

**2009 – 2010**  
**Madera County Grand Jury**  
**Final Report**  
**Local Agency Formation Commission**

Presented By: County Committee

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**Introduction:**

The Madera County Grand Jury received a citizen complaint from the Madera Oversight Coalition alleging that the Madera County Local Agency Formation Commission (LAFCO) is in violation of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Cortese Act). The complaint specifically alleges the following:

- The present make-up of LAFCO has an imbalance of representation for Madera County.
- The recent election of LAFCO members violates the legislative intent of the Cortese Act.
- Agricultural lands and unincorporated areas are not adequately represented by LAFCO.
- There is a conflict of interest on the part of one LAFCO Commissioner who is an Administrative Assistant to a county Supervisor, is on a City Council and is the Mayor of that city.

The complaint requests that the Grand Jury remove two LAFCO Commissioners; one for conflict of interest and one to correct an imbalance of LAFCO representation.

The Grand Jury conducted an investigation of this complaint which included interviews with the complainant, the Executive Officer of LAFCO, and LAFCO Commissioners. The Grand Jury

also read and reviewed the Cortese Act, the LAFCO Policies, Guidelines and Procedures Manual, LAFCO Minutes and the 2009 – 2010 LAFCO Budget.

### **Findings:**

Each of the 58 California counties has a LAFCO charged with discouragement of urban sprawl and the encouragement of orderly formation and development of local agencies based on local conditions. LAFCO's goal is to prevent premature or illogically planned development, to see that services are provided efficiently and economically, to ensure agricultural and open space lands are protected, to coordinate changes in local government boundaries and to implement the applicable provisions of the Cortese Act. LAFCO is an autonomous agency that is not part of county government.

LAFCO is composed of five Commissioners; two are appointed from the Board of Supervisors by that body, one City Council member from Madera, one City Council member from Chowchilla and a Public Member At-Large appointed by the other four Commissioners. There are also three Alternate Commissioners representing City, County and At-Large. Alternate Commissioners may vote in the absence of the regular member he/she represents. Each January, the Chairman of the Board of Supervisors may change the make-up of LAFCO by appointing a Commissioner from the Board of Supervisors from various county districts. According to each LAFCO Commissioner interview, each LAFCO Commissioner represents all of Madera County and votes in accordance with the best interests of the county as a whole.

The LAFCO Policies, Guidelines and Procedures are not intended to pre-empt State law. State law provides for the addition of two Commission members, from independent special districts, if a majority of independent special districts request representation.

### **Conclusions:**

The make-up of LAFCO does not present an imbalance of representation for Madera County as each Commissioner represents the interests of the entire County and the apparent balance changes from year-to-year with the appointment of new Commissioners. The Grand Jury did not find any LAFCO action that violated the intent of the Cortese Act. The Grand Jury did not find a lack of representation of agricultural lands or open land areas. The Grand Jury concludes that the complaint stems from dissatisfaction with the recent LAFCO election where the previously nominated candidate from Eastern Madera County was not nominated and elected.

**Recommendation:**

- If residents of Eastern Madera County feel they have inadequate representation on LAFCO, they may request representation since state law provides for the addition of two members from independent special districts if a majority of independent special districts request representation.

**Respondents: Written response required pursuant to PC933 (c)**

Madera County Board of Supervisors  
200 W. 4<sup>th</sup> Street  
Madera, California 93637

Madera City Council – Mayor  
205 W. 4<sup>th</sup> Street  
Madera, California 93637

Chowchilla City Council – Mayor

Chowchilla, California 93610

LAFCO Executive Officer  
2037 W. Cleveland Avenue  
Madera, California 93637

**Attachments:**

California Government Codes Section 56000-56001  
Madera LAFCO Introduction Statement

## **Madera LAFCO**

The Madera Local Agency Formation Commission (LAFCO) is an autonomous agency that is not part of County Government. However, the Madera LAFCO has chosen to contract for staff services with the County of Madera. The mission of Madera LAFCO is to coordinate logical and timely changes in local governmental boundaries and to implement the applicable provisions of State law, namely the Cortese-Knox-Hertzberg Local Government.

LAFCOs have been established in each of California's 58 counties with the basic charge of discouraging urban sprawl and encouraging orderly formation and development of local agencies based upon local conditions and circumstances. LAFCO sets spheres of influence for each city and special district within its jurisdiction; conducts special studies to review potential simplification and streamlining of governmental structure and increase cost effectiveness; and provides for reorganization or consolidation of local governmental agencies when appropriate. It is LAFCO's goal to prevent premature or illogically planned development and to see that services are provided efficiently and economically while agricultural and open-space lands are protected.

The governing body of Madera LAFCO consists of a five member Commission, including two members of the Board of Supervisors, one member each from the Madera and Chowchilla City Councils, and one public member. While four of the five members are appointed by local jurisdictions, each Commissioner is independent when weighing and reviewing information and when making determinations. Meetings are held once a month as needed, typically on the fourth Tuesday of the month at 6:00 P.M. in the Madera County Resource Management Agency Building, 2037 W. Cleveland Avenue, Madera, California.

### **California Government Code Section 56000 – 56001**

56000. This division shall be known and may be cited as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

56001. The Legislature finds and declares that it is the policy of the state to encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the state. The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services. The Legislature also recognizes that providing housing for persons and families of all incomes is an important factor in promoting orderly development. Therefore, the Legislature further finds and declares that this policy should be accommodating additional growth within, or through the expansion of those local agencies which can best accommodate and provide necessary governmental services and housing for persons and families of all incomes in the most efficient manner feasible.

The Legislature recognizes that urban population densities and intensive residential, commercial, and industrial development necessitate a broad spectrum and high level of community services and controls. The Legislature also recognizes that when areas become urbanized to the extent that they need the full range of community services, priorities are required to be established regarding the type and levels of services that the residents of an urban community need and desire; that community service priorities be established weighing the total community service needs against the total financial resources available for securing community services; and that those community service priorities are required to reflect local circumstances, conditions, and limited financial resources. The Legislature finds and declares that a single multipurpose governmental agency is accountable for community service needs and financial resources and therefore, may be the best mechanism for establishing community service priorities especially in urban areas. Nonetheless, the Legislature recognizes the critical role of many limited purpose agencies, especially in rural communities. The Legislature also finds that, whether governmental services are proposed to be provided by a single purpose agency, several agencies, or a multipurpose agency, responsibility should be given to the agency or agencies that can best provide government services.