

March 8, 2016

Memorandum

To: Interested parties and local agencies submitting annexation applications

From: David E. Fey, AICP
Executive Officer

If you are looking for a way to save some processing time at LAFCo you may consider using Government Code (GC) section 56658(d) in advance of submitting an application to LAFCo.

I must file a notice with the agencies identified below as soon as I receive an application, regardless whether it is complete or not, and am prohibited from issuing a certificate of filing for 20 days from the date of that notice. In other words, I have to wait 20 days to set the hearing (presuming the app is complete). The underlined portion gives the city the authority to file this notice:

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.

The underlined portion below provides an alternative to the EO's issuance of the 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.

If you coordinate your 56658 (b)(1) notice to coincide with your city's MOU's 30-day NOI to the County then you may have saved 20 days. Remember to notice the agencies listed in (b)(1) and copy the notice to LAFCo so that we may maintain a record of your compliance with statute.