

## LAFCO PROTEST PROCEEDINGS – EFFECT OF PROTESTS

Most changes of organization or reorganization proceed in a three-step fashion: (1) application, (2) LAFCO decision, and (3) protest proceedings. The purpose of protest proceedings (also known as conducting authority proceedings) is to allow landowners or voters to have a say in whether the changes or organization or reorganization will proceed. The conducting authority-LAFCO-holds a hearing to receive protests. The number of protests determine whether LAFCO must terminate proceedings: approve the change, or approve the change subject to an election.

Registered-Voter Districts <sup>1</sup> or Cities Where the Only Changes of Organization or Reorganization Consist of Annexations, Detachments, or Formation of County Service Areas <sup>2</sup>		
	Inhabited	Uninhabited
Who May Protest	Any owner of land within the territory, or any registered voter residing within the territory may protest. Gov't Code § 57026(g)	Any owner of land within the territory may protest. Gov't Code § 57026(h)
Actions That Require Termination of Proceedings	Majority protest by •50% of the voters residing in the territory. Gov't Code §§ 57075(a)(1), 57078(b)	Majority protest by landowners owning •50% of the assessed value of the land within the territory. Gov't Code §§ 57075(b)(1), 57078(a)
Actions That Require Approval of Change Subject to Election	Election of voters residing in the affected territory if written protests from either: <ul style="list-style-type: none"> <li>•25% but &lt; 50% of registered voters residing within affected territory OR</li> <li>•25% of the number of owners of land who also own at least 25% of the assessed value of land within the affected territory. Gov't Code § 57075(a)(2)</li> </ul>	Not provided for
Actions That Require Approval of Change Without Election	Protests from: <ul style="list-style-type: none"> <li>&lt; 25% of registered voters OR</li> <li>&lt; 25% of the number of owners of land owning AND</li> <li>&lt; 25% of the assessed value of the land within the affected territory. Gov't Code § 57075(a)(3)</li> </ul>	Protests from owners of land who own < 50% of the total assessed value of the land within the affected territory. Gov't Code § 57075(b)(2)

Landowner-Voter Districts <sup>3</sup> Where the Only Changes of Organization or Reorganization Consist of Annexations and Detachments	
Who May Protest	The provisions of Government Code sections 57026(g) and (h) are written to apply to any protest hearing. These discuss the ability of registered voters and landowners to protest in inhabited territory, and only landowners to protest in uninhabited territory. However, the provisions specifically related to protests in landowner-voter districts, noted below, do not distinguish between inhabited and uninhabited territory, and indicate that only those who hold voting power are entitled to protest.
Actions That Require Termination of Proceedings	Majority protest by •50% of the voters entitled to vote as a result of owning land within the district. (Note that the reference is to the district, not just the affected territory.) Gov't Code §§ 57076(a), 57078(c)
Actions That Require Approval of Change Subject to Election	Election within affected territory if protests from: <ul style="list-style-type: none"> <li>•25% of the number of owners of land who also own •25% of the assessed value of land within the territory OR</li> <li>•25% of the voting power of landowner voters entitled to vote as a result of owning property within the territory. Gov't Code § 57076(b)</li> </ul>
Actions That Require Approval of Change Without Election	Protests from < 25% of the number of owners of land who own < 25% of the assessed value of land within the affected territory. Gov't Code § 57076(c)

<sup>1</sup> Registered-voter district means a district whose principal act provides that registered voters residing within the district are entitled to vote for the election of district officers, incurring of bonded indebtedness, or any other district matter. Gov't Code § 56072.

<sup>2</sup> Does not include inhabited territory that is proposed to be annexed to a city with more than 100,000 residents and that is located in a county with a population of more than 4 million. Gov't Code § 57075.5.

<sup>3</sup> Landowner-voter district means a district whose principal act provides that owners of land within the district are entitled to vote upon the election of district officers, the incurring of bonded indebtedness, or any other district matter. Gov't Code § 56050.