

# APPLICATION PROCEDURAL GUIDELINES

## Application Filing & Processing<sup>1</sup>

1. LAFCO requires a mandatory pre-filing meeting of all applicants so we can fully understand the application. It is the responsibility of the applicant to set up the pre-filing meeting by contacting the LAFCO Office at 714-640-5100 and requesting an appointment. Completing the LAFCO application (described below) prior to the pre-filing meeting may assist staff with understanding the proposed action.
  
2. Application may be submitted to LAFCO by:
  - a. Registered voter petition with signatures of not less than 5 percent of the registered voters within the territory proposed to be annexed **or** landowner petition with signatures of not less than 5 percent of the number of owners of land within the territory proposed to be annexed who also own 5 percent of the assessed value of land within the territory.  
  
OR
  - b. Registered voter petition with signatures of not less than 25 percent of the registered voters within the territory proposed to be detached **or** landowner petition with signatures of not less than 25 percent of the number of owners of land within the territory proposed to be annexed who also own 25 percent of the assessed value of land within the territory.  
  
OR
  - c. Resolution of application by the affected agency.

### CONTENTS OF APPLICATION<sup>2</sup>

- Application form.
- Property owner consent form(s), *if applicable*.
- Indemnification agreement signed by applicant(s) and/or real parties in interest.
- Disclosure of Political Expenditures.
- Plan for Services.
- Map and legal (metes and bounds) description approved by the County Surveyor's Office. **(Not required for small island annexations.)**

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<sup>1</sup> This document provides the general procedural guidelines for standard city and district changes of organization or reorganization. Other proposed actions (i.e., activation of latent powers, consolidation, mergers) may involve additional procedural requirements specific to the action that will be described by LAFCO staff during the required pre-filing meeting.

<sup>2</sup> Application materials are generally submitted during and throughout the application review process. However, all required application materials and other requested supporting documentation must be received prior to LAFCO's issuance of a Certificate of Filing.

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## CONTENTS OF APPLICATION (Cont'd)

- California Environmental Quality Act (CEQA) documents.
  - Property Tax Agreement Resolutions adopted by affected agencies in accordance with Revenue and Taxation Code 99.
  - Pre-zoning of affected territory consistent with the annexing agency's general plan. ***(Applies to city boundary changes only.)***
  - LAFCO processing fees. ***(Fees may be waived for small island annexations. Contact LAFCO staff for additional information.)***
3. Within 30 days of submission of the application:
- a. For registered voter and landowner petitions, LAFCO issues either a Certificate of Sufficiency or a Notice of Insufficiency for the petition.
  - b. LAFCO sends the applicant a status letter notifying the applicant that the application is either complete or incomplete.
  - c. Applications involving a city detachment or district annexation that are not initiated by the affected city or special district will be placed on the next regular LAFCO meeting for informational purposes only. No later than 60 days after that date, the affected city or special district can adopt a resolution in opposition to the action and request termination of the LAFCO proceedings.
4. Approximately 30 days after submission of the application, and after submission of a map and legal description approved by the County Surveyor's Office:
- a. LAFCO issues notice to the County Assessor of the application.
  - b. The Assessor determines which Tax Rate Areas (TRAs) are involved in the application and calculates the total assessed valuation (AV) of the affected territory.
  - c. The Assessor issues a report with the TRAs and AV for the application to the County Auditor.
  - d. The Auditor determines the total ad valorem property tax revenues that are subject to negotiation in part to the application.
  - e. The Auditor issues a report to the affected agencies (city, county, district) identifying the total dollars that are subject to negotiation and notifying the agencies that they have 60 days from the date they receive the report to reach agreement on the transfer of property tax revenues in accordance with Revenue and Taxation Code 99 .

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5. Upon determination by the Executive Officer that the application is complete, the Executive Officer issues a Certificate of filing and sets a hearing date for the Commission to consider the proposal.

### LAFCO Review & Consideration

6. LAFCO notices and holds a public hearing on the proposal and takes one of the following actions at the hearing:
  - a. Approves the application subject to terms and conditions.
  - b. Approves the application with modifications and subject to terms and conditions.
  - c. Denies the application.
7. If LAFCO approves the application, no later than 35 days after the hearing, LAFCO adopts the resolution making determinations and approving the application and sends a copy of the resolution to the applicant.
8. Within 30 days of the adoption of the resolution, any person or affected agency may file a written request for amendment or reconsideration of the resolution. The request shall also state what new or different facts not previously presented warrant the reconsideration.

If a request is filed, LAFCO notices in the same manner as for the original proposal and conducts a hearing of the request. The Commission may approve the request with or without amendment, wholly, partially, or conditionally, or disapprove the request.

### Protest Proceedings

9. If LAFCO approves the application, within 35 days of the hearing, LAFCO notices and sets a date for a protest hearing, unless waived pursuant to Government Code Section 56663. From the date that the legal notice of the protest hearing is published in a newspaper, registered voters and landowners within the affected territory may file written protests with LAFCO until the close of the protest hearing. LAFCO determines the window of time protests may be submitted (21 to 60 days) at the time it approves the application.

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*(If the proposal involves a small island annexation (150 acres or less) to a city, pursuant to Government Code Section 56375.3, the Commission shall approve the application and waive protest proceedings.)*

10. LAFCO holds the protest hearing and makes a determination on the value of written protests filed and not withdrawn. LAFCO may continue the hearing to a future date to allow time to review protests. Upon making a determination on the value of written protests, LAFCO takes one of the following actions, depending on whether the territory is inhabited or uninhabited:

***Uninhabited Territory (less than 12 registered voters)***

- a. Order the change of organization if landowners owning less than 50% of the assessed valuation file written protests.
- b. Terminate the proceedings if landowners owning at least 50% of the assessed valuation file written protests.

***Inhabited (more than 12 registered voters)***

- a. Order the change of organization if written protests are filed by less than 25% of the registered voters and less than 25% of the number of landowners who also own less than 25% of the assessed valuation.
  - b. Terminate the proceedings if written protests are filed by 50% or more of the registered voters.
  - c. Order the change of organization subject to the confirmation of the registered voters within the affected territory if written protests are filed by at least 25% but less than 50% of the registered voters.
  - d. Order the change of organization subject to the confirmation of the registered voters within the affected territory if written protests are filed by at least 25% of the number of landowners who also own at least 25% of the assessed valuation.
11. If the change of organization is ordered, LAFCO records a Certificate of Completion with the County Recorder's Office upon satisfaction of all terms and conditions in the resolution ordering the annexation.
  12. Upon recordation, LAFCO sends documents and fees (paid by the applicant) to the State Board of Equalization (BOE) for purposes of altering the BOE's TRAs to reflect the change of organization. The BOE fees are acreage based and can be reviewed on the BOE website (<http://www.boe.ca.gov/proptaxes/pdf/jurboundaryreq.pdf>).