



## LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

### *Policy on Conducting Authority Proceedings*

(Adopted: April 11, 2001; Last Amended: April 3, 2023)

#### **I. Background**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 directs the Commission to administer conducting authority proceedings for all approved changes of organization or reorganization unless waived. Commission duties in conducting authority proceedings are codified in [California Government Code \(G.C.\) Sections 57000 et. seq.](#)

#### **II. Objective**

The objective of this policy is to guide the Commission in conducting authority proceedings in an orderly and consistent manner, but does not purport to summarize or supersede the conducting authority proceeding procedures in the Cortese-Knox-Hertzberg Act. This includes establishing procedures in (a) scheduling, (b) noticing, (c) holding, and (d) completing protest hearings.

#### **III. Procedures**

##### **A. Scheduling**

- 1) The Executive Officer shall schedule and provide notice of a protest hearing within 35 days following the Commission's approval of the change of organization or reorganization. ([G.C. § 57002](#))
- 2) The protest hearing shall not be held before the expiration of the 30-day reconsideration period. ([G.C. § 57002](#))

##### **B. Noticing**

- 1) The Executive Officer shall schedule the protest hearing to occur no less than 21 days and not more than 60 days from the date the Executive Officer gives notice, unless otherwise provided for the establishment of a district as a subsidiary district of a city (between 90 and 135 days from notice) or the dissolution of a district initiated by the Commission under G.C. § 56375.1 (between 60 and 90 days from notice). ([G.C. § 57002](#))
- 2) The notice on the protest hearing shall be published, posted, and/or mailed to all affected agencies, landowners, and interested parties. The notice shall also be mailed to all affected registered voters if the territory is inhabited. ([G.C. § 57025](#))
- 3) The notice on the protest hearing shall summarize the change of organization or reorganization, including a statement of justification, who initiated the proceeding, and a description of the affected territory's location. The notice shall clearly state the time, date, and location of the protest hearing and contain all the information required in G.C. § 57026. ([G.C. § 57026](#))
- 4) The notice on the protest hearing shall be accompanied by a standard protest form as provided in Attachment One.

### **C. Holding**

- 1) The Executive Officer shall be responsible for holding the protest hearing. At the protest hearing, the Executive Officer shall take the following actions:
  - Summarize the Commission's resolution approving the change of organization or reorganization. ([G.C. § 57050](#))
  - Open the protest hearing to receive written or verbal protests. ([G.C. § 57050](#))
  - Continue the protest hearing from time to time, if needed, but not to exceed 60 days from its original scheduled date. ([G.C. § 57050](#))
  - Close the protest hearing.
- 2) At the close of the protest hearing, the Executive Officer shall work with the County of Napa Assessor and Registrar of Voters' Offices, as needed, in validating the written protests filed and not withdrawn. ([G.C. § 57052](#))

### **D. Completing**

- 1) Within 30 days of the close of the protest hearing, the Executive Officer shall determine the value of the written protests filed and not withdrawn on the change of organization or reorganization. ([G.C. § 57075](#))
- 2) The Executive Officer shall present his or her determination regarding the value of the written protests filed and not withdrawn to the Commission at a public meeting.

The Commission shall adopt a resolution confirming the value of the written protests filed and not withdrawn and take one of the following actions for proposals that were not initiated by the Commission:

- For proceedings relating to annexations, detachments, and latent powers, if the affected territory is an inhabited registered voter district or city:
  - (A) Terminate proceedings if registered voters representing 50 percent or more of the voters residing in the affected territory have filed written protests ([G.C. 57091\(a\)\(1\)\(A\)](#)); or
  - (B) Order the change of organization or reorganization subject to confirmation by the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either:

- At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory; or
  - At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory ([G.C. § 57901\(a\)\(1\)\(B\)](#)); or
- (C) Order the change of organization or reorganization without an election if subsections (A) and (B) do not apply. ([G.C. § 57901\(a\)\(1\)\(C\)](#))
- For proceedings relating to annexations, detachments, and latent powers, if the affected territory is an uninhabited registered voter district:
    - (A) Terminate proceedings if landowners owning 50 percent or more of the assessed value of the affected land have filed written protests ([G.C. § 57901\(a\)\(2\)\(A\)](#)); or
    - (B) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory ([G.C. § 57901\(a\)\(2\)\(B\)](#)).
  - For proceedings relating to annexations, detachments, and latent powers, if the affected territory is a landowner-voter district:
    - (A) Terminate proceedings if landowners owning 50 percent or more of the assessed value of the affected land have filed written protests ([G.C. § 57091\(b\)\(1\)](#)); or
    - (B) Order the change of organization or reorganization subject to an election within the affected territory if written protests that have been filed and not withdrawn represent either of the following:
      - 25 percent or more of the number of owners of land who also own 25 percent or more of the assessed value of land within the affected territory ([G.C. § 57091\(b\)\(2\)\(A\)](#)); or
      - 25 percent or more of the voting power of landowner voters entitled to vote as a result of owning property within the affected territory ([G.C. § 57091\(b\)\(2\)\(B\)](#)); or
    - (C) Order the change or organization or reorganization without an election if the written protests have been filed and not withdrawn by less than 25 percent of the number of owners of land who own less than 25 percent of the assessed value of land within the affected territory ([G.C. § 57091\(b\)\(3\)](#)).

- For proposals where a subject agency has not objected by resolution to the proposal (as applicable), for purposes of G.C. § 57077.1, relating to dissolution, G.C. § 57077.2, relating to consolidation, G.C. § 57077.3, relating to certain reorganizations, G.C. § 57077.4, relating to dissolution and annexation, and G.C. § 57077.5, relating to merger or establishment of a subsidiary district:
  - (A) Terminate proceedings if, in the case of inhabited territory, protests have been signed by 50 percent or more of the voters residing in the territory; or, in the case of an uninhabited landowner-voter district, protest have been signed by 50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district, or 50 percent or more of the assessed value of the land within the territory ([G.C. § 57078](#)); or
  - (B) Order the change of organization or reorganization subject to confirmation of the voters if, in the case of inhabited territory, protests have been signed by either:
    - At least 25 percent of the number of landowners within the affected territory who own at least 25 percent of the assessed value of land within the affected territory; or
    - At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, the affected territory ([G.C. § 57092\(a\)](#)).
  - (C) Order the change of organization or reorganization subject to confirmation of the voters if, in the case of an uninhabited landowner-voter district, protests have been signed by:
    - At least 25 percent of the number of landowners within the affected territory owning at least 25 percent of the assessed value of land within the affected territory ([G.C. § 57092\(b\)](#)).
  - (D) Order the change of organization or reorganization without an election if the number of signed protests are less than the 25 percent necessary for an election.
- For proposals where a subject agency has objected by resolution to the proposal, for purposes of G.C. § 57077.1, relating to dissolution, G.C. § 57077.2, relating to consolidation, G.C. § 57077.3, relating to certain reorganizations, G.C. § 57077.4, relating to dissolution and annexation, and G.C. § 57077.5, relating to merger or establishment of a subsidiary:

- (A) Terminate proceedings if, in the case of inhabited territory, protests have been signed by 50 percent or more of the voters residing in the territory; or, in the case of an uninhabited landowner-voter district, protest have been signed by 50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district, or 50 percent or more of the assessed value of the land within the territory ([G.C. § 57078](#)); or
- (B) Order the change of organization or reorganization subject to confirmation of the voters if, in the case of inhabited territory, protests have been signed by either:
- At least 25 percent of the number of landowners within any subject agency within the affected territory who own at least 25 percent of the assessed value of land within the affected territory; or
  - At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory ([G.C. § 57093\(a\)](#)).
- (C) Order the change of organization or reorganization subject to confirmation of the voters if, in the case of an uninhabited landowner-voter district, protests have been signed by:
- At least 25 percent of the number of landowners within any subject agency within the affected territory, owning at least 25 percent of the assessed value of land within the subject agency ([G.C. § 57093\(b\)](#)).
- (D) Order the change of organization or reorganization without an election if the number of signed protests are less than the 25 percent necessary for an election.

The Commission shall adopt a resolution confirming the value of the written protests filed and not withdrawn and take one of the following actions for proposals initiated by the Commission:

- For proposals the Commission initiated under G.C. § 56375.1 (LAFCo-initiated dissolutions):

(A) Terminate proceedings if, in the case of inhabited territory, protests have been signed by 50 percent or more of the voters residing in the territory; or, in the case of an uninhabited landowner-voter district, protest have been signed by 50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district, or 50 percent or more of the assessed value of the land within the territory ([G.C. § 57078](#)); or

(B) Forward the change of organization or reorganization for confirmation by the voters if, in the case of inhabited territory, protests have been signed by either ([G.C. § 57077.6\(a\)](#)):

- At least 25 percent of the number of landowners within any subject agency within the affected territory who own at least 25 percent of the assessed value of land within the affected territory; or
- At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory ([G.C. § 57093\(a\)](#)).

(C) Forward the change of organization or reorganization for confirmation by the voters if, in the case of an uninhabited landowner-voter district, protests have been signed by ([G.C. § 57077.6\(a\)](#)):

- At least 25 percent of the number of landowners within any subject agency within the affected territory, owning at least 25 percent of the assessed value of land within the subject agency ([G.C. § 57093\(b\)](#)).

(D) Order the change of organization or reorganization without an election if the number of signed protests are less than the 25 percent necessary for an election.

- For proposals the Commission initiated under G.C. § 56375(a)(2)(A) through (G):

(A) Terminate proceedings if, in the case of inhabited territory, protests have been signed by 50 percent or more of the voters residing in the territory; or, in the case of an uninhabited landowner-voter district, protest have been signed by 50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district, or 50 percent or more of the assessed value of the land within the territory ([G.C. § 57078](#)); or

(B) Forward the change of organization or reorganization for confirmation by the voters if, in the case of inhabited territory, protests have been signed by either ([G.C. § 57077.6\(b\)](#)):

- At least 10 percent of the number of landowners within any subject agency within the affected territory who own at least 10 percent of the assessed value of land within the territory.
  - However, if the number of landowners within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the landowners who own at least 25 percent of the assessed value of land within the affected territory of the subject agency. ([G.C. § 57094\(a\)\(1\)](#))

- At least 10 percent of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory.
  - However, if the number of voters entitled to vote within a subject agency is less than 300, the protests shall be signed by at least 25 percent of the voters entitled to vote. ([G.C. § 57094\(a\)\(2\)](#))

(C) Forward the change of organization or reorganization for confirmation by the voters if, in the case of a landowner-voter district, the territory is uninhabited and protests have been signed by:

- At least 10 percent of the number of landowners within any subject agency within the affected territory, who own at least 10 percent of the assessed value of land within the territory.
  - However, if the number of landowners entitled to vote within a subject agency is less than 300, protests shall be signed by at least 25 percent of the landowners entitled to vote. ([G.C. § 57094\(b\)](#))

(D) Order the change of organization or reorganization without an election if the number of signed protests are less than the 10 percent (25 percent for where under 300 voters/landowners) necessary for an election.

- 3) If the Commission orders a change of organization or reorganization without election, the Executive Officer shall prepare a Certificate of Completion. ([G.C. §§ 57200-57204](#))
- 4) If the Commission orders a change of organization or reorganization subject to an election, the Executive Officer shall provide written notice to the Board of Supervisors or affected city council to conduct the election. At the conclusion of the election, the Executive Officer shall take one of the following actions:
  - Prepare a Certificate of Completion for the change or organization or reorganization if approved by a majority of voters. ([G.C. § 57176](#))
  - Prepare a Certificate of Termination of Proceedings for the change of organization or reorganization if disapproved by a majority of voters. ([G.C. § 57179](#))