

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
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December 1, 2004

TO: Sacramento Local Agency Formation Commission
FROM: Peter Brundage, Executive Officer
RE: Conducting Authority Proceeding Status Report
FREPORT REORGANIZATION (08-04)

RECOMMENDATION

Receive and file this report.

UPDATE

On Wednesday, November 17, 2004, at 3:00 P.M. in staff offices, staff acted on behalf of the Commission to conduct the third Conducting Authority Hearing for the Freeport Reorganization (08-04). Two previous Conducting Authority Hearing continuances had been granted. The November 17th hearing was opened; two withdrawal of protests were submitted. Previous to that, nineteen protests had been submitted. The brief hearing was then closed.

All protests and withdrawals have been forwarded to the Registrar of Voters to verify signatures and determine whether or not valid protest represents 25 percent of the registered voters (which triggers an election).

The Registrar of Voters has provided LAFCo staff with the following information:

- 57 Registered Voters live within the proposal territory (as of November 16, 2004).
- 15 Valid Registered Voter protests (25%) would trigger an election.
- 29 Valid Registered Voter protests (50%) would deem the proposal dead. (No substantially similar proposal could be filed within a period of one year.)

LAFCo staff will notify the City of Sacramento whether or not an election is required as determined by the Registrar of Voters. The City of Sacramento is required to conduct the election and to bear the expense of such an election.

At this time, I am unsure when the Registrar of Voters will report the status of protest validity on the Freeport Reorganization to my office.

Letter From Freeport Preservation Coalition

A letter from the Freeport Preservation Coalition addressed to Illa Collins, Commission Chair, was received in staff offices November 8, 2004. A copy of the letter as well as staff's response, prepared for the Chair's signature, is attached. The Freeport Coalition has requested that your Commission review LAFCo staff conduct, alleging staff acted in a manner "unfair, and possibly illegal" in its review of the Freeport Reorganization and in granting the continuance of the Conducting Authority Hearing at the City of Sacramento's request. Susan Carr and Tracy Oto further state that "it would appear that Sac LAFCo has actively assisted the City of Sacramento in its campaign to annex Freeport."

Staff Response

LAFCo staff has provided no special consideration to the City of Sacramento in processing the proposed Freeport Reorganization. The staff recommendation to approve the Freeport Reorganization was based on the facts, particularly the determination of which local agency is the most efficient provider of municipal services to the community of Freeport. The issues of municipal service provision were discussed in the LAFCo staff report and during the public hearing.

Throughout the process of review and analysis of the Freeport Reorganization, I have provided information about LAFCo process---procedures and policies--and answered questions from both the proponents and the opponents of this proposal. I have addressed the concerns of both sides in an equitable fair and objective manner.

Two noticed Conducting Authority Hearings were opened and continued. The third Conducting Authority Hearing on the Freeport Reorganization was held November 17, 2004; this date is the official closure of the public hearing and protest period. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Section 57000 et. seq., provides that the Conducting Authority Hearing may be continued for up to 60 days. The City of Sacramento requested two continuances in order to address the concerns of the Freeport community. Neither the Chair nor Co-Chair of the Freeport Preservation Coalition attended any of the three Conducting Authority Hearings. Audio tapes were made of each of the Hearings.

The Freeport Preservation Coalition cite several issues they called "Pressure Tactics" in their Attachment to the letter of November 4, 2004. I have addressed each of these allegations separately in LAFCo's response dated November 15, 2004.

If you have questions, please do not hesitate to call me.

Respectfully submitted,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Peter Brundage
Executive Officer

PB:Maf
Attachment

(Freeport Reorg Update)