



AGENDA ITEM 8A

MEETING: September 17, 2014
TO: Humboldt LAFCo Commissioners
FROM: George Williamson, Executive Officer
SUBJECT: **Approval of Conducting Authority Proceedings for the Annexation of Garberville Water Company Serviced Properties to the Garberville Sanitary District**

At the July 16, 2014 LAFCo meeting, the Commission approved the Annexation of Garberville Water Company Serviced Properties to the Garberville Sanitary District, subject to terms and conditions (Resolution No. 14-05). Approval triggered a 30-day reconsideration period followed by a protest hearing. The protest hearing is conducted to allow registered voters and landowners within the affected territory to reverse LAFCo's decision.

BACKGROUND

LAFCo serves as the conducting authority to determine whether the annexation would be confirmed, terminated, or subject to an election based on the number of valid written protests received, as follows:

1. Terminate the annexation proceedings if written protests are received from the majority of voters; or
2. Order the annexation subject to an election if written protests have been received from 25% of registered voters, or 25% of the landowners who own a minimum of 25% of the assessed value in the area, or
3. Order the annexation without an election if fewer than 25% of registered voters or fewer than 25% of landowners owning less than 25% of the assessed value have submitted written protests.

DISCUSSION

The LAFCo Executive Officer was delegated authority by the Commission to conduct the protest hearing, which was held on September 8 at 3:00 p.m. at the GSD office in Garberville. Notices for the protest hearing were mailed 21-days in advance to registered voters and property owners within the annexation area, and a notice was published in the Independent.

At the hearing, the Executive Officer summarized the proposal and opened the public hearing. Public comment was received. At the closing of the hearing, one (1) protest was filed with the Executive Officer. Based on the determination that insufficient written protests were submitted by both registered voters and landowners, it is recommended that the Commission order the annexation without an election in

accordance with Government Code Section 57075(a)(3). The annexation will not become effective until conditions are fulfilled to the satisfaction of the LAFCo Executive Officer, which must occur prior to the recordation of the Certificate of Completion. The Certificate of Completion must be recorded within one calendar year from the date of approval unless a time extension is approved by the Commission. Staff will keep the Commission apprised of GSD's progress with fulfilling the conditions.

RECOMMENDATION

Staff recommends the Commission adopt Resolution No. 14-07, ordering the Annexation of Garberville Water Company Serviced Properties to the Garberville Sanitary District without election, subject to the satisfaction of the terms and conditions in Resolution No. 14-05, as adopted by the Commission on July 16, 2014.

Attachments:

Attachment A: Resolution No. 14-07
Attachment B: Protest Hearing Summary

Cc: Jennie Short, GSD Capital Projects Manager

RESOLUTION NO. 14-07

**ACTING AS THE CONDUCTING AUTHORITY, ORDERING
THE ANNEXATION OF GARBERVILLE WATER COMPANY SERVICED
PROPERTIES TO THE GARBERVILLE SANITARY DISTRICT**

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," adopted Resolution No. 14-05, subject to terms and conditions, on July 16, 2014, after holding a public hearing, making determinations, and approving the Annexation of Garberville Water Company Serviced Properties to the Garberville Sanitary District in accordance with proceedings taken pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56650, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000); and

WHEREAS, the Commission serves as the conducting authority for proceedings taken pursuant to Part 4, Division 3, Title 5 of the California Government Code (commencing with Section 57000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) to determine whether the proposal outcome is confirmed, terminated, or subject to an election based on written protests received from landowners and registered voters residing within the subject territory in accordance with California Government Code Section 57075; and

WHEREAS, the Commission delegated authority to the LAFCo Executive Officer to order, hold, and report on conducting authority proceedings pursuant to California Government Code Section 57000(c); and

WHEREAS, the Executive Officer held a public hearing at the City Council Chambers at the GSD Office, 919 Redwood Drive, Garberville, on September 8, 2014, after providing sufficient notice of the hearing in the form and manner prescribed by law; and

WHEREAS, at said hearing, the Executive Officer summarized the determinations, terms and conditions included in Resolution No. 14-05, and heard and received all oral and written protests, objections, and evidence presented; and

WHEREAS, upon conclusion of the protest hearing, the Executive Officer determined the value of written protests filed and not withdrawn, which consisted of one (1) registered voter protest and one (1) landowner protest.

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission, acting as the conducting authority, hereby orders the Annexation of Garberville Water Company Serviced Properties to the Garberville Sanitary District without election, pursuant to California Government Code Section 57075(a)(3).

2. The Commission hereby authorizes and directs the Executive Officer to file a Certificate of Completion upon the satisfaction of the terms and conditions in LAFCo Resolution No. 14-05.

PASSED AND ADOPTED at a meeting of the Humboldt Local Agency Formation Commission on the 17th day of September, 2014, by the following roll call vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

Virginia Bass, Chair
Humboldt LAFCo

Attest:

George Williamson, Executive Officer
Humboldt LAFCo



**PROTEST HEARING SUMMARY – SEPTEMBER 8, 2014
ANNEXATION OF GARBERVILLE WATER COMPANY SERVICED
PROPERTIES TO THE GARBERVILLE SANITARY DISTRICT**

1. CALL TO ORDER

The meeting was called to order at 3:00 p.m. in the Garberville Sanitary District Office, 919 Redwood Drive, Garberville, with Executive Officer Williamson presiding.

LAFCo Staff Present:

George Williamson, Executive Officer

GSD Staff Present:

Jennie Short, Capital Projects Manager

Tina Stillwell, Office Manager

2. PUBLIC APPEARANCES

No members of the public requested to speak on items that were not on the agenda.

3. PROTEST HEARING – SHIRLEY BOULEVARD ANNEXATION

The Executive Officer conducted the protest hearing as follows:

A) Describe the proposal and purpose of the hearing

The Executive Officer described the purpose of the meeting and how the Commission delegated authority for the protest hearing to be conducted by the Executive Officer in Garberville. Mr. Williamson explained that, in addition to the Commission's public hearing that was conducted on July 16, 2014, a second protest hearing is required. The protest hearing is conducted to allow registered voters and land owners within the affected territory to reverse LAFCo's decision.

B) Summarize LAFCO Resolution No. 14-05, subject to terms and conditions

The Executive Officer summarized the outcomes of the July 16, 2014 public hearing. He explained the reasons for the proposal and the terms and conditions that were included in the Commission's resolution of approval. He noted that the approval triggered a 30-day reconsideration period in which no requests were received.

C) Open the hearing

The Executive Officer opened the public hearing at 3:12 p.m.

D) Receive any oral or written protests, objections or evidence

Margaret Lewis, affected property owner, expressed concern for the annexation project and asserted that a Water Consumption Study should have been prepared. Ms. Lewis submitted her protest.

E) Note all written protests received prior to the hearing

The Executive Officer noted that no written protests had been received prior to the protest hearing.

F) Close the hearing

The public hearing was closed at 3:16 p.m.

G) Determine the value of written protests filed and not withdrawn

The Executive Officer noted that one (1) written protest had been received; therefore, an election is not required. He briefly discussed next steps, including approval of conducting authority proceedings at the September 17 LAFCo meeting, conditions compliance, and certificate of completion recordation with the County Recorder's Office.

4. ADJOURNMENT

The meeting was adjourned at 3:19 p.m. Next regular LAFCo meeting: September 17, 2014 at 9:00 a.m. in the Board of Supervisors Chamber, Humboldt County Courthouse, Eureka.