

# CONTRA COSTA LAFCO

## 3.7 LAFCO-Initiated Proposals

LAFCOs are authorized to initiate certain proposals for changes in local government organization if the proposals are consistent with recommendations or conclusions of a sphere of influence (SOI) study or other study prepared by the Commission (56378, 56425, or 56430). LAFCOs are authorized to initiate proposals for consolidation of special districts, dissolution of special districts, mergers of special districts, establishment of special districts as subsidiary districts to cities, or reorganizations that include any of the preceding changes of organization.

### **Sphere of Influence Study or Special Study**

1. An SOI Study or a Special Study may be initiated by LAFCO. The Commission will also consider requests to conduct an SOI or a Special Study from affected public agencies, interest groups or individuals. Petitioners must provide justification for requesting a study and submit a related processing fee.
2. Affected agencies will be notified in writing of an impending SOI Study or Special Study.
3. An SOI Study or Special Study will be scheduled for consideration by the Commission at a noticed public hearing.
4. An SOI or Special Study conducted by LAFCO shall include, but not be limited to, the following information:
  - A. A description of the subject agency(ies), the agency(ies) SOI(s) and the services provided by the agency(ies);
  - B. Current and future need for the services provided by the subject agency(ies);
  - C. Alternative means of providing services (e.g., change in governmental organization or functional realignment of services);
  - D. Fiscal and other analyses of existing and alternative means of providing services;
  - E. Discussion of past reorganization efforts;

- F. Information identified in a municipal service review conducted in conjunction with the adoption or update of an SOI; and
- G. Comments from affected public agencies and interested parties.

### **LAFCO Initiated Change of Organization/Reorganization**

1. If a determination is made to initiate a change of organization or reorganization, the Commission will adopt a resolution of application that describes the proposal.
2. Where the change of organization or reorganization affects more than one subject agency, the Commission may decide to utilize a reorganization committee (56827) to review the proposal and may determine the composition of the committee. The reorganization committee will determine rules for voting and selection of a committee chair and other administrative procedures and also determine areas of study. The Executive Officer will provide staff support to the reorganization committee. The reorganization committee may provide recommendations to the Commission that will be incorporated into the Executive Officer's report.
3. A LAFCO-initiated proposal will be considered to be submitted on the date the LAFCO resolution of application is adopted.
4. Affected agencies will be given 60 days from the date of the Commission resolution of application to submit a resolution proposing a change of organization or reorganization substantially similar to the Commission proposal. The Commission shall not approve a proposal for consolidation of districts, dissolution, merger, or establishment of a subsidiary district, or a reorganization that includes any of these changes of organization until it has considered any other change of organization which conflicts with the subject proposal and which was submitted to the Commission within 60 days of the submission of the subject proposal (56657).
5. If, within 60 days, an affected agency submits a resolution proposing a change of organization or reorganization substantially similar to the LAFCO-initiated action, LAFCO will process the affected agency proposal in accordance with the statute and local LAFCO policies.

### **Public Hearing**

1. The Commission will consider the Executive Officer's report and recommendation at a noticed public hearing. At the hearing, the Commission

may adopt a resolution denying, modifying, or approving the proposed change of organization or reorganization.

2. Prior to approving a LAFCO-initiated proposal, the Commission must: (A) consider any conflicting change of organization or reorganization proposal that was submitted within 60 days from submission of the LAFCO-initiated proposal (56655); (B) find that public service costs are likely to be less than, or substantially similar to, the costs of alternative means of providing the service (56881(b)(1)); and (C) find that the change of organization promotes public access and accountability for community service needs and financial resources (56881(b)(2)).
3. If a LAFCO-initiated proposal is approved, the Commission will order the change of organization or reorganization pursuant to 57113. However, the Commission shall not order a merger or establishment of a subsidiary district without the consent of the subject city (57107(c)).
4. If a LAFCO-initiated proposal is denied, the Commission may not initiate a substantially similar proposal for one year. The Commission may waive this prohibition if it finds this requirement is detrimental to the public interest (56884).

### **Conducting Authority Proceedings**

1. For any proposal initiated by the Commission, a protest hearing will be held in the affected territory (57008). The Commission shall order the change of organization or reorganization without an election provided that majority protest, or sufficient petitions requesting an election have not been filed. The Commission will order the change of organization or reorganization subject to an election if it finds either of the following (57113):
  - A. For **inhabited territory**, protests have been signed by either of the following:
    - (1) At least 10% of the number of landowners within any subject agency within the affected territory who own at least 10% of the assessed value of land within the territory (unless the number of landowners within the subject agency is less than 300, then the thresholds are 25%); **or**
    - (2) At least 10% of the voters entitled to vote as a result of residing within, or owning land within, any subject agency within the affected territory (unless there are less than 300 voters within the subject agency, then the threshold is 25%).

- B. For a landowner-voter district, that the territory is uninhabited and a protests have been signed by at least 10% of the number of landowners within any subject agency within the affected territory, owning at least 10% of the assessed value of land within the territory (unless the number of landowner-voters entitled to vote within the subject agency is less than 300, then the thresholds are 25%).