

Kern LAFCo Guide to Annexations

Introduction

Annexation, detachment, consolidation, and dissolution are considered jurisdictional changes and are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (beginning with Government Code Section 56000). This Act is managed by the Local Agency Formation Commission (LAFCo), which has the authority to approve or deny proposals. Although the Act outlines various time frames, Section 56106 indicates that these are not always mandatory.

In Kern County, LAFCo consists of three members from city councils, two from the County Board of Supervisors, two from special districts, and two public members (§56328.5). The Commission is supported by an Executive Officer and a small administrative staff. LAFCo is funded by fees and a yearly assessment of the County, Cities and Special Districts.

LAFCo aims to curb urban sprawl, preserve agricultural and open space lands, and promote the orderly development of local government agencies based on local needs (§56301). The Commission reviews boundary change proposals, considering factors such as alignment with city and county plans, service levels, and the socio-economic impacts of boundary changes (§56841).

Affected individuals can provide input at two public hearings: the initial hearing for general testimony and the second, or "protest hearing," where formal written protests are recorded. Guidance on how to protest an annexation and sample protest letters are provided in the appendix of this document.

This guide provides a general overview of the annexation process for territories initiated by cities or special districts. It is not exhaustive and should not be considered legal advice. For specific legal requirements and State law references, please consult LAFCo staff. For tailored legal guidance, seek advice from an attorney.

This guide also includes a glossary of key terms related to jurisdictional changes and a copy of the Kern County Board of Supervisors' policy resolution on annexations. All code references pertain to the Government Code unless specified otherwise.

Glossary of Terms

- **Annexation:** The process of incorporating new territory into a city or special district.
- **CEQA:** California Environmental Quality Act (Public Resources Code § 21000 et seq).
- **Chief Petitioners:** Up to three individuals designated on a petition or resolution for organizational change.
- **Commission:** Local Agency Formation Commission (LAFCo).
- **Detachment:** The process of removing territory from a city or special district.

- **EIR:** Environmental Impact Report required under CEQA if a project may significantly impact the environment.
- **Executive Officer:** The Commission-appointed Executive Director.
- **Governing Body:** The board or commission of a local agency, either elected or appointed.
- **Inhabited Territory:** Areas with 12 or more registered voters.
- **Island:** Unincorporated territory surrounded by incorporated areas.
- **Lead Agency:** The agency responsible for preparing an environmental document per CEQA.
- **Local Agency:** Any local government entity, such as a city, county, or special district.
- **Negative Declaration:** Filed if a project is determined to have no significant environmental impact under CEQA.
- **Protest Hearing:** The second public hearing where written protests are counted.
- **Reorganization:** Changes to the boundaries of a city, county, special district, or sphere of influence.
- **Responsible Agency:** An agency that reviews and comments on environmental documents under CEQA.

Outline of Typical Annexation Process

(Note: This outline does not apply to annexations of islands of 150 acres or less, or uninhabited territories with 100% landowner consent. Please contact LAFCo for details on these cases.)

1. **Resolution of Application:** The City Council or Special District Board of Directors adopts a resolution to initiate the annexation and files it with LAFCo.
2. **Property Tax Exchange:** The City and County negotiate a property tax exchange. The County also negotiates with Special Districts as needed.
3. **Notice of Filing:** LAFCo's Executive Officer reviews the application and associated resolutions. If complete, a Notice of Filing is issued.
4. **First Public Hearing:** LAFCo holds the "Notice of Application" hearing to receive written and oral testimony. The Commission adopts a Resolution Making Determinations, which could approve, deny, or modify the annexation proposal, and sets a date for the second public hearing.
5. **Second Public Hearing (Protest Hearing):** The Executive Officer conducts the protest hearing, where written protests are formally received. Based on the protests, the Commission will decide to approve, conditionally approve (subject to election), or terminate the annexation.

6. **Certificate of Completion:** If approved, the Executive Officer issues a Certificate of Completion after reviewing all required documents.
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Application for Annexation

The annexation process starts when a city council or board of directors passes a resolution to annex territory and files it with LAFCo. This resolution must include specific language and accompanying documentation, including a proposal description, service provision details, legal property description, maps, and CEQA compliance (§56652). LAFCo proceedings officially begin when the Executive Officer issues a certificate of filing (§56651).

Resolution for Transfer of Property Taxes: When a city annexes territory, a share of the County's property tax entitlement is transferred to the city. In Kern County, most cities have agreements with the County for property tax transfers. Without these agreements, tax negotiations must occur within 60 days per State law. Special districts follow a similar process with the County leading negotiations.

LAFCo Proceedings

Application Review: LAFCo's Executive Officer reviews the application within 30 days to ensure it meets legal, CEQA, and tax exchange requirements (§56658). Incomplete applications receive a deficiency notice.

Notice of Filing: If complete, a Notice of Filing is issued, and a public hearing date is set within 90 days (§56658).

Public Hearing: The first hearing, "Notice of Application," is publicly noticed and involves receiving testimony. The Commission may continue the hearing for up to 70 days (§56666). The Commission then adopts a resolution making determinations within 35 days (§56880).

Protest Hearing Notice: The second public hearing, or "protest hearing," is scheduled within 35 days of the resolution. Notices are mailed and posted 21 to 60 days in advance (§57002).

Protesting an Annexation

Citizens can protest the annexation at the second public hearing. Written protests must be submitted before the hearing concludes (§57051). The Commission will either approve the annexation, condition it on an election, or terminate it based on the protests received (§57075).

This revised guide provides clarity and structure to the annexation process, ensuring it is accessible and comprehensive for all stakeholders involved.

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