

Bond Case Briefs

Municipal Finance Law Since 1971

ANNEXATION - CALIFORNIA

City of Selma v. Fresno County Local Agency Formation Commission

Court of Appeal, Fifth District, California - July 14, 2016 - Cal.Rptr.3d - 2016 WL 3885027 - 16 Cal. Daily Op. Serv. 7562

Neighboring city filed writ of mandate challenging decision of local agency formation commission (LAFCo) to approve annexing city's annexation project.

The Superior Court denied writ. Neighboring city appealed.

The Court of Appeal held that statutory 70-day time limitation for a LAFCo to hold a continued public hearing on a reorganization proposal under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 is directory, not mandatory, such that a continuance beyond the 70-day limitation does not result in invalidation of the LAFCo's determinations.

A local agency formation commission (LAFCo) violates the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 when it continues a hearing in excess of 70 days from the date specified in the original notice. However, while the Legislature requires a LAFCo to hold continued hearings within a particular time frame, a failure to comply with that time frame requirement does not result in invalidation of the LAFCo's determinations.