

August 18, 2004

To: Local Agency Formation Commission

Re: LAFCO #04-05: Consideration to Designate the Executive Officer to Carry Out
Conducting Authority Proceedings

Recommended Action

If the Commission determines that it would like to designate the Executive Officer to carry out conducting authority (protest hearing) proceedings, staff recommends that the Commission adopt proposed Resolution No. 2004-22 attached to this report.

Background

One of the many changes made to the LAFCO law as part of the legislature's amendments in 2000 included a provision allowing the Commission to designate the Executive Officer to carry out conducting authority proceedings (protest hearings) as required by the Government Code.

In 2001, LAFCO amended its Rules of Procedure and adopted Policy No. 22 that states the following:

“The Commission may determine that the responsibility for conduct of protest hearings, including notice, solicitation of protest, and evaluation of protest levels, is delegated to the Executive Officer. The Commission shall adopt the final resolution that completes the action based upon the level of protest submitted.”

At your March 25, 2004, meeting, LAFCO directed staff to develop the necessary policies to allow the Executive Officer to carry out the conducting authority proceedings.

Staff Analysis

After researching the issue of designating the Executive Officer to carry out protest hearings, staff has determined that a resolution adopted by the Commission can implement Policy No. 22. Staff has prepared such a resolution which is included as attachment “A”.

If LAFCO adopts the attached resolution, staff would conduct the public hearing of the conducting authority in accordance with the Government Code and determine if the number of protests filed meet the statutory threshold to require an election, terminate the proceedings, or approve a proposal. The public hearings would be conducted on the same day as LAFCO's regular meeting but earlier in the day. Staff would then present the outcome of the protest hearing to the Commission at its regular meeting under the “other business” section on the agenda. The Commission could then consider adopting an appropriate resolution making determinations on the value of written protest that is received.

Summary

Should your Commission choose to authorize the Executive Officer to carry out conducting authority proceedings, your Commission should adopt the attached resolution.

Respectfully submitted,

LARRY T. COMBS
EXECUTIVE OFFICER

Doug Libby, AICP
Senior Planner

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Attachment: A - Proposed Resolution

Attachment A
Proposed Resolution