

LOCAL AGENCY FORMATION COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA

REGULATIONS AND FEE SCHEDULE
Revised May 2011

The Kern County Local Agency Formation Commission (LAFCO) has adopted these regulations. They establish a procedure and provide notice for conduct of meetings; they also prescribe minimum application standards, set processing fees and inform the public of the manner and criteria by which proposals will be evaluated. These regulations are adopted as provided in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

LAFCO BYLAWS

MEETINGS: Regular meetings of the commission shall be held on the fourth Wednesday of each month commencing at the hour of 5:00 p.m. Regular meetings shall be held in the Board of Supervisors' Chambers 1115 Truxtun Ave, Bakersfield, CA.

CHAIRMAN: The immediate past vice-chairman shall serve as chairman of the commission for the year following the termination of his term as the vice-chairman. Any chairman selected under the provisions of this section shall continue to act as such chairman until the selection of his successor. The chairman may make or second any motion.

VICE-CHAIRMAN: At its first meeting in the month of January or at the meeting next preceding, the commission shall by majority vote select one of its regular members who shall serve as vice-chairman of the commission for the year. The vice-chairman shall serve in the place and stead of the chairman and shall exercise all the functions of the chairman in the absence of the chairman at any meeting and during the time of the inability of the chairman to act or perform his function as chairman.

CHAIRMAN PRO TEMPORE: In the absence of the chairman and vice-chairman at any meeting, the members present and constituting a quorum shall by majority vote select a chairman pro tempore to serve in the absence of the chairman and vice-chairman.

QUORUM: Five members of the commission, including any alternate in attendance in the place and stead of any absent regular member, shall constitute a quorum for the transaction of any business of the commission. Any resolution or minute order shall be adopted by the affirmative votes of at least a majority of said quorum, including any alternate(s).

BROWN ACT: All meetings of the commission shall be conducted pursuant to the provisions of the RALPH M. BROWN ACT (Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code, commencing with section 54950).

AGENDA: The business of each regular meeting shall be transacted as far as practical in accord with an agenda prepared by the executive officer and transmitted to each regular member of the commission.

ROBERT'S RULES OF ORDER: Except as may otherwise specifically be provided in these regulations, all meetings of the commission shall be conducted pursuant to Robert's Rules of Order, Revised.

VOTING: Except upon demand of a member of the commission, the roll need not be called upon voting a motion, resolution, or order. All members shall vote audibly either "Aye" or "Nay" as the case may be.

RECORDS OF PROCEEDINGS: Minutes of each meeting as approved by the commission shall be permanently maintained in an appropriate Minute Book. The decisions of the commission on applications or proposals shall be in the form of a "Resolution Making Determination." Adopted resolutions will be permanently maintained and referenced by number and subject matter in the Minute Book.

APPLICATION STANDARDS

State law requires the LAFCO Executive Officer to accept any application which meets the requirements of the law and the commission's regulations. Once the required environmental document is complete and fees are paid, state law provides the LAFCO Executive Officer a maximum of 30 days to accept the application and set a public hearing or to advise the applicant that there is additional information needed. Therefore, applications must be in good form with the basic required documents before they will be accepted. Submit applications to:

Kern County LAFCO
5300 Lennox Ave Suite 303
Bakersfield, CA 93309

Applications shall meet the requirements of state law and contain the information required by these regulations. The executive officer shall review all applications and may decline any document or paper not complying with these regulations. The commission may decline to proceed in the matter until an application is in compliance with these regulations. Applicants will be promptly notified of incomplete applications. No action will be taken on incomplete applications until they have been completed. If there is a continued failure to comply with the regulations, a proceeding may be dismissed by order of the commission upon recommendation of the executive officer.

Additional Information: LAFCO applications are quite diverse. No form can anticipate every situation. Therefore, state law and these regulations provide for the executive officer to request additional information.

Applicants shall supply any additional information requested by the executive officer which pertains to any of the matters or factors which may be considered by the commission.

Every effort will be made to anticipate requirements for additional information when the application is initially reviewed. However, additional information may be requested at any time. Further proceeding may be held in suspense pending the presentation of the additional information.

Map and Legal Description: All LAFCO maps and legal descriptions must be pre-checked by the county surveyor. The county surveyor will review the documents and work with the applicant until they are in compliance with LAFCO requirements. LAFCO map and legal description requirements shall be the same as the current requirements of the State Board of Equalization. When complete, the county surveyor will stamp the map and legal description. These stamped documents, along with 15 copies, must be submitted to LAFCO as part of the complete application package.

Forms: LAFCO supplies application forms. These forms organize the long list of information required by state law into a compact and standard format. These forms must be used. In order for an application to be accepted, these forms must be complete as they apply to the subject proposal. The Executive Officer of the Commission will have a checklist of forms needed.

Costs of Publication and Notification: The applicant shall pay all costs of all notices including, without limitation, mailed notices to landowners, registered voters, and public agencies and notices by publication, all costs for lists used to notify landowners and registered voters, and all costs for hiring a third party mailing service to print, fold, label, and mail the notices and provide all other services with regard thereto.

Costs Relating to Petitions and Protests: In addition to all other costs described herein relating to petitions and protest hearings, the applicant shall pay all costs associated with LAFCO's use of a third party service to check all signatures on petitions, to review all protests for compliance with LAFCO requirements, to determine the total assessed valuation, number of parcels, and registered voters within the area which is the subject of the protest, and to determine the percentage of same represented by the valid protests.

State Board of Equalization Fees:

In order to complete most filings, approved proposals must be filed with the State Board of Equalization. Applicants shall pay these fees as determined by the State Board. The State Board fee schedule will be provided upon request.

Copies of Papers on File:

Upon request made to the executive officer, any interested person may obtain a copy(ies) of any document, map or other paper filed in any proceeding. The executive officer may charge and collect from the person making any such request the cost to the commission of making any such copy(ies). Any such charges so made and collected shall be deposited in the county treasury. Requests for copy(ies) of maps shall allow a minimum of ten (10) days for delivery.

Exhibits:

Exhibits shall be labeled as follows:

The legal description of the territory shall be marked EXHIBIT "A"; the plat or map shall be marked EXHIBIT "B". Different exhibits shall not have the same label. If two or more different exhibits are presented under a single master designation, they should be marked EXHIBIT "A-1", EXHIBIT "A-2", etc.

In addition to the required exhibits, the applicant may append any other exhibit for the executive officer or the commission. Only one copy of these exhibits need be filed with the executive officer. Only the original consent or proof of consent of landowner(s) to annexations or detachments need be filed.

Fiscal Analysis:

When State law requires a comprehensive fiscal analysis. This document must be professionally prepared. Usually the executive officer will select and retain a private consultant with input from the applicant. At the discretion of the executive officer, the comprehensive fiscal analysis may be prepared by LAFCO staff or an agreed-upon third party.

Prior Regulations Superseded:

These regulations, as revised May 2011 shall supersede the Regulations and Fee Schedule heretofore revised May 2010, December 2005, July 2003, May 2002, June 2001, July 1, 1971, April 10, 1973, September 15, 1973, July 1, 1975, January 1, 1978, July 1, 1978, January 10, 1984, January 1, 1986 January 1990 and May, 1993 October 1996.

Deposits:

For certain applications, deposits are required. The full amount of the deposit must be received before work will begin. Any amount remaining after costs have been paid will be refunded. If additional money is required, work will not proceed until an additional deposit sufficient to cover all estimated costs is received.

Feasibility Study:

State law requires a comprehensive fiscal analysis for incorporation. This document must be professionally prepared. Usually the executive officer will select and retain a private consultant with input from the applicant. At the discretion of the executive officer, the comprehensive fiscal analysis may be prepared by LAFCO staff or an agreed-upon third party.

Waiver Provision:

The Commission may waive or adjust processing fees upon finding such action will further the purpose of the Local Government Reorganization Act of 2000. The executive officer shall reduce any fee, which would otherwise exceed the estimated reasonable cost of processing the application.

Payment:

Processing and filing fees for the proposal are due and payable with each application. No action shall be taken upon any proposal or petition until the appropriate fees have been paid.

Conflict:

If any regulation hereinabove set forth is in conflict with any statute of the State of California, the statute shall prevail. In the event any regulation shall be held in any court of competent jurisdiction to be unconstitutional or otherwise invalid, this commission hereby declares its intent and purpose to adopt all other provisions of these regulations, excluding there from any such provision so found to be invalid.



**Kern Local Agency
Formation Commission**
5300 Lennox Ave. Suite 303
Bakersfield, CA 93309
661-716-1076
www.co.kern.ca.us/lafco/

FEE SCHEDULE

Annexation or Detachment (Includes County Map Fee)	\$1,200
Reorganization (Two or more Agencies involved).....	\$2,400
Consolidation / Merger or Subsidiary District	\$2,400
Incorporation of a City (Filing Fee)	\$20,000 + Expense*
- Feasibility Study	\$1,250 + Expense*
.....	(\$10,000 Expense Deposit Required)
- State Controller Review of Feasibility Study	\$250 + Expense*
Disincorporation of a City	\$10,000 + Expense*
.....	(\$10,000 Deposit Required)
Formation of Special District or County Service Area	\$10,000 + Expense*
.....	(\$15,000 Deposit Required)
Multiple County (for each County outside Kern)	\$1,000 + Expense*
Dissolution of Special District or County Service Area	\$1,200 + Expense*
All other Proceeding Items (Including Sphere Amendments & Extension of Services)	\$750
- If Proceeding Item boundary is concurrent with additional proposal	\$500
Protest Hearing.....	\$500 + Expense*
Environmental Review (LAFCo Lead Agency)	
- Negative Declaration	\$1,500 + Expense*
.....	(\$2,500 Deposit Required)
- Environmental Impact Review (EIR)	\$2,500 + Expense*
.....	(\$10,000 Deposit Required)
Environmental Review (LAFCo Responsible Agency)	
- Negative Declaration	\$500 + Expense*
- Environmental Impact Review (EIR)	\$1,000 + Expense*
Notification of Registered Voters and Land Owners	Reimbursement of Actual Expense
Notification / Information Request of Local Agencies	Reimbursement of Actual Expense
Posting: Notice of Determination / Notice of Exemption.....	Expense*
Petition Checking / Protest Verification	Expense*
Non-Kern LAFCo Member	\$1,500 + Expense*
*Expense - Reimbursement of Actual Expense	

Kern LAFCo Commission has the authority to reduce or waive fees if applicant states a case for necessity.