

CONTRA COSTA LAFCO

3.8 New or Different Services

This section addresses Commission proceedings for the exercise of new or different functions or classes of services, or divestiture of power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.

New or Different Services Procedures

1. A proposal to provide a new or different function or class of service or divestiture of the power to provide a particular function or class of service, within all or part of the jurisdictional boundaries of a special district, must be made by the adoption of a resolution of application by the legislative body of the special district pursuant to 56654. Prior to submitting a resolution, the legislative body of the district shall conduct a public hearing on the resolution. Following the public hearing, the clerk of the legislative body of the district shall file a certified copy of the resolution with the LAFCO Executive Officer.

The resolution must include all of the information specified for a petition (56700) as well as a plan for service (56653). Pursuant to section 56824.12, the plan for service must also include the following:

- A. A written summary of the new or different function or class of service or divestiture of the power to provide a particular function or class of service;
- B. The total estimated cost to provide the new or different function or class of services;
- C. The estimated cost of the new or different function or class of services per customer or per customer class;
- D. An identification of the existing providers and the potential fiscal impacts to them and their customers;
- E. A plan for financing the new or different function or class of service; and
- F. Alternatives for the establishment of the new or different function or class of service.

Commission Proceedings

The Commission shall conduct a public hearing and shall review and approve, with or without amendments, wholly, partially or conditionally, or disapprove the proposal to establish a new or different function or class of service, or the divestiture of the power to provide a particular function or class of service, within all or part of the jurisdictional boundaries of the district. If the Commission restricts the establishment or divestiture of services to a specific geographic area, any subsequent extension, enlargement or reduction of the service or service area will be subject to LAFCO review and approval.

Conducting Authority (Protest) Proceedings

The Commission is the conducting authority for establishing a new or different function or class of service, or the divestiture of the power to provide a particular function or class of service, within all or part of the jurisdictional boundaries of a district.

1. Within 35 days following the adoption of the Commission's resolution making determinations, and following the reconsideration period specified in 56895, the Commission sets the proposal for a protest hearing and gives notice of the hearing. The hearing shall not be less than 21 or more than 60 days after the notice is given (57002).

2. The Commission or, if delegated to the Executive Officer, the Executive Officer shall conduct a hearing to receive any oral or written protests and take one of the following actions (57075, 57076):

A. Terminate the proceedings if a majority protest exists (57075, 57076, 57078).

B. Order the change of organization or reorganization without an election:

(1) Registered Voter Districts or Cities (57075)

(a) **Inhabited** - If written protests have been filed and not withdrawn by less than 25% of the registered voters or less than 25% of the landowners owning less than 25% of the assessed value of land within the affected territory.

(b) **Uninhabited** - If written protests have been filed and not withdrawn by less than 50% of the landowners owning less than 50% of the assessed value of land within the affected territory.

(2) Landowner Voter District (57076)

(a) If written protests have been filed and not withdrawn by less than 25% of the landowners owning less than 25% of the assessed value of land within the affected territory.

C. Order the change of organization or reorganization subject to an election:

(1) Registered Voter Districts or Cities (57075)

(a) Inhabited - If at least 25%, but less than 50% of either the registered voters or landowners (owning at least 25% of the assessed value of land) within the affected territory have filed a written protest. Only registered voters can vote in the election.

(2) Landowner Voter District (57076)

- (a) If at least 25% of either the of landowners owning at least 25% of the assessed value of land, or at least 25% of the of the voting power of landowner voters entitled to vote as a result of owning property within the affected territory have filed a written protest.

The effective date for the new or different service(s) will be the date LAFCO orders the change of organization or reorganization, unless otherwise specified by the Commission.