

February 4, 2016

Local Agency Formation Commission  
105 East Anapamu Street  
Santa Barbara CA 93101

Consider Results of the Consider Results of the Santa Rita Hills Community  
Services District Dissolution Protest Hearing

Dear Members of the Commission

## RECOMMENDATION

- 1) It is recommended that the Commission Terminate Dissolution Proceedings.

## DISCUSSION

At the November 5, 2015 meeting, the Commission adopted a resolution to initiate the Dissolution of the Santa Rita Hills Community Services District (SRHCSD). The next step in the dissolution process was a protest hearing. Pursuant to Government Code Section 57000 (c), the Commission has designated the Executive Officer to perform protest hearings.

The Executive Officer held the noticed protest hearing on Thursday, January 14, 2016, at 11:00 a.m. in the Lompoc City Council Chambers, City Hall, 100 Civic Center Plaza, Lompoc, CA, 93438. Government Code Section 57008 states that for any proposal initiated by the commission pursuant to subdivision (a) of Section 56375, the commission shall hold a public protest hearing in the affected territory. However, because of the remoteness of the area, and to allow access pursuant to the American with Disabilities Act, staff decided to hold the protest hearing in an accessible public building in close proximity to the SRHCSD.

Before the close of the protest hearing the Executive Officer received written protests from landowners totaling 61.45%.

**Government Code Section 57078 states as follows: In the case of any reorganization or change of organization, a majority protest shall be deemed to exist and the proposed change of organization or reorganization shall be terminated if the commission finds that written protests filed and not withdrawn prior to the conclusion of the hearing represent any of the following:**

- (a) In the case of uninhabited territory, landowners owning 50 percent or more of the assessed value of the land within the territory.

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Staff received one letter at the protest hearing from E. Patrick Morris (attached).

Please contact the LAFCO office if you have any questions.

Sincerely,



PAUL HOOD  
Executive Officer

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# LAW OFFICES OF E. PATRICK MORRIS

A PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS AT LAW

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1/14/16

**VIA HAND DELIVERY AT Lompoc City Council Chambers, City Hall, 100 Civic Center Plaza, Lompoc, California 93438**

Doreen Farr, County Member, Chair  
Craig Geyer, Special District Member & Vice chair  
Janet Wolf, County Member  
Roger Aceves, City Member  
Jeff Moorhouse, Special District Member  
Roger Welt, Public Member  
Bob Orach, City Member  
Paul Hood, Executive Officer  
William Dillon, Office of County Counsel  
SBLAFCO  
105 E. Anapamu Street  
Santa Barbara, CA 93101

Re: Objection to "Notice of Protest Hearing" and Conduct of Protest Hearing,  
SBLAFCO 15-05

Dear Madame Chair, Members of the Commission, Mr. Dillon, and Mr. Hood:

By this communication, John, Paul, Peter, Mark, and Laura Cargasacchi, all of whom are landowners within the Santa Rita Hills Community Services District, and Peter Cargasacchi also being a legally registered voter therein, object to the Commission holding the public protest hearing regarding SBLAFCO Resolution 15-05, scheduled for January 14, 2015 at 11:00 a.m. at the Lompoc City Council Chambers, City Hall, 100 Civic Center Plaza, Lompoc, California 93438, as noticed by "Paul Hood, Executive Officer, Santa Barbara LAFCO."


Such hearing fails to comply with Government Code §57008. Government Code Section 57008 requires that such a hearing be noticed for, and be held "in the affected territory" of the dissolution. In this instance, that "territory" is located only within the boundaries of the Santa Rita Hills Community Services District as defined in SBLAFCO Resolution 03-13 (See Exhibit "A" to SBLAFCO 03-13). Government Code §57008 does not provide for such a hearing at the place noticed for this protest hearing; which is well outside the "affected territory."

The noticed place of the protest hearing being outside of the affected territory as required by law, this proceeding has not been properly noticed, nor can it legally be convened, and no action can be taken as a result thereof.

By this communication, none of the persons presenting this objection waives any right, privilege, claim, remedy, and or defense, all of which are expressly reserved hereby.

Very truly yours,

**LAW OFFICES OF E. PATRICK MORRIS**



E. Patrick Morris, Esq.

Cc: Clients

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