

CAPISTRANO BAY DISTRICT
AGENDA REPORT
October 26, 2021

Old Business

ITEM 9b

LAFCO/Activation of Latent Powers

The *Plan for Service* required by LAFCO was submitted to LAFCO on Wednesday 9/22. This is the report that essentially makes the case for supporting the District's request for activating a latent power.

In a meeting with LAFCO on Thursday 10/21, it was explained that while the District has sufficiently made its case for the need to expand powers based on Sea Level Rise and Shoreline Erosion, LAFCO still requires supporting reports and studies, pursuant to Government Code Sections 56653(b) and 56824.12(a), to be able to bring our proposal before the Commission (not the Coastal Commission) for full consideration.

Among the reports, etc., LAFCO requires are the following items:

- **An enumeration and description of the services to be approved by LAFCO**
**at this point we know there is a need for protecting the roadway – LAFCO wants to know what that protection will be – seawalls? Boulder revetment? Sandcubes? Beach nourishment?*
- **The estimated cost to provide this protection**
**we'll need to have an idea of what the protection will be so we can estimate a cost*
- **An identification of any existing alternate service providers, if any, and their estimated cost**
**City or County?*
- **A plan for financing the costs associated with the planning and construction of whatever it is the District is able to implement**
**assessment district formation? GHAD? Pay out of District reserves?*

LAFCO appears to be completely on board with helping the District but they have to comply with their guidelines in the Government Code which is going to put an expense burden on the District if it is decided to continue pursuing this effort.

If the Board would like to discuss this with LAFCO during the meeting, we can have their Executive Officer, Carolyn Emery, available on Zoom for discussion and questions.

The following page provides a more comprehensive breakdown of the requirements in the Government Code that guides the LAFCO process.

Activation of Latent Powers Plan for Service Review Requirements

Government Code Sections 56653(b) and 56824.12(a) outline the requirements for a Plan for Service prepared for the activation of a latent power.

General Requirements for All LAFCO Proposals (Government Code §56653(b)):

- An enumeration and description of the services to be extended to the affected territory.
- The level and range of those services.
- An indication of when those services can feasibly be extended to the affected territory.
- An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- Information with respect to how those services will be financed.
- Any additional information required by the Commission or LAFCO Executive Officer.

Special Requirements for Latent Power Activation (Government Code §56824.12(a)):

- The total estimated cost to provide the new or different function or class of services within the special district's jurisdictional boundaries.
- The estimated cost of the new or different function or class of services to customers within the special district's jurisdictional boundaries. The estimated costs may be identified by customer class.
- An identification of existing providers, if any, of the new or different function or class of services proposed to be provided and the potential fiscal impact to the customers of those existing providers.
- A written summary of whether the new or different function or class of services or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district, pursuant to subdivision (b) of Section 56654, will involve the activation or divestiture of the power to provide a particular service or services, service function or functions, or class of service or services.
- A plan for financing the establishment of the new or different function or class of services within the special district's jurisdictional boundaries.
- Alternatives for the establishment of the new or different functions or class of services within the special district's jurisdictional boundaries.