

NOTICING REQUIREMENTS

	NOTICE OF APPLICATION §56658(b) Immediately upon Receiving Application	LAFCO HEARING §56660 & §56661 At least 21 days Prior to Hearing	PROTEST HEARING §57025 At least 21 days Prior to Hearing
BY MAIL / E-MAIL TO: (§56155, §56157)			
Legislative body & manager of affected local agencies	X	X	X
County Committee on School District Organization	X		
School Superintendents of school districts within affected territory	X		
Executive Officers of other affected LAFCOs, for proposals located in multiple counties	X		
County		X	X
Each city within 3 miles of exterior boundaries of territory (for annexation, detachment, or reorganization involving formation of new district)		X	
Proponents		X	X
*Landowners in affected territory		X	X
*Registered Voters in affected territory		X	X ¹
*Landowners within 300 feet of exterior boundaries of affected territory		X	
*Registered Voters within 300' of exterior boundaries of affected territory		X	
Director of Forestry and Fire Protection, if SRA is within affected territory		X	
Director of Conservation, if Williamson Act land is involved		X	
Persons requesting special notice		X	X
BY POSTING ON: (§56158, §56159)			
Official Bulletin Board used for posting public notices OR on/near doors of meeting room of legislative body		X	X
LAFCO Website		X	X
BY PUBLICATION IN: (§56153, §56154)			
One or more newspapers of general circulation within affected agency		X	X

*If total number of notices required to be mailed exceeds 1,000, then notice may instead be provided by publishing a display advertisement of at least one-eighth page in a newspaper of general circulation within each affected county, affected city, or affected district at least 21 days prior to the hearing. §56157(h)

The in-lieu publication does not apply to landowner notice in cases where a previously authorized special tax or assessment will be extended; mailed notice to each landowner is required. §57025(e)

¹Applies only to inhabited proposals. §57025(c)

Protest Proceedings/Conducting Authority Proceedings with Code Sections 56662 pg 75/76; 56663 pg 77; 57000 pg 143:

- 56662 pgs 75/76: Protest can be waived if
 - The petition is signed by all landowners.
 - Or consent from 100% of landowners
 - Uninhabited
 - If no objection from an affected agency received– meaning no written request for a protest hearing.

- 56663 pg 77: Protest can be waived if
 - Not 100% consent up front (inhabited or not 100% consent)
 - Hold properly noticed public hearing and NPH states that if no opposition is received than the commission will waive protest proceedings and must state that state taxes or assessments by the local agency in the affected territory could continue

- If not waived, a protest hearing is held after a proposal is approved. The Commission conducts or directs the Executive Officer (if previously designated by the commission) to conduct protest proceedings.
 - 57026 pg 154: Notice must contain:
 - Date, time, location
 - description of boundary
 - initiated by
 - Title of proposal
 - description of change of organization (may reference commission resolution)
 - reason for the change

 - The notice of protest hearing is published in the paper of general circulation, posted on your website and has a protest period of usually 21 days no more than 60.

 - Mailed notice is sent to property owners and registered voters (if inhabited) within the boundaries. If there are 1000 or more combined landowners and registered voters at least a 1/8 page display can be done in lieu of mailed notice. Mailed at least 21 days before the hearing. (56157 (h))

 - **57025(e) pg 146: Regardless of how many Landowners and Registered Voters, if there would be an extension of a special tax or benefit assessment then notice must be mailed to every Landowner.

- Only written protests can be considered. Protest forms must be signed and dated and submitted to LAFCO between the date the notice of hearing is advertised and before the close of the protest hearing to be valid.
- Protest forms will be counted by EO; if the number comes close to the thresholds then they will be verified by the Registrar of Voters or Assessor.

Uninhabited = < 12 registered voters

57075(b) pg 149

< 50% landowner (and value) protest = Certificate of Completion recorded

57078 pg 154

≥ 50% landowner (and value) protest = Certificate of Termination prepared

Inhabited = ≥ 12 registered voters

57075 (a) pg 148

<25% voter protest and < 25 % landowner protest = Certificate of Completion is recorded

Between 25 – 50% voter protest or ≥ 25% landowner protest with at least 25% of assessed land value = Election is called for subject agency in that territory

≥ 50% voter protest = Certificate of Termination is prepared

In the case of an Election:

Voters approve = Certificate of Completion is recorded

Voters deny = Certificate of Termination is prepared

57077-57077.4 are the requirements for different types of proposals. (incorporations, disincorporations)

Public Notices 56150-56160 pgs 31-33

Notice of Public Hearing: - regular annexation/reorganizations/detachments

56153 pg 31: Published in one or more papers of general circulation within each affected county, city or district. If the proposal boundary crosses county lines, be sure to publish in at least one newspaper of general circulation in each affected county.

Notice must also be posted on your commission's website if you maintain one.

56154 pg 31; 56156 pg 32: Published and Mailed at least 21 days before the hearing.

56157 pgs 32/33; 56661 pg 75/76: Mailing

- Mailed to proponents as specified in the application
- Those requesting special notice on file
- Mailed to Landowners (LO) to whom land is being assessed on most recent assessment roll at the time the proponent adopts a resolution of application, or files a notice of intention to circulate a petition with the EO.
- Registered Voters (RV) within the affected territory as most recent index of affidavits prepared by the county elections at the time the proponent adopts a resolution of application or files a notice of intention to circulate a petition with the EO.
- Mail to RV within a 300 ft. radius.
- If LO and RV are the same individual or individuals only one notice is required to be mailed
- A display ad of at least 1/8 page can be published in lieu of mailed notice if there are a combined total of 1000 LO and RV.
- Must be 1st class mail

56158 pg 33 Posted Notice placement:

- shall be posted on or near the doors of the meeting room of the commission or any official posting place of the commission. This must also be visible or accessible 24/7.

56159 pg 27: Posted notice time:

- PHN must be at least 21 days prior to date specified on notice

56157 pg 26-27 & 56661 pg 75: Electronic Notice: Emailed or Mailed to:

- affected agencies (covers agencies within the SOI too) and those within a 3 mile radius (which usually covers all affected agencies.)

To: District Board of Directors
District Clerk (and Board of Directors c/o District Clerk)
District Manager
City Council
City Clerk (and Board of Directors c/o City Clerk)
City Manager
Executive Officer, County
Board of Supervisors

Clerk of the Board (and Board of Supervisors c/o Clerk of the Board)
Director of Forestry and Fire Protection . – if agency provides fire
Department of Conservation – Director – only if an ag preserve, and a city
annexation

- PHN must include CEQA part of proposal.

56658 pg 73: Routing / Mailed Notice that Application has been received.

- After receiving an application the Commission shall give mailed notice to:
 - Affected Agency – clerk
 - School District – Superintendent
 - County Commission on school district organization
 - Other LAFCOs
- Contain a general description of the proposal and area

56658 (b): routing

- Sent right away
- Before certificate of filing is done (this cannot be issued until at least 20 days after the routing)

Notice of Protest Hearing – already discussed

Other types of notices:

- 56857 pg 127 District Annexations: 56751 pg 92 City Annexation:
 - Information Items on Agenda / routing – once annexation appears it triggers a 60 day period for an agency to say “no”
- Notice of Availability of Draft CFA for Incorporation: not a specific requirement.
- Notice of Intent to Adopt a Neg. Dec: if lafco is lead agency on any proposal – per CEQA

Certificate of filing:

56658 (f) pg 74:

- Issued to the applicant by the EO when an application is accepted for filing.
- Cannot be sent until 20 days after the routing is mailed.

- Application is considered filed upon issuance of the certificate of filing or within 30 days of submittal unless application has been determined to incomplete within that 30 days.
- Must include date which proposal will be heard by the Commission.
 - This date must not be more than 90 days after the issuance of the certificate of filing or after the application is deemed to have been accepted, whichever is earlier.

Revenue and Tax Code pg 187:

- Cannot issue until there is a property tax exchange resolution adopted by each county and city.

Notices of Determination:

This is not a requirement of CKH. It is a requirement in compliance with Section 21152 of the Public Resources Code and State CEQA Guidelines section 15096(i).

Notice of Exemption: CEQA Guidelines