

LAFCO

Santa Barbara Local Agency Formation Commission

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September 4, 2003 (Agenda)

Local Agency Formation Commission

105 East Anapamu Street

Santa Barbara CA 93101

Authorize the Executive Officer to Order Boundary Changes Following Protest Hearings

Dear Members of the Commission

RECOMMENDATION

It is recommended the Commission authorize the Executive Officer to order boundary changes where insufficient protests are filed to terminate the change or cause an election to be called.

DISCUSSION

In October 2001 the Commission authorized the Executive Officer to conduct protest hearings if needed following LAFCO's approval of proposed boundary changes. The number of written protests received is the only factor in the outcome of such hearings.

Based on our experience over the past couple of years it is recommended that the Executive Officer be authorized, following such protest hearings, to order boundary changes where, in the case of uninhabited territory no majority protest is filed and, in the case of inhabited territory, written protests represent fewer than 25 percent of the registered voters and fewer than 25 percent of the landowners owning land within the affected territory.

This recommendation will expedite the boundary change process. Two protest hearings were conducted by the staff on July 21; insufficient written protests were filed to terminate either proceeding or cause an election to be called. With the authority that we are recommending the staff could have recorded the boundary changes immediately following the hearing. Instead the applicants needed to wait for the Commission to act at its next meeting.

The following amendment to the Commissioner Handbook is recommended. New language is **bold face**; language to be deleted is ~~crossed through~~.

RULES AND PROCEDURES – Section F - Conducting Authority Hearings

Section 1. 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).**

Section 2. The purpose is to increase scheduling flexibility, to avoid extending Commission meetings to conduct non-discretionary procedures and to expedite the boundary change process.

Section 3. The staff will comply with statutory requirements respecting noticing, scheduling and conducting protest hearings. At the conclusion of the hearing the Executive Officer shall determine the value of written protests filed and not withdrawn. ~~and prepare a report to the Commission.~~

Section 4. Within thirty (30) days of the hearing the ~~Executive Officer Commission~~ shall ~~determine~~ ~~adopt a resolution regarding~~ the value of protests filed and 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.

Section 5 The Executive Officer shall report to the Commission at its next meeting the outcome of any protest hearings that are conducted.

Please let me know if you have any questions.

Sincerely,

BOB BRAITMAN
Executive Officer