



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Conducting Authority Proceedings

Adopted: April 11, 2001
Amended: December 1, 2008

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 administering conducting authority proceedings are codified in Government Code Sections 57000 et. seq.

II. Objective

The objective of this policy is to guide the Commission in administering conducting authority proceedings in an orderly and consistent manner. 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 a protest hearing within 35 days after the Commission's approval of the change of organization or reorganization.
- 2) The date of the protest hearing shall not be scheduled before the expiration of the 30-day reconsideration period.

B. Noticing

- 1) The Executive Officer shall provide notice no less than 21 days and not more than 60 days before the scheduled date of the protest hearing.
- 2) The notice on the protest hearing shall be published, posted, and mailed to all affected agencies and landowners as well as interested parties. The notice shall also be mailed to all affected registered voters if the territory is inhabited.
- 3) The notice on the protest hearing shall summarize the change of organization or reorganization, including a statement of justification and a description of the affected territory's location. The notice shall clearly state the time, date, and location of the protest hearing.
- 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.
 - Open the protest hearing to receive written or verbal protests.
 - Continue the protest hearing from time to time, if needed, but not to exceed 60 days from its original scheduled date.
 - 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.

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.
- 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:
 - If the affected territory is uninhabited:
 - Terminate the change of organization or reorganization if the landowners representing 50% or more of the assessed value of the affected land have filed written protests; or
 - Order the change of organization or reorganization without election if the landowners that have filed written protests representing less than 50% of the assessed value of the affected land.
 - If the affected territory is inhabited:
 - Terminate the change of organization or reorganization if 50% or more of the registered voters residing within the affected land have filed written protests; or
 - Order the change of organization or reorganization subject to an election if more than 25% but less than 50% of the registered voters residing within the affected land have filed written protests; or

- Order the change of organization or reorganization subject to an election if at least 25% of the number of landowners who also represent at least 25% of the assessed value of the affected land have filed written protests; or
 - Order the change of organization or reorganization without election if less than 25% of the registered voters have filed written protests or less than 25% of the number of landowners representing less than 25% of the assessed value of the affected land have filed written protests.
 - If the affected territory is inhabited and a landowner-voter district:
 - Terminate the change of organization or reorganization if 50% or more of the voting power of the eligible voters have filed written protests.
- 3) If the Commission terminates the change of organization or reorganization, the Executive Officer shall prepare a Certificate of Termination of Proceedings.
 - 4) If the Commission orders a change of organization or reorganization without election, the Executive Officer shall prepare a Certificate of Completion.
 - 5) 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 voters.
 - Prepare a Certificate of Termination of Proceedings for the change of organization or reorganization if disapproved by voters.