

## DEL RIO WOODS RECREATION AND PARK DISTRICT

### Proposed Process for Dissolution

(Updated July 1, 2015)

The formation, reorganization and dissolution of special districts in California is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov Code sections 56000 et seq.) ("the Act"). The Act is designed to ensure orderly community development and logical local agency boundaries and services. The Act sets forth required procedures for any change in local agency boundaries, including formation, reorganization and dissolution, and provides that all such changes are subject to the review and approval of the Local Agency Formation Commission in the affected county.

The proposed dissolution of the Del Rio Wood Recreation and Park District is subject to the Act and thus will require review and approval by the Local Agency Formation Commission of the County of Sonoma ("LAFCO" or "the Commission"). Although the Act provides several avenues for the dissolution of a district, it appears most likely here that the process would be initiated and pursued by the County, as the affected local agency and potential successor. The following is a summary of the key steps in that process.

#### A. County resolution and application.

- The County's Board of Supervisors adopts a "resolution of application" for a "change of organization" to be submitted to LAFCO for its consideration. (Gov Code §§ 56650, 56654.)
  - The required contents for the resolution are set forth in state law, in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("the Act") and include such matters as description of the boundaries of the district, the reasons for the dissolution, any terms and conditions, designation of the successor, etc. (Gov Code §56654, 56700.)
  - We anticipate that Regional Parks would prepare the Board agenda packet.
  - The County may, in its discretion, give notice to affected agencies of its intent to adopt the resolution of application. (Gov Code §56654(c).)
- The County submits the application to LAFCO's executive officer. (Gov Code §56658.)
  - The application would include the Board's resolution, as well as a plan for providing park services within the Del Rio Woods District territory, upon dissolution. (Gov Code §56653.) The plan would include, among other things, a description of the services to be provided, any improvements to be made, and how the services will be financed.
  - The County would be the Lead Agency for purposes of environmental review under to CEQA. LAFCO would be a Responsible Agency.

DEL RIO WOODS RECREATION AND PARK DISTRICT

Proposed Process for Dissolution

(Updated July 1, 2015)

B. LAFCO processes the application.

- The LAFCO executive officer provides notice to affected agencies (optional, if previously given by the County) and reviews the application for completeness. (Gov Code §56658.)
  - The executive officer must determine whether the application is complete, within 30 days of the filing of the application. ((Gov Code §56658(c).)
- Once the executive officer determines the application is complete, he accepts the application for filing, issues a “certificate of filing,” and sets a date for a public hearing. (Gov Code §56658(f) and (h).)
  - The hearing must take place within 90 days of the issuance of the certificate of filing. (Gov Code §56658(h).)
  - Not less than 21 days prior to the public hearing on the proposal, notice will be published in a newspaper of general circulation, posted on the Commission’s website and posted near the Commission’s meeting room. The executive officer will provide mailed notice of the hearing to affected local agencies, to all owners of land within the District, to all registered voters residing within the District, and to both owners of land and registered voters who reside within 300 feet of the outside boundary of the District. (Gov Code §§56661, 56157.)
  - The executive officer will prepare a report analyzing the application and responding to the factors in the statute that the Commission must consider (Gov Code §56668). The executive officer will include in the report his recommendation and, possibly, an alternate recommendation. The report is to be made available at least 5 days before the date of the hearing. (Gov Code §56665.)

C. LAFCO hearing and determination.

- A public hearing on the application is held before the Commission. (Gov Code §56666.) Note, the Commission generally meets once a month.
  - The Act outlines the factors for the Commission to consider. (Gov Code §56668.)
- Within 35 days of the date of the hearing, the Commission must adopt a resolution setting forth its determinations. (Gov Code §56880.)
  - The Commission may approve, approve with conditions, or disapprove the proposal and the plan for dissolution. The Commission may impose

## DEL RIO WOODS RECREATION AND PARK DISTRICT

### Proposed Process for Dissolution

(Updated July 1, 2015)

conditions as it deems appropriate and in compliance with the Act. (See, e.g., Gov Code §§ 56880, 56885.5, 56886.)

#### D. Protest proceedings.

- If the Commission approves the application, and unless the Commission has written evidence that all landowners and registered voters consent to the proposal to dissolve the District, the LAFCO executive officer will initiate protest proceedings. (The protest proceedings give the landowners and registered voters the opportunity to voice their support or opposition to on the dissolution, should they so desire.
  - Within 35 days of the Commission's approval of the application, the executive officer will set the matter for protest hearing and send notice to all landowners and registered voters within the District. The notice will be published in a newspaper of general circulation and posted on the Commission's website and at the Commission's meeting room. (Gov Code §§57002, 57025.)
  - The protest hearing is to take place no sooner than 21 days and no later than 60 days after the date the notice is given. (Gov Code §57002.)

The protest hearing is held before the Commission at a regular Commission meeting. (Gov Code §57050.)

The proposal is considered approved and dissolution of the District would go forward unless one of the following situations occurs:

- There is a majority protest, i.e., if protests are filed by 50 percent or more of the registered voters residing within the District, the proposal is terminated (Gov Code §57078). No substantially similar proposal for a change of organization of the same or substantially the same territory may be filed with the Commission within one year. (Gov Code § 57090.)
- Protests are filed by at least 25% of the registered voters residing or owning land in the District or by at least 25% of the number of landowners who own at least 25% of the assessed value of land within the District. In this case, the Commission's order dissolving the District must be confirmed by a vote of registered voters within the District (§57077.1(a) and (b)).

#### E. Election (Gov Code §§ 57125 -57179.)

- When the Commission determines that an election is necessary, it informs the Board of Supervisors and the County Registrar of Voters. Within 45 days of notification the Board directs the Registrar to conduct the election. The Board is also responsible for calling for and giving notice of the election; fixing the date of the election; and directing the elections official to provide for the canvass of returns.

DEL RIO WOODS RECREATION AND PARK DISTRICT

Proposed Process for Dissolution

(Updated July 1, 2015)

- The earliest that an election could be held would be 88 days after the date on which the resolution calling for the election was adopted.
- The election can be conducted by mail ballot or at an election precinct subject to restrictions in state law.
- LAFCO provides an impartial analysis of the proposed dissolution; written arguments in favor and in opposition are allowed.
- The canvass of ballots is conducted pursuant to the State Elections Code. Only registered voters residing within the District can vote; owners of property who do not reside within the District and residents who are not registered voters cannot vote.
- The outcome of the election is determined by majority vote of those participating in the election. If the majority votes in favor of dissolution, the Commission's order is confirmed and a certificate of completion is executed. If a majority opposes dissolution, a certificate of termination follows.
- Expenses incurred in conducting the election would be paid for from District funds.

E. Dissolution.

- Upon the effective date of the dissolution, the County would be the successor for purposes of winding up the affairs of the District. All of the District's assets and liabilities would be vested in the County. (Gov Code §§57450 et seq.)