

To: Olin Woods, Chair, and Members of the
Yolo Local Agency Formation Commission

From: Elisa Carvalho, Assistant Executive Officer
Terri Tuck, Commission Clerk

Date: March 28, 2011

Subject: Dunnigan Incorporation 180-Day Deadline Extension

Recommended Action

Approve a 180-day deadline extension for the Dunnigan Incorporation Proposal to a date approved by the Commission.

Reason for Recommended Action

The Commission has an “180-day rule” that indicates that the Executive Officer must issue a Certificate of Filing within 180 days after an application is submitted to LAFCO. This measure is intended to prompt applicants to submit all of the applicable materials to LAFCO in a timely manner, so the Commission can adequately evaluate a proposal. An applicant can request an extension upon showing good cause. If a Certificate of Filing is not issued and the Commission does not extend the 180-days deadline, the proposal is void. The 180-day deadline for the Dunnigan Incorporation proposal application is April 12, 2011.

Background

The extension of the 180-day rule will allow the applicant, Mel Smith, sufficient time to raise the necessary funds to continue forward in the process for Incorporation. An additional deposit of \$8,000 and other outstanding LAFCO fees are still required for the Dunnigan Incorporation proposal. Additionally, staff is in the process of reviewing the Request for

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Proposals received for the Comprehensive Fiscal Analysis (CFA). The applicant anticipates providing the outstanding deposits and fees to LAFCO by April 12, 2011, when the 180-days expires.

The applicant insisted that the 180-day rule did not apply to an incorporation application. He provided a letter (Attachment A) requesting Yolo LAFCO use the list of requirements provided in the initial incorporation application. Staff has indicated that his proposal is subject to LAFCO Rules; however, LAFCO staff also believes that an Incorporation Proposal cannot be completed within a six-month time frame.

According to the Rules of LAFCO (Chapter 6 Section 20) states:

"All applications shall be completed with all written documentation required by these rules, commission procedures, or the Executive Officer within 180 days of the date the application, or any portion thereof, is initially presented to the Executive Officer for filing. If the application is not completed within 180 days, the application shall be returned to the applicant as incomplete and a new application will be required. The applicant shall forfeit the LAFCO processing fee deposit if the application is deemed incomplete by the 180th day. If requested by the applicant before the expiration of said 180 day period, the Commission may, upon a showing of good cause arising from unforeseen circumstances, and with the concurrence of not less than four members, extend the time for completing the application."

If the application is not complete and an extension is not obtained, the proposal will be terminated and a new application will be required.

Attachments:

Attachment A: Letter from Mel Smith Regarding Dunnigan Incorporation Application Requirements

March 23, 2011

Mel Smith
5160 Rd. 99w
Dunnigan, CA 95937

RE: Dunnigan Incorporation Application (LAFCO No. 911)

We would request that Yolo LAFCO use the list of requirements provided by Yolo LAFCO, to the applicant August 19, 2010 when determining the Application for Incorporation submitted October 14, 2010 to be complete.

Thank you,

A handwritten signature in blue ink that reads "Mel Smith". The signature is written in a cursive style with a large "M" and "S".

Mel Smith