

*Per discussion at the LWVEA annual June 2005 meeting, a Committee has been studying the Leagues position on unincorporated areas. Below is a draft of the position that will be discussed at the January 21, 2006 program planning meeting.*

## **FINAL DRAFT OF UPDATED LWVEA POSITION 12-05**

### **UNINCORPORATED AREAS**

A. The League of Women Voters of the Eden Area supports the policy that all residents in all urbanized unincorporated areas within Eden Township become municipal, that payment for property-related services be equitable, and that there be active participation by residents of the unincorporated areas in development of policies which will affect them. ~~should be enabled to choose the type of governance best suited for their particular area.~~

Those choices could be incorporation as a city, incorporation as an association, annexation to an adjoining city, or becoming a Community Service District. ~~municipal incorporation, municipal annexation, special district formation, and informal government organization.~~

1. Municipal incorporation: Incorporated community with its own government that meets requirements of California law

2. Municipal annexation--the process by which an incorporated local government may extend its legal control over surrounding areas. Within the legislation, the Local Agency Formation Commission (LAFCo) is given the sole and exclusive authority for the annexation of additional territory to a city

3. Special district formation: Special districts are a form of local government created by a local community to meet a specific need.

a. Independent districts-- which have their own separate boards of directors elected by the districts' own voters. Larger independent districts (H.A.R.D) have a professional manager, similar to county administrator, to assist the governing officials. The governing boards adopt policies that the general managers carry out.

b. Dependent districts (all County Service Areas, like Flood control and mosquito abatement) are governed by legislative bodies like board of supervisors

4. Informal government organization: Unincorporated community with a Community Planning Organization, such as Castro Valley's MAC that reacts to land use proposals. They may also engage in long-range planning and advocate for community interests. Advisory boards may be elected or chosen by residents.

B. Before an urbanized unincorporated area changes its governance model, there needs to be evidence that:

1. change would be fiscally viable to sustain the new entity.
2. residents have been informed and have participated in the action to make the change in governance model
3. no significant negative impact to the County.
4. no significant negative impact to adjoining incorporated areas.
5. the new model meets all legal standards for governance.
6. there is leadership to implement the new model.

C. When the residents have made the choice for change in governance for their unincorporated area, there should be assurance that payment for property-related services shall be equitable to those of similar governance types in the county, and there shall be active participation by residents of the unincorporated areas in development of policies which will affect them.

Policies to promote:

1. Ensure that urban unincorporated areas ~~should incorporate or annex to an existing municipality. This policy does not assume automatic dissolution of special districts.~~ have the opportunity to explore the various types of governance models that may be suitable for their community.

2. Support governance models that residents feel would improve the livability and sustainability of their community.

3. Support the equitable payment for property-related services by service users in incorporated or unincorporated areas, the political entities providing these services include sanitary, water, and fire services not provided by city or county. (Parks are considered as property-related; their recreational programs are not.)

4. Include maintenance, operations, and capital development costs in the definition of equitable payment.

5. Evaluate existing property-related services for effectiveness when unincorporated areas incorporate or annex to ensure adequate information to be used in decision-making.

6. Support special policies by Alameda County and the Local Agency Formation Commission (LAFCO) for the heavily urbanized unincorporated areas of Eden Township with respect to special districts.

7. Support ~~more~~ continued broad representation for unincorporated areas on the Local Agency Formation Commission (LAFCO).

8. Support the greatest possible citizen participation by people in unincorporated areas in all questions of incorporation and annexation ~~changing governance models for their community.~~

D. Study appropriate means for local residents in the unincorporated areas to take an active part in the decision-making process. The overriding consensus of the League is that there is a particular need at this time of economic crises and changing governmental relations to reiterate League unerring support for resident participation at all levels of government if the democratic nature of that government is to be preserved in any real sense. Therefore, in relation to the particular problems facing residents in unincorporated areas, the League supports the following institutional and attitudinal changes:

1. An institutional change from unincorporated to ~~incorporated~~ **another governance model**. This would minimize the excessive fragmentation which exists because the government of the unincorporated areas now consists of uncoordinated special functions. This change would allow for greater resident participation, and in turn, would create a more effective governmental structure.

2. In order to bring about the kind of institutional change which is needed, the League supports the organization of community-based groups. Such organizations create mechanisms through which individual residents may band together to more effectively:

a. Promote ~~annexation and incorporation efforts~~ **suitable governance models to replace unincorporated areas**.

b. Lobby to obtain quasi-governmental groups for their areas, such as Municipal Advisory Councils (MACs)

c. Coordinate the other ordinary means of being heard, such as letter-writing campaigns, testifying, writing position papers, getting a member appointed or elected to advisory or elected positions, or, if necessary, bringing suit.

3. Because the institutional change is a long-range goal, the League supports the improvement of current governmental practices. The Board of Supervisors and special districts should promote cooperation among these fragmented governmental entities for greater efficiency and accessibility.

a. Boards must be both intellectually and financially committed to resident participation with a recognition of the importance of readily available information such as:

(1) meeting times and places

(2) agendas which are understandable by the layman

(3) minutes which are accessible without undue cost

(4) procedures for testifying

(5) procedures for following through on particular concerns

(6) budget

(7) use of electronic mail and Internet

b. Board decisions, both in the pre- and post- deliberative stages, should be open to public process. There is a special need for decisions made at one level be communicated to other affected levels in order to provide for coordinated planning.

E. The following actions are recommended:

1. Monitor the activities of boards and commissions, especially the Board of Supervisors, the Local Agency formation Commission, and other boards and commissions that affect services in the Unincorporated Area.
2. Encourage increased and more effective media coverage in the local press and cable television.
3. Heighten the awareness of residents who make decisions in their areas on how to approach and influence decision-makers by:
  - a. Encouraging the Board of Supervisors to continue to meet on a regular basis in the Unincorporated Area, and to continue the Unincorporated Services Committee.
  - b. Continuing the League telephone hot line to help residents gain information on voting and cutting through red tape. The hot line could provide information on whom to call, when, and how to do it.
4. Monitor for possible study the problems of unincorporated areas, including effect on land use planning, delivery of services and costs, function of the Local Agency Formation Commission (LAFCO) and specific budget information on county expenses and income for each unincorporated area.

Adopted: 1979 (H)      Consensus: 1990 (EA)  
Adopted: 1982 (H)      Updated: 1997, 2005 (EA)