

EXECUTIVE OFFICER'S REPORT
To The
Local Agency Formation Commission

TO:

Commissioner	DAVID WEST (Chair)	[Public]	Commissioner	MICHAEL KELLEY	[Supervisor]
Commissioner	JASON JACKSON	[City]	Commissioner	RAY CASTILLO	[Supervisor]
Commissioner	MARIA NAVA-FROELICH	[City]			
	(Vice Chair)				
	Alt Commissioner	LUIS PLANCARTE		[Supervisor]	
	Alt Commissioner	JIM PREDMORE		[City]	
	Alt Commissioner	RALPH MENVIELLE		[Public]	

REPORT DATE: July 1, 2017

FROM: Jurg Heuberger, AICP, CEP, Executive Officer

PROJECT: Miller-Burson Protest Vote

HEARING DATE: July 27, 2017 **TIME:** 8:35 a.m.

AGENDA ITEM NO: 5

HEARING LOCATION: 1275 Main St., El Centro, Ca. (City Council Chambers)

RECOMMENDATION(S) BY THE EXECUTIVE OFFICER (In summary & order)

OPTION #1: Certify the Protest count as received prior to the close of hearing on July 27, 2017.

OPTION #2: Approve the attached resolution requesting this be placed on the next general election by the County Elections Office.

ANALYSIS

Pursuant to Gov. Code 56000 et seq., upon receipt of protests prior to the close of the hearing on May 25, 2017 in the matter of the Miller-Burson annexation, staff counted both the registered voter's protests and the land owner voter protests.

During the June 22, 2017 hearing at which time the Commission was to certify the results, significant public comment was entered into the record.

Based on these comments it was clear to the Commission that significant confusion and substantial erroneous information may have misled some of the people that filed protests.

One individual consistently made statements during this hearing that both the Executive Officer and a Commissioner attempted to correct with little success.

After the hearing, the Commission determined that a reconsideration of the protest hearing of May 25th was necessary on the following finding:

"The Commission found that as a result of substantial evidence in the record, that erroneous information, perpetual confusion and miss-understanding may have misled some of the individuals. Therefore, the prior vote may have caused such confusion that a number of protests may have been filed in error."

This reconsideration, after a written statement of facts was provided by the E.O. to all residents may be more accurate.

The Commission will therefore allow new protests to be filed prior to close of this hearing.

Public Notice:

Public notice for the proposed project hearing before the Imperial County Local Agency Formation Commission has been given, according to Section 56660 and 56661. Notice was issued in the form of a publication in the Imperial Valley Press at least twenty-one (21) days prior to said hearing, and posted on the Web. In addition, direct mail notices were sent to all property owners.

Report:

In accordance with Section 56665, the Executive Officer has prepared a report, and presented said report to your Commission and to any public member requesting such report. In addition, a copy of said report has been issued to the applicant, the County Counsel, County Executive Office, County Public Works, Imperial Irrigation District, City of El Centro, El Centro Regional Medical Center, and the Applicant.

Conflict of Interest Statement:

To date (at the writing of this report July 1, 2017) no Commissioner except for David West, has indicated that there is any conflict of interest with regard to this project. The Executive Officer does not have any known conflict of interest, does not own any property within the project area, but does own a home within an older section of the City of El Centro.

EXECUTIVE OFFICERS RECOMMENDATION

RECOMMENDATION:

It is the recommendation of the Executive Officer that LAFCO conduct the hearing and consider all information presented in both written and oral form. The Executive Officer then recommends, assuming no significant public input warrants to the contrary, that LAFCO take the following action:

First, accept all written protests that have been filed with the EO prior to this hearing but dated after the June 22nd, 2017 date and any filed prior to the close of the hearing this date.

Second, close the hearing, and allow staff to count the protests received.

Third, upon being provided the results, certify the number of protests received.

Fourth if there were not sufficient protests received to terminate the project (more than 50% of either the registered vote or the land owner vote), but more than 25% of either, order the election and authorize the Executive Officer to forward the required documents to the County Board of Supervisors and Elections Department to schedule an election.

Fifth, if there were not enough protests received to cause an election (less than 50% but more than 25% of either registered or land owners), then certify the results and authorize the recordation of the project which would include the Miller-Burson project site as well as the adjacent Lotus Rd. area.

NOTE: All "cc" submittals are the Executive Officer's Report only. Attachments are generally too voluminous and are only supplied on CD. Information about the project may also be found on the LAFCO web page at www.iclafco.com.

EXHIBIT A: Resolution #2017-17

CC: Applicant
City of El Centro
Project File