

POLICIES AND PROCEDURES FOR PROCESSING PROPOSALS AFFECTING MORE THAN ONE COUNTY

Legislative Authority

The Cortese Knox Hertzberg Local Government Reorganization Act of 2000 sets forth that the county having all or the greater portion of the assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district for which a change of organization or reorganization is proposed, is the principal county for changes in organization involving that district. It further states that the LAFCO of the principal county shall have jurisdiction over all boundary changes affecting that district including changes of organization involving territory in another county. Exclusive jurisdiction shall be vested in the LAFCO of the principal county, unless the principal county vests jurisdiction in the LAFCOs of the affected county and both LAFCOs agree to transfer of jurisdiction.

Santa Clara LAFCO recognizes the need to collaborate on a regional level when considering a change of organization of a district that affects another County. In order to further this collaboration and assure thorough and consistent consideration of applications affecting more than one county, this Commission adopts the following procedure for processing applications from multi-county districts.

A. Transfer of Jurisdiction to LAFCO of Affected County

When requested by a LAFCO of an affected county, Santa Clara LAFCO will consider and determine on a case-by-case basis whether it is appropriate to transfer jurisdiction to the LAFCO of the affected County.

B. Procedure for Processing of Applications affecting more than one county when Santa Clara LAFCO is Principal LAFCO

1. Applications affecting the boundaries of a district for which Santa Clara LAFCO is principal LAFCO will be submitted to Santa Clara LAFCO including instances in which the subject territory is located in another county. Prior to application, applicants should meet with staff of principal LAFCO regarding process and application requirements. Applicant must comply with application requirements of both LAFCOs.
2. Upon receipt of the application involving territory in another county, staff will immediately forward a copy of the application to the LAFCO of the county containing the subject territory.

3. The commission of the principal county will also provide notice to the chair, each board member, and the executive office of all affected agencies of any proceedings, actions or reports on the proposed change of organization.
4. Santa Clara LAFCO staff will consult with the staff of the affected LAFCO and affected agencies in the county containing territory in order to gather data for the Executive Officer's report and recommendation.
5. The application will be scheduled for hearing by Santa Clara LAFCO so that the LAFCO of the affected county has had time to review the application and submit a written recommendation to be included in the Executive Officer's report for Santa Clara LAFCO consideration at a public hearing.
6. At the hearing, the Commission will consider the Executive Officer's report, the recommendation of the LAFCO containing the subject territory and the comments of affected individuals and agencies in making its determination.
7. Following the conclusion of the hearing, the Executive Officer will forward any resolutions and written report of Commission action to the chair, each board member, the executive office of all affected agencies and the LAFCOs of the affected county.

C. Applications affecting territory in Santa Clara County when Santa Clara LAFCO is not Principal LAFCO

Upon receipt by Santa Clara LAFCO of a notice and referral from a LAFCO of another county of an application for change of organization affecting territory in Santa Clara County, staff will place the application and report and recommendation on Santa Clara LAFCO's next possible agenda so that the Commission may consider the application and forward a recommendation to the LAFCO of the principal county. Said applications will be processed and a staff report will be prepared consistent with Santa Clara LAFCO's Policies and Procedures

Adopted December 11, 2002