miller would also convert some of the Association’s regular educational offerings to virtual presentations, and would successfully shepherd SB 938 (2022) before her ultimate retirement in February of this year when I was appointed to replace her.

### CHEERS!

Obviously, much has occurred since LAFCos were first created and CALAFCO came to life. Together we have lived through the last years of the Vietnam War, saw political and sports scandals come and go, watched the invention and proliferation of technology, noted changing political and socioeconomic climates around the world, survived economic booms and busts, and pivoted hard and fast through a once-in-a-lifetime global pandemic.

So, here’s to YOU LAFCos! You are the loyal protectors of local control, the facilitators of sound regional planning, and the unsung heroes of sustainable infrastructure and CALAFCO remains

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# CALAFCO: 51 Golden Years

(Continued from page 11)

proud to serve you. While laws and technology are sure to change, we are committed to providing you with the support and resources that you need to successfully fulfill your functions, and we pledge that the next fifty years will be even more golden!

For some personal reflections about the Association, see “A Journey on the Path of CALAFCO History” by Pamela Miller starting on page 14.)

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## DUC Season!

*(Continued from page 8)*

California Redistricting Commission Statewide Database. This data was filtered so it only included areas with 50 voters or more.

4. Using the data prepared in the previous steps, RSG identified DUCs by using ArcGIS Pro to eliminate uninhabited areas in the Census block groups with MHI at or below 80% of the statewide MHI.
5. Lastly, RSG conducted a visual analysis using ArcGIS Pro and the most recently published city boundary map from the California State Board of Equalization to remove unpopulated slivers that were a byproduct of the analysis outlined in the steps above. This was done on a county-by-county basis to ensure accuracy.

From this analysis, the CALAFCO DUC map identifies a total of 1,018 DUCs throughout California, varying in size. Based on this analysis, the CALAFCO DUC map shows that Los Angeles County has the highest number of DUCs, with 171 ranging in size from 3 acres to over 3,000 acres. The counties of Alpine, Kings, Mono, and San Benito have one DUC shown on the DUC map, while the counties of El Dorado, Madera, and San Francisco do not have any DUCs.

As stated on the CALAFCO website, the purpose of the map is not to replace DUCs that have been identified locally, which many LAFCOs have done or are presently in the process of updating. Instead, it helps LAFCOs that have not yet had the time or resources to tackle this state mandate by providing a resource that allows LAFCOs to comply with the Cortese-Knox-Hertzberg Act.

As an Associate Member of CALAFCO for many years, RSG is proud to have been a part of this collaborative process that has resulted in a tool that can be utilized by LAFCOs across the state.

## COURT REPORT

*Continued from page 8*

it passed, should be decided after the election. Contra Costa County then filed an emergency petition with the Court of Appeal for an order to keep the measure off the ballot. Six days later, the Court of Appeal ruled in the County's favor and ordered the County Registrar of Voters to keep the measure off the ballot. The Court of Appeal said that under the CKH Act, "a proposal to dissolve the District must go through a local agency formation commission. The District may not bypass this process and put the decision to dissolve itself directly to voters. The District has not cited any authority to the contrary, despite being given the opportunity to do so in the superior court and in our court."

The Court of Appeal case is Contra Costa County v. Superior Court of Contra Costa County, Case No. A166024.



### NEW HIRES FOR THREE LAFCOs

*San Mateo LAFCo is pleased to welcome Sofia Recalde as its new Management Analyst.*

*Sofia brings several years of experience in local government, healthcare, and the non-profit fields to LAFCo. She has a Bachelor's degree in Psychology from UC Santa Cruz and a Master's degree in Urban Planning from Rutgers University. San Mateo LAFCo is happy to have her as part of the team.*

**Sacramento LAFCo** welcomed Desirae Fox as its new Policy Analyst.

Desirae received her Bachelors of Arts from UC San Diego in Urban Studies and Planning, and previously worked as a Planner for Sacramento County. She is passionate about civic engagement, loves to volunteer, and is always looking for opportunities to educate her community on all things municipal. She is excited to learn and take on the many challenges of the LAFCo world, and is eager to engage with all her new colleagues that span our beautiful state.

**MARIN LAFCo** is pleased to announce the hiring of Stephanie Pratt as Clerk/Jr. Analyst

*Stephanie comes to LAFCo with many years of high-level private sector experience. Even though she served under a former POTUS during the building of his Presidential Library, this is her first role in the public sector. She has a Bachelors in Business Administration with a Minor in Journalism from California State University Northridge.*

# A JOURNEY ON THE PATH OF CALAFCO HISTORY

Written by Pamela Miller, retired CALAFCO Executive Director

*In the summer of 2021, CALAFCO was preparing to celebrate its 50<sup>th</sup> anniversary at the Annual Conference. As the Executive Director at the time, my plan was to write a very special 50<sup>th</sup> anniversary article for The Sphere. Since the Conference was cancelled due to pandemic-related circumstances, the article was held over until this year when CALAFCO would gather together once again and celebrate its 50<sup>th</sup> + 1 anniversary.*

*The article features interviews I conducted in the summer of 2021 with ten people - all of whom have a unique and long-standing relationship with CALAFCO (some now retired and others still active). Each has made substantial and long-lasting contributions to the Association and played significant parts in the evolution and ongoing transformation of CALAFCO. We honor them and everyone who has touched CALAFCO in positive ways, nurturing its mission and supporting its members. Much has changed over the past 51 years and CALAFCO continues evolving as a stronger, more viable organization. One thing that has not changed is the passion and dedication of those who contribute to CALAFCO. We honor and thank all of you who have come before - who built the foundation of CALAFCO. To those who follow, you are encouraged to carry the CALAFCO torch with pride and integrity as you continue to positively transform this great Association. It was my privilege to be a part of CALAFCO's rich history as Executive Director from 2012 - 2022 and I share in that passion and dedication to CALAFCO.*

*I hope you enjoy this journey on the path of CALAFCO history through the lens of each of these ten people as they take their own journey down memory lane. I want to personally thank them for their time and for sharing their thoughts and memories with me so that I could share them with all of you. We start by honoring two of those amazing contributors who have gone before us, yet left legacies that live on well past their lifetime.*



## Mike Gotch

*Mike Gotch is former LAFCo staff and Commissioner, former CALAFCO Executive Director and Board member, and former CA State Assemblymember. CALAFCO has an Achievement Award named in his honor. This is an interview with his wife, Janet Clare-Gotch.*

***Mike was involved with LAFCo and CALAFCO for a long time - at least a 20-year relationship. In addition to being San Diego LAFCos Executive Officer from 1977 - 1979, he was also a Commissioner on that same LAFCo. Mike served as CALAFCO's first non-EO Executive Director in 1998-1999. And, just prior to that, he was a CALAFCO Board member representing Napa LAFCo as their alternate public member. What would you say was the allure and passion of LAFCo and CALAFCO for Mike?***

Mike certainly did have a passion for LAFCo; he jokingly referred to himself as a LAFCo wonk. The inner workings of government and LAFCo held an innate fascination for him.

Several years out of college Mike learned of and developed an interest in LAFCo after serving with the Chief Administrative Office and the Department of Public Works in San Diego. This eventually led him to apply for an Analyst job opening with San Diego LAFCo. In 1975 he was promoted to Assistant Executive Officer and the following year he was appointed to Executive Officer. In 1979, at the youthful age of 32, Mike was elected to the San Diego City Council. At that time, he thought he had left LAFCo behind, but in 1981, at the urging of then Mayor Pete Wilson, Mike became the first City of San Diego Council representative to sit on the San Diego LAFCo.

In 1987, Mike left the SD City Council and resigned from his city member position on LAFCo, to work for Presidential Candidate Gary Hart, the front-runner for the Democratic nomination - until he dropped out due to revelations of an affair. Mike and I married in 1988, and he re-emerged as the Alternate Public Member to

*(Continued on page 15)*



## A Journey on the Path of CALAFCO History

*(Continued from page 14)*

*(Mike Gotch, continued)*

San Diego LAFCo, as well as serving on the California Coastal Commission, and the SD Stadium Board of Governors.

In 1990, Mike was elected to the California State Assembly. He served for two terms and Chaired the Local Government Committee and served as Vice-Chair of the Natural Resources Committee - both great passions of his. While Chair of the Local Government Committee, Mike authored a number of bills, most notably AB 1335, often referred to as the "Gotch bill". This bill provided LAFCos the ability to bring about and regulate changes in local government boundaries and structure. Critics of this bill felt it gave LAFCos too much power, but Mike believed in what LAFCos could and should be.

After leaving the Assembly in 1994, Mike and I moved full-time to a little town in Napa County. Here he served on the Napa LAFCo as an alternate Public Member for a short time before he was elected to CALAFCO. In 1998, Mike resigned from the CALAFCO Board to become its first paid Executive Director, where he helped re-engineer CALAFCO during a time of transition for the Association.

In 1999, Mike resigned from CALAFCO and became the Legislative Director for Governor Gray Davis. He served until 2003. He and his staff were responsible for directing the legislative program through the Senate and the Assembly.

After re-entering public life again, we split our time between Napa and Borrego Springs. Mike served as Board member of the Anza Borrego Foundation and Institute and was a founding member of the Borrego Village Association. Mike died of cancer in 2008 at the young age of 60.

***In 2009 after Mike's passing the year prior, CALAFCO created the Mike Gotch Courage & Innovation in Local Government Leadership Award to honor his legacy. Today the award is known as the Mike Gotch Excellence in Public Service Award. What do you think he would say about that?***

Mike would have been so honored to have a CALAFCO award named after him! I'm certain that every year the award is made, he gives a nod to the recipient and a

wink to retired San Diego LAFCo Executive Officer, Mike Ott, who proposed creating an award on his behalf for CALAFCO.

***Although the political landscape has changed since Mike's service in local and state government, the nature of servant leadership has not. What do you think he would say to those entering the local and state government world in terms of serving at their best in order to make positive change?***

Mike took a number of important, and at times, controversial public stands as an elected official, a CALAFCO Board member, and as a LAFCo administrator. I think he would have encouraged those entering government to take a stand on important matters in order to make a difference. He would want them to ask questions and initiate dialogue on tough issues, and to not be afraid of dissenting whether or not one was in the minority. He would also remind of the need to treat one another respectfully. It would be this approach that Mike would encourage others to follow to make a positive change.



### Jerry Gladbach

*Jerry Gladbach is former Los Angeles LAFCo Commissioner and CALAFCO Board Chair. He served on the CALAFCO Board from 2005 – 2013. He received the 2009 Outstanding CALAFCO Member Award and in 2021 he was awarded CALAFCO's*

*Lifetime Achievement Award. This interview was conducted prior to Jerry's passing.*

***You served on the CALAFCO Board for 9 years and during several critical transformation periods for the Association. What one or two events do you remember the most, and in your opinion, how did they improve the Association?***

When I was elected to the LAFCo for Los Angeles County in 2002, I had no idea of the opportunities that lay ahead. After a few years, I was elected Chair of the Commission, then elected to the CALAFCO

*(Jerry Gladbach, continued)*

*(Continued on page 16)*

## A Journey on the Path of CALAFCO History

(Continued from page 15)

(Jerry Gladbach, continued)

Board and later elected its Treasurer, Secretary, Vice-Chair and Chair. Serving on the Board was both rewarding and challenging.

Soon after I was elected to the CALAFCO Board there was a strong belief among some of the members of the Southern California LAFcos that they were not adequately represented on the Board. The beliefs and feelings were so strong that a few LAFcos threatened to leave CALAFCO. It was considered a major issue and therefore the Chair of CALAFCO formed a Task Force to study various options to alleviate the concerns of those LAFcos. After many meetings and looking at various options the Task Force, of which I was a member, agreed on a proposal that would divide the State into four Regions - Northern, Central, Coastal and Southern. This was presented to the CALAFCO Board who reviewed it and after much discussion agreed to support it and present it to the Membership for their approval at the Conference. There was a lot of discussion at the Membership meeting, both pro and con, but in the end, it was approved, and this is what we have today, assuring that each region has an equal number of members on the CALAFCO Board.

Soon after I was elected CALAFCO Chair, Bill Chiat, CALAFCO's Executive Director at the time, informed me that he would be retiring after the next Conference. My first thought was that this is going to be a critical year for CALAFCO. I immediately formed a Task Force, which consisted of the Executive Committee. The members were Ted Novelli, Vice-Chair, Mary Jane Griego, Secretary, and John Leopold, Treasurer. The Task Force reviewed all the applications and selected six to be interviewed. We interviewed the six and presented the top two to the Board for their selection. The Board by a unanimous vote selected Pamela Miller, and the rest is history. I have always been grateful for Pamela applying for the position and for her commitment to the mission of CALAFCO. I am also thankful for the efforts of the Task Force and the Board for their support in hiring her.

**Over the years, your LAFCo has had several Commissioners serve on the CALAFCO Board as well as staff serve as an officer for CALAFCO. What do you see as the value of this relationship?**

Speaking of gratitude, I appreciate the efforts of the Executive Officers with LA LAFCo that provided so much support of my efforts while on the CALAFCO Board, namely Larry Calemine, Sandy Winger and Paul Novak, and the support and patience of my lovely wife Donna.

There are several benefits of participating in CALAFCO, whether that is on the Board of Directors or serving as a Deputy Executive Officer. As a Board Member, you provide input from your region, guide the organization and give feedback to your region regarding the direction of CALAFCO. The presence of DEOs provide support to the Executive Director and at the same time have an insight into CALAFCO's activities - and are another line of communication from the regions to the Executive Director and back to their region. It is a great way to have informal communication and know quickly what is happening. I am a great fan of Associations and have seen the benefits they can provide. An Association is like a family, where everyone contributes to the benefit of everyone else, and like the saying goes, you get out of it in proportion to what you contribute.

***In your 20-year relationship with Los Angeles LAFCo and CALAFCO, you've no doubt witnessed and experienced a great deal of change. Looking forward, if you held one hope for the future of CALAFCO, what would that be?***

What about the future? It would be great if CALAFCO had the finances to employ an Executive Director full-time and to somehow get a representative from each LAFCo to attend the Conference.



### Clark Alsop

Clark Alsop is a partner in Best Best and Krieger and has been CALAFCO's legal counsel since we began keeping records (a long time). In 2006 Clark was awarded CALAFCO's Distinguished Service Award.

**What keeps you interested in working with the**

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## A Journey on the Path of CALAFCO History

(Continued from page 16)

(Clark Alsop, continued)

### **CALAFCO Board?**

I started representing LAFCo in 1975 as a new Deputy County Counsel. That was my first exposure to local government. I quickly learned to appreciate LAFCo's role to encourage orderly growth and development. I was involved with a number of applications for specific projects. I saw CALAFCO as an entity that took a higher-level approach at issues with a statewide perspective. I appreciated working with the Board to make the LAFCo process work throughout the State. Board members have changed over time, but I believe the Board's work has remained constant in making the State a better place to live.

### **Is there a special story or memory you have?**

I don't have a single special story or memory. I've worked with so many talented people over the years that it's difficult to select one story, but here are a couple that stand out: Jim Roddy, longtime Executive Officer of San Bernardino LAFCo, developed a humorous presentation about the ancient history of LAFCo titled "The Biblical History of LAFCo"; and I was part of a group of longtime LAFCo people on a panel that in draft form was called "Talking With Dinosaurs".

### **What is your recollection of the first CALAFCO Conference you attended?**

I joined the County Counsel Office in early 1975. I attended my first CALAFCO Conference that fall in San Diego. I cannot recall what happened at the Conference except to recall that as a relatively new LAFCo counsel I was quite impressed with the breadth of knowledge displayed by everyone.



### **Michael Ott**

*Mike Ott is retired Executive Officer of San Diego LAFCo and served as CALAFCO's first Deputy Executive Officer from 1988 - 1993. He is the 2018 recipient of the Mike Gotch Courage & Innovation in Local Government Leadership Award.*

### **How did you come to be the first Deputy Executive Officer?**

There were several factors that led to my becoming CALAFCO's first Deputy Executive Officer (DEO). One factor had to do with the expectations that Commissioners placed on all staff at San Diego LAFCo. In the 1970s, Peter Detwiler worked several years for San Diego LAFCo as its Assistant Executive Officer before becoming the director of the local government unit at the Governor's Office of Planning and Research and later as the chief consultant for the Senate Local Government Committee. And then there was the late Mike Gotch who served as an analyst, Assistant Executive Officer and Executive Officer before being elected to the San Diego City Council and the California State Assembly. So, when I became an analyst in 1983, the expectation bar was set high, and I was expected to make contributions beyond San Diego County. The other pertinent factor was that CALAFCO was staffed exclusively by volunteers and the Association needed help, so I offered my assistance. It was also a good professional development opportunity for me when I was a young analyst and helped propel me to later become the Executive Officer of San Diego LAFCo.

### **What was the Association like at that time you served as the first Deputy Executive Officer?**

With the exception of having a paid lobbyist, the Association was staffed exclusively by volunteers and governed by a group of dedicated Board members. The all-volunteer aspect of CALAFCO surprised other Associations and even the State Legislature, since CALAFCO carried itself like a larger organization with a team of lobbyists, administrators, and educators. In reality, CALAFCO resembled the Great Oz in the famous scene in The Wizard of Oz when Dorothy realized that Oz was merely an old man behind a green curtain projecting an image of himself to the outside world that he wanted others to see. I learned early on as DEO that it was best to not disclose to other Associations and government officials that a handful of volunteers and committees were all that was behind

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## A Journey on the Path of CALAFCO History

(Continued from page 17)

(Michael Ott, continued)

CALAFCO's green curtain. Though CALAFCO functioned primarily with volunteers, it was a tight knit group. Among its biggest accomplishments in the 1980s, perhaps even to date, was the consolidation of the three predecessor statutes (Knox-Nisbet Act, District Reorganization Act, and Municipal Organization Act) into the Cortese-Knox Reorganization Act of 1985. Today's staff have no idea how difficult it was in the early years to make sense out of three conflicting predecessor statutes.

The other aspect of early CALAFCO life was its focus on two basic functions that continue today – to monitor and write legislation and educate its members. However, the major difference between the early years and today, was the evangelical approach taken to educate members in the past about what were new concepts at the time, such as spheres of influence, environmental review, property tax exchanges, contiguity definitions, fiscal impacts, etc. These and other concepts are now pro forma aspects of LAFCo life today, but they were new and sometimes controversial in the past.

### **What's one standout memory when you were Deputy Executive Officer?**

I have two standout memories of CALAFCO. One of the proudest personal memories had to do with writing a report that led to the creation of the modern day CALAFCO; an Association run by paid staff – without the Great Oz standing behind a green curtain. The report I prepared took years to implement, but its conclusions and recommendations led to the eventual conversion of an organization run by volunteers to one reliant on a hybrid system with paid staff augmented with volunteers and committees.

The other standout memory had to do with what I consider the Golden Age of CALAFCO. While Deputy, I remember introducing a speaker at a Conference and losing my train of thought, as I saw two burly men get seated in the front row of the ballroom near me. They happened to be Assemblyman Jack Knox and former Governor Edmund "Pat" Brown, the founding fathers of LAFCo. When it came time for Assemblyman Knox and Governor Brown to talk, I remember them being immensely proud of the agency they created and of

the important responsibilities they gave us.

Those early days for me represented the Golden Age of CALAFCO and LAFCo, since both organizations were still fairly new and unproven institutions. It was a time of incredible optimism and promise, but it was also a time of increasing public bewilderment about our ultimate purpose and future. However, I would not trade those early days for anything.



### **Roseanne Chamberlain**

*Roseanne Chamberlain is retired LAFCo Executive Officer, former LAFCo Commissioner and former CALAFCO Board Chair. She served on the CALAFCO Board from 1990 – 1995. In 2013 she was awarded CALAFCO's Distinguished*

*Service Award.*

### **Given your unique, multi-faceted perspective and 35-year LAFCo and CALAFCO tenure, what are your thoughts on the evolution of LAFCo and CALAFCO?**

I haven't been doing LAFCo work from the beginning of time, but it does feel that way. I was appointed public member to Sacramento LAFCo in 1986 and became the Chair there in 1988, holding hundreds of hours of incorporation meetings for Citrus Heights and Elk Grove, serving on the CALAFCO Board and lobbying at the capitol for the Gotch Bill and lots of other legislation.

When I became CALAFCO Board Chair, my first goal was to adopt legislative policies with Pat McCormick's help. This may be the most enduring legacy of that period. CALAFCO has come far since those days. While we may take the organization and its consistency for granted now, it was not always that way. In the early years there was little organizational structure. It took a big nudge from Mike Ott and other respected Executive Officers to induce me to run for the Board. For example, there were no goals or objectives, no "job" descriptions and an irregular budget process. I remember when

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## A Journey on the Path of CALAFCO History

*(Continued from page 18)*

*(Roseanne Chamberlain, continued)*

they asked me to pay my share of the meeting cost for lunch and the meeting room at my first Board meeting!

The people of CALAFCO, however, more than made up for whatever was lacking in those days. The staff volunteers were the core of CALAFCO and the organization depended heavily on LAFcos and individuals to donate time. People like John O'Farrell, Jim Roddy, Bob Braitman, Elizabeth Kemper, Clark Alsop and other generous contributors nurtured the early organization. The network included Peter Detwiler and Randy Pestor at the Legislature. I learned so much from these and others about integrity, public service, leadership and reliability. The legacy of these mentors still endures and is visible in the current organizational culture of CALAFCO, where we continue to generously support and sustain each other.

### ***You've attended a lot of Conferences and Workshops through the years. What is your most memorable Conference or Workshop experience?***

My first Conference was memorable because I totaled my car while in Santa Cruz just before the banquet. Bill Pellman (LA Counsel) kindly bought me a drink at the dinner. Because others were so kind, reassuring and supportive, I knew I would be OK. I spoke at Conferences so many times in the years when I was a Board member, I don't have distinct memories of any particular session, but I do recall the exact moment when I realized I was no longer nervous about public speaking. Chairing my first CALAFCO Board meeting was significant for me because I asked each Board member to identify their priority for the next year, which had never been done before.

### ***What one piece of advice or golden nugget of wisdom would you share with current and future LAFCo staff and CALAFCO Board members?***

Do the homework. Staff needs to verify information as much as possible and avoid relying on secondary sources. The homework includes the research and technical information to cover all sides of an issue to enable informed decisions. Commissioners' "homework" includes reading the Board meeting materials carefully and bringing that understanding into their thinking about the policy implications of the

decision and the potential future consequences.



### **Patrick McCormick**

*Pat is retired Executive Officer of Santa Cruz LAFCo. In 2009 Pat earned the CALAFCO Outstanding Professional award and in 2018 he was awarded CALAFCO's Lifetime*

*Achievement Award.*

***Over the years, you were called on by your CALAFCO colleagues (EO and Commissioner alike) countless times for certain historical information given your encyclopedic knowledge of LAFCo. Can you share some historical facts that for you are the most interesting or obscure?***

The name "Local Agency Formation Commission" does not describe most of the mission and activities of LAFcos. The origin of the awkward name occurred in the 1963 Legislative session when there were two bills - the Nisbet bill in the Senate initiating the regulation of city and district boundaries at the county level, and the Knox bill in the Assembly establishing a state commission to regulate local agency formations. When the two bills were squished together at the end of the Legislative session, the name that they used, from the Knox bill, was "local agency formation commission" even though the boundary regulations were spliced into the final version.

LAFCo folks have had to explain the boundary regulatory functions at numerous public contacts. In 2000, with the preparation of the Growth Within Bounds Report and its implementing bill, CALAFCO vetted within its organization and proposed a name change so that each LAFCo would become the "California Boundary Commission of \_\_\_ County". This showed that we were executing the State's authority by commissions organized in each county, and that we handled more than just formations. This name change was included in the version of the bill as it was introduced in the Legislature in 2000. To our shock, during one of the first set of amendments, the authors took out the name

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## A Journey on the Path of CALAFCO History

*(Continued from page 19)*

*(Patrick McCormick, continued)*

change. The legislators were now familiar with “LAFCo” and didn’t want to change it. Perhaps a Commission for Local Governance for the 22nd Century will attempt to tackle the misnomer.

### ***Your LAFCo was (and still is) an active member of CALAFCO. In your opinion, how did your LAFCo benefit from CALAFCO?***

Among many benefits of CALAFCO, the best was the network of people to consult. For staffers, the ability to be trained by experienced people and to contact colleagues with urgent, specific questions was invaluable. Commissioners also benefited from the network of their peers. Our Commissioners desired to attend CALAFCO Conferences, even though they had busy personal, professional, and political lives and plenty of other meetings to attend.

### ***In mid-career, you served as chair of the CALAFCO Legislative Committee. Tell us about an experience you had in Sacramento testifying before the Legislature.***

As a young Executive Officer in August 1987, I was testifying on behalf of Santa Cruz LAFCo at the final hearing of a bill that would have annexed one 72-acre parcel to a city in Santa Cruz County. LAFCo approval had been overturned by a California Environmental Quality Act challenge. During the litigation, local elections had changed who sat on LAFCo. The property owner didn’t think he could get a majority vote at LAFCo and chose to hire a lobbyist and make some campaign contributions to state legislators to get a bill approved. The concept that the Legislature would start handing out individual annexation approvals was bad government and a horrible precedent to Santa Cruz LAFCo and CALAFCO.

The FBI had been quietly investigating corruption in the Legislature and had secretly gotten a bill introduced to promote aquaculture in Yolo County. Their secret agents would innocently say they were from out-of-state and wanted to know how things were done in California to get this bill through. They would eventually get 12 convictions. The evening before the final hearing on the Santa Cruz bill, 30 FBI agents

raided 4 legislators’ offices in the Capitol in what was later called “Shrimpscam”. The matter was on the front pages of the morning newspapers.

As I was waiting in an ornate Senate Committee room for the bill to be called, a page walked in a side door and put down a stack of bill copies. CALAFCO’s legislative adviser, Ed Gerber, said that I should go over and pick one up. Overnight, the author’s staff had worked and prepared 10 pages of amendments to add all sorts of housing policy and programs. (The bill still would have annexed the property).

I barely had time to read the bill, let alone consult with the LAFCo chair via phone. When I testified, the first question I got was what was Santa Cruz LAFCo’s position on the amended bill. I wanted to scream and respond that if any local government acted this way, the Legislature would probably pass a bill forbidding the practice. Ed quietly advised me to say that I had not had the opportunity to review the amendments with LAFCo. Afterward in the hallway, he heard my rant and explained that I could not criticize the author’s tactic if I wanted to try to convince the committee that LAFCo would give the property owner a fair hearing if the EIR were fixed. I was unsuccessful. The bill passed the committee but was never taken to the floor for a vote. Many Capitol watchers felt that the FBI’s ongoing investigation had something to do with the bill’s demise.



### **SR Jones**

*SR Jones is the Executive Officer for Nevada LAFCo. She served as CALAFCO Deputy Executive Officer from 1997 -*

*1999 and again in 2009, and as CALAFCO’s Executive Officer 2000 - 2001 and again 2010 - 2011. In 2001 she received the CALAFCO Outstanding Member Award.*

***You’ve been in the LAFCo/CALAFCO family for 29 years. What are your thoughts on the evolution of***

*(Continued on page 21)*



## A Journey on the Path of CALAFCO History

(Continued from page 20)

(SR Jones, continued)

### **LAFCo and CALAFCO?**

I started working at Nevada LAFCo in 1993. At that time, the CALAFCO Board was supported by volunteer LAFCo Executive Officers and other LAFCo staffers. Despite the 'all-volunteer' nature of the organization, it nevertheless managed to offer Annual Conferences and Staff Workshops and monitor legislation while working with Senate and Assembly legislative consultants. In 1998 CALAFCO hired its first Executive Director, Mike Gotch, which paved the way for the Association to raise the quality of its educational/development program and to establish a more coherent and robust presence in the legislative arena.

In 1997, a bill authored by Assemblymember Robert Hertzberg established the Commission on Local Governance to review LAFCo law. The Commission's work over the next 16 months paved the way for the passage in 2000 of Assembly Bill 2838, which made significant changes to LAFCos' funding structure (until then, LAFCos had been funded solely by the County). During this entire process, CALAFCO was front and center, attending Commission on Local Governance meetings to provide commission members with valuable information. During the legislative process, CALAFCO worked closely with legislative staff. My sense is that the AB 2838 reforms had a transformative effect on LAFCos by reinforcing our role as independent agencies advocating for the of orderly growth and development in each county.

***You served as CALAFCO's Deputy Executive Officer and Executive Officer more than once – first from 1997 – 2001 and again from 2009 – 2011. What made you want to return and serve CALAFCO a second time?***

CALAFCO has provided a foundation for my professional development, a venue to meet and learn from other LAFCo staff. It's been a vehicle for orienting new Commissioners into the complexities of the Local Government Reorganization Act and for networking with other Commissioners to share knowledge and perspectives. So naturally, I was happy to give back to the organization in any way I could! Fortunately, the Nevada LAFCo Commission has always fully supported

the mission of CALAFCO and encouraged my involvement as well as the participation of many Nevada LAFCo Commissioners.

Candidly, though, the real reason for my involvement in CALAFCO is the opportunity to engage with LAFCo and CALAFCO staff and Board members. Without exception, LAFCo and CALAFCO staffers are smart, funny, kind and generous. Who could resist such delightful company! I attended my first staff Workshop in 1993 and was struck by the dedication and professionalism of LAFCo staffers. And now, nearly 30 years later, I still marvel at the breadth of knowledge of my colleagues, eager to share insights and strategies, encouragement and cautionary tales, and sometimes a laugh or tears.

***You were serving as CALAFCO Deputy Executive Officer when Mike Gotch transitioned from a CALAFCO Board member to CALAFCO's first paid Executive Director, and as CALAFCO Executive Officer you were very involved in the hiring of our second Executive Director, Scott Harvey. What was CALAFCO like at that time?***

Prior to Mike taking the Executive Director position, CALAFCO relied on volunteer LAFCo staff for all administrative and operational activities. Courtesy of San Bernardino LAFCos generosity, we had legal advice and assistance from the capable Clark Alsop of Best Best and Krieger. The Executive Officer of CALAFCO, assisted by other LAFCo volunteers, was responsible for all functions, including organization of Annual Conferences and Staff Workshops, legislative activities, and staff support for the CALAFCO Board of Directors. Other volunteer Executive Officers were involved, handling legislative matters with the support and assistance of the Legislative Committee.

Establishing a dedicated Executive Director position poised CALAFCO for evolution into a more professional organization and to raise our Association's profile with the legislature, as well as California Association of Counties, the League of Cities and the California Special Districts Association.

(Continued on page 22)

## A Journey on the Path of CALAFCO History

(Continued from page 21)

(SR Jones, continued)

Originally, CALAFCO Board members were selected by the membership as a whole. This structure tended to result in a majority of the Board members being from rural and suburban counties. In 2010, the CALAFCO Board was reorganized to establish the four regions for election of Board members that we use today. This transition occurred under the leadership of Executive Director Bill Chiat. It was not an easy transition, but Bill was patient and worked closely with Board members LAFCo Commissioners and LAFCo staff to pave the way for a more stable and equitable structure for the CALAFCO Board.



### Gay Jones

Gay Jones serves as Commissioner for Sacramento LAFCo and is past CALAFCO Board Chair. She has served on the CALAFCO Board since 2007 and is the longest serving CALAFCO Board member.

### How did you get involved in your district, LAFCo and CALAFCO?

Print media is the culprit! Our local paper had an article about formation of a new fire district in Sacramento County. The accompanying map showed my address in Division 8 of a new Metro Fire. By this time in 2020, my fire service career had reached almost 20 years. I said to myself "I can do this!" and I did. Friends, mentors if you will, encouraged me all along the way. From being elected as a Fire Board Director, Special District Commissioner and CALAFCO Board member, a lot of people helped me at each and every step.

### What does CALAFCO mean to you and your LAFCo?

Today, I find the same type of support from my professional relationships within the CALAFCO community. Many friendships have developed over the years, and a common thread is interest in good governance. Sounds "corny", but it is true. CALAFCO informs my local LAFCo decisions by creating

perspective and assisting me in balancing all the information needed to make decisions.

### As an active member, current Board member and past Chair of CALAFCO, what one piece of wisdom or advice would you give to CALAFCO members?

Thank you, CALAFCO! Keep up the good work!



### Steve Lucas

Steve Lucas is the Executive Officer for Butte LAFCo. He currently serves as CALAFCO's Executive Officer and is the longest serving Officer for CALAFCO (2012 - 2022). In 2014 Steve was awarded CALAFCO's Outstanding Member Award and in 2016

he earned CALAFCO's Outstanding LAFCo Professional Award.

### You've been a regional officer since 2012 and a CALAFCO member for 28 years with Butte LAFCo. In your view, how has the Association evolved?

When I first started as a LAFCo-ite in 1994 as a simple caveman planner, I viewed CALAFCO more as a professional/social club where we all came together to tell war stories, seek advice and... socialize.

I had little concept of how our Association functioned, what its core mission was or just what exactly a professional Association did for its members...but I sure did like to socialize and learn! Little did I know then that one day I would be sitting in a legislative hearing at the Capitol testifying for CALAFCO sponsored legislation! These many years later I have watched and participated in the evolution of our Association into a top tier educational resource for its members and the larger legislative and local government audience. Additionally, CALAFCO has become a significant stakeholder presence in Sacramento addressing legislative issues/proposals from others as well as generating our own legislative agenda and legislation. To summarize, the Association has

(Continued on page 23)

## A Journey on the Path of CALAFCO History

(Continued from page 22)

(Steve Lucas, continued)

transformed itself from a loose confederation of all volunteer members with advisory guidance and a very limited bandwidth to an organization with clear leadership, regional networks and a compensated regional staff of executive officers. We've come a long way baby!

### **What does CALAFCO mean for you and your LAFCo?**

CALAFCO represents to us a solid educational resource that promotes communication between all LAFCos through its various initiatives such as the listserves, CALAFCO University and periodic white papers. It also establishes a forum for interdisciplinary exchanges with our sister organizations as well non-governmental organizations and state and local agencies. In short, the CALAFCO family provides a safe and sane (most of the time) forum to improve our practices and enhance our services which ultimately secures our credibility locally.

### **As the current CALAFCO Executive Officer, what's your hope for CALAFCO's future?**

I am deeply concerned about the level of volunteerism that CALAFCO depends on in so many ways. Many of the regular contributors to the Association (me included) are nearing the end of long careers and we must find a way to translate the experiences and knowledge of the old timers to a new generation of volunteers. It is also clear to me that it will continue to be a tall order for CALAFCO to compete with our sister organizations on the legislative and policy front unless we are committed to funding a larger CALAFCO staff that has the resources to push our agenda and engage in hand-to-hand combat in Sacramento to achieve our goals. On a much lighter note, I personally want to see CALAFCO continue its role as gathering place for social and collegial interaction...a function that has helped inspire me over the years and at times, kept me in the game.



### **Elliot Mulberg**

*Elliot Mulberg is currently a CALAFCO Associate Member. He is former LAFCo Executive Officer, former LAFCo Commissioner and served on the CALAFCO Board from 2002 – 2006.*

***You've been associated with LAFCo and CALAFCO for 26 years and in many ways (LAFCo Commissioner, CALAFCO Board member, EO, consultant and Associate Member). Given that, what are your thoughts on the evolution of LAFCo and CALAFCO?***

During that time CALAFCO grew to be a more professional organization. When I was first elected the Board focused on the Conference and the two Staff Workshops, one for clerks and one for analysts. Board meetings were dominated by requests for refunds from registration. As time progressed the Board met to address issues common to the implementation of CKH. CALAFCO published the Sphere which had many articles from LAFCos around the state. I found the Legislative Committee particularly informative about issues that affect the operation of LAFCos. CALAFCO has grown to provide training through CALAFCO University seminars, increased communication among LAFCos, and has a larger presence in the Legislature.

### **What drew you to serve on the CALAFCO Board from 2002 – 2006?**

I was encouraged to run by Chris Tooker and Roseanne Chamberlain who were not only fellow Sacramento LAFCo Commissioners but had served on the CALAFCO Board.

### **Please share the value of CALAFCO to you as an Associate Member.**

As an Associate Member I have access to potential clients through the directory, the Workshops, and Conferences. In some cases, I am called on to provide expertise that I gained as a consultant working with LAFCos throughout the state. I am also informed of changes to CKH through access to the latest version of CKH.

- End -





# ANNUAL REPORT 2022

CALIFORNIA ASSOCIATION OF  
LOCAL AGENCY FORMATION  
COMMISSIONS

**CALAFCO**

*Sharing information and resources*

1020 12th Street, Suite 222, Sacramento, California 95814  
(916) 442-6536





Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, encouraging the efficient provision of government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.

## CALAFCO LEADERSHIP

June 30, 2022

### BOARD OF DIRECTORS

Anita Paque (*Calaveras - Public*), *Chair*  
Bill Connelly (*Butte - County*), *Vice-Chair*  
Margie Mohler (*Napa - City*), *Treasurer*  
Acquanetta Warren (*San Bernardino - City*), *Secretary*

Blake Inscore (*Del Norte - City*)  
Gay Jones (*Sacramento - District*)  
Michael Kelley (*Imperial - County*)  
Debra Lake (*Humbolt - District*)  
Chris Lopez (*Monterey - County*)  
Daron McDaniel (*Merced - County*)

Michael McGill (*Contra Costa - District*)  
Derek McGregor (*Orange - Public*)  
Jo MacKenzie (*San Diego - District*)  
Daniel Parra (*Fresno - City*)  
Shane Stark (*Santa Barbara - Public*)  
Josh Susman (*Nevada - Public*)

### STAFF

René LaRoche, *Executive Director*  
Clark Alsop, *Legal Counsel*  
Jeni Tickler, *Administrator*  
Steve Lucas, *Executive Officer*  
José Henriquez, *Deputy Executive Officer*  
Dawn Mittleman Longoria, *Deputy Executive Officer*  
Gary Thompson, *Deputy Executive Officer*



## MESSAGE FROM THE **BOARD TREASURER**

**Margie Mohler**

It has been an incredible honor to have served as the CALAFCO Treasurer. Since first becoming a LAFCo commissioner, I have come to embrace and truly appreciate the tenets under which LAFCos operate—and now I also understand the importance of the work that CALAFCO does.

Everything that this association does, it does for and WITH our members. The partnerships and collaboration show in everything from the planning of our events, such as the staff workshops and annual conferences, our educational offerings like CALAFCO University and, of course, our interactions with legislation and the legislature. Your needs are what drive us, and we strive to provide you with the services and offerings that you need and deserve utilizing sound financial controls and consideration.

Unfortunately, the past two years have been challenging for us all. For CALAFCO, the major effect is found in our revenues which do not reflect the customary conference or workshop revenues. However, the previous steps that the Board took to reduce the structural deficit stood us in good stead and resulting shortfalls have been readily absorbed. We also had two unusual costs. The first resulted from a contractual obligation for hotel rooms that came due when the Spring Workshop was cancelled, and the second was the use of a professional firm for the Executive Director recruitment. Together, these one-time costs resulted in an uptick in expenses.

Of course, we can and should reflect on the many challenges that have been surmounted. However, kudos need to be given to CALAFCO staff, especially former Executive Director Pamela Miller, who managed to keep everything going during the trying times despite the reduction of revenues. She managed to maintain the focus on CALAFCO's mission by pivoting educational offerings to virtual presentations, interfacing with legislative reps via Zoom, and maintaining member communications. While our C.P.A. tells us that the organization is sound financially, its real assets are its people.

All-in-all, while it was not the year that we would have wished for, we managed to make it through in sound financial shape. Thank you for allowing me the opportunity to have served in this capacity.





## MESSAGE FROM THE EXECUTIVE DIRECTOR

René LaRoche

**Resilient. Innovative. Tenacious. Courageous.** There is no other way to describe our members and staff after the way they've handled the last two years of this historic global pandemic. Together, we're all moving forward... often in fits and starts. Sometimes that looks like a setback, as with the cancellation of our Spring Staff Workshop due to a surge in COVID-19 cases. However, at other times it's a solid "return to normal," as with the October Conference - our first since 2019.

As we reflect on the past year, it is natural to start with the major developments, of which there were two. The first, driven by the tenacity of my predecessor, was the passage of SB 938. This multi-year effort clarified statutes related to consolidations and dissolutions, as well as addressing when a LAFCo may initiate the dissolution of a district at the 25 percent protest threshold. It took collaboration, team work, and more to get this done, so congratulations to all!

The second major event, of course, was the change in Executive Directors. Thankfully, Pamela Miller left a strong, financially sound organization, which allowed me to initially focus on continuity of services. (It's hard to keep plates spinning when you don't know what plates are in the air!) But the month of October marks my eighth month as ED, and my gaze has effortlessly shifted forward.

Interestingly, while I had no intentions of changing anything this first year, some things just morphed naturally such as the updated look of our periodicals. As you will note, this report has a more corporate look and feel and clearly aligns with the fiscal year to allow easy comparison of our services versus their costs.

Looking forward, a couple of things stand out. One, the monetization of the CALAFCO U webinars, started in July when non-members from local government entities began paying a small fee to attend the sessions. Other important things on the horizon include Strategic Planning, the pursuit of a Government Code Section 56133 amendment, and a (hopeful) return to at least some in-person sessions of CALAFCO U, as well as some Board meetings. Our website is also in need of a major overhaul to address security issues, but that is an opportunity to move to an Association Management Service (AMS), which will provide better member functions while reducing administrative time.

We also reluctantly accepted notice from Jim Gladfelter that this will be his last year as our CPA, so we will soon be issuing an RFP to find his replacement. However, we are indebted to Jim for his many years of service and dedication to CALAFCO.

Thus, I am pleased to report that the association is strong and active, and it is so because of you! On behalf of myself and the Board, I want to extend sincere thanks and gratitude to our members and many volunteers who contribute to bringing these efforts to life. While the past year has brought challenges, it has also brought opportunities, and I am excited and looking forward to what the next year brings!

# STRATEGIC PRIORITIES

Educational Resource | Member Development & Communication | Information Resource & Policy Advocate



**HEART. GRIT. DETERMINATION.**

All of this and more is performed by 1.5 FTE, 2 Part-time Consultants, 4 Regional Staff, and numerous committee volunteers.



## FINANCIAL MANAGEMENT

The financial data that follows has been selected from the Association's financial statements, which were prepared in accordance with Generally Accepted Accounting Principles (GAAP). Unabridged copies of all financial statements can be found in the Board's July 22, 2022 agenda packet or may be obtained by sending an email request to [info@calafco.org](mailto:info@calafco.org).

CALAFCO employs multiple safeguards to ensure that the Association's assets are safeguarded from unauthorized use, and that all transactions are scrutinized to ensure that they are authorized, executed, and recorded properly. In addition, the association employs James Gladfelter, C.P.A., of Alta Mesa Group, LLP, who monitors these controls through the performance of quarterly reconciliations.

### OVERVIEW

FY 21-22 revenues compare favorably to the previous year but again consist almost entirely of member dues, with LAFCo member dues representing approximately 90%. Revenues again reflect a lack of event receipts since both the 2021 Annual Conference and the 2022 Staff Workshop had to be cancelled. CALAFCO University, on the other hand, generated a small portion of the total revenue, mostly through sponsorships that were transferred from the cancelled conference.

While the lack of events caused expenses to trend downward proportionately, the cancellation of the 2022 Staff Workshop triggered a contractually guaranteed payment for the blocked hotel rooms which resulted in a one-time expense. Similarly, the hiring of a firm to assist with the Executive Director recruitment represents another unusual expense. Overall, the remaining expenses represent normal operational expenses, which have been held at historic levels due to previously implemented austerity measures.

  
**Margie Mohler**  
CALAFCO Treasurer

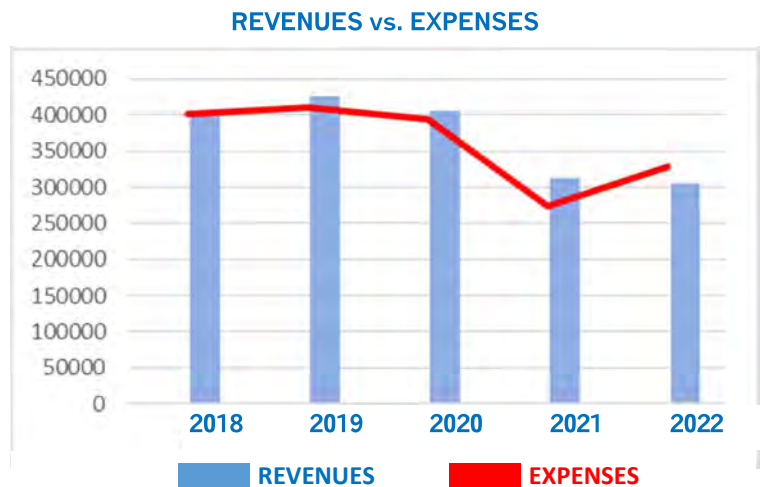
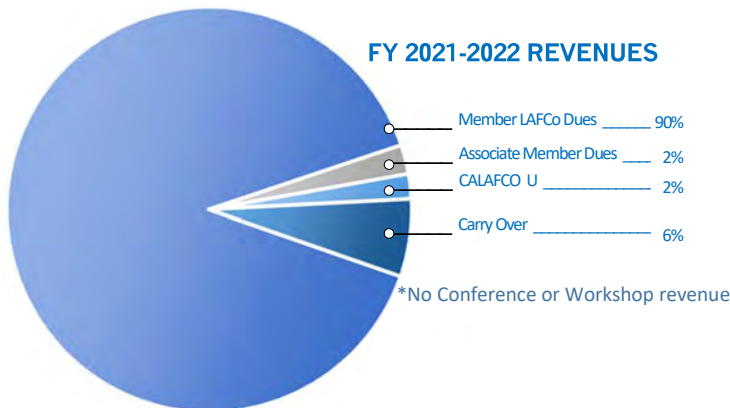
  
**René LaRoche**  
Executive Director



# STATEMENT OF FINANCIAL POSITION

AS OF JUNE 30, 2022

ASSETS	2021	2022
Cash and Cash Equivalents	\$270,122	\$200,489
Accounts and Other Receivables	-\$ 18,585	-\$ 13,779
Prepaid and Deferred Expenses	\$ 13,092	\$ 14,792
<b>Total Assets</b>	<b>\$264,629</b>	<b>\$201,502</b>
LIABILITIES		
Accounts and Other Payables	\$ 8,364	\$ 7,992
Deferred Income	\$ 15,633	\$ 3,000
Accrued Expenses	\$ 7,892	\$ 7,930
<b>Total Liabilities</b>	<b>\$ 31,889</b>	<b>\$ 18,922</b>
NET ASSETS		
Unrestricted	\$ 34,161	\$ 69,986
Fund Reserve	\$ 162,754	\$ 162,754
Net Surplus/Deficit	\$ 35,825	-\$ 50,160
<b>Total Net Assets</b>	<b>\$ 232,740</b>	<b>\$ 182,580</b>
<b>Total Liabilities &amp; Net Assets</b>	<b>\$ 264,629</b>	<b>\$ 201,502</b>



# Thank You to All of Our Associate Members

## CALAFCO GOLD ASSOCIATE MEMBERS



COLANTUONO  
HIGHSMITH  
WHATLEY, PC



## CALAFCO SILVER ASSOCIATE MEMBERS

Berkson Associates  
Chase Design, Inc.  
City of Rancho Mirage  
County Sanitation Districts of L.A. County  
Cucamonga Valley Water District  
DTA  
E Mulberg & Associates  
Economic & Planning Systems (EPS)  
Goleta West Sanitary District  
Griffith, Masuda & Hobbs, a Professional Law Corp  
HdL Coren & Cone  
Holly Owen, AICP  
LACO Associates  
Planwest Partners Inc.  
Policy Consulting Associates  
P. Scott Browne  
QK  
Rancho Mission Viejo  
Sloan Sakai Yeung & Wong, LLP  
South Fork Consulting, LLC  
SWALE Inc.  
Terranomics Consulting



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