

LAFCO

Santa Barbara Local Agency Formation Commission

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March 5, 2009 (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

This item was continued from the November 6 meeting to allow the Commission's legal counsel to research the applicable code. Following his review he has no objection to the proposed policy amendment.

Some boundary changes, after the Commission approves them, 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, where no discretion is involved in the decision, is to allow greater scheduling flexibility and expedite boundary change procedures.

The staff is recommending that Rules and Procedures, 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. After taking any such action, the Executive Officer shall report the action taken to the Commission at its next regularly schedule meeting.

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 existing policy, staff was required following the protest hearing to place these items on the Commission's monthly agenda to request the Board of Supervisors to call and conduct the elections. Yet the action requesting an election is ministerial.

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.

Rules and Procedures, Section 6 already requires the Executive Officer to report at the next Commission meeting the outcome of any protest hearings that are conducted. The requested change would require the staff to report on any request to the County or a city to call and conduct a confirmation election.

Please contact the LAFCO office if you have any questions.

Very truly yours,

BOB BRAITMAN
Executive Officer