



## Fresno Local Agency Formation Commission

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August 2, 2018

To: Local Agencies Submitting Annexation Applications

From: David E. Fey, Executive Officer

SUBJECT: MEMORANDUM REGARDING **REDUCING LAFCO PROCESSING TIME** FOR ANNEXATION PROPOSALS

### Summary

If you are looking for a way to save some processing time at LAFCo you may consider using Government Code (GC) section 56654(c) in advance of submitting an application to LAFCo by taking these actions:

- 21 days before your city council adopts a resolution of applicatoin to LAFCo, issue a 56654(c) notice to interested agencies and subject agencies affected by the annexation;
- Copy LAFCo on this notice;
- When you submit an annexation application, include a copy of the notice, a list of the agencies noticed and a declaration of service.

### Details

Pursuant to statute, the executive officer must file a notice with the agencies identified below as soon as we receive an application, regardless whether it is complete or not, and is prohibited from issuing a certificate of filing for 20 days from the date of that notice. In other words, LAFCo staff must wait 20 days to set the hearing (presuming the application is complete).

*GC 56658(b) (1). 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 affected agency, the county committee on school district organization, and each school superintendent whose school district overlies the affected territory. The notice shall generally describe the proposal and the affected territory. The executive officer shall not be required to give notice pursuant to this subdivision if a local agency has already given notice pursuant to subdivision (c) of Section 56654.*

Cities or Districts applying to LAFCo for annexations **may avoid that 20-day delay** by filing a similar notice themselves. The underlined portion of statute, above, permits the executive officer to avoid filing this notice if the city has filed its own notice.

In addition, the underlined portion of statute, below, permits the executive officer to accept a

complete application and issue a certificate of filing (and set the hearing) provided that the local agency (city) has already given notice:

*GC 56658(d). The executive officer shall not accept an application for filing and issue a certificate of filing for at least 20 days after giving the mailed notice required by subdivision (b). The executive officer shall not be required to comply with this subdivision in the case of an application which meets the requirements of Section 56662 or in the case of an application for which a local agency has already given notice pursuant to subdivision (c) of Section 56654.*

This citation authorizes the local agency to issue the notice:

*GC 56654(c). At least 21 days before the adoption of the resolution, the legislative body may give mailed notice of its intention to adopt a resolution of application to the commission and to each interested agency and each subject agency. The notice shall generally describe the proposal and the affected territory.*

This 21-day period prior to your city council's adoption of a resolution of application to LAFCo may coincide with your public noticing requirement. If, for some reason, you haven't issued the 56654(c) notice during this time period, it is not necessarily preclude you from issuing it later and but prior to application to LAFCo as statute permits some flexibility to coordinate the notice:

*GC 56106 Any provisions in this division governing the time within which an official or the commission is to act shall, in all instances except for notice requirements and the requirements of subdivision (h) of Section 56658, and subdivision (b) of Section 56895, be deemed directory, rather than mandatory.*

If you may also choose to issue your 56654(c) notice prior to or at the same time as you issue your City/County MOU's 30-day Notice of Intent to the County. Issuing the 56654(d) notice after the MOU NOI essentially negates the time benefits statute afforded your city. In that case, LAFCo staff will issue its 56658(b) notice and start the 20-day clock.

If you choose to issue your 56654(d) notice, please copy the notice to LAFCo so that we may maintain a record of your compliance with statute. When you submit your annexation application please provide a copy of the notice, the list of interested agencies and subject agencies that were sent the notice, and a signed declaration of service, with your application to LAFCo.

Please free to contact this office with any questions.