

San Diego County Local Agency Formation Commission

Advisory Committee on Fallbrook PUD and Rainbow MWD Reorganization Proposals Meeting (Videoconferencing only) July 6, 2020

Phase One: Filing and Administrative Review

Initiating Jurisdictional Changes

Most jurisdictional changes are initiated either by (a) resolution of application by local agencies or (b) petition by landowners or registered voters.

LAFCO may also initiate their own proposals in limited circumstances.

Resolution of Application

Agency to provide notice to LAFCO at least 21 days before adopting resolution unless 100% consent of landowners and registered voters (if inhabited). Resolution must be adopted at a noticed public meeting.

Commission Initiated

LAFCO-initiated proposals are limited to actions to form, dissolve, merge, or consolidate special districts and must be consistent with a recommendation from an earlier municipal service review.

Landowner/Voter Petition

Landowner(s) or registered voter(s) to provide notice to LAFCO before circulating petition; all signatures must be dated within six months. Petition requires at least 25% of all landowners or voters.

Validating Petitions...

Within 30 days of receiving a petition LAFCO will coordinate with the County Assessor or Registrar of Voters' Offices to validate signatures.

Proposal Filing with LAFCO

Applicant files their initiating document (resolution or petition) with LAFCO along with a completed application with a plan of service, map and description of the affected territory, and fees.

An environmental document may also be needed if an exemption does not apply.

LAFCO Administrative Review - Baseline Steps -

1

Step One:

Initial Applicant Status Letter

LAFCO issues a status letter to applicant within 30 days of the proposal filing. The status letter confirms whether the proposal is complete and ready for hearing or – and more likely – outlines incomplete items and/or review procedures

2 Step Two:

Interagency Review

LAFCO issues a notice on the proposal to all subject and affected agencies as well as college and school districts for review and comment. The LAFCO notice summarizes the proposal and related policy considerations and solicits comments – including requests for terms and conditions – for a minimal 20 day period but often longer as determined by the Executive Officer.

3

Step Three:

Property Tax Exchange

All jurisdictional changes require a property tax exchanges. LAFCO determines the exchange for district formations and city incorporations. Other jurisdictional changes require negotiations between the agencies with an allowance for the County BOS to negotiate on behalf of special districts. If agencies cannot agree to an exchange on their own an arbitration process commences.

4 Step Four:

Certificate of Filing

LAFCO issues the applicant a Certificate of Filing once all three preceding steps have been completed and all additional information requested has been provided to address required under statute or adopted local policy. The Certificate of Filing attests the proposal is complete and identifies the date the item will be presented at hearing. Hearings must be scheduled within 90 days.

5

Step Five: Executive Officer Report

LAFCO issues an Executive Officer report with his/her recommendations no less than 5 days before the scheduled hearing. This includes recommendations on any physical modifications to the affected territory as well as any terms and conditions in addressing State and local policy factors. LAFCO authority to condition proposals is broad so long as terms do not regulate land uses.

Type of Environmental Review...

LAFCO typically serves as responsible agency under the California Environmental Quality Act or CEQA in considering the potential impacts associated with a proposal. This means LAFCO will rely on a lead agency's CEQA finding unless LAFCO determines the latter document is inadequate and proceeds to assume lead agency duties.

How Long is the Administrative Review...

Standard proposals free of complexities or controversies typically require between three to five months to complete the administrative review. More complex proposals will typically require a year or more to complete the administrative review.

Phase Two: Commission Consideration



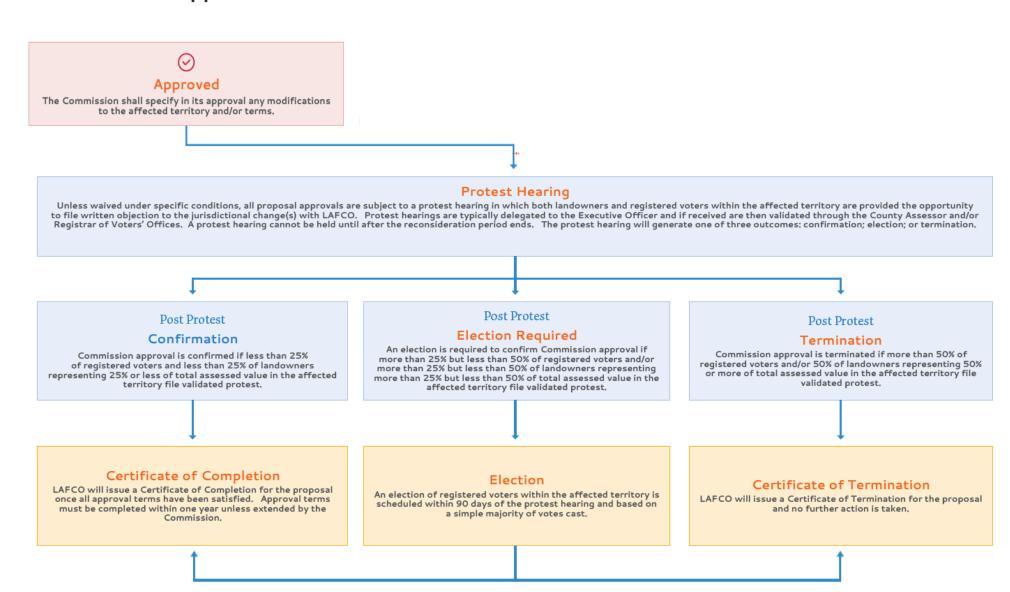
Who Gets Noticed About a Proposal...

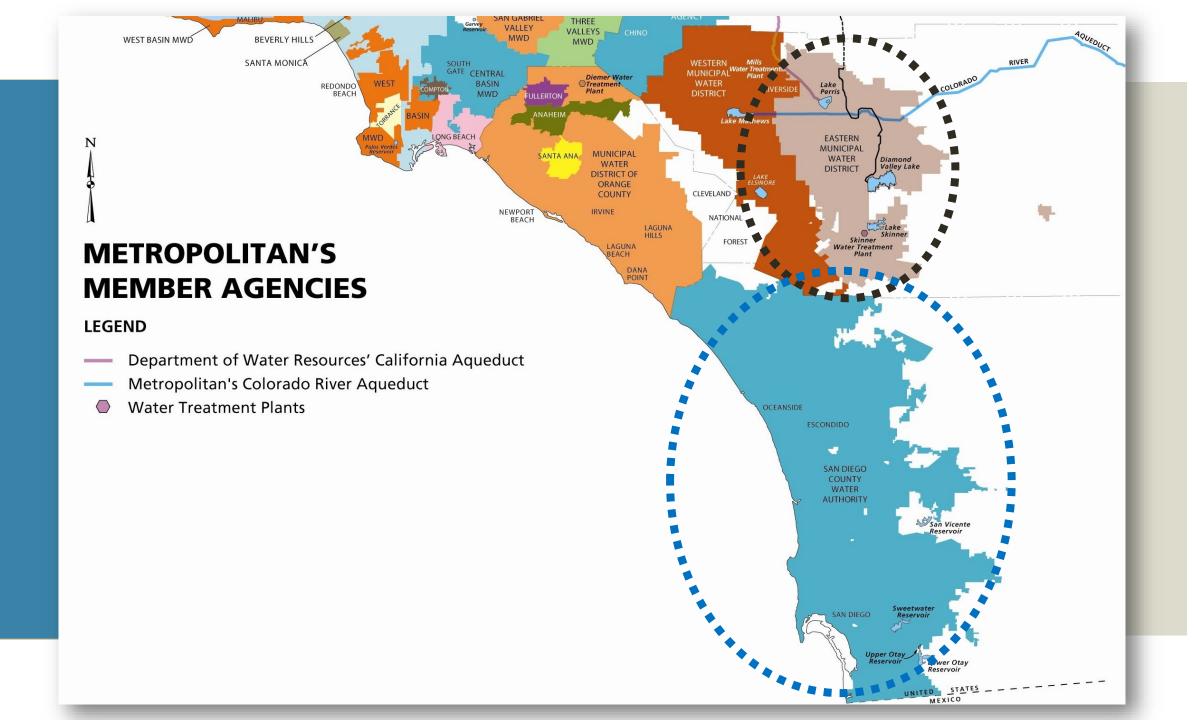
If the proposal involves uninhabited (11 or less registered voters) territory and 100% of landowners have provided consent there is no expanded notice requirement. Otherwise, all proposals are subject to expanded mailed notice to all landowners and registered voters within the affected territory as well as within 300 feet no less than 21 days ahead of the hearing along with publication in the newspaper. Notice may be limited to the newspaper if the total number of mailed notices would exceed 1,000.

Reconsideration Period...

All actions by the
Commission are subject
to reconsideration where
any member of the public
– including individual
Commissioners – may submit
new information that was not
considered at the time of the
Commission action to approve
or deny the application.
Requests must be filed within
30 days of the Commission
action and subsequently
placed on the next available
regular meeting agenda.

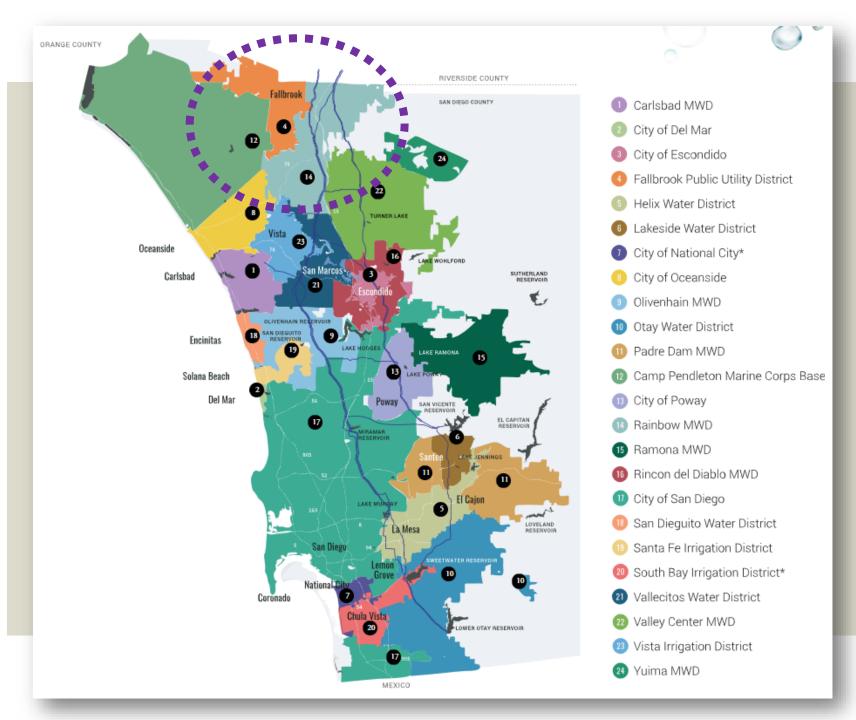
Phase Three: Post Approval Actions





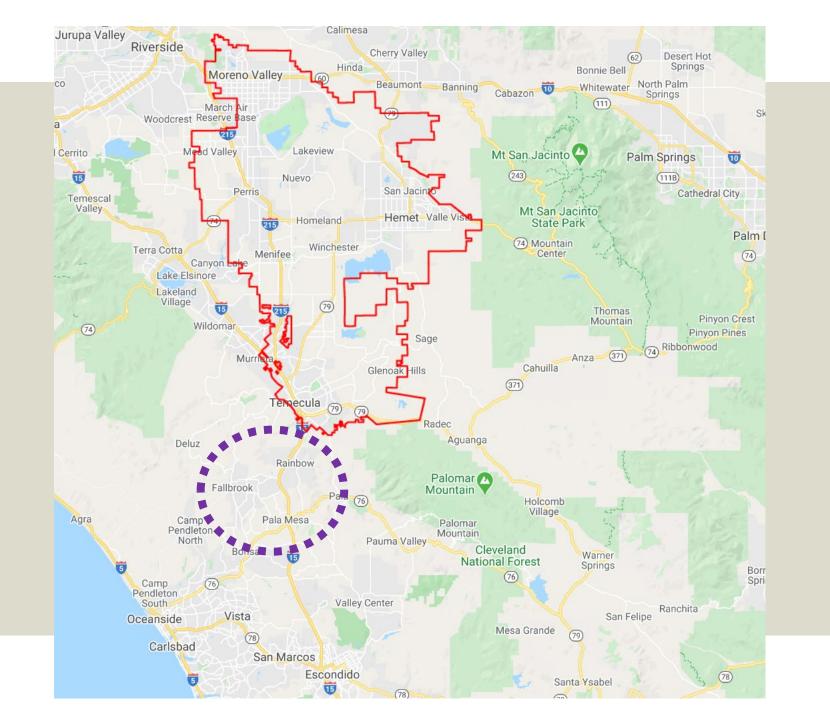
County Water Authority





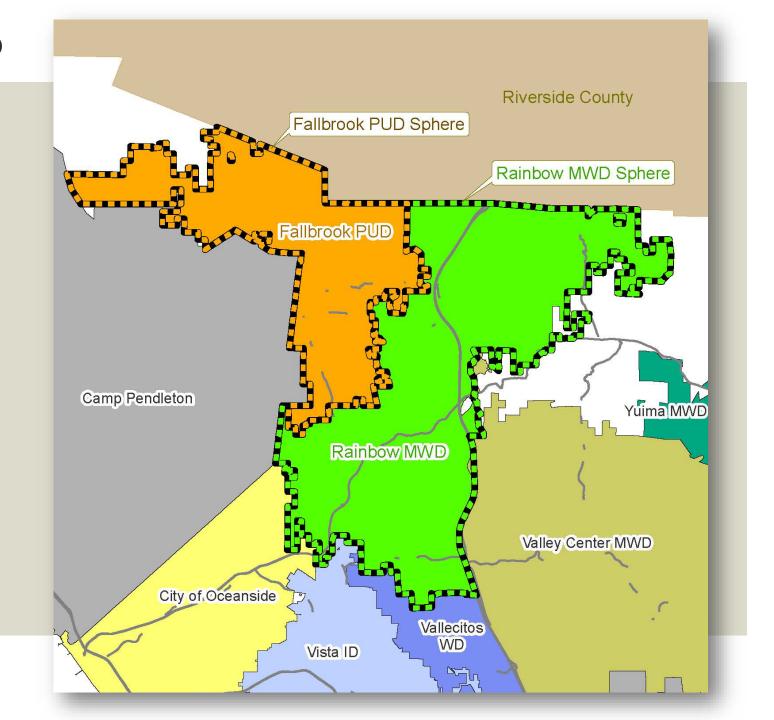
Eastern MWD





Fallbrook PUD and Rainbow MWD







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