



APPLICATION PROCESS FOR CHANGES OF ORGANIZATION OR REORGANIZATION

The powers and responsibilities of LAFCo are defined in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) The following is a general summary of the change of organization process as it relates to LAFCo. Additional steps and information may be required for more complex changes of organization such as incorporations and district formations. Please contact LAFCo staff for more detailed information.

Pre-Application Consultation

Applicants are encouraged to schedule a pre-application meeting with LAFCo staff to review and discuss the proposed changes. LAFCo staff will review the process and procedures, discuss the level of detail needed in the application, identify supplemental information that may be required, review applicable LAFCo policies and standards, review the CEQA process, and provide appropriate information as to how to initiate the process (e.g. petition or resolution). There is no charge for the initial meeting.

Application Filed With LAFCo

Filing a proposal with LAFCo requires submitting the following: an application form; a plan for services; mapping of proposed boundary change(s); an initial deposit; and either a resolution of application adopted by an affected local agency or a sufficient landowner or voter petition. More detailed application submittal requirements are included in the application checklist.

LAFCo prefers that the resolution procedure be used 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 (CEQA), for early review of potential environmental effects (see LAFCo CEQA Requirements). Applications initiated by petition (other than for sphere updates, district formations, and city incorporations) should also include a record of efforts to obtain affected agency sponsorship.

Initial Application Review and Processing

LAFCo staff has thirty (30) days to conduct an initial review of the application materials for accuracy and completeness. Within that 30 day period, LAFCo may request additional information from the applicant, as necessary to complete the application and initiate processing.

LAFCo staff will evaluate the proposal's consistency with the Cortese-Knox-Hertzberg Act provisions (primarily Section 56668 et seq.) and Humboldt LAFCo Policy, which

govern the 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, including adjacent districts.

Once the application is deemed complete, the Executive Officer will issue either a Certificate of Filing (applications submitted by resolution) or a Certificate of Sufficiency (applications submitted by petition). Because most proposals require discretionary action by the Commission, LAFCo is then required to set a public hearing date within ninety (90) days of issuance of the Certification of Filing or Sufficiency to hear the proposal.

Commission Proceedings

Most proposals require that LAFCo actions occur at a noticed public hearing. LAFCo hearings have a 21 day noticing requirement. Approximately one week before the hearing, the Executive Officer's staff report containing an evaluation and recommendation will be made available. This includes posting on the LAFCo website: www.humboldtlaftco.org.

Humboldt LAFCo meetings are scheduled every other month on the third Wednesday at 9:00 a.m. in the Humboldt 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 conditions or modification.
3. Approve the proposal, subject to a protest hearing, with or without conditions.
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. 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.

Conducting Authority Proceedings

Unless the conducting authority proceedings are waived pursuant to the Cortese-Knox-Hertzberg Act Section 56663(c) and (d), 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 majority protest is not successful, then the Commission adopts a second resolution completing the proposal.

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 change in organization is final once recorded at the County Recorder's Office unless otherwise stated during the approval process.