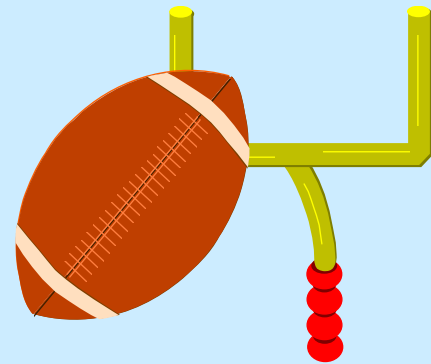


Understanding LAFCO: Procedures For Boundary Changes

Roseanne Chamberlain
Executive Officer
Amador LAFCO
11/16/06

Purpose & Goals

- Overall Steps and Sequence – Big Picture
- Who Does What By When - Requirements
- Understand Legal Requirements
 - Timing and Deadlines
 - Staff Processing
 - Commission Actions
 - Examples, Forms, Documents, Certificates
- Identify Challenges and Ideas for Change



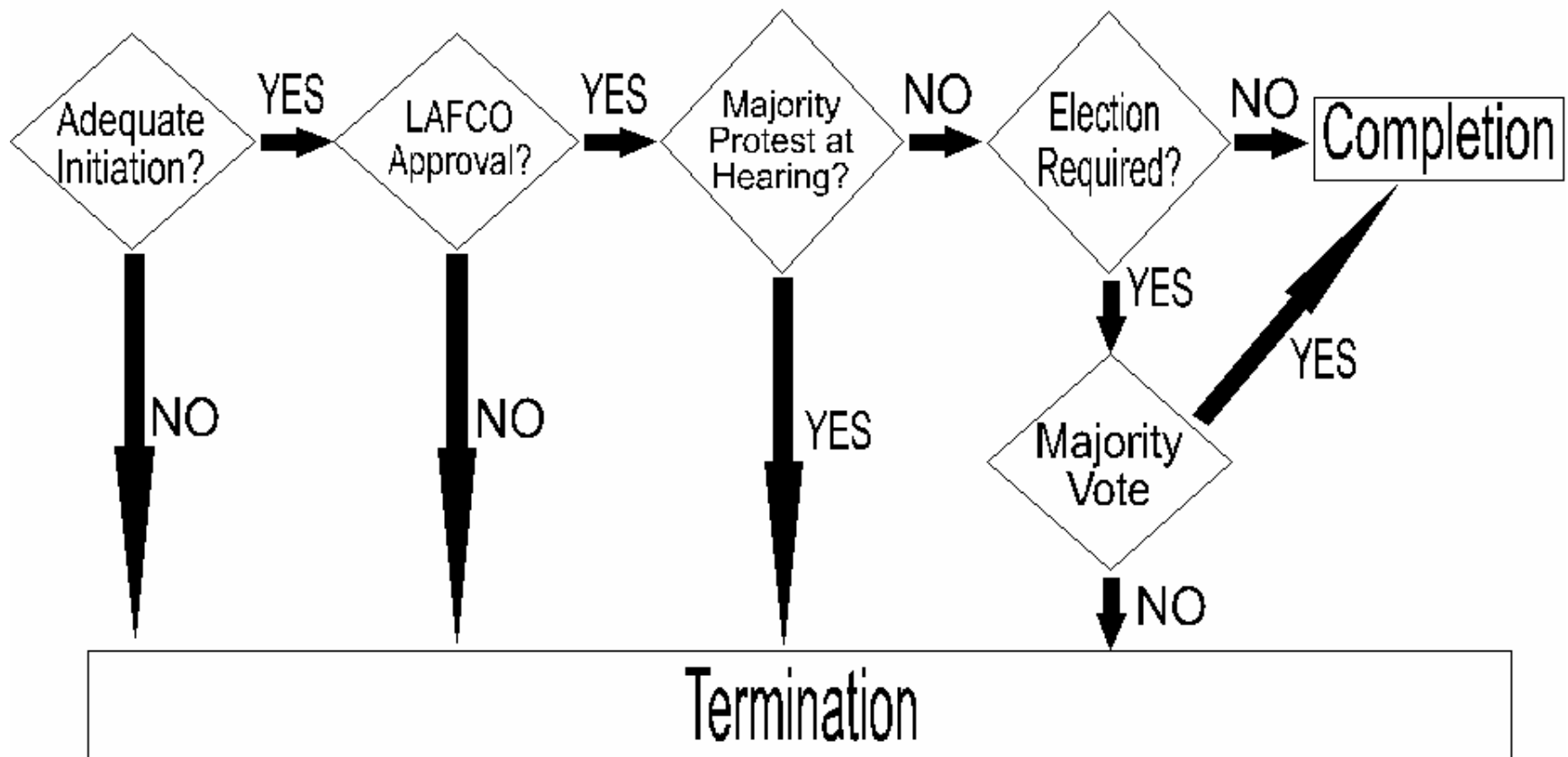
LAFCO PROCESS--5 STEPS

- Landowner Petition OR Agency Resolution
- Application Submitted -5 elements
- Public Hearing and LAFCO Decision
- Conducting Authority Action
 - Call for Protest
 - Set Election
- Completion (Record and Transmit)

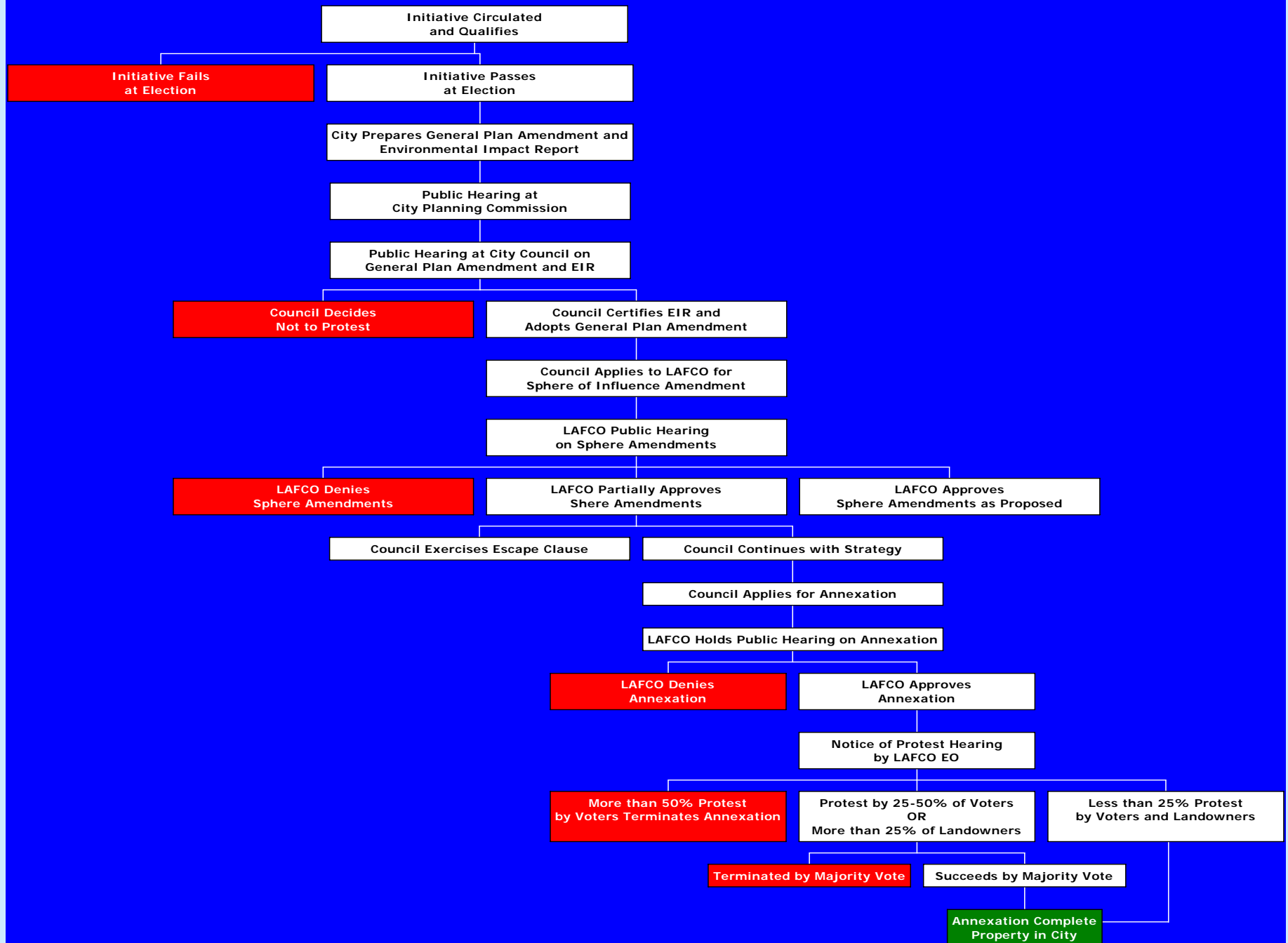
Process Sequence

- Application Initiated, LAFCO Gives Notice
- Assessor, Auditor, Agency Tax Agreement
- Research and Analysis
- Public Hearing and LAFCO Decision
- Conducting Authority (Protest & Election)
- Completion (Record and Transmit)

Simple LAFCO Procedure



ANNEXATION FLOW CHART
(For areas not currently in city's sphere of influence)

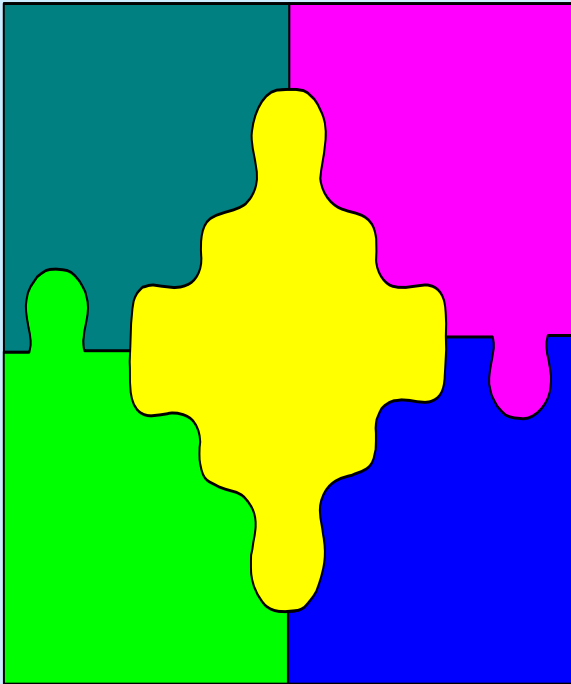


Initiating the Proposal For Boundary Change

What's Required
to be in the
Application?



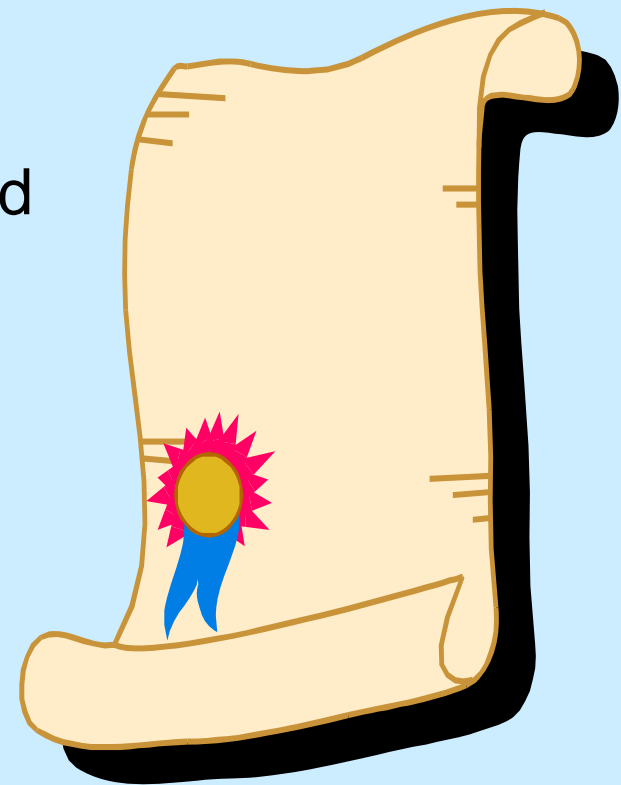
LAFCO APPLICATION 5 ELEMENTS



- **APPLICATION FORMS**
(With Resolution or Petition)
- **AB-8 AGREEMENT**
- **FEES**
- **MAP AND LEGAL DESCRIPTION**
- **CEQA DETERMINATION**
(City must Pre-Zone)
- **SERVICE PLAN**

APPLICATION BY AGENCY RESOLUTION

- Resolution of Intention Not Necessary
 - Notice of “Intention” is optional
 - Regular Hearing Notice Required
- Required Contents
(§ 56800 & § 56700)
 - all proposed changes and if consistent with SOI
 - proposed terms and conditions
 - reason for the proposal



PETITIONS

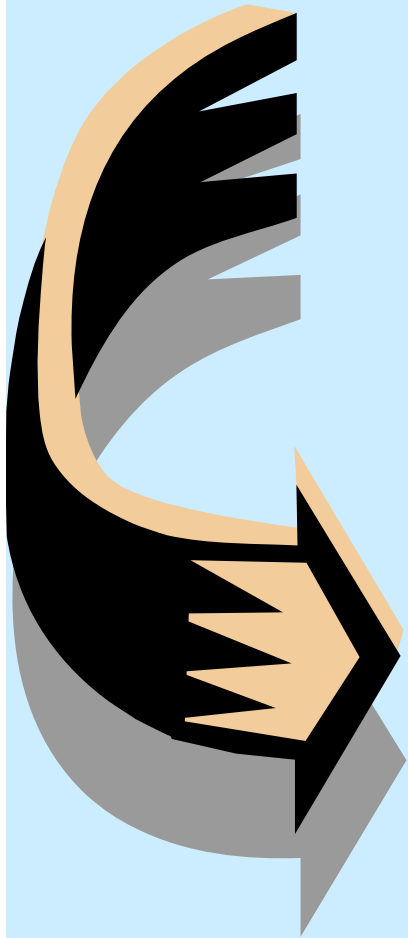
- Landowners or Registered Voter Signature
 - Assessor or Registrar Determines Validity
- Specified Contents of Petition (§56700)
 - Reason for & nature of proposal
 - List all changes of organization
 - Proposed terms and conditions
- Intent to File Petition, Plus petition itself
- Certificate of Sufficiency Issued

AB-8 Agreement & Resolutions

- Negotiated Agreement for Plan to redistribute Property taxes after annexation is recorded
- Covers a Specified Geographic Area (Note: LAFCO can change boundaries later)
- LAFCO facilitates cooperation but cannot not control or arbitrate disputes



Negotiations Process Rev & Tax Code



1. LAFCO gives Notice of Proposal
2. Assessor sends info to Auditor
3. Auditor sends info to Agencies – 60 Day Clock Begins
4. Agencies agree or negotiate
5. Resolutions adopted by Subject Agencies and County
6. OR: Master Tax Agreement

Subject Agency: Boundary Change City/District



- Board and Subject Agencies Must Adopt Resolutions within 60 Days
- Board of Supervisors Negotiates for Affected Districts
 - Consultation with Agencies Required
 - Notice of Board Hearing
- Formal Mediation Required for Time Extension

Why Do All This?



- Prior to Prop 13, Taxes Just Went Up
- Agencies Added their Tax after Annexation
- ✓ Post-Prop 13, Revenues Are Redistributed

Master Tax Sharing Agreements

- No Resolutions
- Reduce Work
- Save Time
- Bi-Agency
- Multi-Agency

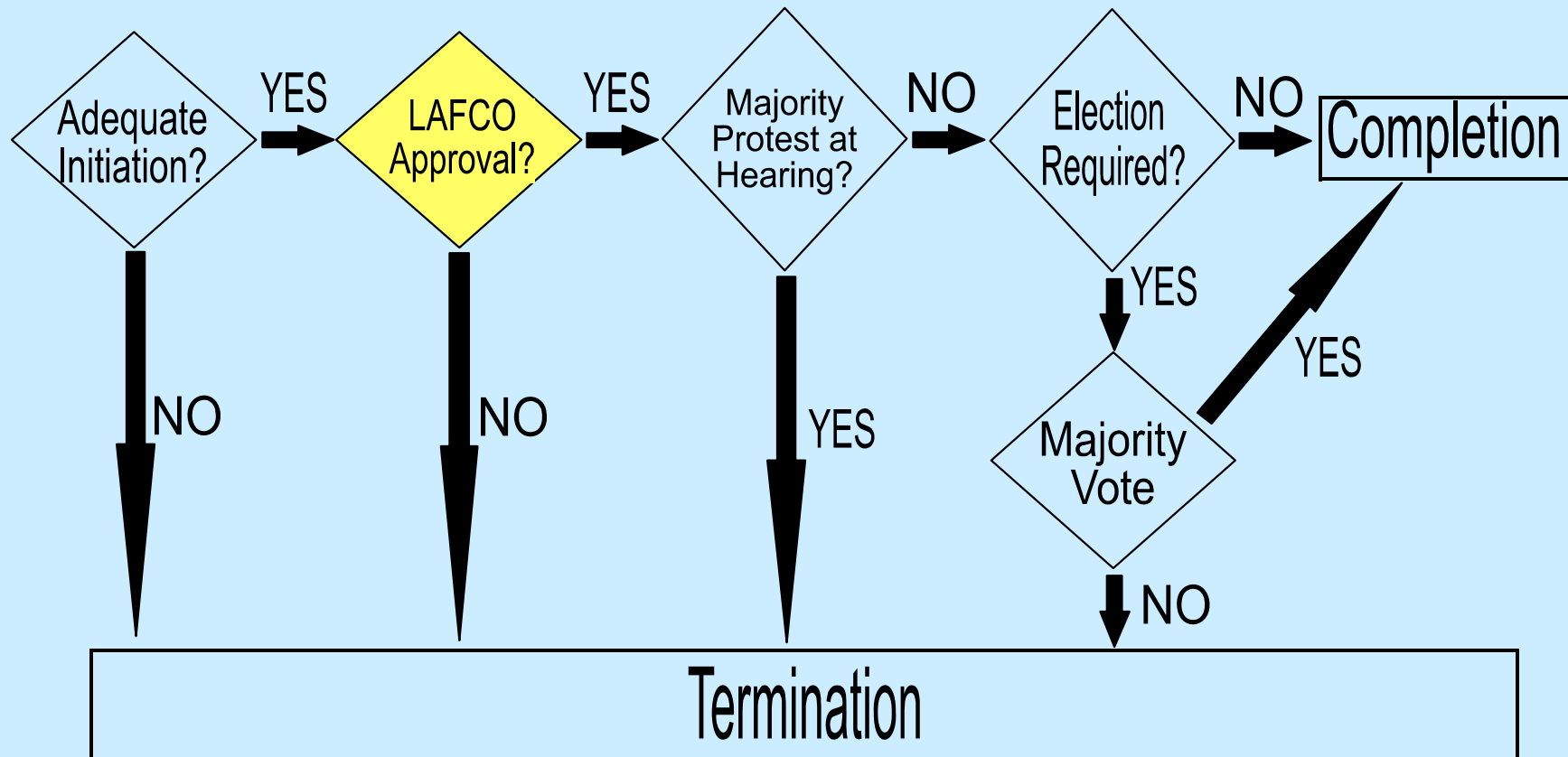


LAFCO BOUNDARY CHANGES & AB-8



- LAFCO may add territory; AB-8 Agreement may not cover that land
- Any LAFCO change triggers an opportunity to renegotiate
- Affected agencies may request renegotiation - 15 days only
- If no agreement, the project terminates

LAFCO Hearing



Certificate of Filing Ready For Hearing

- Maps/Legal Description OK'd by Surveyor
- All Fees Paid
- Plan for Services - Information Provided
- Timely AB-8 Resolutions
- CEQA Determinations Ready
- Pre-Zoning and Sphere of Influence Done

STAFF RESEARCH & ANALYSIS

- Application, Forms, Project Questionnaire
- Laws and Local Policies
- Maps, Sphere and Service Review Reports
- State & Local Agency Reports
- Comments and Consultations
- Similar or Prior Applications
- Staff Knowledge and Research



Executive Officer's Report and Recommendation

- Analysis of 28 Factors listed in §56668
- EO Recommendation is Required §56665
- Alternatives identified
- Comprehensive Review of Research
- Draft Determinations
- Furnished at least 5 days before Hearing
 - Agencies, Applicants, Interested parties

Section 56668: Factors To Be Considered (Workshop 1/07)

- Services and Service Alternatives Analysis
- Cost and Revenues Analysis
- Boundaries
- Effects on Others, Comments
- Land Use, Population, Planning
- Housing
- Agriculture, Open Space, Regional Growth

PUBLIC HEARING & DECISION



- Notice Requirements
 - 21 Day Mailed and Published
- Brown Act
 - Agenda
- Public Hearing
 - Receive Testimony
 - Review Entire Record
 - EO Report & Recommendation
- LAFCO Action
 - Make Determinations
 - Approve/Disapprove
 - Amend/Modify
 - Add Conditions
 - Make CEQA Findings
- Adopts Resolution
- Conducting Authority
 - Ministerial Protest Count

Elements of LAFCO Decision

- Adopt Resolution Making Determinations
- Approve or Disapprove (Deny)
- Amend, Modify
 - Change boundaries, add territory
- Impose Conditions (§56885 et. seq.)
 - Payments, taxes, charges, bond approval
 - Agreements reached, other approvals
 - Water rights, Williamson Act, transfers of property, other formations
- Continue (Delay): Limit of 90 days

LAFCO Determinations:



LAFCO Law does not ask the Commission to make findings in its boundary decisions.

FINDINGS are Quasi-judicial: Deductions of fact

*(Note: Findings are required under CEQA
and for Incorporations)*

LAFCO Law requires determinations, drawing inference and making statements of its judgment and decisions.

DETERMINATIONS are Quasi-legislative:

Conclusionary statements that draw inference and make a statement of judgment and decision

Why Do All This?



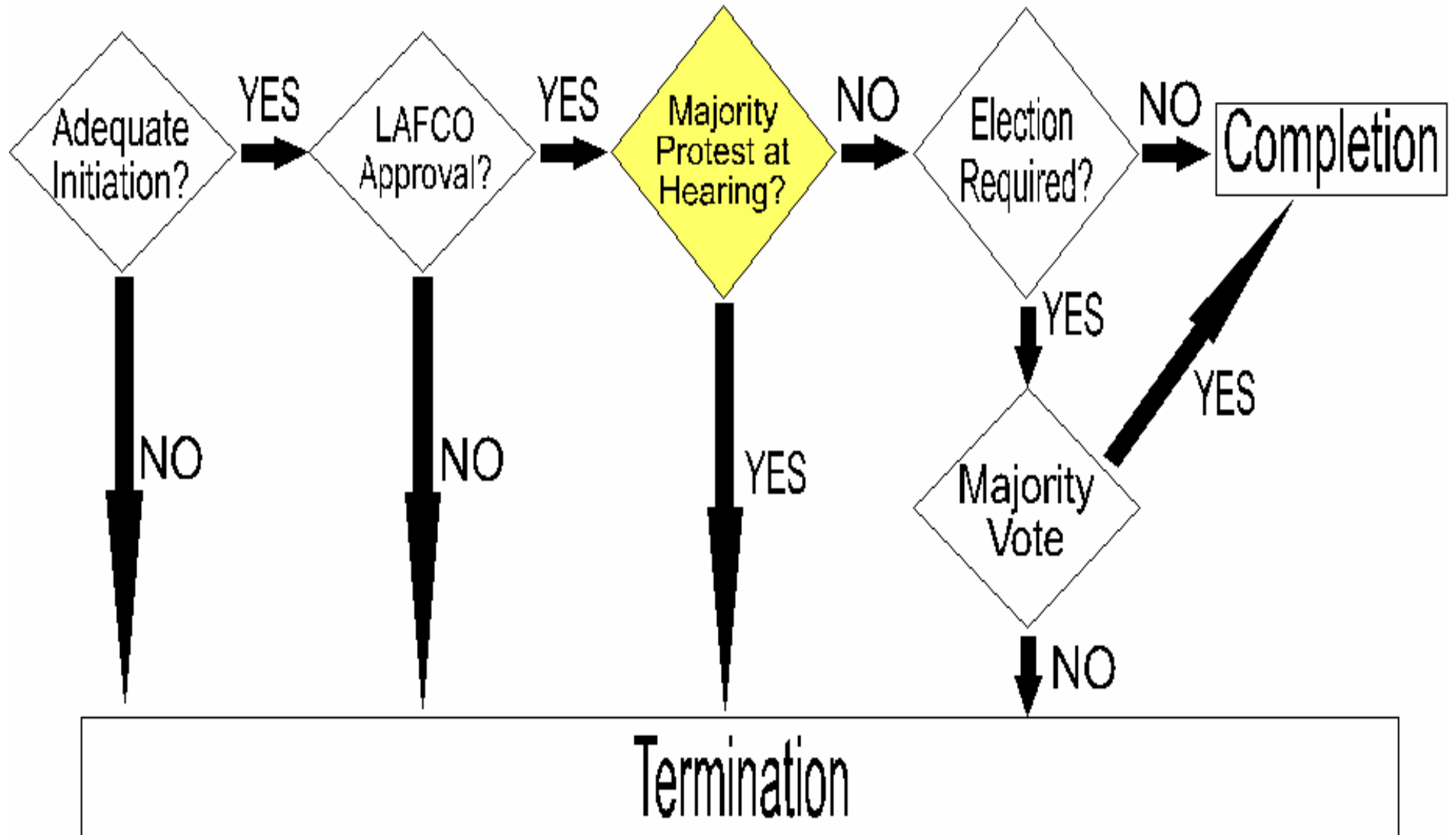
- The Informed Decision
 - Accurate and Complete Information
 - Significant Consequences

- ✓ Rational and Understandable
- ✓ Defensible Administrative Record

Post-Approval: More Work

- Reconsideration
- Protest Hearing (Conducting Authority)
 - Possible election
- Resolution of Conducting Authority (Ordering Annexation or Terminating)
- Review All Conditions Completed
- Certificate of Completion Recorded
- State Board of Equalization Filing
- Distribution of Final Filings

Protest Hearing



Protest Hearing

- Hearing within 35 days of LAFCO approval
- Allows residents to veto boundary changes approved by LAFCO
- Notice Requirements
 - Provided to agencies and citizens within territory
 - Post, publish, and mailed
- Only Landowners and Registered Voters may protest
- May be Waived Entirely in Many Cases

Protest Hearing = Conducting Authority Proceedings

- **Ministerial Only**
- **Purpose is to receive, then count, valid signatures and order the annexation or election**
- **May be delegated to EO as Hearing Officer (no extra Commission Meeting)§57000(c)**
- **Termination if 50% plus 1 valid protest**
- **Election if >25% protest**
- **City or County calls the election, sets date, etc.**
- **Resolution Ordering Change or Election**

Waiver of Conducting Authority

- Requirements for Waiver §56663
 - Annexations and Detachments Only
 - 100% Written Consent of Landowners
 - Uninhabited (fewer than 12 registered voters)
 - No affected agency files written opposition to waiver of protest proceedings
 - Commission Resolution Orders Waiver

Election Notes

- If Sufficient Protest, LAFCO notifies City or Board of Supervisors to call Election
- Co. Elections Official Conducts Election
- City or Board of Supervisors Certifies Election and Notifies LAFCO
- LAFCO Prepares Resolution of Termination or Resolution Ordering the Boundary Change

Completion

- Certificate of Completion (CoC)
 - Record CoC and Resolution Ordering Boundary Change (Conducting Authority)
 - Attachments: Map, Legal Desc, etc.
- Effective Date is Date of Recording
- Boundary Change occurs on Effective Date

CERTIFICATE OF COMPLETION

- As Executive Officer of the Amador Local Agency Formation Commission, I hereby certify that the attached documents are complete and in accordance with the boundaries, modifications and conditions specified by the Commission in its Resolution No. «LAFCO Resolution No» approving this action.
- The kind of change of organization or reorganization and the short-form designation of the proceeding is:
- «Project_Name»; LAFCO Project No. «Project_No»
- The agencies listed above are located within Amador County.
- The attached resolution of approval is made a part of this certificate by reference and sets forth the description of the boundaries of the proposal and any terms and conditions that apply.
- The attached resolution of the conducting authority ordering this change without election or confirming an order of election by the voters was adopted on (Manually Enter).
- By: _____
Date Completed: November 14, 2006
- Roseanne Chamberlain
- Executive Officer
- Local Agency Formation Commission

Final Filings and Distribution

“Notice of Completed Annexation”

Board of Equalization

- CoC(conformed copy)
- BOE Forms
- Fees
- Co Auditor’s New Tax Rate Number
- Maps and Legal Desc

Other Distribution

- Co. Assessor
- Co. Auditor
- Co. Surveyor
- GIS (Co. IT)
- Elections
- Applicants
- Affected Agencies

Putting the Project “To Bed”

- Board of Equalization Acknowledgement
- File Returned Recorder’s Documents
- Purge File – Duplicates, Notes, etc.
- Organize & Store Records as Needed
- Download digital records, file CD
- Check Updated BOE Maps when amended

Amador LAFCO

End of Presentation