



- [Home](#)
- [About](#)
- [History](#)
- [Writers](#)
- [Archive](#)
- [Advertise](#)
- [Contact Us](#)

Search articles

Archive » November 6, 2008

PROBLEMS WITH AN INDIRECT DEMOCRACY, LAFCO, PART II

By Bob Field, Joan Hartmann and Gail Marshall, Contributing Writers

- [Email Article](#)
- [Respond To Article](#)

Last week's column introduced LAFCO (Local Agency Formation Commission), explaining the significant power it wields to affect the character of our communities.

This week we'll focus on some of the major problems. This commission decides where urban development will or will not occur. It is the agency explicitly created to prevent urban sprawl and protect agricultural lands.

It is supposed to do this by controlling the expansion of cities and special districts. It also controls the expansion of backbone services such as water, wastewater and roads.

Therefore, LAFCO holds enormous sway over our local Santa Ynez Valley landscape.

Despite its profound authority over development, the commission operates mostly in obscurity, and its structure shields it from scrutiny and significantly biases its decisions in several ways.

First, this is an independent agency created under state law whose membership is drawn from local government entities, but that is accountable to none.

Commission members are not elected by the people its actions affect, but appointed by counties, cities and special districts.

The Santa Barbara County Board of Supervisors appoints two of its board members; the mayors

of cities in the county appoint two city council members; and the presiding officers of special districts appoint two district board members.

The seventh, a public member, is chosen by these six, and can be reappointed without open recruitment.

Under this peculiar structure, the commissioners are not directly accountable to the people. Nor do state and local government agencies have oversight over its actions because it answers to neither.

Second, given the way membership is determined, the LAFCO commissioners do not fairly represent the citizens of Santa Barbara County.

Most observers of county politics would agree that the North County politicians have a much stronger pro-development bias. Since half of the county population is on the South Coast and half is in the North County, to be representative of the County, LAFCO membership should reflect this 50-50 balance. But due to the membership selection process, the North County is overrepresented on LAFCO.

Five of the eight cities are located in the North County. A strong majority of special districts are in the North County, further tipping the scales.

Of the two members appointed by the board of supervisors, one if not both, comes from the North County. Selection of the seventh member by these six only adds to the North County pro-development tilt.

The predictable result: Six of the seven current members of our LAFCO hail from North County.

Our LAFCO has three residents from Santa Maria, two from Lompoc, our own Brooks Firestone and a single resident of the South Coast. This is a highly skewed geographic and ideological representation of Santa Barbara County.

Another major problem is that the public has almost no grounds on which to challenge the agency's decisions. Although state law sets out guidelines for LAFCO, commission members exercise their independent judgment on behalf of their view of public interest.

There is no administrative appeal of this agency's decisions. LAFCO does not have to produce any written findings to support its decisions. So if a person were to seek judicial review, there is no clear standard of review.

To prevail, one would have the difficult task of showing fraud or a prejudicial abuse of discretion.

In conclusion, LAFCO was created explicitly to protect agricultural lands from sprawling urban development. In Santa Barbara County, however, the tendency has been for it to have the opposite effect.

We have a pro-development Local Agency Formation Commission. This public agency is not directly accountable to the people who are affected by its actions.

Note: The Public Square Column is being renamed Community Matters and will appear in the next issue under the new title.

The column is provided by specific contributing writers and their opinions are not necessarily the opinions of the Journal.

- [Email Article](#)
- [Respond To Article](#)

- [Home](#)
- [About](#)
- [History](#)
- [Writers](#)
- [Archive](#)
- [Advertise](#)
- [Contact Us](#)

All material copyright © 2009 Santa Ynez Valley Journal

3558 Sagunto • PO Box 524 • Santa Ynez, CA 93460 • (805) 688-1694