

# LAFCO

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## Santa Barbara Local Agency Formation Commission

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February 7, 2008 (Agenda)

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

### **LAFCO 07-5 – South Coast Annexation to the Carpinteria Sanitary District**

Dear Members of the Commission:

#### RECOMMENDATION

It is recommended the Commission ratify the Executive Officer's request on behalf of LAFCO that the Board of Supervisors direct County Elections officials to conduct a confirmation election for the proposed annexation.

It is further recommended that the enclosed letter from Fredric Woocher be received and filed.

#### DISCUSSION

##### Background

The Commission on August 2, 2007 approved the South Coast Annexation to the Carpinteria Sanitary District. A properly noticed protest hearing was conducted on December 3, 2007.

Of the 147 registered voters residing within the proposal area, valid protests were submitted by 53 registered voters (or 36 %) of the total number of registered voters residing within the proposal area. This is a sufficient number to require a confirmation election.

Executive Officer Determination and Order No. 07-15 ordering completion of the proposed annexation subject to an election is enclosed.

##### Statutory Procedures for Conducting Election

The Cortese Knox Hertzberg Act outlines procedures to follow when an election is required to confirm an approved annexation. A relevant excerpt from Government Code Section 57000 is enclosed. It requires the Commission to request the Board of Supervisors to call and the elections officials to conduct the election.

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The deadline for the Santa Barbara County Board of Supervisors to direct County Elections to include the confirmation election measure on the June 3<sup>rd</sup> ballot is February 5, 2008. Therefore, in the interest of avoiding delay, the Executive Officer requested that the Board of Supervisors take such action at its regularly scheduled meeting on Tuesday, February 5. It is requested that the Commission ratify that action by the Executive Officer.

Letter from attorney Fredric Woocher (December 17, 2007)

The Commission has received the enclosed letter from Fredric Woocher representing Heal the Ocean and certain residents within the South Coast Annexation. It is his position that LAFCO should not have disregarded the initial October 9 protest hearing and scheduled the second protest hearing on December 3.

The Commission will recall the staff concluded— after being contacted by an attorney representing certain affected landowners opposed to the annexation – that the notice given for the initial hearing was flawed. We had published a notice of the hearing but only in Santa Barbara County and notice should have also been published in Ventura County.

Had the Commission relied on the results of the October 9 hearing it is entirely possible that a lawsuit challenging the outcome would have been filed and the annexation process would have been delayed for a long period of time. We concluded it best to schedule a second protest hearing with proper notice.

Inasmuch as the second hearing has been held and the results are known, and since it is registered voters residing within the annexation who will decide the outcome through an election, it is recommended that the enclosed letter from Mr. Woocher be received and filed.

If the Commission would like to respond to legal issues that have been raised by Mr. Woocher it would be appropriate to request Legal Counsel Bill Dillon to comment, but this appears to be pertinent only if the Commission chooses not to refer this matter to the Board of Supervisors to call and conduct the confirmation election.

Please contact the LAFCO office if you have any questions.

Sincerely,

BOB BRAITMAN  
Executive Officer

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cc: Bill Dillon, LAFCO Legal Counsel,  
Craig Murray, General Manager, Carpinteria Sanitary District  
Douglas Wance, Bingham McCutchen  
Fredric Woocher, Strumwasser & Woocher LLP

Enclosure

Excerpt from Government Code Section 57000:

“(d) When the commission makes a determination pursuant to this division that will require an election to be conducted, it shall inform the board of supervisors or the city council of the affected city of that determination and request the board or the city council to direct the elections official to conduct the necessary election.

“(e) When a board of supervisors or a city council is informed by the commission that a determination has been made that requires an election, it shall direct the elections official to conduct the necessary election. The board or council shall do all of the following: (1) Call, provide for, and give notice of a special election or elections upon that question. (2) Fix a date of election and (3) Designate precincts and polling places, (4) Take any other action necessary to call, provide for, and give notice of the special election or elections and to provide for the conduct and the canvass of returns of the election, as determined by the commission.

“(f) Any provision in this part that requires that an election be called, held, provided for, or conducted shall mean that the procedures specified in subdivisions (d) and (e) shall be followed.”