

LAFCO

Santa Barbara Local Agency Formation Commission
105 East Anapamu Street ♦ Santa Barbara CA 93101
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November 1, 2007 (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 receive and file this letter.

DISCUSSION

The Commission on August 2, 2007 approved the South Coast Annexation to the Carpinteria Sanitary District. Since written consent was not given by all affected landowners it was necessary to conduct a “protest hearing” to determine whether the proposal is recorded, proceeds to an election or is terminated. The LAFCO staff notices and conducts protest hearings.

An attorney who represents parties opposed to the annexation made us aware of two omissions with respect to the required notice for the protest hearing. First, we did not publish notice of the hearing in both Santa Barbara and Ventura Counties. The governing statute requires newspaper publications in each county that contains part of a boundary change.

Second, we did not post the notice on the Commission’s website. Since the staff rather than the Commission was conducting the hearing it did not occur to us to post the notice on the website. A review of both the statute and the Commission handbook states it should have been done. We will do so in the future.

In examining these matters and in consultation with the Commission’s legal counsel we have concluded the prudent course of action is to reopen the protest hearing and provide the required notice by publication, posting and mailing. We have scheduled the hearing for 10:00 am on Monday, December 3 in the Carpinteria City Hall.

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The notice for the reopened protest hearing makes it clear that any written protests that were submitted for the first hearing are valid and will be counted. It is not necessary for registered voters or landowners to remit a second protest if they have already submitted one.

Since the noticing error is not the fault of the applicant we are not charging additional processing fees to the Carpinteria Sanitary District that initiated the boundary change.

Please contact the LAFCO office if you have any questions.

Sincerely,

BOB BRAITMAN
Executive Officer