



Local Agency Formation Commission
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MERCED LAFCO APPLICATION PROCESSING PROCEDURES OUTLINE

STEP A. EARLY CONSULTATION:

Applicants are encouraged to discuss proposals with LAFCO Staff prior to formally preparing an application and initiating proceedings.

STEP B. INITIATION OF PROCEEDINGS:

Proceedings may be initiated by a variety of methods. These methods are identified in the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000. It is the policy of the Merced Local Agency Formation Commission to accept proposals that are initiated by resolution of the affected agency, such as a city initiating an annexation or an irrigation district initiating a detachment. It is encouraged that a petition in support of the application also be submitted which is signed by all affected property owners who support the application

STEP C. SUBMITTAL OF APPLICATION PACKAGE:

The minimum application package necessary to initiate proceedings consist of the following:

1. Notice of Intention (LAFCO FORM L1.)
2. Complete Justification of Proposal (LAFCO Form L3.)
3. Professionally drawn Map and Legal Description of the subject territory (1 copy) (following the form outlined in the Notice of Intention) (Ensure that they are wet-stamped)
4. Environmental Questionnaire (LAFCO Form L31) or environmental documentation (20 copies) used by Lead Agency if EIR or Negative Declaration prepared.
5. Applicable Agency Resolution of Application with Supporting Documentation, and/or property owner Petition (LAFCO Form L2.)
6. Ordinance pre-zoning territory for City Annexations.
7. Signed Indemnity Agreement on form provided by LAFCO.
8. Application Fees (Fee Schedule is Attached.)
9. Receipt of Payment for Fish and Game Fees if LAFCO is the lead agency.

STEP D. PROCESSING OF APPLICATION:

(A minimum of 8 weeks is necessary for processing once the application package has been accepted.)

LAFCO Staff will evaluate the appropriateness of the proposal under the provisions of the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000. The factors set forth in Section 56668 of the Cortese/Knox/Hertzberg Act are the primary basis of this evaluation. The proposal will also be reviewed against the locally adopted policies which are concerned with protection of open space and agricultural resources, the creation of logical and orderly boundaries, and the efficient delivery of services. This evaluation will also involve consultation with various affected agencies, and their comments will be included as part of the "Executive Officer's Report."

STEP E. THE LAFCO MEETING:

Most proposals require a public hearing prior to LAFCO action. Approximately one week before the hearing, an "Executive Officer's Report" containing an evaluation and recommendation will be mailed to the affected agency and property owner.

The Merced LAFCO normally meets on the fourth Thursday of each month at 10:00 a.m. in the Merced County Board of Supervisors Chambers. Occasionally a special meeting or continued hearing is conducted on another date and time.

At the meeting, LAFCO Staff will give an account of the proposal with a recommendation. The public hearing will be conducted and anyone may address the Commission concerning the application. Following the close of the public hearing, the Commission will take one of the following actions:

1. Approve the proposal, as submitted.
2. Approve the proposal subject to modification.
3. Approve the proposal, subject to a protest hearing.
4. Continue consideration of the proposal to a specific date and time.
5. Deny the proposal.

If the proposal is denied, proceedings are terminated and there is no appeal process.

STEP F. AFTER LAFCO APPROVES THE PROPOSAL:

Requests for reconsideration may be submitted in writing to the Executive Officer within (30) days of the Commission's decision. Such requests will be granted only when the petitioner can submit new facts or information indicating that significant factors relevant to the proposal were overlooked or have changed.

Once LAFCO has completed its required hearing(s) and taken final action to approve the proposal, a resolution of approval containing the determinations made by the Commission will be prepared for signature by the Executive Officer.

If the original petition was not signed by all landowners in support of the application, a protest hearing may be required. Per Section 57000 of the Cortese/Knox/Hertzberg Act, LAFCO is required to conduct "protest proceedings" to determine whether the proposal can be approved without an election, whether an election should be held, or whether the proposal must be terminated due to majority protest. If the protest is not successful, then the Commission adopts a second resolution completing the proposal.

STEP G. FINAL FILING:

LAFCO staff will prepare a Certificate of Completion and Statement of Boundary Change. The Certificate of Completion is recorded with the County Recorder, and the Statement of Boundary Change and other materials are sent to the State Board of Equalization. A separate processing fee is required by the State for changing the tax rolls, which must be paid prior to LAFCO recording the Certificate of Completion.

The various City and County agencies are then notified of the filing and the boundary changes, and the change in organization is final once recorded at the County Recorder's Office unless otherwise stated during the approval process.

More detailed information is available from LAFCO staff concerning these procedures.