

September 7, 2017 (Agenda)

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

Resolution Acknowledging the Results of the Los Olivos Community Services District Protest Hearing and Directing the Board of Supervisors to Direct County Elections to Conduct the Necessary Elections on Behalf of the Proposed District

Dear Members of the Commission

RECOMMENDATION

Recommend Approval of the Resolution.

DISCUSSION

Protest Hearing:

County Elections documented the results of the June 21, 2017 Protest Hearing held for the Formation of the Los Olivos Community Services District.

There were 80 valid protests filed out of 488 registered voters, or 16.39 percent. Termination of proceedings requires 50 percent of more registered voter protest. Therefore, the protests were insufficient to terminate proceedings.

Calling for an Election:

Following the results of the protest hearing, Government Code Section 61014 (e) states that:

(e) Notwithstanding Section 57075, the local agency formation commission shall take one of the following actions:

(1) If a majority protest exists in accordance with Section 57078, the commission shall terminate proceedings.

(2) If no majority protest exists, the commission shall do either of the following:

(A) Order the formation subject to the approval by the voters.

(B) Order the formation subject to the approval by the voters of a special tax or the approval by the property owners of a special benefit assessment, pursuant to subdivision (c).

(f) If the local agency formation commission orders the formation of a district pursuant to paragraph (2) of subdivision (e), the commission shall direct the board of supervisors to direct county officials to conduct the necessary elections on behalf of the proposed district.

Resolution Calling for an Election:

With respect to Government Code Section 61014 (e) (2)(B) the Commission is required to “direct the board of supervisors to direct county officials to conduct the necessary elections on behalf of the proposed district.” The attached resolution (**Exhibit A**) directs the board of supervisors to direct county officials to conduct the necessary elections on behalf of the proposed district.

Next Steps:

The formation matter will return to the Commission after the formation election is set by the Board of Supervisors. The Ballot Measure, the Impartial Analysis, and requirements for Candidate Statements, will be presented to the Commission at a future meeting.

EXHIBIT:

Exhibit A Resolution Acknowledging the Results of the Los Olivos Community Services District Protest Hearing and Directing the Board of Supervisors to Direct County Elections to Conduct the Necessary Elections on Behalf of the Proposed District

Please contact the LAFCO office if you have any questions.

Sincerely,



PAUL HOOD
Executive Officer

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

IN THE MATTER OF THE LOS OLIVOS COMMUNITY SERVICES DISTRICT --
ACKNOWLEDGEMENT OF RESULTS OF THE PROTEST HEARING AND DIRECTING
THE BOARD OF SUPERVISORS TO DIRECT COUNTY ELECTIONS TO CONDUCT THE
NECESSARY ELECTIONS ON BEHALF OF THE PROPOSED DISTRICT

RECITALS

Whereas, on April 13, 2017, the Commission approved the formation of the proposed Los Olivos Community Services District for the purpose of providing a funding mechanism for the building and operation of facilities necessary to collect, treat, and dispose of sewage, wastewater, recycled water, and storm water in the unincorporated territory known as the Los Olivos Community subject to the terms and conditions specified in Commission Resolution 17-04.

Whereas, pursuant to Government Code section 57002 the Executive Officer conducted a protest hearing on June 21, 2017 regarding the formation of the proposed Los Olivos Community Services District.

Whereas, the Executive Director has caused the names on the protest forms to be compared with the voters' register in the office of the registrar of voters and ascertained the value of the protests filed and not withdrawn and found that there were 80 valid protests against the formation of the proposed Los Olivos Community Services District and that there were 488 registered voters residing in the proposed formation area at the close of business on June 21, 2017.

Whereas, on August 3, 2017, the Executive Officer reported to the Commission that a majority protest to the formation of the Los Olivos Community Services District did not exist.

NOW, THEREFORE, THE COMMISSION HEREBY RESSOLVES AS FOLLOWS:

1. Pursuant to Government Code section 61014(e)(2), the Commission hereby orders the formation of the Los Olivos Community Services District and the special tax be subject to the approval of the voters.

2. The affected territory is the unincorporated area of Santa Barbara County known as Los Olivos as shown on Exhibit A to the Staff Report for the Commission’s April 13, 2017 hearing, as modified by the Commission at that hearing.

3. The formation of the district shall be approved if a majority of the votes cast in the election vote “yes” for the formation and the special tax measure also passes.

4. The special tax shall be approved if two-thirds of the votes cast in the election vote “yes” in support of the imposition of the tax.

5. The Commission hereby directs the Board of Supervisors to direct County Election Officials to conduct the necessary elections on behalf of the proposed Los Olivos Community Services District including election of a board of directors.

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6. The Commission hereby approves the proposed ballot measure for the formation of the District and approval of the special tax as set forth in Attachment A.

PASSED AND ADOPTED by the Commission in Santa Barbara, California, on September 7, 2017 by the following vote:

AYES:

NOES:

ABSTAINS:

September 7, 2017

Date

Roger Aceves, Chair
Santa Barbara County Local Agency Formation Commission

ATTEST:

Jacquelyne Alexander, Clerk
Santa Barbara County Local Agency Formation Commission

Attachment A

BALLOT MEASURE – Formation of the Los Olivos Community Services District and Approval of a Special Tax.

Shall the order adopted on April 13, 2017 by the Local Agency Formation Commission of Santa Barbara County ordering the formation a community services district in the unincorporated territory known as Los Olivos be approved subject to the terms and conditions specified in the order including authorization of an annual special tax not to exceed \$200,000 which shall increase automatically each fiscal year thereafter by the percentage change in the Consumer Price Index?