



Balancing Community and Commerce

44 N. SAN JOAQUIN STREET □ SUITE 374 □ STOCKTON, CA 95202 □ 209-468-3198

**NOTICE OF
PUBLIC WORKSHOP FOR THE
POLICY AMMENDMENTS FOR ANNEXATIONS AND ALTERNATE MEMBERS**

NOTICE IS HEREBY GIVEN that on Thursday, April 11, 2024, at 9:00 AM, in the Chambers of the Board of Supervisors on the 6th Floor, 44 North San Joaquin Street, Stockton, California, the San Joaquin Local Agency Formation Commission (LAFCo) will have a discussion and public workshop about amending the policy for annexations and alternate members.

Details of the proposed policy amendments are available by contacting the LAFCo Office at 209-468-3198 during regular business hours or online at www.sjlafco.org

All interested persons may appear at said workshop and present their views on any matter relating to the proposal at that time.

If you have any questions or need more information, please call the LAFCo Office at (209) 468-3198.

Dated: March 28, 2024

BY ORDER OF THE SAN JOAQUIN
LOCAL AGENCY FORMATION COMMISSION
J.D. Hightower, Executive Officer

Agenda Item 3



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DATE: April 11, 2024

TO: LAFCo Commissioners

FROM: J.D. Hightower, Executive Officer

PROJECT: Potential Policy Manual amendments regarding Annexations and Alternate Member participation in Closed Sessions

PROPOSAL: Review and authorize the Executive Officer to bring back policies for adoption.

APPLICANT: San Joaquin Local Agency Formation Commission

LOCATION: N/A

PURPOSE: Public workshop and discussion regarding three (3) separate policies – 1) Annexation and reorganization boundaries to include all types of public rights-of-way needed to support the proposed development; 2) LAFCo time limits to be coordinated with other project approvals; and, 3) Alternate Commissioner Participation in Closed Sessions.

PROCESS: This is an item for public information and discussion amongst all Commissioners, alternate Commissioner's insights and comments are considered important for this item.

RECOMMENDATION: Hold a public discussion on the policies for Annexation and Alternate Members.

The three (3) policies proposed for amendment and additions with the intent to clarify Commission expectations. Two (2) of the policies are within the Change of Organization Policies and Procedures (Including Annexations and Reorganizations section); and the other is within the Rules of the San Joaquin Local Agency Formation Commission section.

The amendments to the Change of Organization involve policies for City Annexation. The first proposed policy amendment would clarify the intent

of an existing policy that an annexation area must include all needed municipal rights-of-way needed to serve the development. The second amendment that the term for LAFCo approval is coordinated with respective city approval terms.

CITY ANNEXATIONS

1. Annexation of Streets Public Right-of-Way

Annexations shall reflect the logical allocation of streets and rights of way as follows:

- Territory should be included within the annexation to assure that the city reasonably assumes the burden of providing all needed urban services for the planned land use intensity and population density for adequate roads to the property to be annexed. LAFCo will require cities to annex streets where adjacent lands that are in the city will generate additional traffic or where the annexation will isolate sections of county road. Cities shall include all contiguous public roads that can be included without fragmenting governmental responsibility by alternating city and county road jurisdiction over short section of the same roadway. Similarly, the Commission will require annexation of public right-of-way required to serve the proposed development, including but not limited to parks, storm water drainage basins, water storage and well sites, water distribution lines and valves; and, wastewater collection lines and pump stations.

3. Time Limit of Approval

Pursuant to Cortese-Knox-Hertzberg Act Section 57001, If a certificate of completion for a change of organization or reorganization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed terminated unless prior to the expiration of that year the commission authorizes an extension of time for that completion. The extension may be for any period deemed reasonable to the commission for completion of necessary prerequisite actions by any party. For projects that have the benefit of a duly executed Development Agreement (DA) or Tentative Subdivision Map (TSM), LAFCo will extend the date to record a certificate of completion to the closest regularly scheduled meeting of the time limits specified by the applicable DA or TSM, whichever is sooner.

The policy regarding Alternate Commissioner participation in closed sessions is necessitated by a State Attorney General opinion 98-1011 that Alternate Commissioners may not participate in closed sessions unless sitting in place of an absent or disqualified regular Commissioner or otherwise deemed required and essential for the matter.

CHAPTER III

Election, Powers, Duties of Chairman and Chairman Pro Tem, Conduct of Meetings

Section 14. Closed sessions, which may be conducted to discuss certain personnel matters and litigation are discussed in closed session. The State Attorney General has opined that, "Unless sitting in place of an absent or disqualified member, an alternate may not attend a closed session without converting the session into an unauthorized 'semi-closed meeting.' A LAFCO may not enact parliamentary rules that contravene statutory law, in this case, the Ralph M. Brown Act," the opinion says. In quoting the AG's 1994 handbook on the Brown Act (Government Code §§54950-54962), the opinion states, "Persons without an official role in the meeting should not be present."

San Joaquin County has experienced a rapid rate of growth and is projected to continue to grow through 2060. In playing an important role in ensuring growth consistent with State goals, San Joaquin LAFCo has found that Alternate Commissioners play an essential role in the decision-making process. By representing different geographic areas, backgrounds, knowledge and skills, Alternate Commissioners provide a fuller profile of our region that enhances a fuller discussion and consideration of each proposal.

The urban population densities and intensive residential, commercial, and industrial development often necessitate the inclusion of the broadest spectrum of Commissioners. Including the diversity that collectively all Commissioners represent into discussions allows SJLAFCo to more fully understand proposals and issues. Alternate Commissioner insights facilitate the orderly growth and development essential to the social, fiscal, and economic well-being of all San Joaquin residents. Furthermore, Alternate Commissioners may at any time be called upon to vote in place of a Regular Commissioner.

To balance the public's right to transparency and the diversity of insights that Alternate Commissioners provide, the Commission will consider the knowledge and skills of each Alternate Commissioner and the matter to be discussed in closed session. Prior to convening a closed session, the Commission will consider if an Alternate Commissioner is expected to be required essential in reaching a decision and will reflect this consideration with a motion, second and roll call vote of Commissioners.