



CKH Act Noticing Requirements

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LAFCO of Santa Clara County

Cortese-Knox-Hertzberg Act: Public Hearing Noticing Requirements

Focus is on LAFCO Noticing Requirements for a
“Change of Organization” or “Reorganization”
Proposal

- 1. Non-100% Consent Proposals: Notice of Public Hearing and Protest Proceedings**
 - *Flowchart & Checklist & Pointers on Noticing*
- 2. 100% Consent Proposals: Waiver of Notice and Hearing and Protest Proceedings**
 - *Flowchart & Discussion of Process*

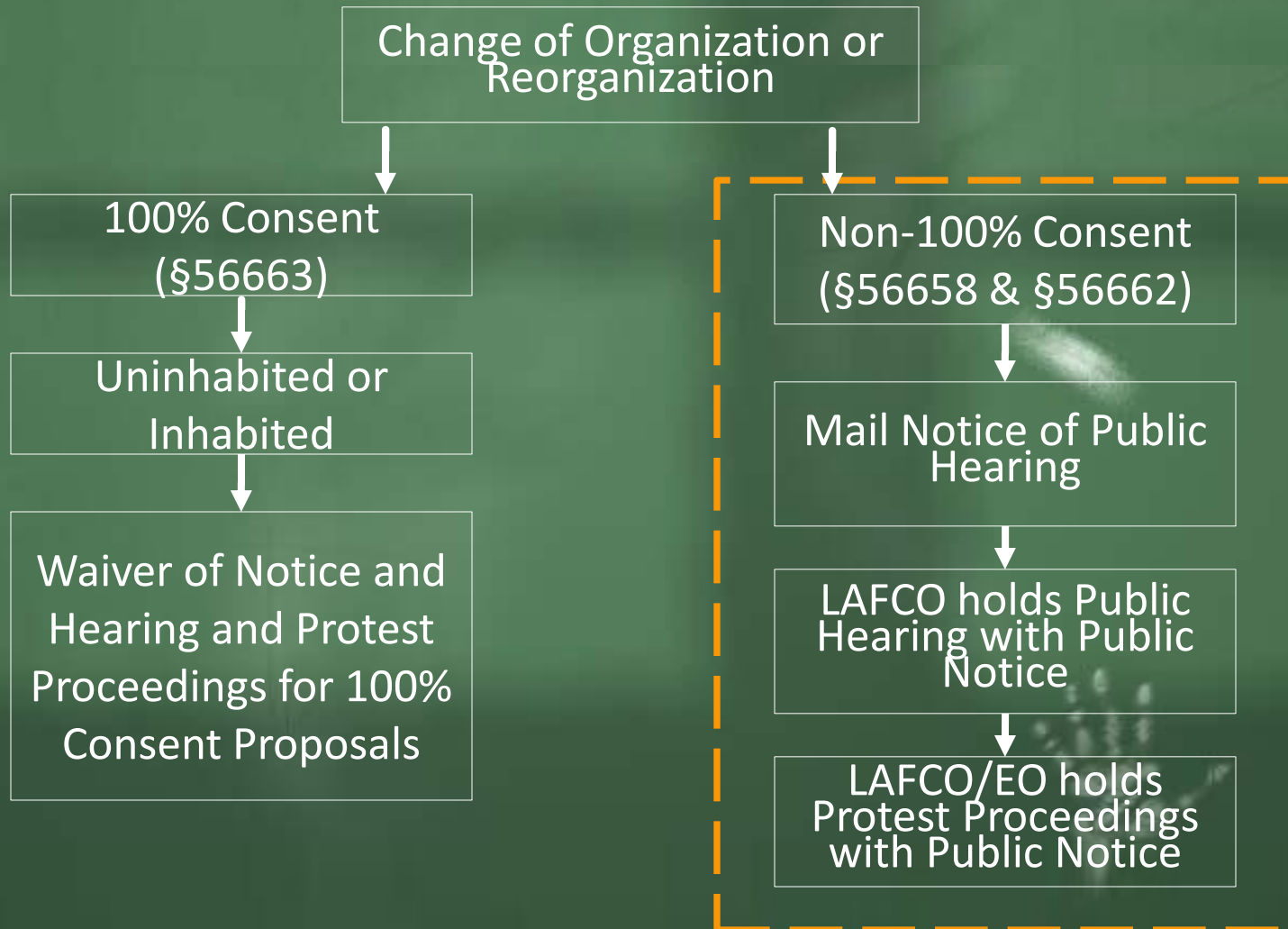
LAFCO “Change of Organization” or “Reorganization” Proposal

Some examples of a LAFCO Change of Organization (§56021):

- A city incorporation
- A district formation
- An annexation to, or detachment from, a city or district
- A disincorporation of a city
- A district dissolution
- A consolidation of cities or special districts
- A merger or establishment of a subsidiary district

A “Reorganization” is two or more changes of organization initiated in a single proposal. (§56073)

Overview of Noticing Requirements for LAFCO Public Hearing

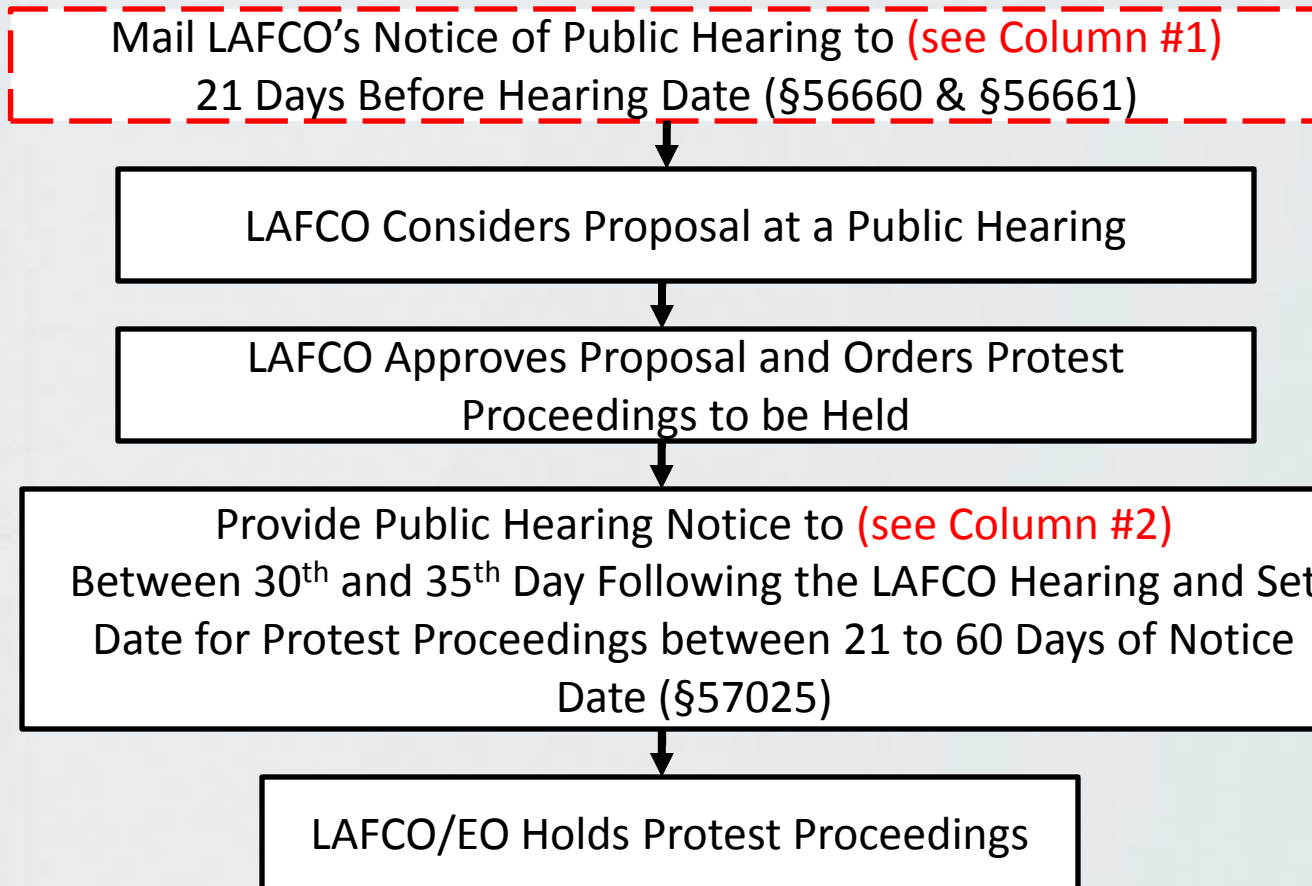


NON-100% CONSENT
CHANGE OF ORGANIZATION OR
REORGANIZATION

(Proposal without the consent of all owners of land)

**Flowchart &
Checklist &
Pointers on Noticing for
Non-100% Consent Proposals**

Public Hearing Noticing for a Non-100% Consent City Annexation Proposal (§56662)



Mailed, Posted & Published Notices of LAFCO Hearing

- All notices must be mailed, posted, & published at least 21 days prior to the date specified in the notice for the hearing. (§56156)
- A posted notice for a LAFCO hearing must remain posted to the time of the hearing. (§56159)

“Affected Territory”

- “Any territory for which a change of organization or reorganization is proposed or ordered.” (§56015)

“Affected Local Agency”

- “Any local agency which contains, or would contain, or whose sphere of influence contains, any territory within a proposal or study to be reviewed by the commission.”
(§56014)

“Proponent(s)”

- Person or persons who file a notice of intention to circulate a petition with the LAFCO EO
- or
- Affected local agency or agencies that adopt a resolution of application

(§56068)

“Landowner” or “Owner of Land”

- Any person shown as the owner of the land on the most recent assessment roll being prepared by the county at the time the proponent adopts a resolution of application or files a notice of intention to circulate a petition with the LAFCO EO... (§56048)
- Any person shown in the agreement as purchaser, where land is subject to a recorded written agreement of sale,
- Any public agency owning land (except a public agency which owns highways, rights-of-way, easements, waterways, or canals).
(§56048)

Multiple Notices To Same Individual Not Required

- If a landowner or landowners and registered voter or voters are the same individual or individuals, only one notice is required to be mailed. [§56157(g)]

2 Types of Public Hearing Notices that We Mail at Santa Clara LAFCO

Type #1- Landowners & Other Affected Agencies

Type #2- Landowners / Registered Voters Within 300 Feet of Proposal

Note for Type #2: Your property is **NOT** one of the parcels subject to the proposal, but is located within 300 feet of the subject parcel(s). State law requires that property owners and voters within 300' of a proposed project be notified of any public hearings relating to that project.

Publishing in Newspaper in Lieu of Mailing Notices to Landowners & Registered Voters

- If the total number of notices required to be mailed to landowners in the subject area, landowners within 300 feet of the subject area, registered voters in subject area, and registered voters within 300 feet of the subject area exceeds 1,000, then LAFCO can publish notice in newspaper rather than mailing. [§56157(h)]
- Publish a display advertisement of at least one-eighth page in a newspaper of general circulation..., at least 21 days prior to meeting. [§56157(h)]

CAL FIRE State Responsibility Area

- Must notify Director of Forestry and Fire Protection if proposal is within a State Responsibility Area (SRA).
[§56661(f)]
- SRA Area consists of lands where State has primary financial responsibility for preventing & suppressing fires.

Williamson Act Lands

- Must notify Director of Conservation if proposal would result in the annexation of Williamson Act Lands to a city. (§56753 & §56753.5)

If Railroad Company is a “Landowner”

Send copies of Landowner notices for annexations or other LAFCO proposals to each of the offices below, regardless of the county:

BNSF (Burlington Northern Santa Fe) Railway

General Manager
BN Railway
740 Carnegie Drive
San Bernardino, CA 92408

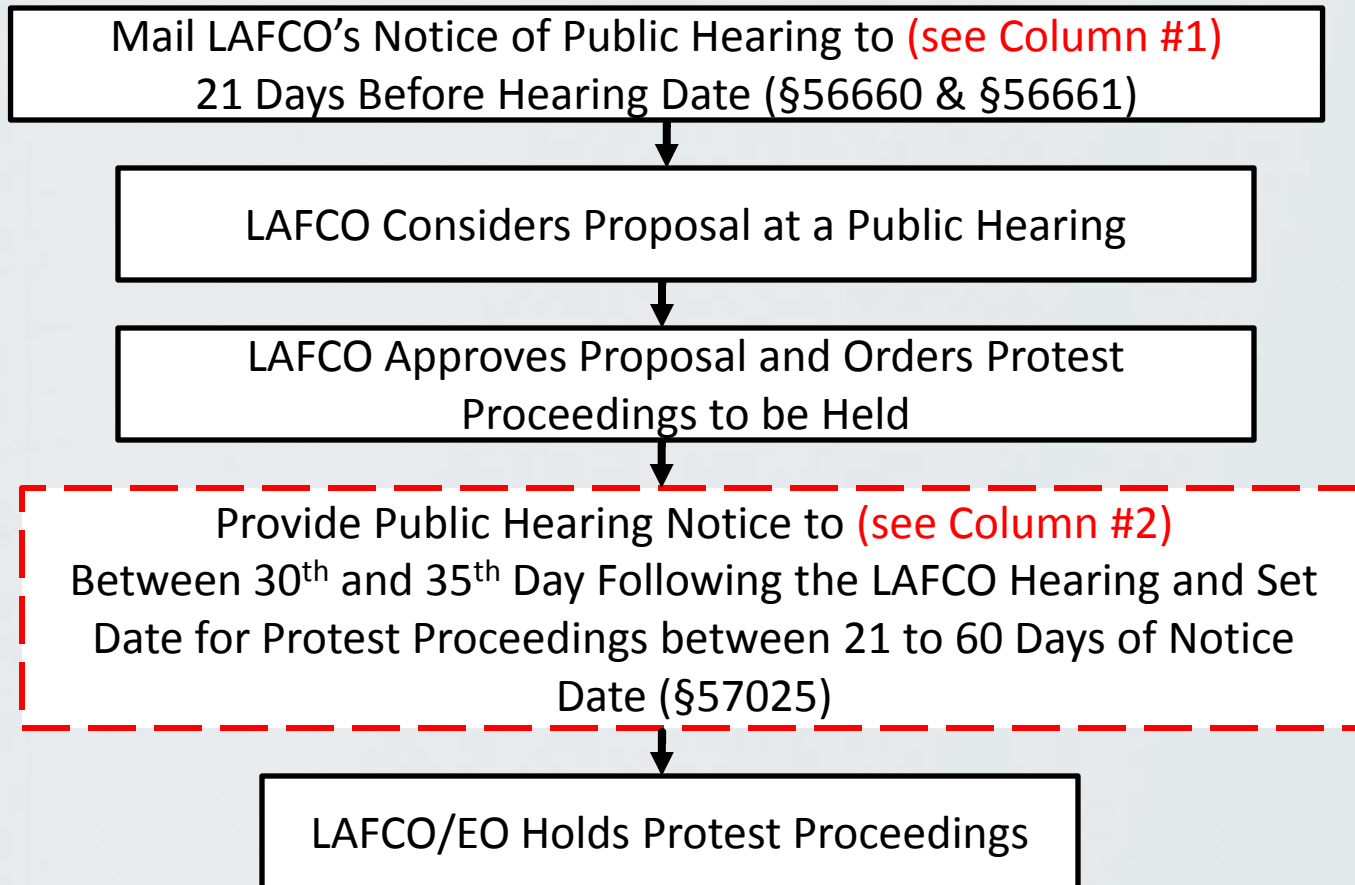
Manager, Environmental Operations
740 Carnegie Drive
San Bernardino, CA 92408

Union Pacific Railroad

Union Pacific Railroad
Attn: Donna Coltrane
1400 Douglas Street
Omaha, NE 68179
DMCOLTRA@UP.COM

W.H. Pohle
Union Pacific Railroad
10031 Foothills Blvd.
Roseville, CA 95747

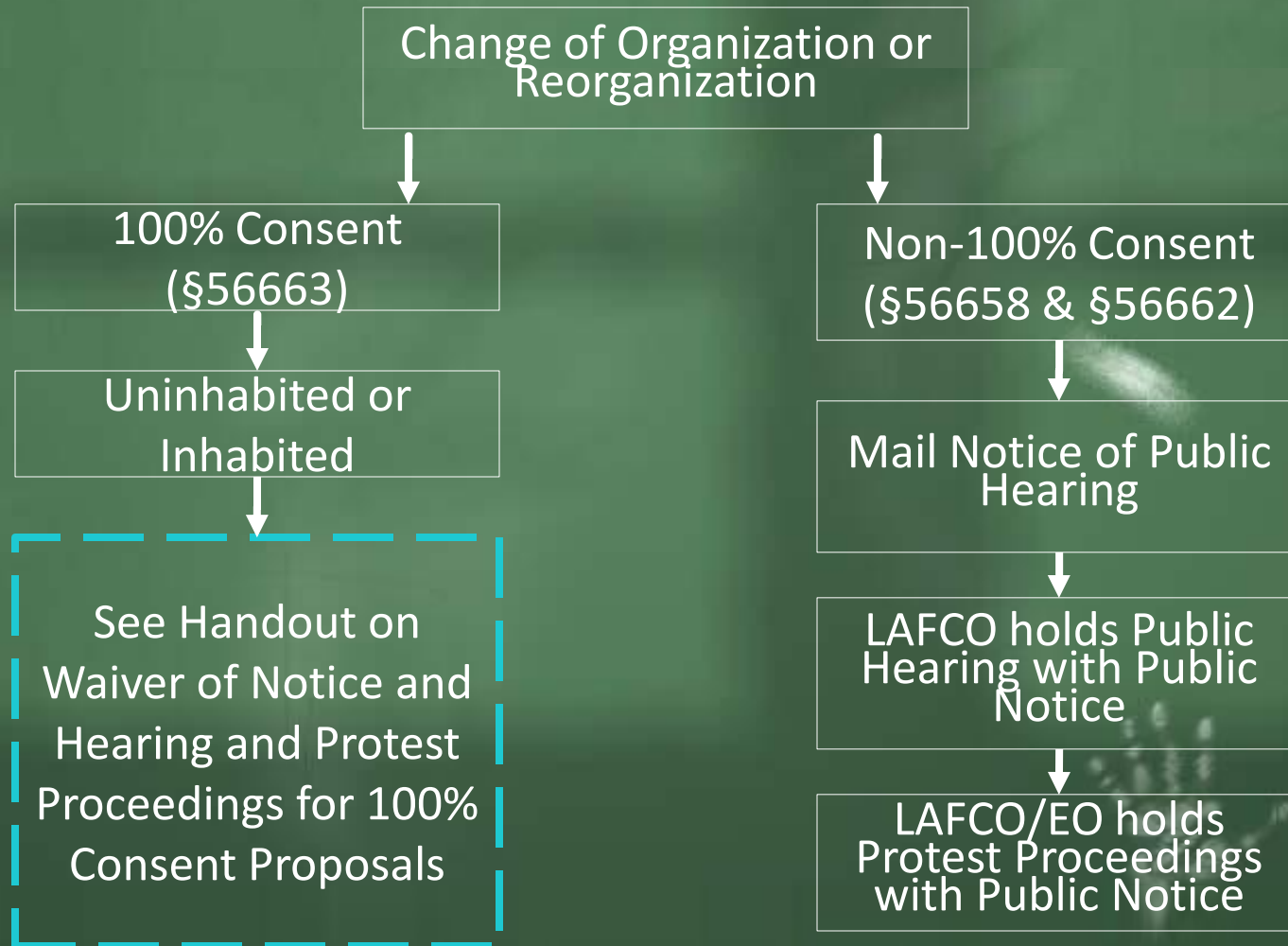
Public Hearing Noticing for a Non -100% Consent City Annexation Proposal (§56662)



100% CONSENT
CHANGE OF ORGANIZATION OR
REORGANIZATION

(Proposal with consent of all owners of land)

Overview of Noticing Requirements for LAFCO Public Hearing



**Flowchart &
Discussion on Waiving Notice
and Hearing and Protest Proceedings
for 100% Consent Proposals**

Uninhabited vs. Inhabited

Uninhabited Territory (§56046)

When there reside 11 or less registered voters

Inhabited Territory (§56046)

When there reside 12 or more registered voters

“Subject Agency”

- “Each district or city for which a change of organization or reorganization is proposed or provided in a plan of reorganization.” (§56077)

Failure to Receive Notice & Validity of LAFCO Action

- Failure of any person or entity to receive notice given by LAFCO shall not constitute grounds for any court to invalidate any action taken for which the notice was given. (§56160)
- Thorough record keeping is essential in order to defend any process challenges. Consult LAFCO Legal Counsel if noticing is challenged.

Questions & Game

