

LOCAL AGENCY FORMATION COMMISSION OF NEVADA COUNTY

Application Processing Procedures

It is the intent of LAFCo to process properly submitted applications in a timely manner. There are, however, statutory as well as self-imposed deadlines to be met. Following is an outline of the LAFCo procedures for processing applications. Where these deadlines are statutory, the numbers in brackets after the paragraph indicate the statutory source for the deadline. With the exception of one citation from the *Revenue and Taxation Code*, all statutory citations are from the *Cortese-Knox-Hertzberg Local Government Act of 2000* (Government Code Section 56000 and following).

- 1) Application. An application to LAFCo requires submission of an Application Form, supporting documentation, and fees in the amount established by the LAFCo Fee Schedule. In addition, the application must be accompanied by either (a) a Resolution of Application from an affected local agency or (b) a sufficient landowner or voter petition in accordance with the requirements of Cortese-Knox-Hertzberg. LAFCo prefers that the resolution procedure be utilized wherever feasible, to involve the affected public agency early and assure timely consideration of its needs. A resolution also establishes the affected public agency as Lead Agency under the California Environmental Quality Act, contributing to its better implementation. Applications initiated by petition (other than for sphere updates, district formations, and city incorporations) must also include evidence of efforts to obtain the sponsorship of the affected public agency.
- 2) Notification of Receipt of Application. When an application is received, the Executive Officer must give immediate written notification to any agency affected by the proposal [56658(b)] and to the County Assessor and Auditor so they may calculate assessed value and other information required to complete a tax exchange [Revenue and Taxation Code Section 99 (b)].
- 3) Review of the Application for Sufficiency. The Executive Officer must notify the proponent whether or not the application is complete within 30 days after its receipt [56658(d)]. If the application is not complete, the Executive Officer will inform the applicant what additional documentation is required.
- 4) Environmental Documentation. Where LAFCo is the Lead Agency under CEQA, the application cannot be deemed complete until adequate environmental documentation is prepared. (See *LAFCo CEQA Guidelines*.)
- 5) Sufficiency of the Petition. If the application is accompanied by a petition, the Executive Officer must review the petition for legal sufficiency within 30 days of its receipt and must issue a Certificate of Sufficiency if the petition has the required number of proper signatures and otherwise meets the requirements of Cortese-Knox-Hertzberg [56706].

- 6) Certificate of Filing. Upon determining that an application is sufficient and complete, the Executive Officer issues a Certificate of Filing to the applicant [56658(g)].
- 7) Conflicting Applications. In the event of conflicting applications, LAFCo may determine which application to consider first. Normally the application received first by LAFCo will be heard first [56655]. Special provisions apply for conflicting proposals for incorporation, district consolidation, dissolution, merger, or establishment of a subsidiary district, or a reorganization that includes any of these changes of organization [56657].
- 8) Setting the Matter for Hearing. Within 90 days after a Certificate of Filing has been issued, the Commission must consider the application at a public hearing or meeting [56658(i)].
- 9) Preparation of the Staff Report. The Executive Officer prepares a staff report with recommendations on each application. The report shall be available at least five (5) days prior to the hearing on the application [56665].
- 10) Completion of the Commission Hearing. The Commission may continue the hearing on an application one or more times, but it may not continue the hearing more than 70 days after the initial hearing date [56666]. The Commission must adopt its resolution making a final determination on the application within thirty-five (35) days after the close of the hearing [56880].
- 11) Reconsideration. Any interested person may request reconsideration of the LAFCo determination within 30 days after the resolution making the determination is adopted [56895]. An additional fee applies to reconsideration.
- 12) Reapplication after Denial. If an application is denied by LAFCo, another proposal involving the same or substantially the same territory cannot be submitted within one (1) year after the date of denial, unless the Commission finds this prohibition detrimental to the public interest [56884].
- 13) Certificate of Completion. The Executive Officer shall file a Certificate of Completion for each approved proposal in accordance with the provisions of 57200 and the following:
 - a) If the Commission has waived conducting authority proceedings in accordance with Section 56663, the Executive Officer shall file a Certificate of Completion immediately after the reconsideration period ends.
 - b) If the proposal requires a protest hearing, LAFCo will determine the value of written protests and either file a Certificate of Completion for the proposal, forward the proposal to the appropriate election official for submission to a vote, or terminate the proposal, as provided by 57075. Normally, the change of organization or reorganization will become effective on the date the certificate is recorded.