

LAFCO

Santa Barbara Local Agency Formation Commission
105 East Anapamu Street ♦ Santa Barbara CA 93101
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February 5, 2008 (Agenda)

Board of Supervisors
Santa Barbara County
105 East Anapamu Street
Santa Barbara CA 93101

Election for the South Coast Annexation to the Carpinteria Sanitary District

Dear Members of the Board:

RECOMMENDATION

It recommended that the Board of Supervisors:

1. Receive the enclosed Executive Officer Determination and Order No. 07-15 approving the proposed South Coast Annexation to the Carpinteria Sanitary District subject confirmation by the voters,
2. Adopt the enclosed resolution proclaiming the election and notice of election to be held in Santa Barbara County on June 3, 2008 for the purpose determining if the proposed annexation to the Carpinteria Sanitary District will be confirmed, and consolidating the election with the state-wide election to be held on June 3, 2008, and .
3. Direct County elections officials to conduct an election

DISCUSSION

Background

On August 2, 2007 the Santa Barbara Local Agency Formation Commission (LAFCO) approved the South Coast Annexation to the Carpinteria Sanitary District. Enclosed for your information are the Executive Officer Report on the proposed annexation and the Commission's resolution approving the boundary change.

The Commission has delegated to the Executive Officer the duty to conduct protest hearings and, based on the number of protest received, either order the change, terminate the proposal or return the matter to the Commission to request the County to call and conduct an election.

At a protest hearing conducted on December 3, 2007 a sufficient number of written protests were received from registered voters residing within the area to require a confirmation election.

We request that the Board direct County Elections add the confirmation measure to the June 3 ballot. This matter will be presented to LAFCO on February 7. In anticipation of the Commission requesting on that date that the County conduct the election it is recommended that the Board adopt the enclosed resolution ordering the election.

Statutory Responsibility for County to Conduct the Election

The Board's duty to call a confirmation election is mandatory. Government Code Section 57000 (e) provides that:

“When a board of supervisors . . . 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 . . . 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.

Statutory Responsibility for District Payment of Election Costs

Pursuant to State law the Carpinteria Sanitary District will be responsible for payment of election costs. Government Code Section 57150 states, “

All proper expenses incurred in conducting elections for [an annexation] pursuant to this chapter shall be paid, unless otherwise provided by agreement between the commission and the proponents, as follows:

(a) In the case of annexation or detachment proceedings, by the local agency to or from which territory is annexed, or from which territory is detached, or was proposed to be annexed or detached.

Conduct of Election in Ventura County Portion of the Annexation

Government Code Section 56123 states if a proposed annexation is located in two or more affected counties, for the purpose of the annexation,

“ . . . exclusive jurisdiction shall be vested in the commission of the principal county. Any notices, proceedings, orders, or any other acts authorized or required to be given, taken, or made by the commission, board of supervisors, clerk of a county, or any other county official, shall be given, taken, or made by the persons holding those offices in the principal county.

Additionally, Elections Code section 10517 provides:

Except as otherwise provided by this part, the county elections official of each affected county shall conduct the general district election for the portion of the district located within the county. Where a district is located in two or more counties, the county elections officials of these counties may contract among themselves to have one of their number conduct the election for the district.

The Santa Barbara LAFCO is making a separate request to the Board of Supervisors of Ventura County requesting that it order a confirmation election in the Ventura County portion of the proposed annexation. This election should also be held on June 3, 2008.

Compliance with the California Environmental Quality Act

The Board has a mandatory duty under Government Code section 57000(e) to order a confirmation election. Therefore, the Board's action is a ministerial action exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15268.

Please contact the LAFCO office if you have any questions.

Sincerely,

BOB BRAITMAN
Executive Officer

cc: Bill Dillon, LAFCO Legal Counsel
Billie Alvarez, Santa Barbara County Elections
Craig Murray, General Manager, Carpinteria Sanitary District
Tracy Salcedo, Ventura County Elections
Kim Uhlich, Executive Officer, Ventura LAFCO