

POLICY FOR THE CONDUCT OF PROTEST HEARINGS

1. Authority to Conduct Protest Hearings

Pursuant to Title 5, Division 3, Part 4 of the California Government Code (commencing with section 57000), the Commission shall conduct all protest hearings and take all other actions required of it to complete proceedings for changes of organization or reorganization, unless the Commission, in its discretion, delegates to the Executive Officer authority to conduct protest hearings consistent with the provisions of this policy.

2. Delegation at Time of Adoption of Resolution Making Determinations

Each time the Commission adopts a resolution making determinations approving, with or without conditions, a change of organization or reorganization, the Commission shall also determine whether to conduct the protest hearing itself or delegate to the Executive Officer authority to conduct the protest hearing. Such a decision of the Commission may be made upon recommendation of the Executive Officer or by motion of a Commission member.

3. Delegation to Executive Officer of Authority to Conduct Protest Hearing

If the Commission delegates to the Executive Officer the authority to conduct a protest hearing for an approved change of organization or reorganization, the Executive Officer shall conduct the protest hearing in accordance with Government Code section 57000, *et seq.*, and the following:

- a. The protest hearing shall be held in a location open to the public and suitable for the conduct of a public hearing;
- b. The Executive Officer shall provide each Commission member and alternate written notice of the date, time and location of all protest hearings and any continuances thereof;
- c. The Executive Officer shall be the hearing officer for the protest hearing;
- d. The Executive Officer shall conduct the protest hearing consistent with the manner in which the Commission conducts public hearings;

Attachment A

- e. At the protest hearing the Executive Officer shall hear and receive any oral or written protest, objection or evidence which is made, presented, or filed, and accept the withdrawal of any protest prior to the close of the hearing;
 - f. The Executive Officer shall cause a record to be made of the protest hearing, and shall preserve as part of the record all written protests, objections and evidence presented or filed at the protest hearing;
 - g. After the protest hearing, the Executive Officer shall cause the protests filed and not withdrawn to be reviewed in accordance with the requirements of Government Code section 57052;
 - h. The Executive Officer shall prepare a report to the Commission setting forth the value of the protests filed and not withdrawn, as determined by the Government Code section 57052 review, and recommending to the Commission the adoption of a resolution in conformity with the outcome of the protest hearing and consistent with requirements of Government Code section 57000, *et seq.*; and
 - i. The Executive Officer shall present the report and a draft resolution to the Commission for its consideration at the next regularly scheduled Commission meeting.
4. Commission Action with Respect to Protest Hearings Conducted by Executive Officer

The Commission may accept or reject the Executive Officer's recommendations, or make modifications to the Executive Officer's recommendations based upon review of the protest hearing record. The Commission may take any other actions prescribed by Government Code section 57000, *et seq.*, for completion of proceedings for a change of organization or reorganization.

5. Limitation on Delegation of Authority to Executive Officer

Except as expressly provided for herein, the Commission shall retain all of its authority pursuant to Government Code section 57000, *et seq.* This policy, however, in no way limits the Commission's ability to expressly delegate other tasks to the Executive Officer to the extent such delegation is authorized by the Government Code.