# LOCAL AGENCY FORMATION COMMISSION
# COUNTY OF SAN BERNARDINO

215 North "D" Street, Suite 204, San Bernardino, CA 92415-0490
(909) 383-9900 • Fax (909) 383-9901
E-mail: lafco@lafco.sbcounty.gov
www.sbclafco.org


## REQUEST FOR RECONSIDERATION

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 within Section 56895 sets forth specific criteria for a request for reconsideration. That section, in part, reads:

> *(a) When a commission has adopted a resolution making determinations, any person or affected agency may file a written request with the executive officer requesting amendments to or reconsideration of the resolution. The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration. If the request is filed by a school district that received notification pursuant to Section 56658, the commission shall consider that request at a public hearing.*
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> *(b) Notwithstanding Section 56106, the deadlines set by this section are mandatory. The person or agency shall file the written request within 30 days of the adoption of the initial or superseding resolution by the commission making determinations. If no person or agency files a timely request, the commission shall not take any action pursuant to this section.*
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> *(c) Upon receipt of a timely request, the executive officer shall not take any further action until the commission acts on the request.*
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> *(Added by Stats. 2000, Ch. 761, amended by Stats. 2001, Ch. 388; Stats. 2002, Ch. 548)*

The Commission's adopted policy for reconsideration requests is as follows:

> Requests for reconsideration will be granted only when the petitioner can present some compelling new evidence, or show that significant factors relative to the situation were overlooked or have changed. The request shall be submitted in writing to the Executive Officer within thirty (30) days of the Commission's decision.
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> No request shall be deemed filed unless appropriate filing fees are submitted. In the event multiple requests for reconsideration are filed, the Executive Officer will divide a single reconsideration fee among the various petitioners for reconsideration.

The Commission's adopted procedure for reconsideration requests is as follows:

> Upon receipt of a legally filed request for reconsideration, the Executive Officer shall place the request on the agenda of the next Commission meeting for which notice can be provided. At the hearing, the Executive Officer will present the staff report and recommendations to the Commission and respond to questions. The Commission will then allow submission of any oral or written testimony on the issue; however, at the Chair's discretion, time limits may be placed on those wishing to provide an oral presentation. At the close of the hearing, the Commission may take one of the following actions:
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> 1. The Commission may approve the request, and adopt a resolution superseding the resolution previously issued;
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> 2. The Commission may deny the request; or
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> 3. The Commission may continue the hearing for a maximum of thirty-five (35) days.