

Written Protests Valuation Policy
(Adopted on November 19, 2014)

1. Receipt of Written Protests:

Immediately upon receipt, LAFCO staff shall write the date and time on all written protests.

With respect to the counting of written protests, and provided that said written protest is received prior to the time certain that the Commission concludes the specified protest hearing, LAFCO will count all written protests which are received, and not withdrawn, via any of the following:

- U.S. mail received at LAFCO's office by 5:00 p.m. on the business day preceding the protest hearing date; or
- Courier delivery (FedEx, UPS, or similar delivery service) received at LAFCO's office by 5:00 p.m. on the business day preceding the protest hearing date; or
- Facsimile (fax) transmission, received at LAFCO's office by 5:00 p.m. on the business day preceding the protest hearing date; or
- Electronic mail (e-mail) transmission, received at LAFCO's office by 5:00 p.m. on the business day preceding the protest hearing date; or
- Hand-delivered to LAFCO's office by the protesting party or his or her duly-authorized representative received at LAFCO's office by 5:00 p.m. on the business day preceding the protest hearing date; or
- Hand-delivered to the Commission and/or staff, at the noticed protest meeting of the Commission, by the protesting party or his or her duly-authorized representative, on the protest hearing date and prior to the closing of the protest hearing by the Commission Chair or Acting Chair.

LAFCO will not count written protests which are received:

- Bearing a date prior to the date of publication of the protest hearing notice; or
- Delivered to the Commission and/or staff after the closing of the protest hearing by the Commission Chair or Acting Chair.

For purposes of valuing written protests only, any reference in this policy and in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to the close of the protest hearing will be construed to mean the close of the final protest hearing, meaning that any continuance of the protest hearing pursuant to Government Code Section 57050(a) will extend the time during which written protests will be accepted.

2. **Registered Voter Protest:**

Data obtained from the Los Angeles County Registrar-Recorder-County Clerk (“RRCC”) shall determine the total number of registered voters within the boundaries of the affected territory at the time of the noticed protest hearing.

For purposes of calculating registered voter protests, LAFCO shall calculate the applicable percentage thresholds based upon the data obtained from the RRCC.

LAFCO will count written protests which include all of the following required information:

- Address of the property, providing street and number or other designation sufficient to enable the place of residence to be ascertained; and
- Signature of the registered voter; and
- Date of signature, which must be within the period starting with the publication of the protest hearing notice and ending at the time of the closing of the protest hearing by the Commission Chair or Acting Chair.

LAFCO will not count written protests under any of the following circumstances:

- The address of the property, or other designation sufficient to enable the place of residence to be ascertained, is not provided; or
- The signature of the registered voter is not provided; or
- The date of signature is not provided; or
- The date of signature is prior to the date of publication of the protest hearing notice; or
- The date of signature is after the date of the closing of the protest hearing by the Commission Chair or Acting Chair; or
- The written protest is from a registered voter who is not registered to vote within the boundaries of the affected territory; or
- The written protest was not received consistent with the provisions in Section 1 (“Receipt of Written Protests”), above; or
- The individual who originally filed the protest withdraws his or her protest, in writing, within the time constraints identified herein; or
- Any protest which has been disqualified by the Los Angeles County Registrar-Recorder-County Clerk (RRCC), in the event that the Executive Officer refers registered voter protests to the RRCC.

LAFCO staff will count all valid written protests from registered voters to determine the valuation and outcome. The Executive Officer may, at his or her discretion, refer any registered voter written protests to the RRCC for verification.

3. Landowner Protest:

Data obtained from the Los Angeles County Assessor's current tax rolls shall determine the total number of landowners within the boundaries of the affected territory.

For purposes of identifying all land-owners, and for calculating landowner protests, LAFCO shall calculate the applicable percentage thresholds based upon current tax rolls and the assessed value of land obtained from the Los Angeles County Assessor.

LAFCO will count written protests which include all of the following required information:

- Address of the property, providing street and number or other designation sufficient to enable the location of the property within the affected territory to be ascertained; and
- Signature of the landowner; and
- The date of signature, which must be within the period starting with the publication of the protest hearing notice and ending at the time of the closing of the protest hearing by the Commission Chair or Acting Chair.

LAFCO will not count written protests under the following circumstances:

- The address of the property, or other designation sufficient to enable the location of the property within the affected territory to be ascertained, is not provided; or
- The signature of the landowner is not provided; or
- The date of signature is not provided; or
- The date of signature is prior to the date of publication of the protest hearing notice; or
- The date of signature is after the date of the closing of the protest hearing by the Commission Chair or Acting Chair;
- The written protest was not received consistent with the provisions in Section 1 ("Receipt of Written Protests"), above;
- The individual signing the written protest is different than the owner of record provided by the Assessor based upon the most recent assessment roll, subject to the requirements of the exception identified in Government Code Section 56710(c); or

- The individual who originally filed the protest withdraws his or her protest, in writing, within the time constraints identified herein.

For those properties which are exempt from taxation owned by a public agency, the valuation shall be determined consistent with Government Code Section 56710(a).

For those properties held in joint tenancy or tenancy in common, the valuation shall be determined consistent with Government Code Section 56710(b).

4. All protests in writing

While oral testimony will be considered by the Commission, said testimony will not have any effect on the valuation of protests. Under state law, and this policy, it is only written protests, not later withdrawn in writing, if applicable, that count.

5. Outcomes:

Government Code Sections 57075 through 57077.4 describe whether the Commission considers written protests from registered voters, landowners, or both. Based on the valuation of the applicable protests, these sections dictate which of the following actions the Commission must take:

- Terminate the proceedings; or
- Order the change of organization or reorganization subject to an election; or
- Order the change of organization or reorganization without an election.

6. Results:

The Commission may announce results at the conclusion of the protest hearing, or, in the alternative, may postpone the announcement to a future meeting if LAFCO staff needs time to verify and value written protests.