



**Kern Local Agency
Formation Commission**
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LAFCo APPLICATION INSTRUCTIONS AND INFORMATION

The following information is designed to help you move your project through the various stages of the LAFCo process.

State law and Kern LAFCo Policies and Guidelines require a series of steps and approvals for each project. There are legal deadlines for many of these steps. If the deadline is missed, the project terminates. Work closely with the Executive Officer, related County departments, and the agencies whose boundaries may change as a result of your project. This guide is a partial summary and supplements the pre-application conference.

Preliminary Submittal – Starting the Project

- Most Kern LAFCo projects are initiated by a Resolution of Application submitted by a public agency i.e. City or Special District. Landowners or registered Voters or an agency may initiate a boundary change by petition. To begin either a Resolution of Application or a Petition of Application, provide the information requested in the application form and requested information forms, submit these with the LAFCo Fee. Meet with the Executive Officer to review your application (pre-application conference). If you are petitioning LAFCo, you should meet with agency staff that the boundary change would be applied to.
- *Important Tips:*
- Resolutions of application by agencies must include certain required elements (§56800).
- Landowner or Voter petitions must designate the “chief petitioner” and submit “Intent to File Petition”
- Landowners may designate an agent, but the agent may not sign the petition on behalf of landowners.
- All signatures must be collected within 6 months from the date of the first signature.
- All petitions must be filed with LAFCo at the same time, within 60 days of date of the last signature.

- If more than one owner owns a parcel, all owners must sign on a landowner petition.
- Landowner petitions are verified by the Assessor's Office and Registered voter petitions are checked by the Elections department. There may be additional fees for this verification.
- Landowners who are registered voters in Kern County should also provide the address of registration for signature verification purposes. Those registered to vote outside of Kern County must provide a notarized signature with their application.
- Signature requirements vary. Most petitions require 25% of the voters or landowners in the project area.
- If your proposal area contains Williamson Act lands, special provisions apply.
- Your map and legal description must be signed off by the County Surveyor as meeting the requirements of the State Board of Equalization and LAFCo Procedures, Standards and Policies for the Evaluation of Proposals.

Property Tax Redistribution (AB-8 Agreements)

- LAFCo Executive Officer will issue a Notice of Filing to the Assessor when a preliminary submittal is received.
- Assessor provides assessed valuation to the County Auditor.
- Tax information on the parcels in the project area prepared by the Auditor and sent to all the affected agencies and the County Administrative Officer. This starts a 60-day deadline.
- County CAO's Office uses Auditor's information to prepare and send a redistribution proposal to the affected agencies to open negotiations. If no exchange of property tax revenues as per Section 99 of the Revenue and Taxation Code is applied, the CAO will issue a letter referencing Kern County Board of Supervisors Resolution No. 2011-119, adopted May 10, 2011. Upon receipt of this letter property tax negotiation is not required.
- LAFCo does not participate in the redistribution process or any negotiations, which may occur. Applicants work with the County Administration staff and the affected agencies to ensure that an agreement is reached in a timely manner.
- With the 60-day clock running, the Board of Supervisors and certain agencies must formally approve the tax agreement with a resolution. ***IF RESOLUTIONS ARE NOT COMPLETED WITHIN 60 DAYS, YOUR PROJECT IS SUBJECT TO TERMINATION.***

Completing the Application

- During the negotiations, LAFCo circulates information regarding your project and requests comments from various agencies and departments. A Preliminary Informational Hearing before LAFCo may be required and is held when the property tax resolutions are adopted.
- You will receive a letter requesting completion of your application and information requirements.
- If your application is not completed within 1 year, your project will be terminated.
- Submit your map and legal description to the County Surveyor's Office for review; changes may be required to meet the State Board of Equalization requirements.
- If you have not already done so, complete all signature requirements.
- All remaining fees for the project must be paid.
- Information about planned services must be completed (Plan of Service).
- All parties/participants complete FPPC disclosure of gifts/contributions to LAFCo Commissioners and Alternates.
- Any deficiencies or omissions in previously submitted material must be corrected.

LAFCo Hearing and Decision

- The Executive Officer will issue a "Certificate of Filing" as soon as the application requirements are completed. Staff assigns a tentative hearing date within 90 days.
- The agenda, project analysis, Executive Officer's report and recommendation are prepared and will be mailed to you at least 5 days before the hearing.
- The Commission holds a public hearing, receives public comment and may either continue its hearing to a later date or make determinations to approve, modify, add conditions or deny your request.

LAFCo and CEQA

- All LAFCo actions are subject to CEQA. If your LAFCo proposal is part of a larger project, such as a subdivision, you may already have completed an environmental review, which could be adequate for LAFCo. Environmental determinations by another agency must be submitted with your application.
- If LAFCo will be the Lead Agency for your project, you will complete an environmental questionnaire and staff will determine potential environmental impacts. Additional fees for environmental review are listed in the fee schedule.

After Approval–Protest

- After LAFCo makes determinations and adopts a resolution approving your project, a protest hearing may be required (approximately 35 days after the approval). The Executive Officer serves as hearing officer. In some cases, this hearing may be waived.
- Only those residing in the proposal area may file valid protests. Certain landowners or voters who are eligible to protest the action are notified and have an opportunity to object to the boundary change. If enough valid protests (usually more than 25%) are received by the conducting authority, an election is required. If more than 50% of those eligible to protest do so, or vote in the election against the proposal, then the project is terminated.

Completion and Recording

- The final steps for recording and filing the project are largely ministerial.
- Final payment must be received prior to Certificate of Completion. (Reimbursement of actual cost i.e. mailings, notices/postings, agency information request, etc.)
- Map updates must be reviewed and signed by County Surveyor and submitted to LAFCo.
- Board of Equalization standards must be adhered to and payment must be provided prior to recordation.
- All conditions included in your approval must be completed before recording.
- You will receive copies of the documents and filings to retain for your permanent records.