

February 7, 2002 (Agenda)

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

LAFCO 01-11 Countywide Unincorporated Annexation to the Santa Barbara Coastal Vector Control District

Dear Members of the Commission:

RECOMMENDATION

It is recommended that the Commission receive and file this report.

DISCUSSION

Due to the interest that this matter has generated the staff feels it would be useful to report on the procedures that have been followed regarding the annexation. No action is recommended since this matter is not before the Commission at this time.

Vector Management Task Force – 1992/1993

In April 1992 the Board of Supervisors authorized the formation of a task force to assess vector control needs and explore the ramifications of forming a VCD for the entire County, including the cities and the unincorporated area.

The draft report issued by the task force in May 1993 concluded that

Vector control services are an important but underfunded responsibility of local government. The most desirable method of providing and funding these services in the present fiscal environment is the establishment of a countywide vector control district with costs paid by a standard service charge imposed on all taxable parcels within the County.

It concluded further that the recommendations contained in the report are,

. . . based primarily on input from personal experienced in the field of vector control. Input from the cities has been very limited to this point. It is hoped that the report will provide the nucleus for a valuable, cost-effective program to serve the needs of all citizens and jurisdictions in Santa Barbara County.

In distributing the draft report in May 1993, Gary Erbeck, the County Director of Environmental Health Services, stated:

As the population of Santa Barbara County grows, it is increasingly exposed to animal and insect habitats, which in turn increases the potential for vectorborne disease.

Environmental Health Services is supportive of the task force's recommendation to pursue reliable funding for vector management through formation of a special district. If sufficient support exists, this Department would be interested in working closely with the cities and mosquito abatement districts toward formation of a comprehensive, countywide vector control district which meets the need of all concerned jurisdictions.

Annexation Denied without Prejudice - 1994

In 1993 the Commission received an application to annex the remainder of the unincorporated area to the Santa Barbara Coastal Vector Control District (hereafter "VCD").

On February 3, 1994 the Commission denied the annexation without prejudice, indicating it could be resubmitted at any time. County members of the Commission felt that further coordination with the County was needed prior to making an affirmative decision on the annexation.

Countywide District Sphere of Influence – 1996 and 1998

In 1996 the District proposed a sphere expansion to encompass the entire County except for the Carpinteria MAD. Letters received from the Cities of Lompoc, Santa Maria and Santa Barbara expressed no opposition to expanding the sphere, nor did the County oppose the expansion.

The Commission unanimously expanded the District's sphere as proposed in May 1996. The Commission concluded that it was unnecessary to have more than one VCD in the County. If areas require or would benefit from vector control services, annexing to the existing District would be preferable to creating a new, redundant agency.

In 1998 the sphere was further expanded to include the territory that was in the Carpinteria MAD, and thereby was made countywide.

Vector Control District Reorganization - 1998

On November 5, 1998 the Commission approved a proposal (LAFCO 98-12) that dissolved the Carpinteria Mosquito Abatement District and concurrently annexed its service area to the Santa Barbara Coastal Vector Control District, thereby establishing one VCD in the County.

North County Vector Control Task Force - 2000

In 2000, at the direction of Supervisors Joni Gray and Tom Urbanske, the LAFCO staff convened the "North County Vector Control Task Force." It was comprised of the Mayors and City Managers of Lompoc and Santa Maria, the President and General Manager of the VCD and County representatives. The purpose was to explore vector control service options for this area.

The staff concluded from the Task Force discussion that

- There is not much interest by the Cities of Lompoc or Santa Maria in annexing to the VCD or in alternatives such as contracting for services or forming a joint powers authority.
- The County is continuing to examine alternatives to fund vector control services for the unincorporated areas of the North County, including a property tax exchange agreement and/or extending existing VCD benefit assessments to this area

Current Annexation to the VCD

Montecito School District - On April 24, 2001 the Board of Trustees of the Montecito School District adopted a resolution initiating the annexation of the entire School District to the VCD, an action that was motivated by a persistent problem with yellowjackets at District schools.

The application led to the increased negotiations between the County and the VCD regarding the reallocation of property taxes for annexations. It also led to an understanding that annexing just the Montecito School District would not meet other vector control needs in the County.

Resolution of Application for Unincorporated Area Annexation - On August 9, 2001 the VCD Board adopted a resolution initiating the Countywide Unincorporated Area Annexation.

The annexation application was submitted to the Commission on August 15, which led to formal negotiations between the County and VCD regarding an exchange of taxes for the annexation.

Property Tax Exchange Agreement – The Board of Supervisors and the VCD Board reached an agreement regarding reallocating property taxes within the annexation area. This agreement was considered and approved in public sessions of both the District Board and Board of Supervisors.

LAFCO Consideration and Hearing - The LAFCO staff prepared a report analyzing the proposed annexation, including extending the existing VCD benefit assessments to the annexing area.

On November 4 the Commission conducted a public hearing and accepted available testimony. After considering all information the Commission found the annexation was exempt from CEQA, approved the annexation and directed the staff to complete the proceedings.

The LAFCO staff waited the mandatory 30-day period following the Commission's approval, during which time no requests for reconsideration were received.

LAFCO's approval was the last discretionary governmental action. In accordance with the Cortese/Knox/Hertzberg Act the outcome of the annexation, after LAFCO approval, is based entirely on the affected landowners and registered voters.

Protest Hearing - AB 2838 invests in LAFCO the responsibility to be the "conducting authority" for the purpose of holding protest hearings. The Commission has delegated to the Executive Officer the responsibility for conducting such hearings, with the understanding that the results of the hearing will be submitted to the Commission at a subsequent meeting for formal approval.

On December 17 the staff published, posted and mailed a notice of hearing for a protest hearing on February 7, 2002 as required by law. The notice meets the requirements of Government Code §57026 which states that the mailed notice shall contain all of the following information:

- (a) A statement of the distinctive short form designation assigned by the commission.
- (b) A statement of the manner in which, and by whom, proceedings were initiated.
- (c) A description of the exterior boundaries of the subject territory.

- (d) A description of the particular change or changes of organization proposed for each of the subject districts or cities and new districts or new cities proposed to be formed, and any terms and conditions to be applicable.

The description may refer to LAFCO's resolution making determinations for a full and complete description of the change of organization or reorganization, and the terms and conditions.

- (e) A statement of the reason or reasons for the change of organization or reorganization as set forth in the proposal submitted to the commission.
- (f) A statement of the time, date, and place of the protest hearing on the proposed change of organization or reorganization.
- (g) If the subject territory is inhabited and the change of organization or reorganization provides for the submission of written protests, a statement that any owner of land within the territory, or any registered voter residing within the territory, may file a written protest against the proposal with the executive officer of the commission at any time prior to the conclusion of the hearing by the commission on the proposal.

The requirements for distributing notices states that for annexations extending any previously authorized special tax or benefit assessment to the annexed territory, mailed notice must be given to each affected landowner. The County Assessor provided the requisite mailing list and addresses for the staff to distribute the notice. The staff mailed 27,254 notices to landowners.

Extension of Protest Period - Andy Caldwell, Executive Director of the Coalition of Agriculture, Labor and Business (COLAB) indicated that his organization had questions and concerns and that the February 7 hearing allowed insufficient time to discuss these issues. At his request the staff extended the protest period by 30 days, to March 7.

Conducting Authority has Limited Options - Since the matter is at the conducting authority stage the Commission has lost jurisdiction to deny or modify its approval of the annexation. As the conducting authority LAFCO is bound by the statutory rules that apply to the proceedings set forth in Government Code §57075.

Not more than 30 days after the conclusion of the protest hearing for inhabited annexations, the Commission shall make a finding regarding the value of written protests filed and not withdrawn, and take one of the following actions.

- (1) Terminate proceedings if a majority protest exists in accordance with § 57078.
- (2) Order the change of organization or reorganization subject to confirmation by the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either of the following:
 - (A) At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory.
 - (B) At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory.
- (3) Order the change of organization or reorganization without an election if written protests have been filed and not withdrawn by less than 25 percent of the registered voters or less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of land within the affected territory.

Summary of written protests – More than 300 written protests have been received. As a courtesy we have returned invalid protests that lack a proper address or are undated, explaining the signer should correct and resubmit the protest.

In addition we have written to many individuals who have requested information, sending our staff report, Commission resolution of approval or explaining of the benefit assessments that are currently levied by the District.

We will provide a report to the Commission on February 7 on the number of written protests that have been received, with the understanding there will be an additional 30 days to receive protests before the protest period expires.

Please contact the LAFCO office if you have any questions.

Sincerely,

BOB BRAITMAN

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Page 7 of 7

Executive Officer