Promote orderly growth
Discourage urban sprawl
Preserve agriculture and open space
Encourage efficient, sustainable public services
The Magical World of LAFCo Clerking
LAFCo Process and Supporting Your Commission
From a Clerk and Analyst Perspective

August 13, 2020

Terri Tuck, Clerk, Yolo LAFCo
Amanda Olivas, Clerk, Fresno LAFCo
Martha Poyatos, Executive Officer, San Mateo LAFCo
Polling Question
What’s Ahead

- Brief Overview of LAFCo history and purpose
- Clerk duties and responsibilities
- Analyst duties and responsibilities
- Application processing from start to finish
- Noticing and hearing practice (Pre-COVID and now)
- Brown Act/Public Records Act
- Best practices and tools
LAFCos’ Evolution

- 1963 - Knox-Nisbet Act – LAFCos created to regulate boundaries
- 1965 - District Reorganization Act (DRA)
- 1971 - Spheres of Influence – long range planning
- 1977 - Municipal Organization Act – MORGA
- 1983 - Deadline to adopt Spheres of Influence
- 1985 - Cortese-Knox-Local Government Reorganization Act (Recodified Knox-Nisbet, DRA & MORGA)
- 1993 - AB 1335 (Gotch) – Improved procedures, added outside service agreement review, made special district membership easier
- 2000-CKH! Broadened LAFCo Authority & Responsibility
Subject to Other State Laws

- Cortese-Knox-Hertzberg Act
- Revenue & Taxation Code
- Brown Act / Public Records Act
- Political Reform Act/Conflict of Interest Law
- California Environmental Quality Act (CEQA)
- Principal Acts
LAFCos are Unique and so are Clerks!

- LAFCo/County – Urban, Rural, Suburban
- Number of cities and special districts
- Level of application activity
- Staffing level and budget limitations
- Commission may hire staff independently or contract for staffing but Commissions and staff are independent either way
Clerk’s Basic Roles and Responsibilities

- Definition: 56026 – Clerk means the clerk or secretary of the legislative body of a commission, county, city or district.

- 56151. Notice authorized or required to be given by publication, posting, or mailing shall be given by the **clerk or executive officer** and shall contain all matters required by any particular provision of this division.

- 56152. Whenever any notice is required to be given and not specifically enjoined upon some officer, agency, or person, the **clerk or executive officer**, as the case may be, shall give notice or cause that notice to be given.

- “Other duties as assigned”.

California Association of Local Agency Formation Commissions
Other Duties as Assigned

- Day to day office administration and support
- Act as the "Clerk" to all public meetings (regular commission hearings, subcommittee and community meetings, and protest proceedings)
- Preparation distribution of agenda materials (keep analyst and EO on target with staff reports!)
- Preparation of meeting minutes
- Draft LAFCo documents and correspondence for review by Analyst, EO or Legal Counsel
- Maintain LAFCo records (paper and digital)
Other Duties as Assigned (con’t)

- Bookkeeping and budgeting
- Maintain and update content on LAFCo website
- Track application status (crossing t’s and dotting i’s)
- Interface with staff on project status, legal requirements and tasks including but not limited to public notices
- Interface with County, City and Special Districts on LAFCo related matters
- Public Records Requests
- FPPC Form 700 filings
Analysts are Unique Too!

- Depending on LAFCo staffing level, analysts may be clerks too
- Attend public meetings and report back to EO
- Monitor city general plan updates & CEQA documents and draft comment letters
- Staff Report writing
- MSR data collection and drafting
- Presentations to the Commission, other agencies, community
- Policy and correspondence drafting
- Budget preparation and monitoring
- GIS and mapping
- Along with Clerk, keep the EO afloat during a pandemic
Application Processing Varies Based on Type of Application

- Annexation
- Detachment
- Reorganization
- Consolidation
- Formation/dissolution
- Incorporation/disincorporation
- Extension of service outside agency boundaries per Section 56133
- Special district activation or divestiture of service per Section 56824.10
- May also vary based on district enabling legislation
Key Time Frames in Application Processing

- Application to Initiate Proceedings – Mailed Notice to each affected local agency [56658(b)(1)]

- Certificate of Filing [56658(d)]

- Pre-hearing for City detachments [56751(a)]

- Pre-hearing for District annexations if not submitted by District [56857(a)]
Key Time Frames in Application Processing Certificate of Filing

- Within 30 days of receipt of application LAFCo must either issue certificate of filing or issue certificate of incomplete application stating why the application is incomplete. [56658(c)]

- If no action taken in 30 days, application is deemed complete. [56658(e)]

- Certificate of filing specifies the date on which the proposal shall be heard by the Commission (no later than 90 days from date of certificate of filing). [56658(h)]
Key Time Frames in Application Processing
Certificate of Sufficiency

- Application by petition, LAFCo sends to the assessor’s/election’s office to verify signatures and total # of landowners or registered voters. [56706(a)]

- Within 30 days of receipt of application by petition, a certificate of sufficiency shall be issued indicating whether the petition has the requisite number of signers. [56706(a)]
Key Time Frames in Application Processing
Certificate of Insufficiency

- Must be sent within **15 days** via certified mail stating by what amount the petition is insufficient.

- Supplemental petition with additional signatures may be filed but must be filed with **15 days** after notice. [56706(b)(1)]

- Within **10 days** after filing supplemental petition it shall be examined for sufficiency and LAFCo shall mail notice to proponents of results [56706(c)] and [56709].
Pre-hearing – Notice & Report

- If required, a notice of the meeting must be given and published a minimum of 21 days prior to the hearing and posted on LAFCo website. [56658 (h)]

- Mailed or electronic notice - to whom given. [Section 56661]

- Not less than 5 days prior to the hearing, the Agenda and Executive Officer’s report prepared and distributed and posted on LAFCo website. [56665 (a-e)]
Commission Hearing

- Helpful to have script for Chair regarding virtual meeting protocol
- Extra copies of agenda and staff report at meeting and posted on website – for zoom meeting only posted on LAFCo website
- Speaker slips for the public – or raise hand at zoom meeting
- Executive Officer presents report
- Commission Action
- Tip: Virtual meeting needs Clerk plus one to field public comments
Post-Hearing

- At hearing or not later than 35 days from LAFCo hearing, Commission adopts resolution. [56880]
- If the Commission denies, no further proceedings shall be taken for one year, unless waived. [56684]
- If approved - 30 day reconsideration period. [56895]
- No Protest hearing required, issue certificate of completion.
- Notice of Determination or Certificate of Exemption.
Polling Question
Protest Hearing

- If required, notice of a protest hearing is published within 35 days of Commission hearing, no sooner than 21 days and no later than 60 days the date of the notice.
- Notice must be mailed and published in Newspaper. [56157(h)]
- Protest hearing may be delegated to E.O. but some Commissions include protest hearings at regular meetings. [57000(c)]
- Pay close attention to the contents of the notice required by Section 57026!
Protest Hearing (con’t)

- At the hearing, written notices are accepted.

- At conclusion of the hearing or within 30 days E.O. or Commission adopts resolution on findings about protest received and either completes proposal, requests the Board of Supervisors to call an election or terminates proceedings.

- For virtual meetings, it may be necessary for local policy regarding postmarked protests or receipt by e-mail by the end of the protest hearing. Consult with legal counsel!
Polling Question
Certificate of Completion

- 56020.5 - "Certificate of completion" means the document prepared by the executive officer and recorded with the county recorder that confirms the final successful completion of a change of organization or reorganization.

- 57201 - Contents: name subject agency and county, type of change, description of boundaries (reference map and legal), any terms and conditions.

- Not required but helpful to reference Commission Resolution Number.

- 57202 - Effective date is date certificate of completion is recorded, unless the Commission specified a date.
**STATEMENT OF BOUNDARY CHANGE**

Please mail to: California State Board of Equalization, Tax Area Services Section, 40516 Street, ARC50, P.O. Box 823797, Sacramento, CA 95807-0399.

**California Association of Local Agency Formation Commissions**

**STATE OF CALIFORNIA**

**BOARD OF EQUALIZATION**

**COUNTY**

**COUNTY NUMBER**

**PURCHASE**

**PAID**

**ACCOUNT NUMBER**

**APPLICATION AUTHORITY**

**LAFCO/ROD**

**ASSIGNMENT DATE**

**EFFECTIVE DATE**

1. **TYPE OF ACTION**

- [ ] City - Annexation (51)
- [ ] District - Formation (56)
- [ ] District - Name Change (15)
- [ ] School District - Unification (16)
- [ ] City - Detachment (14)
- [ ] District - Annexation (11)
- [ ] School District - Thompson Unified (19)
- [ ] City - Incorporation (18)
- [ ] District - Detachment (17)
- [ ] School District - Transfer of Territory (15)
- [ ] Consolidation of TRA's (9)
- [ ] District - Consolidation (66)
- [ ] School District - Merger (17)
- [ ] County Boundary Change (10)
- [ ] District - Dissolution/Removal from Board Roll (39)

2. **PRINCIPAL CITY/DISTRICT(S) AFFECTED BY ACTION (ENTER DISTRICT NAME(S))**

3. **AFFECTED TERRITORY**

- [ ] Inhabited
- [ ] Developed
- [ ] Uninhabited
- [ ] Undeveloped

> **Will be** taxed for existing bonded indebtedness or contractual obligations as set forth by the terms and conditions as stated in the resolution.

> **Will not** be taxed for existing bonded indebtedness or contractual obligations.

4. **ELECTION**

- [ ] An election authorizing this action was held on ____________ (mm/dd/yyyy).
- [ ] This action is exempt from election.

5. **ENCLOSED ARE THE FOLLOWING ITEMS REQUIRED AT THE TIME OF FILING**

- [ ] Fees
- [ ] Certificate of Completion (LAFCO Only)
- [ ] Resolution of conducting authority
- [ ] County auditor's letter of TRA assignment (consolidated counties only)
- [ ] Written-geographic description
- [ ] Map(s) and supporting documents

6. **CITY BOUNDARY CHANGES ONLY**

- [ ] Map of limiting addresses
- [ ] Alphabetical list of all streets within the affected area to include beginning and ending street numbers

**REQUIRED:** According to section 54902 of the Government Code, copies of these documents must be filed with the county auditor and county assessor.

The California State Board of Equalization will acknowledge receipt of filing to:

<table>
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<tbody>
<tr>
<td><strong>TITLE</strong></td>
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<tr>
<td><strong>ADDRESS</strong></td>
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<tr>
<td><strong>DATE</strong></td>
</tr>
</tbody>
</table>

**THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION**
Ralph M. Brown Act
(Gov. Code, § 54950 et seq.)

- All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, unless an exception applies. (Gov. Code, § 54953)
- A “meeting” is any gathering of a quorum at the same time and location to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body. (Gov. Code, § 54952.2)
- No Serial Communication.
- Includes meetings by teleconference, or communications by other electronic means. (Gov. Code, §§ 54952.2, 54953)
Brown Act and the Agenda

- Post at least 72 hours in advance in a location that is freely accessible to the public and on the local agency’s website. (CKH requires 5 days for EO report)
- Brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.
- The meeting time and location.
- Information for requesting disability-related modifications or accommodations.
- Must allow for public comment on every agenda item and items not on the agenda.
- Agenda posted at least 24 hours before special meeting.
Public Records Act

- Enacted in 1968 to create a comprehensive law guaranteeing “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.”
- Must be made in writing and request must be for written documents that exist.
- Must respond in 10 days and may extend for additional time based on information requested.
- Advice and direction from legal counsel.

Tools of the Trade

- Meeting tracking form
- Excel for tracking application process
- GIS mapping (maps and mailing labels)
- Clerks’ List Serve
- CALAFCO Website!
- Tip: Create digital files as you go
Sample Meeting Tracking Form

LAFCo Meeting of date: __________
Start Time: __________

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<tr>
<th>Commissioner</th>
<th>Roll Call</th>
<th>Item 2/Consent</th>
<th>3-Public Comment</th>
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End Time: __________
Resolutions Signed: __________

California Association of Local Agency Formation Commissions
GIS Map for 300’ Notification
# Sample GIS Owner List

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Sample Mailing Label From GIS

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South San Francisco CA 94080-5702

013162100
Lanchinebr Vincent P
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South San Francisco CA 94080
# Historic Index of LAFCo Actions

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<th>LAFCO #</th>
<th>DESCRIPTION</th>
<th>CITY AND DISTRICT</th>
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<td>Reclamation Districts 537, 785, 827</td>
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## Historic Index of LAFCo Actions

### City of Winters

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<td>Annexation to City of Winters (BOS Reso 71-1)</td>
<td>9/20/71</td>
<td>71-6</td>
<td>9/20/71</td>
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<td>646</td>
<td>Annexation to City of Winters (BOS Reso 71-2)</td>
<td>9/20/71</td>
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<td>652</td>
<td>Viking-Edgewood Corp. (Withdrawn)</td>
<td>9/19/72</td>
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<td>709</td>
<td>Six Pac Winters Annexation 76-1 (City Reso 76-27)</td>
<td>10/25/76</td>
<td>76-11</td>
<td>11/28/77</td>
<td>3.083</td>
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<td>749</td>
<td>Dry Creek Reorganization (BOS Reso 83-90)</td>
<td>6/13/83</td>
<td>83-9</td>
<td>11/7/83</td>
<td>2.47</td>
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<tr>
<td>798</td>
<td>Grant Reorganization (BOS Reso 86-135)</td>
<td>7/28/86</td>
<td>86-10</td>
<td>10/21/86</td>
<td>73.23</td>
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<td>801</td>
<td>Casel Reorganization (BOS Reso 86-189)</td>
<td>10/27/86</td>
<td>86-12</td>
<td>11/18/86</td>
<td>197.9</td>
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<td>805</td>
<td>Vickery Reorganization (BOS Reso 87-80)</td>
<td>5/11/87</td>
<td>87-8</td>
<td>7/20/87</td>
<td>24.09</td>
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<tr>
<td>806</td>
<td>Later Day Saints Church Reorganization (BOS Reso 87-52)</td>
<td>4/13/87</td>
<td>87-6</td>
<td>7/10/87</td>
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<tr>
<td>807</td>
<td>Lopez Reorganization (BOS Reso 87-91)</td>
<td>4/13/87</td>
<td>87-5</td>
<td>7/10/87</td>
<td>10</td>
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<tr>
<td>808</td>
<td>Winters, Wastewater Treatment Plan Reorganization</td>
<td>1/4/88</td>
<td>88-35</td>
<td>4/12/88</td>
<td>197.31</td>
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<tr>
<td>816</td>
<td>Winters Highlands Reorganization (BOS Reso 92-57)</td>
<td>6/24/92</td>
<td>92-7</td>
<td>5/26/93</td>
<td>14.9</td>
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<tr>
<td>822</td>
<td>505 / SC 128 Reorganization (BOS Reso 92-46)</td>
<td>6/22/92</td>
<td>92-4</td>
<td>3/28/93</td>
<td>53.96</td>
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<td>834</td>
<td>Breznock Reorganization (Abandoned)</td>
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<tr>
<td>840</td>
<td>Breznock Reorganization (Abandoned)</td>
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<tr>
<td>852</td>
<td>North Grant Avenue Reorganization (BOS Reso 95-1)</td>
<td>11/14/94</td>
<td>94-4</td>
<td>3/31/95</td>
<td>87</td>
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<tr>
<td>859</td>
<td>County Road 90 Reorganization</td>
<td>6/10/99</td>
<td>99-4</td>
<td>6/28/99</td>
<td>65.1</td>
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<tr>
<td>889</td>
<td>Breznock Reorganization</td>
<td>3/8/03</td>
<td>2005-12</td>
<td>4/25/05</td>
<td>1.173</td>
</tr>
</tbody>
</table>

**Total Acres (Sq. Mi):** 964.147
### Sample Processing Checklist

**PROCESSING CHECKLIST**

<table>
<thead>
<tr>
<th>PROPOSAL:</th>
<th>DATE</th>
<th>STAFF</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Preliminary Consultation (All Proposals)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff will review the procedures, requirements, and associated fees with the applicant.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Proposal Filing (All Proposals)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Filing shall include (a) completed justification for proposal, (b) application fee, (c) draft map and geographic description, and (d) landowner/voter petition or agency resolution.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(56652; 56653; 5654)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Notice of Review (All Proposals)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff will prepare and circulate a notice of review of the proposal to all affected local agencies. Comment period should be no less than 20 days.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(56658(b))</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Certificate of Sufficiency/Notice of Insufficiency (Petition Proposals)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within 30 days after receiving a proposal, staff shall have the petition examined by County Elections (registered voter) or County Assessor (landowner) to ensure the signatures are correct. Staff shall issue a certificate of sufficiency or notice of insufficiency based on the results of the verification process.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(56706)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Notices on Property Tax Exchange (All Proposals)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff will prepare and issue separate notices to the (a) Assessor and Auditor and (b) affected agencies regarding the negotiation of confirmation of a property tax exchange for the proposal.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Confirmation of Property Tax Exchange Agreement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Notice to Elections (Inhabited Proposals)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff will prepare a list of all properties located within 300 feet of the affected territory for County Elections for the purpose of receiving a list of registered voters. The notice should be issued no less than 14 days after the proposal has been filed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ Status Letter (All Proposals)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff will prepare and issue a letter to the applicant acknowledging the receipt and status of the proposal. The letter must be issued no less than 30 days after the proposal has been filed with LAFCO.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(56658(d))</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Sample Processing Checklist

- **Certificate of Filing** (All Proposals)
  Staff will prepare and issue a certificate of filing when the review of the proposal is complete and ready for Commission consideration. The certificate shall not be issued no sooner than 20 days after the request for review. The hearing date must be within 90 days after the certificate has been issued. (56658(c)(g)(j))

- **Public Notice** (Inhabited Proposals or Uninhabited Proposals w/o 100% Consent)
  Staff will prepare and issue a public notice on the hearing date for the proposal. The public notice shall be posted, published, and mailed to all registered voters and landowners within 300 feet of the affected territory no less than 21 days before the scheduled hearing date. (56153; 56154; 56156; 56158)

- **Staff Report** (All Proposals)
  Staff will prepare a report with a recommendation on the proposal for Commission consideration. (56668)

- **Commission Hearing** (All Proposals)
  - Approve □
  - Approve with Modifications □
  - Deny □

- **Confirmation Letter** (All Proposals)
  Staff will prepare and issue a letter to the applicant summarizing the actions of the Commission. The letter shall outline any terms and conditions associated with approval.

- **Environmental Determination Filing** (All Proposals)
  Staff will prepare and file the appropriate environmental determination for the proposal with the County Clerk-Recorder. The filing should be made no less than five days after Commission action.

- **Notice of Protest Hearing** (All Proposals Unless Waived)
  Staff will schedule a protest hearing on the proposal within 35 days after Commission action. Notice will be posted, published, and mailed to all landowners and/or registered voters within 21 to 60 days before the hearing date. (57002; 57025; 57026)

- **Protest Hearing** (All Proposals Unless Waived)
  Staff will conduct a protest hearing to receive written opposition from affected landowners or registered voters. (57050)

- **Resolution of Protest Hearing** (All Proposals Unless Waived)
  The Commission will adopt a resolution confirming the protest hearing results at a public meeting. (57075)
Sample Processing Checklist

☐ Completion of Terms and Conditions (All Proposals)
  □ Final Map and Geographic Description
  □ Signed Indemnification Agreement
  □ Outstanding Fees
  □ Special Conditions
  □ Agency Confirmation, If Needed

☐ Certificate of Completion (All Proposals)
  Staff will prepare and issue a certificate of completion for the proposal once it determines all required terms have been satisfied. The certificate may not be issued before the 30-day reconsideration period ends. (57200; 57201; 57202)
  □ Copy of Certificate of Completion Mailed to Applicant

☐ Statement of Change in Boundaries Submittal (All Proposals)
  Staff will prepare and file a statement of change in boundaries to the State Board of Equalization. The statement will be accompanied by the certificate of completion and filing fee.
  □ Confirmation of Statement of Change in Boundaries

☐ Proposal Contents Transferred to Laserfiche (All Proposals)
  □ Application Materials  □ Staff Report  □ Certificate of Completion
  □ Status Letter  □ Environmental Filing  □ SBE Submittal
  □ Certificate of Filing  □ Indemnification Agreement  □ SBE Acknowledgment

Certificate of Completion (All Proposals)
Staff will prepare and issue a certificate of completion for the proposal once it determines all required terms have been satisfied. The certificate may not be issued before the 30-day reconsideration period ends. (57200; 57201; 57202)

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- Resource to Legislature and other organizations

- A community of neighbors!
Questions and Answers
UPCOMING WEBINAR
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- Being a LAFCo Commissioner - What does it really mean? - August 21, 2020, 10:00 to 11:00 a.m.

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916-442-6536