

LAFCO

Santa Barbara Local Agency Formation Commission

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November 6, 2008 (Agenda)

Local Agency Formation Commission
105 East Anapamu Street, Room 403
Santa Barbara CA 93101

Authorize Executive Officer to Request Required Confirmation Elections

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission amend the Commissioner Handbook to direct the Executive Officer to request required confirmation elections.

DISCUSSION

Some boundary changes, following Commission approval, are subject to a protest hearing to determine whether they are (1) terminated due to a majority protest, (2) recorded due to lack of sufficient protest to require an election or (3) subject to a confirmation election.

The Commissioner Handbook, Rules and Procedures, Section 1 states:

The Commission delegates to the Executive Officer the responsibility to conduct protest hearings as provided for in Government Code §57000 (c) and to order a change of organization or reorganization that complies with Government Code Section 57075 (a)(3) or 57075(b)(2).

The purpose of this delegation is to increase scheduling flexibility and expedite boundary change procedures.

With regard to the actions taken following a protest hearing, Section 5 states:

Within thirty (30) days of the hearing the Executive Officer shall based on the value of protests filed either order the change, terminate the proposal or, when required, return the matter to the Commission to request the County or city to call and conduct an election.

The staff recommends that Section 5 be revised as follows:

Within thirty (30) days of the hearing the Executive Officer shall based on the value of protests filed either order the change, terminate the proposal or, ~~when required, return the matter to the Commission to~~ request the County or city to call and conduct an election.

This recommendation is based on recent experience with respect to calling confirmation elections for the South Coast Annexation to the Carpinteria Sanitary District and the Formation of the Santa Rita Hills Community Services District.

In both cases, under the current policy, the staff was required to place items on the Commission's monthly agenda to request the Board of Supervisors to call and conduct the elections. Yet the action to request an election is ministerial with no discretion to act otherwise.

The recommended change is consistent with the purpose of delegating the conduct of protest hearings to the staff, which is to increase scheduling flexibility, avoid extending Commission meetings for non-discretionary procedures and expedite the boundary change process.

The Commissioner Handbook, Rules and Procedures, Section 6 requires the Executive Officer to report at the Commission's next meeting the outcome of any protest hearings that are conducted. The requested change would include actions to request the Board of Supervisors or a city council to call and conduct a confirmation election.

Please contact the LAFCO office if you have any questions.

Very truly yours,

BOB BRAITMAN
Executive Officer