

# CONTRA COSTA LAFCO

## 3.5 District Annexations and Detachments

### Initiation of Proceedings

Proceedings for annexation to or detachment from a district may be initiated by petition or by resolution of the governing body of any affected county, city, district or school district (56650). In addition, a LAFCO application is required.

#### 1. Initiation by Petition:

##### A. A petition of application shall do all of the following (56700):

- (1) State that the proposal is made pursuant to this part;
- (2) State the nature of the proposal and list all proposed annexations and/or detachments;
- (3) Set forth a description of the boundaries of the affected territory accompanied by a map showing the boundaries;
- (4) Set forth any proposed terms and conditions;
- (5) State the reason or reasons for the proposal;
- (6) State whether the petition is signed by registered voters or owners of land;
- (7) Designate no more than three persons as chief petitioners, setting forth their names and mailing addresses;
- (8) Request that LAFCO consider this proposal pursuant to the Cortese-Knox-Hertzberg Act; and
- (9) State whether the proposal is consistent with the spheres of influence of any affected city or district.

##### B. Signature Requirements (56864):

- (1) **Registered-voter district** (a district whose principal act provides that registered voters residing within the district are entitled to vote) petitions for annexation or detachment shall be signed by: (a) not less than 25% of the registered voters within the territory to be annexed or detached; or not less than 25% of the number of landowners who own not less than 25% of the assessed value of land within such territory.
- (2) **Landowner-voter district** (a district whose principal act provides that owners of land within the district are entitled to vote) petitions for annexation or detachment shall be signed by not less than 25% of the number of landowners who own not less than 25% of the assessed value of land.

2. Initiation by Resolution (56654):

An adopted resolution of application by the legislative body of any affected county, city, special district or school district shall contain all the matters required in the petition except for signers and signatures.

3. Boundaries

Boundary descriptions of territory included in any proposal shall be definite and certain. If the Commission requires modifications (additions/deletions) to the subject territory, it may direct the County Surveyor to prepare a new boundary description. Boundaries that split lines of assessment or legal parcel lines, or create islands, strips, or corridors are discouraged. Boundaries which follow existing political boundaries and natural or manmade features such as rivers, lakes, railroad tracks, roads and freeways are preferred. Boundary lines of areas proposed for annexation, which include, where possible, land abutting both sides of a given street or right of way within the same entity are favored. When a boundary must follow a street or highway, the boundary will include the complete right of way for the entire street or highway.

### **Commission Proceedings**

The Commission shall consider factors pursuant to sections 56668, 56668.3 and 56668.5 in its review of a district boundary change proposal.

If a proposal is submitted for a district annexation or a reorganization that includes a district annexation and the proposal was not initiated by the affected district, the proposal will be placed on the next Commission agenda for information purposes and a copy of the proposal shall be forwarded to districts to which annexation is proposed. Within 60 days after the proposal is included on the Commission agenda, any district to which annexation is proposed may adopt and transmit to the Commission a resolution requesting termination of proceedings. If such a resolution is adopted and transmitted within the prescribed timeframe, proceedings shall be terminated (56857).

LAFCO may approve, modify, or deny a proposal. If approved, the Commission may also adopt terms and conditions for the annexation or detachment. For example, an annexation can be conditioned on including additional parcels to avoid the creation of irregular boundaries or islands. Then the proposal is scheduled for a conducting authority hearing where no further modifications may be made. The Commission is the conducting authority for a district annexation or detachment (56029).

### **Special Provision for Special Districts that Furnish Gas or Electric Service (56129)**

Districts cannot furnish gas or electric service within a service area for which a public utility has been granted a certificate of public convenience until an election is held on the question of the change of organization or the question of the gas and electric service has been called after the completion of proceedings for the change of organization.

### **Conducting Authority (Protest) Proceedings**

1. Within 35 days following the adoption of the Commission's resolution making determinations, and following the reconsideration period specified in 56895, the Commission shall set the proposal for a protest hearing and give notice of the hearing. The hearing shall not be less than 21 or more

than 60 days after the notice is given (57002). If authorized by LAFCO pursuant to 56662, the proposal may be approved by resolution of the conducting authority without notice, hearing, and election (57002).

2. Proceedings shall be terminated if written protests are filed and not withdrawn prior to the conclusion of the hearing by:
  - A. In the case of uninhabited territory, landowners owning 50% or more of the assessed value of land; or
  - B. In the case of inhabited territory, 50% or more of the voting power of voters residing in the territory (57078).
3. If no majority protest is filed, the Commission shall order the annexation or detachment either without or subject to an election. An election may only be waived under any of the following circumstances:
  - A. In a registered-voter district, if inhabited and protests are filed by less than 25% of the voters, or less than 25% of the number of landowners owning less than 25% of the assessed value of land within the affected territory (57075).
  - B. In a landowner-voter district, if protests are filed by less than 25% of the number of landowners owning less than 25% of the assessed value of the land, or less than 25% of the voting power of landowner voters entitled to vote as a result of owning property within the territory (57076).
  - C. The Commission has waived election requirements pursuant to the provisions of Section 56662 (57002).
4. Pursuant to Section 56876, the Commission may order the election to be held only:
  - A. Within the territory; or
  - B. Within both the territory and all or part of the district outside of such territory.

### **Election and Completion of Proceedings**

1. After the election, the Commission shall adopt a resolution confirming the order of the change of organization if a majority of the votes cast are in favor in either of the following circumstances (57176):
  - A. At an election called in the affected territory; or
  - B. At an election called within the affected territory and within the territory of the affected agency.
2. A resolution ordering an annexation or detachment shall describe the exterior boundaries of the territory annexed or detached, and shall contain all terms and conditions imposed upon such annexation or detachment (57100).
3. For the purpose of any action to determine or contest the validity of an annexation or detachment, the annexation or detachment shall be deemed to be completed and in existence upon the date of execution of the Certificate of Completion (56102).

4. If no effective date has been fixed in any of the terms and conditions, the effective date shall be the date of recordation by the County Recorder (57202).