

## CONDUCTING AUTHORITY PROCEDURES

(Government Code Sections 57000 – 57204)

1. Unless the conducting authority proceedings are waived, either the Commission or the executive officer functions as the conducting authority, and sets the proposal for a noticed public hearing within 35 days after LAFCO approval. The date of the hearing must be no less than 21 nor more than 60 days after notice is given. The public hearing notice must be:
  - a) published at least once in a newspaper of general circulation at least 21 days prior to the hearing date;
  - b) posted near the meeting room or on an official bulletin board at least 21 days prior to the hearing date; and
  - c) mailed at least 21 days prior to the hearing date to:
    - i. each affected city, district, or county;
    - ii. the proponent(s), and petitioner(s), if any;
    - iii. all landowners owning land within any territory proposed to be formed into, or to be annexed to, or detached from, an improvement district within any city or district;
    - iv. to persons who have requested special notice; and
    - v. to each landowner within the affected territory and all registered voters residing within inhabited territory.

The mailed notice must contain all of the following information:

- a) The title of the proposal as assigned by LAFCO;
  - b) A statement regarding how and by whom the proposal was initiated. If initiated by petition, a reference to the chief petitioner(s) is sufficient;
  - c) A description of the exterior boundaries of the subject territory;
  - d) A description of the particular change(s) of organization (annexation, detachment, etc.) proposed for each of the respective subject agency(ies);
  - e) The terms and conditions that are expected to be imposed;
  - f) A statement of the reason(s) for the change(s) of organization;
  - g) A statement of the date, time, and place of the hearing; and
  - h) A statement that written protest may be filed at any time prior to the conclusion of the hearing by any person owning property within the proposal territory, or any registered voter residing within inhabited territory.
2. The hearing must be held on the date and at the time specified in the notice, and may be continued from time to time, but not to exceed 60 days from the original date, unless a further continuance is authorized by LAFCO.
    - a) At the hearing, prior to consideration of protest, the LAFCO resolution shall be summarized.

- b) The conducting authority (either the Commission or the executive officer) hears and receives any oral or written protests, objections, or evidence that is made, presented, or filed. Any person who has filed a written protest may withdraw it at any time prior to the conclusion of the hearing.
  - c) Each written protest states whether it is made by a landowner or registered voter. If a registered voter submits the protest, it must contain the registered voter's name and address and the name and address of the owner of the land affected. If a landowner submits the protest, it must contain the landowner's name and address as well as the address or other description that is sufficient to identify the location of the affected land. Protests may be submitted on behalf of an owner of land or a corporation by a person authorized in writing to act as an agent for that party.
  - d) Upon conclusion of the hearing, the value of all written protests filed and not withdrawn is determined. Any protest that is dated prior to the date of publication of the hearing notice will be disregarded.
  - e) If the proposed terms and conditions provide for the formation of, annexation to, or detachment from an improvement district, the Commission or executive officer will exclude any portion(s) of the subject territory that will not benefit from becoming part of the improvement district, or will benefit from remaining part of the improvement district.
3. When a proposal consists solely of annexation(s) or detachment(s), a resolution is adopted that, based on the value of valid protests, either:
- a) Orders the change(s) of organization without an election if the level of protest is determined to be insufficient;
  - b) Orders the change(s) of organization subject to an election if the level of protest is determined to be sufficient to require confirmation by the voters; or
  - c) Terminates the proceedings if the level of protest is determined to be sufficient to block the proposed change(s) of organization.
4. The resolution ordering the change(s) of organization contains all of the following:
- a) A statement that the action is being taken pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000;
  - b) A statement of the type of change(s) of organization being acted upon;
  - c) A description of the exterior boundaries of the territory for each change of organization approved by the commission;

- d) The name or names of any new or consolidated city or district, if applicable;
  - e) A list of the terms and conditions approved by the commission;
  - f) The reason(s) for the change(s) of organization;
  - g) A statement as to whether the regular county assessment roll or another assessment roll will be utilized;
  - h) A statement that the affected territory will or will not be taxed for existing general bonded indebtedness of any agency whose boundary is changed; and
  - i) Any other matters that the commission deems material.
5. If terminated by protest or election failure, the proposal cannot be submitted again for one year. For an incorporation, city consolidation, or establishment of a subsidiary district, the waiting period is two years, unless that is waived by the commission. If proceedings are not completed within one year after LAFCO approval, the proposal will be deemed abandoned, unless, prior to the expiration date, LAFCO has authorized an extension of time to complete proceedings.
6. The resolution, together with all required supporting materials, is sent by LAFCO to the County Recorder's Office. Please refer to the "Procedures for Final Filings" section of this website for information related to the completion of the proposal process.