

October 10, 2002 (Agenda)

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

LAFCO 02-9 St. Vincent's Reorganization

Dear Members of the Commission:

RECOMMENDATION

It is recommended that the Commission, as conducting authority, adopt a resolution (1) ordering the St. Vincent's Reorganization without election, (2) ordering the reorganization subject to election or (3) terminating proceedings, based on the protests submitted against the proposal.

DISCUSSION

Background

On June 11, 2002 the Santa Barbara City Council initiated the St. Vincent's Reorganization: Annexation to the City of Santa Barbara/Detachment from the Goleta Water District/Detachment from the Santa Barbara County Fire Protection District.

At a noticed public hearing on August 1 the Commission, after considering available testimony, amended the City's sphere of influence and approved the proposed reorganization.

The Commission also serves as the "conducting authority" for the purpose of holding protest hearings, a responsibility the Commission has delegated to its Executive Officer.

Commission Determines the Protests Received

The Cortese-Knox-Hertzberg Act provides that the Commission, as conducting authority, must find the value of written protests filed and not withdrawn and take one of the following actions.

1. Terminate proceedings if protests are filed by a majority of the registered voters residing in the annexation territory.

2. Order the reorganization subject to confirmation by the registered voters residing within the territory if written protests are filed by either of the following:
 - At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory.
 - 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 reorganization without an election if written protests are filed by fewer than 25 percent of the registered voters or fewer than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of land in the affected territory.

Determination of Written Protests Received

The staff has provided notice of and will conduct a public hearing on October 8 to receive any written protests against the reorganization. No protests have been received thus far. We will report to the Commission on October 10 the number of valid protests that are received and will have the appropriate resolution available for adoption.

Goleta Water District Concerns with Customers Already Receiving Service

The proposal will detach the territory from the Goleta Water District. There are existing District water customers within the proposal area. The District has expressed concern about its ability to continue to serve customers until the City's water system is extended to the area.

On September 9 I wrote to District General Manager Kevin Walsh stating:

You are concerned that after the detachment is completed the District may be prohibited from providing water in the detached area unless, perhaps, LAFCO approves an out-of-agency services agreement allowing continued District service until the City can connect to the properties.

For the following reason I don't share your concern. The law governing out-of-agency services, Section 56133, only prohibits the district from providing "new or extended services by contract or agreement outside of its jurisdictional boundaries" without LAFCO approval.

The existing situation does not involve Section 56133; no new or extended services are proposed. Rather than requiring LAFCO's approval to continue to provide services after the detachment is recorded, the District may actually be obligated to serve the properties until there is an alternative.

There may be a question as to whether the District can continue to serve these properties until such time as the City's infrastructure is available on the site, but from my perspective no jeopardy is attached to continued service by the District despite the change in its jurisdictional boundaries.

The staff therefore does not feel an out-of-agency service agreement is necessary for the District to continue to serve its customers until City infrastructure is in place. What is apparent is the need for improved communication between the City and District as to the mechanisms and timing to transfer existing water service connections after the reorganization is recorded.

For this reason the staff feels it is appropriate to delay recording the Certificate of Completion for this proceeding until the City and District discuss timing to transfer existing service connections.

Recommendation

If written protests submitted by October 8 represent fewer than 25% of the landowners or registered voters within the reorganization area, the staff will recommend that the Commission (1) order the St. Vincent's Reorganization without a confirmation election and (2) authorize the staff to delay recording until the City and District discuss a schedule for transferring service.

If written protests exceed the 25% threshold the staff will provide a different recommendation at the meeting on October 10.

Please contact the LAFCO office if you have any questions.

Sincerely,

BOB BRAITMAN
Executive Officer

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Page 4 of 4

cc: Paul Casey, City of Santa Barbara
Sister Alicia Martin, St. Vincent's Institution
Ben Phillips, Mercy Housing California
Kevin Walsh, Goleta Water District