Phase One: Filing and Administrative Review

Initiating Jurisdictional Changes
Most jurisdictional changes are initiated either by (a) resolution of application by local agencies or (b) petition by landowners or registered voters. LAFCO may also initiate their own proposals in limited circumstances.

Resolution of Application
Agency to provide notice to LAFCO at least 21 days before adopting resolution unless 100% consent of landowners and registered voters (if inhabited). Resolution must be adopted at a noticed public meeting.

Commission initiated
LAFCO-initiated proposals are limited to actions to form, dissolve, merge, or consolidate special districts and must be consistent with a recommendation from an earlier municipal service review.

Landowner/Voter Petition
Landowner(s) or registered voter(s) to provide notice to LAFCO before circulating petition; all signatures must be dated within six months. Petition requires at least 25% of all landowners or voters.

Validating Petitions...
Within 30 days of receiving a petition, LAFCO will coordinate with the County Assessor or Registrar of Voters’ Offices to validate signatures.

Proposal Filing with LAFCO
Applicant files their initiating document (resolution or petition) with LAFCO along with a completed application with a plan of service, map and description of the affected territory, and fees. An environmental document may also be needed if an exemption does not apply.

Type of Environmental Review...
LAFCO typically serves as responsible agency under the California Environmental Quality Act or CEQA in considering the potential impacts associated with a proposal. This means LAFCO will rely on a lead agency’s CEQA finding unless LAFCO determines the latter document is inadequate and proceeds to assume lead agency duties.

LAFCO Administrative Review – Baseline Steps –

1. Step One: Initial Applicant Status Letter
   LAFCO issues a status letter to applicant within 30 days of the proposal filing. The status letter confirms whether the proposal is complete and ready for hearing or – and more likely – outlines incomplete items and/or review procedures.

2. Step Two: Interagency Review
   LAFCO issues a notice on the proposal to all subject and affected agencies as well as college and school districts for review and comment. The LAFCO notice summarizes the proposal and related policy considerations and solicits comments including requests for terms and conditions for a minimal 20 day period but often longer as determined by the Executive Officer.

3. Step Three: Property Tax Exchange
   All jurisdictional changes require a property tax exchange. LAFCO determines the exchange for district formations and city incorporations. Other jurisdictional changes require negotiations between the agencies with an allowance for the County Board of Supervisors to negotiate on behalf of special districts. If agencies cannot agree to an exchange on their own an arbitration process commences.

4. Step Four: Certificate of Filing
   LAFCO issues the applicant a Certificate of Filing once all three preceding steps have been completed and all additional information requested has been provided to address required under statute or adopted local policy. The Certificate of Filing attests the proposal is complete and identifies the date the item will be presented at hearing. Hearings must be scheduled within 90 days.

5. Step Five: Executive Officer Report
   LAFCO issues an Executive Officer report with his/her recommendations no less than 5 days before the scheduled hearing. This report includes recommendations on any physical modifications to the affected territory as well as any terms and conditions in addressing State and local policy factors. LAFCO authority to condition proposals is broad so long as terms do not regulate land uses.

How Long is the Administrative Review...
Standard proposals free of complexities or controversies typically require between three to five months to complete the administrative review. More complex proposals will typically require a year or more to complete the administrative review.
Phase Two: Commission Consideration

LAFCO Administrative Review - Baseline Steps -

Commission Consideration

- The Commission considers the Executive Officer’s report and recommendations therein at a noticed meeting along with any public testimony. Underlying the Commission’s consideration is the appropriateness of the proposed action relative to the multiple factors mandated for consideration under State law and adopted local policy. Most notably, this includes L-107 and direction to the Commission to address/mediate any inter-jurisdictional dispute associated with the proposed jurisdictional change(s).

- Approved
  - The Commission shall specify in its approval any modifications to the affected territory and/or terms.

- Disapproved
  - Should a proposal be disapproved no similar application can be considered for one year.

- Continued
  - The Commission may continue a proposal from time to time but not to exceed 90 days.

Who Gets Notified About a Proposal...

If the proposal involves uninhabited (11 or less registered voters) territory and 100% of landowners have provided consent there is no expanded notice requirement. Otherwise, all proposals are subject to expanded mailed notice to all landowners and registered voters within the affected territory as well as within 500 feet of the hearing along with publication in the newspaper. Notice may be limited to the newspaper if the total number of mailed notices would exceed 1,000.

Reconsideration Period...

- All actions by the Commission are subject to reconsideration where any member of the public or individual Commissioners may submit new information that was not considered at the time of the Commission action to approve or deny the application. Requests must be filed within 30 days of the Commission action and subsequently placed on the next available regular meeting agenda.
Phase Three: Post Approval Actions

**Approved**
The Commission shall specify in its approval any modifications to the affected territory and/or terms.

**Protest Hearing**
Unless waived under specific conditions, all proposal approvals are subject to a protest hearing in which both landowners and registered voters within the affected territory are provided the opportunity to file written objection to the jurisdictional change(s) with LAFCO. Protest hearings are typically delegated to the Executive Officer and if received are then validated through the County Assessor and/or Registrar of Voters’ Offices. A protest hearing cannot be held until after the reconsideration period ends. The protest hearing will generate one of three outcomes: confirmation; election; or termination.

**Post Protest Confirmation**
Commission approval is confirmed if less than 25% of registered voters and less than 25% of landowners representing 25% or less of total assessed value in the affected territory file validated protest.

**Post Protest Election Required**
An election is required to confirm Commission approval if more than 25% but less than 50% of registered voters and/or more than 25% but less than 50% of landowners representing more than 25% but less than 50% of total assessed value in the affected territory file validated protest.

**Post Protest Termination**
Commission approval is terminated if more than 50% of registered voters and/or 50% of landowners representing 50% or more of total assessed value in the affected territory file validated protest.

**Certificate of Completion**
LAFCO will issue a Certificate of Completion for the proposal once all approval terms have been satisfied. Approval terms must be completed within one year unless extended by the Commission.

**Election**
An election of registered voters within the affected territory is scheduled within 90 days of the protest hearing and based on a simple majority of votes cast.

**Certificate of Termination**
LAFCO will issue a Certificate of Termination for the proposal and no further action is taken.
County Water Authority