

Response to Grand Jury Report Form

Report Title: Sonoma Local Area Formation Commission-Opportunities Abound

Report Date: May 8, 2026

Response by: Mark Hemmendinger Title: Chair

Agency/Department Name: Sonoma LAFCO

FINDINGS:

[List numbers: F1- F10]

I (we) agree with the findings numbered: _____

I (we) disagree wholly or partially with the findings numbered: ____ F1-
F10 _____

(Attach a statement specifying any portions of the findings that are disputed with an explanation of the reasons.)

- F1: Disagree. The Commission formally adopted the MSR/SOI Policy at their October 1, 2008 meeting, at which time the Commission's Legal Counsel approved of the approach outlined in the policy. Legal counsel also reaffirmed their support for the policy in response to two previous Grand Jury reports.
- F2: Disagree. The Commission is provided with regular updates regarding staff work plans, and has from time to time conducted strategic planning workshops with staff.
- F3: Disagree. Sonoma LAFCO maintains almost thirty adopted policies, and updates them when amendments to the Cortese Knox Hertzberg Act are enacted by the state legislature.
- F4: Disagree. The finding states: "As a result, Sonoma LAFCO members are not receiving value for their required annual dues and the public is not provided timely analysis of cities and special districts." The statement misunderstands the Commission's mission. The mission of the Commission is not to provide value to LAFCO "members," but rather to fulfil its statutory duties, which at times include oversight rather than value from the perspective of "members." In fact, the Commission may be called upon to consolidate, disincorporate, or dissolve agencies within its jurisdiction.
- A gloss on the Commission's role that has been quoted by courts, and that fills in some omissions in the Grand Jury report is as follows:
- "[LAFCOs] oversee local agency boundary changes, including the incorporation and disincorporation of cities, the formation and dissolution of most special districts, and the consolidation, merger, annexation, and reorganization of cities and special districts. Each county in California has a LAFCO. In California, 58 LAFCOs are working with nearly 4,000 government agencies in 58 counties, 477 incorporated cities, and 3,000-plus special districts.
- "LAFCOs have been described as watchdogs, guarding `against the wasteful duplication of services that results from indiscriminate formation of new local agencies or haphazard annexation of territory to existing local agencies.' ... The primary objectives of LAFCOs

are as follows: (1) to facilitate orderly growth and development by determining logical local agency boundaries; (2) to preserve prime agricultural lands by guiding development away from presently undeveloped prime agricultural preserves; and (3) to discourage urban sprawl and encourage the preservation of open space by promoting development of vacant land within cities before annexation of vacant land adjacent to cities. . . .

"LAFCOs review proposals for the formation of new local government agencies as well as boundary changes for existing agencies. Given the extraordinary number of government agencies, cities, and special districts in the state, it is no surprise that agency boundaries often do not logically relate to one another, resulting in an overlap of service responsibilities and inefficiencies in service provision. The overarching goal of LAFCOs is to encourage the orderly formation and extension of government agencies, while balancing the competing needs in California for affordable housing, economic opportunities, and the preservation of natural resources." Curtin & Talbert, Curtin's Cal. Land Use and Planning Law (24th ed. 2004) pages 3813-82

The Grand Jury's finding with respect to timeliness is misplaced. The Commission's current model focusses analysis at the points at which it is needed, or put another, precisely when the information is most timely. The finding focusses on Municipal Service Reviews and not the total work of the Commission, and this distorts the amount of work that the Commission does. It is true that there are some LAFCOs around the State that operate on very different models. By way of example, the Riverside County LAFCO issues Municipal Services Reviews every 5 years, not on individual agencies but on entire classes of districts. The Commission could consider other models. It would put the Commission in a more assertive posture with respect to other agencies than Sonoma County LAFCO has historically been, but the Commission has discretion to consider alternative models, and may do so under a new Executive Officer.

- F5: Partially disagree. The Commission does not have a basis to agree with the Grand Jury's legal argument. That said, the Commission staff normally confirm Spheres of Influence with cities and special districts every five years; staff concurs that that timeline has not always been met recently and will conduct the confirmation process in 2026.
- F6: Disagree. Many LAFCOs in the state also implement Sonoma LAFCO's policy of performing Municipal Service Reviews on an "as necessary" basis. Sonoma LAFCO has concluded that conducting MSRs every five years would require a significant increase in staff and/or consultant services, placing a higher cost burden on LAFCO's funding agencies. Additionally, cities and special districts in Sonoma County have generally not sought Sphere of Influence Amendments, which would trigger the preparation of Municipal Service Reviews and Sphere of Influence Studies. Nonetheless, the Commission has conducted Municipal Service Reviews for all of the Fire and Emergency Service agencies in the County, three cities, and several other independent special districts in recent years.
- F7: Disagree. There is a job description for the Executive Officer that was prepared for a recruitment twelve years ago, and it has been updated to support an imminent recruitment. There are "generic" position descriptions for the other two LAFCO staff positions, as well as more specific ones that can support recruitment, though staff has not had a vacancy for several years.
- F8: Disagree. The Commission considers the matter of a continued memorandum of understanding for support services from the County annually as part of the budget setting and approval process. The Commission is unaware of any perspective that there is a

conflict of interest issue with securing these services, and feels that it has proper authoritative oversight of staff. The make up of the Commission does not allow County perspectives to dominate the Commission.

For approximately \$40,000 annually, the Commission receives comprehensive Human Resources services (including training programs), participation in employee benefit programs including insurance and retirement, information technology services, and financial management services. The Commission concurs with staff that sourcing these services independently would increase costs and increase staff workloads.

- F9: Disagree. The Sonoma LAFCO web site is updated regularly with meeting agendas and minutes, project updates, and all notices issued for proposals.

In the Discussion portion of the Grand Jury's report, it is mentioned that LAFCO meeting minutes are not available until a month after each meeting; this is because the minutes require commission approval, which occurs at the next subsequent meeting of the commission.

The Discussion section also notes that Commission meetings are not available online. The commission does not have adequate staffing to manage online participation, and the County has declined to offer staffing and technical support to make this possible.

- F10: Disagree. The Commission established an ad hoc committee in 2025 to consider succession planning issues. The committee concluded that other than conducting an appropriate recruitment process for the Executive Officer position when it becomes vacant, no other succession planning can realistically be contemplated given that staffing is at three full-time equivalent positions.

RECOMMENDATIONS:

[List numbers: R1 – R10]

- Recommendations numbered: ____ R3, R6, R10 ____ have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered: ____ have not yet been implemented but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered: ____ require(s) further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. ***This timeframe shall not exceed six months from the date of publication of the Grand Jury report.***)
- Recommendations numbered: __ R1, R2, R4, R5, R7, R8, R9 ____ will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

- R1: Please see response to Finding 1. The Commission does not desire to revisit the policy, but given the nature of the suggestion, and discussion statewide about the issue raised, the

Commission may consider asking County Counsel to obtain an opinion from the Attorney General. The Commission does not have direct authority to request this opinion, but can request it.

- R2: The Commission declines to review the adopted policy, but will respond to any authority issued in the form a legal opinion from the Attorney General, if one is issued.
- R3: Commission staff will conduct confirmations of spheres of influence by the close of 2026. Staff will also be preparing a “transitional workplan” to support the onboarding of a new Executive Officer.
- R4: The Commission declines this recommendation, but will consider related matters in the future. Although it is certainly not current, Commission staff prepared a benchmarking study in 2008 that compared Sonoma LAFCO operations with those of the other nine LAFCOs in the Bay Area. The comparisons evaluated the scope of activities (number of cities and special districts, application and proposal volumes by type), staffing levels, budgets, and other criteria. The conclusion of the study was that Sonoma LAFCO fell close to the medians across the criteria that were evaluated.
Certainly an updated benchmarking study is worthy of consideration, though interestingly staffing levels for most LAFCOs in the Bay Area and the State have stayed consistent. The Commission will consider whether to seek a new study when a new Executive Officer has been selected.
- R5: This recommendation, like finding F4, represents a misunderstanding of the Commission’s role with respect to other local agencies within its oversight jurisdiction. Further, the performance reviews of the Executive Officer should be conducted by the Commission, not through a survey of the County, Cities, and special districts. Note that this would be something like asking LAFCO for input on the “effectiveness” of the Grand Jury.
- R6: The recommendation was implemented. Staff has prepared updated position descriptions.
- R7: The Commission declines to implement this recommendation. Please see response to Finding 8.
- R8: The Commission declines this recommendation as unwarranted at this time, but will consider related matters in the future. The Commission and the new Executive Officer will consider improvements to the website, but the Commission declines to post minutes before they have been approved by the Commission.
- R9: The Commission declines to implement this recommendation. The ad hoc committee to consider succession planning matters declined to prepare or direct staff to prepare a succession planning document. The Commission is embarking on a recruitment for the Executive Officer position.
- R10: The recommendation was already implemented. Commission staff regularly participate in training opportunities offered by the County, and training opportunities offered by CALAFCO. (Governance issues at CALAFCO led the Commission to temporarily withdraw from CALAFCO. The Commission has approved re-joining of CALAFCO for FY 2026/27).

Date: _____

Signed: _____

Number of pages attached: 0

(See attached PC Civil Grand Jury Response Requirements)
