

Cortese-Hertzberg-Knox Local Government Reorganization Act

Local Agency Formation Commissions (LAFCOs) are tasked with ensuring water supplies are available at the time when city or special district boundaries are to be amended. The Cortese-Hertzberg-Knox (CHK) Act passed in 2000 amended the Government Code. Proposals for reorganization are subject to the CHK and to review by the LAFCO, and LAFCOs are required by State law to review and make a determination of approval or denial of all annexations or other changes of organization to cities and special districts. LAFCOs serve as the legislature's watchdog, operating at the intersection of land use, services (including water), finance, and governance. Important changes and added responsibility include requirements to determine that there are timely and available water supplies; prepare comprehensive water services reviews; and assess firm yield water supply availability, reliability, and quality for annexations and extension of services. The legislature also tasked LAFCOs with considering water and wastewater management regionally, including evaluating the ability of public facilities to meet current and future service needs, or to extend services outside of existing boundaries.

The CHK defines the factors to be considered in the review of a proposal. This includes whether the city annexing land is able to provide the services needed, including the sufficiency of revenues for those services following the proposed boundary change, and the timely availability of water supplies adequate for projected needs.

The CHK further clarifies the legislative intent for ensuring that there be close coordination and consultation between water supply agencies and land use approval agencies to ensure that proper water supply planning occurs. The intent is to address projects that will result in increased demands on water supplies through a standardized process for determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.