

**MARIN LOCAL AGENCY FORMATION COMMISSION**

RESOLUTION NO. 01-05

**RESOLUTION FOR ADOPTION OF POLICY  
INCLUDING NOTICE, HEARING AND ELECTION**

*"Policy and Procedure for Protest Hearings Held by LAFCO Staff"*

**WHEREAS**, the Commission wishes to expedite the processing of proposals for changes to boundaries of local government agencies in the County of Marin as filed with the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

**WHEREAS**, the Cortese-Knox-Hertzberg Act of 2000 in Government Code Section 57000(c) provides for the Commission to delegate the authority to the executive officer to conduct protest hearings pursuant to those provisions which are applicable to the proposal and the territory contained in the proposal as it is approved by the Commission;

**NOW THEREFORE**, the Marin Local Agency Formation **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

The Executive Officer shall be authorized conduct protest hearings in accordance with Government Code Section 57000 et seq. and as provided in Exhibit A, "Policy and Procedure for Protest Hearings Held by LAFCO Staff".

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on this 8<sup>th</sup> day of March, 2001 by the following vote:

AYES:

NOES:

ABSENT:

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JEFFRY BLANCHFIELD, Chairperson

ATTEST:

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PETER V. BANNING, Executive Officer

**Policy and Procedures for  
Protest (Conducting Authority) Hearings**

**Legislative Authority**

California Government Code Section 57000 et seq. provides a forum and a process for protest of resolutions adopted by LAFCO approving changes to local government boundaries or organization.

**Purpose**

By adopting this policy, the Commission intends to assign to its staff responsibility for a non-discretionary portion of the process for changes of local government boundaries. The purposes of delegating responsibility for holding protest hearings to staff are to increase the Commission's flexibility to expedite protest hearings and evaluate protest petitions without extending the length of regular Commission meetings to include non-discretionary matters.

**Policy**

It is the policy of Marin Local Agency Formation Commission to delegate the responsibility for conducting protest hearings to its executive officer as provided under Government Code Section 57000(c).

**Procedure for Conducting Authority Hearings**

1. Within 35 days of LAFCOs adoption of a resolution making determinations, the executive officer shall give notice of the time and place of the protest hearing by mail, publication and posting as required by Government Code Sections 57025 and 57026. The date of the protest hearing shall be set for no less than 15 and no more than 60 days from the date that notice is given.
2. Landowners or registered voters may submit written protest to the executive officer at any time between the date of the notice of hearing to the conclusion of the hearing.
3. A protest petition or other written protest must utilize one of the two petition forms adopted as part of this policy (for property owners or registered voters, attached) or contain all of the statements and information included on the attached forms.

4. At the protest hearing, the executive officer will summarize the action taken by LAFCO in its resolution making determinations. The executive officer shall provide reasonable time to hear and receive any oral or written protests, objections or other evidence as provided in Government Code Section 57051.
5. The protest hearing may be continued for up to 60 days.
6. Written protest may be withdrawn at any time prior to the conclusion of the protest hearing.
7. Upon conclusion of the protest hearing, the executive officer shall determine the value of the written protests filed and not withdrawn as specified under Sections 57075 through 57052 and prepare a report to the Commission.
8. Within 30 days of the protest hearing, The Commission shall adopt a resolution making findings of the value of protest and taking action to complete or terminate the proposal or to request that the County Board of Supervisors or a city council call an election. The Commission's action shall be determined by the value of the protest and Government Code Sections 57075 through 57087.3 as applicable.

Drafted: January 25, 2001  
Adopted: March 8, 2001  
Reviewed:  
Revised: