

# CONTRA COSTA LAFCO

## 3.14 Reorganization

### Definition

A reorganization means any two or more changes of organization within a single proposal (56073).

### Initiation of Proceedings

A reorganization may be initiated with LAFCO by petition, or by resolution of the governing body of an affected local agency or school district. A petition for reorganization shall be signed so as to comply with the applicable signatures requirements for each of the various changes of organization proposed in the petition (56864.1).

LAFCO may initiate reorganizations that include (1) consolidation of districts; (2) dissolutions; (3) mergers; (4) the establishment of subsidiary districts; (5) district formations; (6) reorganizations that include any of the changes of organization specified in 1-5 above. For information associated with LAFCO initiated proposals please refer to the LAFCO-Initiated Proposals Section 3.7.

### Commission Proceedings

If a majority of the members of each of the legislative bodies of two or more districts adopt substantially similar resolutions of application making proposals for either the consolidation of all the districts, or the reorganization of all or any part of the districts into a single district, the Commission shall approve, or conditionally approve, the proposal (56853).

If a proposal includes a city detachment, and the affected city adopts and transmits to LAFCO within the prescribed timeframe a resolution requesting termination of proceedings, the proceedings shall be terminated (56751).

If a proposal includes a district annexation, and was not initiated by the affected district, and the affected district adopts and transmits to the LAFCO within the prescribed timeframe a resolution requesting termination of proceedings, the proceedings shall be terminated (56857).

### Conducting Authority Protest Proceedings

1. Protest proceedings shall be conducted pursuant to section 57000 et seq. and in compliance with the Commission's resolution of approval.
2. Unless waived, the Commission shall conduct a noticed public hearing not less than 21 nor more than 60 days after the notice is given.
3. Resolution of conducting authority (**registered voter districts and cities**) (57075):

Where a reorganization consists solely of annexations, detachments, or the exercise of new or different functions or class of services (including divestiture of services), or any combination of those proposals, the Commission, not more than 30 days after the conclusion of the hearing, shall make a finding regarding the value of written protests filed and not withdrawn, and take one of the following actions, except when LAFCO has authorized approval without notice, hearing and election:

A. In the case of **inhabited** territory:

- (1) Terminate proceedings if protests represent 50% of the registered voters within the territory; or
- (2) Order the reorganization subject to confirmation by the registered voters residing within the affected territory, if written protests have been filed and not withdrawn by either of the following:
  - (a) At least 25%, but less than 50%, of the registered voters residing in the affected territory; or
  - (b) At least 25% of the number of owners of land who also own at least 25% of the assessed value of land within the affected territory; or
- (3) Order the reorganization without an election, if written protests have been filed and not withdrawn by:
  - (a) less than 25% of the registered voters; or
  - (b) less than 25% of the number of owners of land owning less than 25% of the assessed value of land within the affected territory

B. In the case of **uninhabited** territory:

- (1) Terminate the proceedings if protests represent landowners owning 50% or more of the assessed value of land within the territory; or
- (2) Order the reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50% of the total assessed value of land within the affected territory.

4. Resolution of conducting authority (**landowner-voter districts**) (57076):

Where a reorganization consists solely of annexations or detachments, or the exercise of new or different functions or class of services (including divestiture of services), or any combination of those proposals, the Commission, not more than 30 days after the conclusion of the hearing, shall make a finding regarding the value of written protests filed and not withdrawn, and take one of the following actions, except when the Commission has authorized approval without notice, hearing and election.

- A. Terminate proceedings if protests represent either landowners owning 50% or more of the assessed value of land within the territory (uninhabited), or 50% or more of the voters within the territory (inhabited); or
- B. Order the reorganization subject to an election within the affected territory if written protests have been filed and not withdrawn by either of the following:

- (1) 25% or more of the number of owners of land who also own 25% or more of the assessed value of land within the territory; or
  - (2) 25% or more of the voting power of landowner voters entitled to vote as a result of owning property within the territory; or
- C. Order the reorganization without an election, if written protests have been filed, and not withdrawn by less than 25% of the number of owners of land, who own less than 25% of the assessed value of land within the affected territory.
5. Resolution of conducting authority (57077):

Where a reorganization includes an incorporation, or disincorporation, the Commission shall order the reorganization subject to confirmation of the voters. A protest proceeding shall not be conducted.

Certain types of reorganizations as described in sections 56853 and 57111 do not require an election. Other types of reorganization that are subject to confirmation of the voters are described below.

6. Resolution of conducting authority ( ):

If a proposal consists of a reorganization not described in sections 57075, 57076, 57077, 57077.4, or 57111, the Commission, not more than 30 days after the conclusion of the hearing, shall make a finding regarding the value of written protests filed and not withdrawn and take one of the following actions:

- A. In the case of a proposal submitted by a resolution of a majority of the members of the legislative bodies of two or more local agencies (56853), order the reorganization subject to confirmation of the voters as follows:
- (1) In the case of **inhabited** territory, protests have been signed by either of the following:
    - (a) 25% or more of the number of owners of land who also own 25% or more of the assessed value of land within the territory; or
    - (b) 25% or more of the voter entitled to vote as a result of residing within or owning property within the territory.
  - (2) In the case of a **landowner-voter district**, that the territory is uninhabited, and that protests have been signed by at least 25% or more of the number of owners within the territory of land who own at least 25% or more of the assessed value of land within the territory.
- B. Order the reorganization subject to confirmation of the voters, if the Commission has approved a proposal not initiated by LAFCO, and a subject agency has not objected by resolution, and a written protest has been submitted that meets the requirements specified in section (A) (1) and (2) above.
- (1) Order the reorganization subject to confirmation of the voters, if the Commission has approved a proposal that was not initiated by LAFCO, an affected agency has objected by resolution, and written protests have been submitted by:

(2) In the case of inhabited territory:

- (a) at least 25% of the number of landowners within any subject agency within the affected territory who own at least 25% of the assessed value of land within the territory, or
- (b) at least 25% of the number of voters entitled to vote as a result of residing within, or owning land, within the subject territory.

(3) In the case of a landowner-voter district, the territory is uninhabited, and protests have been signed by at least 25% of the number of landowners within any subject agency within the affected territory owning 25% of the assessed value of land within the subject agency.

C. Order the reorganization subject to confirmation of the voters, if the proposal was initiated by LAFCO, regardless of whether an affected city or district has objected by resolution, and written protests have been submitted that meet the requirements of 57113.

7. Resolution of conducting authority (57077.4)

If reorganization consists of the dissolution of one or more districts and the annexation of all or substantially all the territory to another district not initiated pursuant to 56853 or by the Commission pursuant to 56375, the Commission shall order the reorganization without confirmation by the voters.

The commission shall order the reorganization subject to confirmation by the voters as follows:

A. In the case of inhabited territory, protests have been signed by either of the following:

- (1) 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 territory, or
- (2) 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

B. In the case of a landowner-voter district, the territory is uninhabited, and 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.

C. If the reorganization has been initiated by the commission pursuant to Section 56375, protests have been submitted that meet the requirements of Section 57113.

8. Confirmation of election (57176):

The Commission shall execute, within 30 days of the canvass of the election, a Certificate of Completion confirming the order of the reorganization, if a majority of votes cast upon the question are in favor of the reorganization in either of the following circumstances:

- A. At an election called in the territory ordered to be reorganized; or
- B. At an election called within the territory ordered to be reorganized and within the territory of the affected agency.