

# AMADOR LAFCO

## LOCAL AGENCY FORMATION COMMISSION

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### ***INSTRUCTIONS AND INFORMATION FOR PROPOSALS***

The following information is designed to help you move your project through the various stages of the LAFCO process. This guide is a partial summary and supplements the pre-application conference.

State law and Amador LAFCO Policies and Guidelines require a series of steps and approvals for each project. There are legal deadlines for many of these steps. If the deadline is missed, the project terminates. Work closely with the Executive Officer, related City or County departments, and the agencies whose boundaries may change as a result of your project.

To file an application you must submit the following:

- Required Forms
- Processing Fees (Deposit towards actual costs)
- Plan of Service
- Map and Legal Description (reviewed by Amador County Surveyor)
- Approved Property Tax (AB-8 Resolutions)
- CEQA documents or determination

#### ***1. Starting the Project -Initiation***

LAFCO projects are initiated by a resolution of application adopted by a city or a district. They are also initiated by petition with landowners or registered voters signing for the boundary change. The first step is to meet with the Executive Officer and review your proposal (pre-application conference). If you have not already done so, you should meet with staff of any agencies, including the county, which will be affected by your boundary change.

##### *Important Tips for Resolutions*

- The Resolution making application is adopted by the government agency requesting the boundary change and must include all of the elements required for petitions (see Government Code §56700).
- Resolutions may be accompanied with letters of consent from landowners in the proposal area. If 100% of the landowners consent in writing, the LAFCO process is simplified.

##### *Important Tips For Signature Petitions:*

- Landowner or Voter petitions must designate the “chief petitioner” and submit “Intent to File Petition”. (see application forms)
- Landowners may designate an agent, but the agent may not sign the petition on behalf of landowners. Original signatures are required.
- All signatures must be collected within 6 months from the date of the first signature.
- All petitions must be filed with LAFCO at the same time, within 60 days of date of the last signature.
- If more than one owner owns a parcel, such as a married couple, all owners must sign on a landowner petition, listing the parcel number for each signature.
- Landowner petitions are verified by the Assessor’s Office and registered voter petitions are checked by the Elections department. There may be additional fees for this verification.
- Landowners who are registered voters in Amador County should also provide the address of registration for signature verification purposes. Those registered to vote outside of Amador County must provide a notarized signature with their application.
- Signature requirements vary. Most petitions require 25% of the voters or landowners in the project area.

**Other important items:**

If your proposal area contains Williamson Act lands, special provisions apply.

Please do not submit the application forms in a bound format. Some of these pages are photocopied and distributed by LAFCO staff during the process.

Your map and legal description must be checked by the County Surveyor before they can be accepted by LAFCO staff. They must meet the requirements of the State Board of Equalization and the County Recorder’s requirements. You may wish to submit a preliminary map to LAFCO staff that clearly describes the proposal territory. This will get the project started while waiting for the Surveyor’s review and any needed changes that might be made to the formal map and legal description.

## **2. Property Tax Redistribution (AB-8 Agreements)**

As soon as a complete proposal application is submitted, LAFCO formally starts the Property Tax (AB-8) negotiations. If possible, the property tax transfers should be negotiated before the application is submitted to LAFCO, so the formal process goes quickly. The property tax transfer agreement process is as follows:

- LAFCO notifies Assessor of the proposal once the application is submitted; the Assessor provides assessed valuation to the County Auditor.
- Tax information on the parcels in the project area prepared by the Auditor and sent to all the affected agencies. This starts a 60-day deadline.
- The County CAO's Office may use Auditor's information to prepare and send a redistribution proposal to the affected agencies (city and districts). County policy requires a committee with county and city members review and negotiate the property tax shifts. Contact the County Auditor for more information.
- Formal agreement is reached when the Board of Supervisors and the city each adopt resolutions approving the negotiated property tax redistribution plan. The Board of Supervisors' resolution approves changes in district tax share on behalf of the special districts affected by the proposal.
- ***IF RESOLUTIONS ARE NOT COMPLETED AND ADOPTED WITHIN 60 DAYS OF THE DATE THE AUDITOR PREPARES THE TAX INFORMATION, YOUR PROJECT IS SUBJECT TO TERMINATION.***
- LAFCO does not participate in the redistribution process or any negotiations which may occur. Applicants work with the County Administration staff and the affected agencies to ensure that an agreement is reached in a timely manner.
- During the negotiations, LAFCO circulates information regarding your project and requests comments from various agencies and departments. A Preliminary Informational Hearing before LAFCO may be required by statute in some cases and is held when the property tax resolutions are adopted. The final LAFCO hearing on your proposal cannot occur until 60 days after the Informational Hearing.
- In most cases, applicants and the annexing agency coordinate informal discussions about the property tax redistribution, in advance of the formal process with its 60 day deadline.

## **LAFCO and CEQA**

- All LAFCO actions are subject to CEQA (California Environmental Quality Act). When the LAFCO proposal is part of a larger project, such as a subdivision, LAFCO is a responsible agency. The environmental review prepared by another agency (Lead Agency) must include sufficient information for LAFCO's decisions and findings.
- Be sure LAFCO is formally notified when the CEQA process begins. Environmental documents by another agency, including Notice of Determination or Notice of Exemption must be submitted with your application. Please also include a copy of the Fish & Game Fee receipt. Additional copies of these documents may be required for distribution to the LAFCO Commission.
- If LAFCO will be the Lead Agency for your project, you will complete an environmental questionnaire and staff will determine potential environmental impacts and needed CEA review.

### **3. Completing the Application**

- LAFCO will notify the applicant of any application deficiencies within 30 days after the application is submitted. You will receive a letter identifying the needed information.
- Once the outstanding items are submitted, a Certificate of Filing is issued and a hearing date is set. If your application is not completed within 6 months, your project will be terminated.
- Submit your map and legal description to the County Surveyor's Office for review; changes may be required to meet the State Board of Equalization requirements.
- All charges for the project must be paid up to date before the LAFCO hearing. Charges accrued after the hearing must be paid before the project is recorded.
- Information about planned services must be completed (Plan of Service).
- All parties/participants must complete FPPC disclosure forms to detail the gifts/contributions made to LAFCO Commissioners within the preceding 12 months prior to the hearing.
- Any deficiencies or omissions in previously submitted material must be corrected.

#### **4. LAFCO Hearing and Decision**

- The Executive Officer will issue a “Certificate of Filing” as soon as the application requirements are completed. Staff assigns a tentative hearing date which will be within 90 days.
- The project analysis and Executive Officer’s report and recommendation are prepared and will be transmitted to applicants at least 5 days before the hearing.
- You will receive agenda notice about 2-3 weeks before the hearing.
- The Commission holds a public hearing, receives public comment and may either continue its hearing to a later date or make determinations to approve, modify, add conditions or deny your request. The boundary is not changed as of the date of the LAFCO hearing. The boundary change is final only after the project is recorded.

#### **5. After Approval– Conducting Authority (Protest) Proceedings**

- After LAFCO makes determinations and adopts a resolution approving your project, a protest hearing may be required (approximately 35 days after the approval). The Executive Officer usually serves as hearing officer. When 100% of the landowners consent and other criteria are met, this hearing may be waived.
- Only those residing in the proposal area may file valid protests. Certain landowners or voters who are eligible to protest the action are notified and have an opportunity to object to the boundary change. If enough valid protests (usually more than 25%) are received by the conducting authority, an election is required. If more than 50% of those eligible to protest do so, or vote in the election against the proposal, then the project is terminated.

#### **Completion and Recording**

The final steps for recording and filing the project are largely ministerial and are completed by LAFCO staff. All conditions included in your approval must be completed before the boundary change is recorded. LAFCO mails copies of the documents and filings to applicants, certain state and local agencies, and certain county departments. Retain the final packet for your permanent records.

No annexation is final until it is recorded.