

LAFCO Seems Determined Not to Play by Its Own Rules

Sunday, January 30, 2000

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By ROSEANN MIKOS

I could hardly believe it when the Ventura County Local Agency Formation in 1998 ignored their own guidelines and California law when they approved the applications from Moorpark to expand its Sphere of Influence and then annex property to pave the way for a new sprawl project, the huge and controversial Hidden Creek Ranch.

It wasn't right to violate California law and explicit policies that, if followed, would have ensured a "no" vote. Yet, a judge ruled that the LAFCO commissioners did violate the law, ignored their own policies, and gave approvals to encourage a project that almost 70% of the Moorpark voters later voted to defeat.

This action prompted a public interest lawsuit to compel government to follow the law.. When all the arguments had been made and the matter carefully reviewed, Ventura County Superior Court Judge Thomas J. Hutchins granted the Environmental Coalition's petition to set aside the sphere change and the annexation and make LAFCO follow the law.

Among other things in his three-page ruling, the judge said: "LAFCO prejudicially abused its discretion in approving the sphere of influence amendment, and the annexation in that it lacked substantial evidence to support its findings."

I was in the courtroom for all the arguments in that lawsuit. I heard the judge tell LAFCO's legal counsel and everyone else that it was clear that LAFCO "did not do its job." The judge even told them he was initially reluctant to rule against them, but had no choice once he reviewed the facts.

The public should be aware that by law, nothing can overturn a LAFCO decision except if there is fraud or prejudicial abuse of discretion. And that's what there was: prejudicial abuse of discretion. It is really serious when the watchdog agency is the one who has so violated the public trust.

Imagine my surprise when I heard that LAFCO's counsel told the LAFCO commissioners in December 1999 that it was necessary to eliminate the guidelines in the LAFCO handbook because Judge Hutchins had said they needed to do so (or something to that effect)! Not so. I heard all the judge's comments in the courtroom and I read the judge's entire ruling. The judge never said that LAFCO should get rid of its guidelines.

They can say "It ain't so," but it sure looks like LAFCO has deliberately gutted its own guidelines to pave the way for yet another huge sprawl project—this time in Santa Paula. When will they ever learn?

The Ventura County LAFCO has a lot of power, as do all the county LAFCO's statewide. Created by the California legislature, each LAFCO is supposed to be the last line of defense against those in other governmental jurisdictions (read: cities or the county) who might otherwise willy nilly allow sprawl developments to litter the countryside in areas that California law says contain important open space and agricultural resources.

Each LAFCO has the power to say yes or no to the annexation of open space and agricultural lands that cities may covet for future development but that cities are not allowed to develop unless LAFCO says its OK. LAFCO is supposed to base its decisions on facts that are in the record and is supposed to discourage urban sprawl, not promote it.

According to the California Legislature, each LAFCO is supposed to “**establish policies** and exercise its powers” to allow for planned “urban development patterns **with appropriate consideration of preserving open-space lands within those patterns**” (Government code § 56300, emphasis added). The Ventura County LAFCO used to have such policies in its handbook and that was good.

Not any more though. Thanks to its incongruous actions to delete the very policies that the legislature intended each LAFCO to have, the Ventura County LAFCO has made a statement—and a very sorry statement indeed. We now know that the Ventura LAFCO prefers to avoid diligent analysis and review of sphere change and annexation proposals according to explicit policies and guidelines. It would now rather have ambiguous guidelines. Why? Ostensibly, to avoid potential lawsuits. They are saying: “We lost a lawsuit because we did not follow our own rules, so we better get rid of the rules.”

What is wrong with this picture? You would think that LAFCO would decide to follow the rules in the future instead of eliminating the rules in a thinly disguised effort to avoid responsible analysis and deliberation. What kind of message does LAFCO’s action send to we in Ventura County? Unfortunately, it sends a message that condones irresponsibility instead of promoting diligence. It’s as if they are saying: “If we make it more confusing for cities and the public, maybe no one will figure out how to sue us for breaking the other, less explicit, rules if we break those.”

If all this weren’t so disgusting, it would be laughable to observe this attempt to do an end run around what is right. But this is no laughing matter!

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