

## **PROPOSAL PROCESSING GENERAL PROCEDURES**

*Please note that some changes of organization require specialized procedures.*

1. An application for a change (or changes) of organization is submitted to LAFCO together with either a petition of landowners or registered voters, or a resolution of application by an affected local agency (city, district, or county) or school district. The individual who signs the application form is considered the “proponent.” If a petition must be circulated to more than two individuals, the “Notice of Intent to Circulate Petition” section of the petition form must be submitted and signed by LAFCO’s Executive Officer prior to gathering the requisite signatures.
2. The proposal is given a reference number and title, and assigned to an analyst. If the LAFCO fees are not paid or are incorrect, the proponent is notified of the amount due, and the proposal is held pending payment.
  - a) A letter is sent to the proponent stating that the application is complete, or specifying what additional items are required to make the application complete.
  - b) When the LAFCO fees are paid, and the proposal is deemed complete, a preliminary staff report is prepared by the LAFCO analyst.
  - c) A letter with copies of the preliminary report and vicinity map is sent to all agencies affected by the proposal, and any individuals or organizations that have expressed interest. The letter solicits comments related to the proposal, as well as potential terms and conditions that an agency may wish to impose.
  - d) Another letter, which acknowledges receipt of the application, is sent to the Auditor, the Department of Planning and Land Use, the Assessor, and the agency(ies) that would be affected by the proposed jurisdictional change(s). Also included with that letter are copies of the preliminary report and map. In addition to the letter, the Assessor receives copies of the metes-and-bounds legal description of the proposal area and a form that, when complete, is returned to LAFCO.
  - e) Proposals are subject to an exchange of property tax revenue. In San Diego County, three master resolutions have been adopted that pertain to annexations involving 15 cities and numerous special districts. If a proposal does not fall under the purview of one of the master property tax resolutions, the potential exchange of property taxes is negotiated and a separate resolution is adopted. The appropriate property tax exchange category (either a master or negotiated resolution) must be verified and negotiations, if necessary, completed prior to Commission consideration of the proposal.
3. If the application was submitted by a petition of property owners, the signatures are verified by comparison with the returned Assessor’s report. If the application was submitted by a petition of registered voters, the signatures are verified by the Registrar

of Voters, who then informs LAFCO of the results. If the petition contains the requisite number of signatures, the Executive Officer issues a Certificate of Sufficiency. If the petition does not contain the requisite number of signatures, a Certificate of Insufficiency is issued. The Certificate of Sufficiency or Insufficiency is sent to the Chief Petitioner(s).

4. If a proposal involving annexation to a special district, or detachment from a city was submitted by a petition, or submitted by an agency other than the annexing or detaching agency, a report is placed on the next agenda as a jurisdictional information item per provisions in State Law or Local Policy/ Procedures. This report notifies the Commission that the LAFCO processing has begun and triggers a 60-day period in which the annexing or detaching agency (district or city) may adopt a resolution terminating proceedings.
5. When all required documents have been submitted and the analysis has been completed, the proposal is scheduled for a decision by the Commission. The Executive Officer issues a certificate of filing, which specifies the date, time, and place of the hearing, and sends copies of the document to the proponent and affected agencies.
6. If the proposal has 100% consent of the landowners within the proposal territory and does not involve a sphere of influence action, the Commission may consider it without a public hearing. However, a public hearing is held for proposals that:
  - a) lack 100% consent of the property owner(s);
  - b) include adoption of a sphere of influence or sphere amendment;
  - c) include actions other than annexation(s), detachment(s), or formation of a county service area; or
  - d) are complex and/or controversial.

The public hearing notice describes the proposal, states the meeting date, time, and place, and is:

- a) published 21 days prior to the hearing in a local newspaper;
  - b) posted near the meeting place; and
  - c) mailed to affected local agencies, interested persons, all property owners and registered voters in the proposal territory, and all property owners and registered voters located within 300 feet of the external boundary of the proposal territory.
7. If approved by the Commission, a proposal is subject to a protest proceeding, unless that provision has been waived. This proceeding can be waived if:
  - a) the proposal involves only annexation(s), detachment(s), or both;
  - b) all owners of land within uninhabited proposal territory have provided consent;
  - c) no owners of land or voters within inhabited proposal territory provide written opposition to the waiver of protest proceedings; and
  - d) all agencies that would gain or lose territory as a result of the proposal do not oppose the waiver of protest proceedings.
8. If the proposal is approved and the conducting authority proceeding has been waived, a resolution ordering the change(s) of organization is adopted by LAFCO. To allow for the mandated reconsideration period, the resolution and its supporting documents cannot be recorded for at least 30 days after the proposal is approved.

9. In the case of other types of proposals, or when not all property owners have provided consent, or when agencies that would gain or lose territory as a result of the proposal have submitted written opposition, the Commission conducts a noticed public hearing to accept protest. Please refer to the "Conducting Authority Procedures" section of this website for more information related to protest proceedings.
10. The resolution and associated materials are filed with the County Recorder, and the proposal deemed "effective" as of the date of recordation, unless specified otherwise. Similar filings also are made with the State Board of Equalization and the Assessor. Please refer to "Procedures for Final Filings" located on this website.