

LAFCO

Santa Barbara Local Agency Formation Commission
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July 7, 2011 (Agenda)

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

Proposed Policy Regarding Lapsed or Abandoned Proposals

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission adopt the policy set forth below to specify when an application for a proposed change of organization or reorganization has lapsed.

DISCUSSION

Background

In October 2010 the Commission, at the request of Steve Amerikaner on behalf of the Goleta West Sanitary District, considered whether the City of Goleta application to detach land from that District had “lapsed” due to the passage of time.

The Commission determined the application had not lapsed and set a hearing for December 2. In November the City rescinded its resolution initiating the detachment, effectively withdrawing the application and the proposed detachment was no longer a pending proposal.

During the discussion in October it was noted some LAFCOs have policies that govern when an application is considered “lapsed” or abandoned. The Commission asked staff to present a proposed policy to the Commission for its consideration, which is the purpose of this report.

Statutory Requirements for Applications

Government Code section 56658 (d) requires the Executive Officer to determine within 30 days of receiving an application whether it is “complete and acceptable” for filing or is “incomplete.” To be deemed complete, the application must include the information specified in Government Code section 56652.

When an application is deemed complete, the Executive Officer issues a certificate of filing and schedules a hearing by the Commission. That hearing must be held not more than 90 days after the certificate is issued or the date the application was deemed complete, whichever is earlier [GC 56658(g) & (i)]. The statute does not address what happens if an application is deemed incomplete. In particular, the Act does not specify how much time an applicant has to revise and supplement the application before it is considered “lapsed” or “abandoned.”

Recommended Policy

As reported to the Commission last October, several LAFCO’s have policies governing the time for an applicant to revise and resubmit an application after it has been deemed incomplete.

Based on a review of how other LAFCO’s address incomplete applications and what would be a workable policy in Santa Barbara County, we recommend that where an applicant fails to submit a revised application within six months from the time the application is deemed incomplete, the application shall be deemed lapsed. The recommended wording for the policy is as follows:

When the Executive Officer has deemed an application incomplete, the applicant shall submit a revised application within 180 days of the incompleteness determination or the application shall be deemed lapsed. The Commission may extend this period for up to 90 days. Any request for an extension must be filed with the Executive Officer prior to the date the application lapses. Where an application has lapsed, the proposal may be reinitiated through a new application, consistent with the requirements of applicable law.

If approved, this policy will be included within the “Policy Guidelines and Standards” portion of the Commissioner Handbook.

Sincerely,

BOB BRAITMAN
Executive Officer

cc: Steven A. Amerikaner, Esq., Brownstein/Hyatt/Farber/Schreck