

LOCAL AGENCY FORMATION COMMISSION
POLICIES AND GUIDELINES

6.10 EXTENSION OF TIME TO COMPLETE PROCEEDINGS

- 6.10.1 Government Code section 57001 sets forth the Commission's authority to grant an extension of time and reads as follows: "If a certificate of completion for a change of organization or reorganization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed terminated unless prior to the expiration of that year the commission authorizes an extension of time for that completion. The extension may be for any period deemed reasonable to the commission for completion of necessary prerequisite actions by any party. If a proceeding has not been completed because of the order or decree of a court of competent jurisdiction temporarily enjoining or restraining the proceedings, this shall not be deemed a failure of completion and the one-year period shall be tolled for the time that order or decree is in effect."
- 6.10.2 Prior to the date of expiration, staff will notify the proponent of the pending termination of the proceedings. The failure of staff to notify the project proponent of the pending expiration will not relieve the proponent of its obligation to request an extension if desired or otherwise excuse any requirement of the proponent.
- 6.10.3 The proponent may request an extension of time to be considered by the Commission at a public hearing. The request for an extension of time shall be comprised of the following, including any additional information deemed necessary by the executive officer:
- a) Written request for an extension of time.
 - b) Reason(s) why an extension of time should be granted, including a description of any changed circumstances that have delayed completion of proceedings.
 - c) An explanation of the project's feasibility and what progress will be made to complete all outstanding conditions of approval and necessary prerequisite actions by any party.
 - d) The payment of any outstanding fees or costs incurred by LAFCO to fully reimburse LAFCO for staff and legal expenses and other costs incurred from the time of approval to the time when an application for the extension of time is submitted.
- 6.10.4 At staff's recommendation, the Commission may also require the following from the proponent:

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- a) Written communication from the city or district representative to which annexation is proposed supporting the extension request
 - b) An evaluation of whether any additional environmental review is necessary under the California Environmental Quality Act due to the passage of time. This analysis shall be conducted by the Lead Agency. If the Lead Agency is unwilling to do the analysis, the Commission may require the project proponent to fund a Commission-hired environmental consultant for this purpose.
 - c) Proof of compliance with any regulations regarding disadvantaged communities
- 6.10.5 The Commission has the discretion to place conditions on the time extensions.
- 6.10.6 The Commission may deny an extension without prejudice for any of the following reasons, or any other reason the Commission determines apply.
- a) Annexations to EID sometimes require simultaneously submitting an application to the federal Bureau of Reclamation (“BOR”) for a right to use letter. As the BOR process is time-consuming, LAFCO encourages project applicants requiring BOR approval to submit annexation applications to EID as soon as possible. The failure of an applicant to apply to EID for annexation within four (4) months of LAFCO’s approval may be a sufficient reason for the Commission to deny an extension request.
 - b) Failure of the proponent to conduct its due diligence with the compliance of any condition of approval.
 - c) Failure of proponent to submit the materials specified in 6.10.3 and 6.10.4, if applicable.
 - d) Failure to sign a Post Commission Action Indemnity Agreement.
- 6.10.7 The Commission may rescind an extension of time if it finds that the proponent has not fulfilled one or more of the conditions of approval placed on the time extension.