

March 1, 2001 (Agenda)

Local Agency Formation Commission
105 East Anapamu Street
Santa Barbara CA 93101

LAFCO notice of hearing requirements

Dear Members of the Commission:

RECOMMENDATION

It is recommended that the Commission receive this report about notice of hearing requirements and direct the staff as appropriate.

DISCUSSION

At the February 1 LAFCO meeting, during discussion of the Martin Farrell Homes Annexation to the Mission Hills CSD, Commissioner Marshall raised questions about LAFCO's notice of hearing requirements and procedures. Staff was directed to provide information at the next meeting.

Notice requirements are set forth in the Cortese-Knox-Hertzberg Act. It requires that whenever LAFCO has a public hearing notice must be given by publication, physical posting, mailing and Internet posting for 21 days prior to the hearing.

Notices must be mailed to an extensive list, including the proponents, all affected local agencies, all property owners and voters within 300 feet of the boundaries of the proposal and each person who has filed a written request for notice with the executive officer. (The need to mail notice to landowners and voters within 300 feet is a new requirement of AB 2838).

Also, if a proposal is for an annexation or detachment, or reorganization including the formation of a new district, notice must be given to each city within three miles of the exterior boundaries of the territory proposed to be annexed, detached, or formed into a new district. If a proposal is to incorporate a new city or form a new district, notice must be given to the affected county.

Local Agency Formation Commission

March 1, 2001

Page two

LAFCO is required to provide notice of all applications for boundary changes except when a proposal consists solely of annexations and detachments and all of the affected property owners have given their written consent. Only in this instance LAFCO can consider and act on the proposal without a noticed public hearing.

The LAFCO staff provides notice by mailing and posting for every item on each LAFCO agenda regardless of whether the proposal can legally be heard without such public notice. Our standard notice of hearing mailing list for each meeting includes all local agencies in the County, anyone who has requested notice and the proponents of each proposal. Notices are published only when legally required, in order to avoid unnecessary public expense.

The statutes that describe specific notice requirements are attached for your reference. If you have any questions please contact the LAFCO office.

Sincerely,

BOB BRAITMAN
Executive Officer

LAFCO notice of hearing requirements

Government Code §56658. (b) Immediately after receiving an application and before issuing a certificate of filing, the executive officer shall give mailed notice that the application has been received to each interested agency, each subject agency, the county committee on school district organization, and each school superintendent whose school district overlies the subject area.

56661. To the extent that the commission maintains an Internet website, notice of all public hearings shall be made available in electronic format on that site.

The executive officer shall also give mailed notice of any hearing by the commission, as provided in Sections 56155 to 56157, inclusive, by mailing notice of the hearing or transmitting by electronic mail, if available to the recipient, to all of the following persons and entities:

- (a) To each affected local agency by giving notice to each elected local official, each member of the governing body, and the executive officer of the agency.
- (b) To the proponents, if any.
- (c) To each person who has filed a written request for special notice with the executive officer.
- (d) If the proposal is for any annexation or detachment, or for a reorganization providing for the formation of a new district, to each city within three miles of the exterior boundaries of the territory proposed to be annexed, detached, or formed into a new district.
- (e) If the proposal is to incorporate a new city or for the formation of a district, to the affected county.
- (f) If the proposal includes the formation of, or annexation of territory to, a fire protection district formed pursuant to the Fire Protection District Law of 1987, Part 3 (commencing with Section 13800) of Division 12 of the Health and Safety Code, and all or part of the affected territory has been classified as a state responsibility area, to the Director of Forestry and Fire Protection.
- (g) If the proposal would result in the annexation to a city of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1), to the Director of Conservation.

Local Agency Formation Commission

March 1, 2001

Page two

(h) To all registered voters and owners of property, as shown on the most recent assessment roll being prepared by the county at the time the commission adopts a resolution of application, within 300 feet of the exterior boundary of the property that is the subject of the hearing at least 20 days prior to the hearing.