

INSTRUCTIONS AND INFORMATION FOR FILING AN APPLICATION WITH MADERA LAFCo

The following information is designed to help you move your project through the various stages of the LAFCo process.

State law and Madera LAFCo Policies and Guidelines require a series of steps and approvals for each project. You should plan to work closely with the Executive Officer, related County departments, and the agencies whose boundaries may change as a result of your project. This guide is a partial summary and supplements the pre-application conference.

Preliminary Submittal

Most LAFCo projects are initiated by a petition of landowners or registered voters. An affected agency may also initiate a boundary change. To begin your boundary change application or other form of change of organization, complete the application and information forms, and submit the entire LAFCo Fee. You will need to meet with the Executive Officer to review the application (pre-application conference). If you have not already done so, you should meet with staff at the agencies whose boundaries may be affected.

Please note:

- Landowner or Voter petitions must designate the “chief petitioner” (not more than three petitioners).
- An agent may not sign the petition on behalf of landowners.
- All signatures must be collected within 6 months from the date of the first signature.
- All petitions must be filed at the same time, within 60 days of date of the last signature.
- If a parcel is owned by more than one owner, all owners must sign on a landowner petition.
- 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 these verifications, payable by the applicant.
- Signature requirements vary. Petitions for annexation to a city require 5% of the voters or landowners in the project area. However, for petitions for annexation to a

special district or incorporation of a city the requirement is 25% of the voters or 25% of the landowners in the project area.

- Resolutions of application by agencies must include certain required elements.
- If an affected area contains Williamson Act lands, special provisions apply.
- Your map and legal description must meet the requirements of the State Board of Equalization, but you may file a preliminary map with the initial application.
- If your application requests an annexation to a City, you must first work with the city to secure a pre-zoning designation prior to beginning the annexation process.

Property Tax Redistribution Plan (AB-8 Agreements)

The County Auditor prepares information for a redistribution of the property tax on the parcels in the project area. LAFCo assists the County and the Auditor by mailing this information to affected agencies. LAFCo does not participate in the redistribution process or the negotiations which may occur. You will receive copies of these mailing from LAFCo and you should plan to work with the Auditor, the Executive Officer and the affected agencies to ensure that an agreement is reached in a timely manner. The Board of Supervisors, and certain agencies, must adopt a resolution approving the property tax agreement. If this process is not completed within 6 months, the project is subject to termination.

While the property tax negotiations are occurring, LAFCo staff also circulates information about your project and requests comments about the proposal from various agencies and departments. You should encourage affected agencies to submit their comments to LAFCo.

LAFCo and CEQA

All LAFCo actions are subject to the requirements of the California Environmental Act (CEQA). If proposal to LAFCo is part of a larger project, such as a subdivision, it may already have completed an environmental review which could be adequate for LAFCo. Environmental determinations by another agency must be submitted with the application. Additional copies of these documents may be required for distribution to the LAFCo Commission.

If LAFCo will be the Lead Agency for your project, an environmental questionnaire must be completed, and staff will determine potential environmental impacts. Fees for environmental review are listed in the fee schedule and area payable, in advance, by the applicant.

Completing the Application

- You will receive a letter requesting completion of your application and containing information requirements.
- If your application is not completed within 6 months, your project is subject to termination.
- If you have not already done so, submit your map and legal description.
- Your map and legal description must meet the requirements of the State Board of Equalization and will be reviewed by the County Assessor; changes may be required.
- All remaining fees for the project must be paid.
- Information about plans for provision of services must be completed.
- All parties/participants will be required to complete Fair Political Practices Commission (FPPC) disclosure of gifts/contributions to LAFCo Commissioners and Alternates.
- Any deficiencies or omissions in previously submitted material must be corrected.

Indemnification/Legal Defense: Actual cost

Prior to an application being considered as complete, the applicants and property owners shall be required to enter into an agreement to defend, indemnify, and hold harmless LAFCO or its agents, officers, and employees from any claim, action or proceeding against LAFCO or its agents, officers, and employees to attack, set aside, void, or annul the approval of LAFCO concerning the processing of the proposal or any action relating to, or arising out of, such approval when such action is brought within the applicable statute of limitations. The Commission has adopted a policy and procedure setting out the process by which this charge will be applied. At the discretion of the Executive Officer, a deposit of funds by the proponent of the proposed change of organization may be required in an amount sufficient to cover the anticipated litigation costs, except that such charge may be appealed directly to the commission.

LAFCo Hearing and Decision

- LAFCo staff will issue a "Certificate of Filing" and set a tentative hearing date for your project.
- The staff report and recommendation will be prepared and mailed to you at least 5 days before the hearing.

- You will receive an agenda notice about 21 days before the hearing.
- The Commission may defer or continue its hearing or make determinations to approve, modify, add conditions or deny your request.

After Approval

- After the LAFCo Commission makes determinations and adopts a resolution approving your project, another hearing may be scheduled by the LAFCo Executive Officer who sits as the “conducting authority”.
- The conducting authority (LAFCo) must give notice and set a hearing date within 35 days of the Commission’s approval and hold the hearing within 60 days of the notice. 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.
- Cities may terminate detachment proceedings; districts may terminate annexations.

Completion and Recording

The final steps for recording and filing the project are largely ministerial. The conducting authority resolution is reviewed by the Executive Officer for compliance with the LAFCo resolution and statutes. Any conditions included in your approval must be completed. You will receive copies of the documents and filings to retain for your permanent records.