

# CONTRA COSTA LAFCO

## 3.11 District Consolidation

### Definition

Consolidation means the uniting or joining of two or more districts into a single new successor district (56030). The districts consolidating do not need to be formed under the same principal act. Districts consolidating which are formed under different principal acts are subject to special provisions (56700 & 56826.5).

### Initiation of Proceedings

Proceedings for consolidation of special districts shall be initiated by petition or by resolution of the governing body of an affected local agency or school district. Effective July 1, 1994, the Commission may initiate proposals for consolidation of districts (56375). For a discussion of the consolidation process associated with LAFCO initiated proposals, please refer to Section 3.7, LAFCO Initiated Proposals. Petitions for consolidation of two or more districts shall be signed as follows:

1. For **registered-voter** districts, by not less than 5% of the registered voters within each of the affected districts; or
2. For **landowner-voter** districts, by not less than 5% of the number of landowner-voters owning land within the affected districts, who also own not less than 5% of the assessed value of land within each of the affected districts (56865).

### Commission Proceedings

After receiving a consolidation proposal by petition or resolution of application, LAFCO staff conducts an analysis of the proposal. The Commission conducts a hearing to review this analysis and to receive oral and written testimony (56666). The Commission then adopts a resolution approving or disapproving the proposal (56880). If a majority of the members of each of the governing bodies of two or more districts adopt substantially similar resolutions of application for a consolidation, LAFCO shall approve, or conditionally approve, the proposal (56853). As part of the approval process, the Commission may adopt terms and conditions of approval. If the Commission wholly disapproves a proposal, no new proposal involving the same or substantially the same territory shall be initiated for one year after the date of the Commission's resolution, unless this provision is waived by the Commission.

### Conducting Authority Protest Proceedings

The Commission is the conducting authority for a district consolidation. The protest provisions, election requirements and voting area vary depending on the nature of the application (i.e., petition, resolution, LAFCO initiated), whether the subject territory is inhabited or uninhabited, and whether any/all of the affected districts have objected to the proposed consolidation (57077.2).

In general, the Commission shall adopt a resolution making a finding regarding the value of the written protests filed and not withdrawn, and take one of the following actions (57077.2):

1. Order the consolidation without an election; or
2. Order the consolidation subject to confirmation of the voters if protests have been signed by at least 25% of the landowners (owning at least 25% of the assessed value of land) or by at least 25% of the voters; or
3. In the case of a LAFCO initiated consolidation, order the consolidation subject to confirmation of the voters if protests have been signed by either 10% of the landowners within any subject agency owning at least 10% of the assessed value of land within the territory, or at least 10% of the voters within any subject agency within the affected territory (57113); or
4. Terminate proceedings if a majority protest exists (57078).

### **Election**

After the election, the Commission shall take one of the following actions (57177.5):

1. Adopt a resolution confirming the order of consolidation if, within the territory of each district ordered to be consolidated, a majority of the votes cast favored consolidation; or
2. Terminate proceedings if, in one of the districts ordered to be consolidated, the votes cast in favor did not constitute a majority.