



STAFF REPORT

Meeting Date: May 18 2005

TO: LAFCO Commissioners
FROM: Everett Millais, Executive Officer
SUBJECT: Request for Reconsideration of LAFCO 05-02 Ojai Valley Sanitary District Annexation - Rennacker

RECOMMENDATION:

Continue the request for reconsideration until June 15, 2005.

DISCUSSION:

On March 16, 2005, the Commission conditionally approved LAFCO 05-02 Ojai Valley Sanitary District Annexation – Rennacker. Due to a private dispute between property owners about the ability to use a private roadway access easement for a private sewer lateral, the Commission’s approval action included authorization for the District to connect the Rennacker property’s sewer to the District’s public sewer facilities prior to, but in anticipation of, annexation.

Subsequent to the Commission’s conditional approval decision letters and a fee were filed on behalf of the Upper Foothill Road Property Owners Association (UFRPOA) and the Neighborhood Alliance to Protect Historic Arbolada-Foothill (NAPHAF) requesting the Commission to reconsider its conditional approval decision pursuant to Government Code Section 56895 (attached). Staff has determined that the letters, together with payment of the reconsideration fee, meet the criteria in the law and the Commission’s polices to constitute a valid and complete reconsideration request. In conformance with the law, the May 18, 2005 meeting was the next meeting of the Commission for which notice of the reconsideration request could be given.

COMMISSIONERS AND STAFF

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Kathy Long
Alternate:
Steve Bennett

CITY:
Don Waunch
John Zaragoza
Alternate:
Janice Parvin

SPECIAL DISTRICT:
Dick Richardson, Chair
Ted Grandsen
Alternate:
George Lange

PUBLIC:
Kenneth M. Hess
Alternate:
Louis Cunningham

EXECUTIVE OFFICER:
Everett Millais

LAFCO ANALYST:
Kim Uhlich

OFFICE MANAGER/CLERK:
Debbie Schubert

LEGAL COUNSEL:
Leroy Smith

As staff reports and other materials were being prepared for action on the reconsideration request at the May 18, 2005 meeting additional correspondence has been received from representatives for UFRPOA and NAPHAF, the Sanitary District and other parties. The most recent correspondence, however, is the attached letter on behalf of UFRPOA and NAPHAF requesting a continuance.

Government Code Section 56895(g) requires the Commission to consider the reconsideration request and all related information submitted, including any oral and written testimony received at the meeting. Section 56895(g) also provides for the Commission to continue consideration of the reconsideration request for a period of time not to exceed 35 days. This is what is now being requested by UFRPOA and NAPHAF, and is what is being recommended. Representatives for the Ojai Valley Sanitary District are aware of this continuance request and have indicated that the District does not object.

Whether or not to continue this matter is a discretionary action by the Commission. However, because of the continuance request on behalf of UFRPOA and NAPHAF, no objection by the Sanitary District and the LAFCO staff recommendation to continue this matter for one month, no staff analysis of the merits of the reconsideration request has been completed and no background materials are enclosed with this staff report. Thus, the Commission is strongly encouraged to continue the reconsideration request. A full staff analysis of the merits of the reconsideration request, together with copies of all information filed with LAFCO, will be provided for the June 15 meeting unless the reconsideration request is withdrawn.

Law Office of K.M. Neiswender

Lawyers ♦ Consulting
Post Office Box 24617
Ventura, California 93002
voice: 805.649-5575
fax: 805.649.8188
e-mail: kmn@inreach.com

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MAY 11 2005

Ventura LAFCO

May 11, 2005

Everett Millais
LAFCO
800 So. Victoria Ave.
Ventura, Californian 93009

By Facsimile and U.S. Mail 805/477-7101

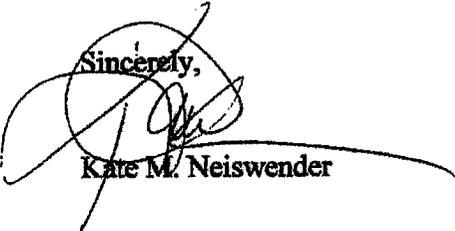
Re: LAFCO 05-02 Oja Valley Sanitary District Annexation - Rennacker
LAFCO Hearing Date: May 18, 2005

Dear Mr. Millais:

As you know, the parties who filed the appeal of LAFCO's earlier decision concerning the Ojai Valley Sanitary District's decision are in settlement discussions. Such discussions – if successful – would result in the dismissal of the CEQA suit against the District and eliminate the need for LAFCO to decide the appeal.

We are very close to a resolution, but would like to give the parties time to work out the details before the LAFCO appeal is heard. Therefore, we respectfully request that the LAFCO hearing set for May 18, 2005 be continued as long as possible, which we understand would be to mid-June. We appreciate your help and cooperation on this matter.

Sincerely,


Kate M. Neiswender

CALIFORNIA GOVERNMENT CODE SECTION 56895
Reconsideration of LAFCO Actions
As of January 1, 2005

Article 3. Reconsideration

56895. (a) When a commission has adopted a resolution making determinations, any person or affected agency may file a written request with the executive officer requesting amendments to or reconsideration of the resolution. The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration. If the request is filed by a school district that received notification pursuant to Section 56658, the commission shall consider that request at a public hearing.

(b) Notwithstanding Section 56106, the deadlines set by this section are mandatory. The person or agency shall file the written request within 30 days of the adoption of the initial or superseding resolution by the commission making determinations. If no person or agency files a timely request, the commission shall not take any action pursuant to this section.

(c) Upon receipt of a timely request, the executive officer shall not take any further action until the commission acts on the request.

(d) Upon receipt of a timely request by the executive officer, the time to file any action, including, but not limited to, an action pursuant to Section 21167 of the Public Resources Code and any provisions of Part 4 (commencing with Section 57000) governing the time within which the commission is to act shall be tolled for the time that the commission takes to act on the request.

(e) The executive officer shall place the request on the agenda of the next meeting of the commission for which notice can be given pursuant to this subdivision. The executive officer shall give notice of the consideration of the request by the commission in the same manner as for the original proposal. The executive officer may give notice in any other manner as he or she deems necessary or desirable.

(f) At that meeting, the commission shall consider the request and receive any oral or written testimony. The consideration may be continued from time to time but not to exceed 35 days from the date specified in the notice. The person or agency that filed the request may withdraw it at any time prior to the conclusion of the consideration by the commission.

(g) At the conclusion of its consideration, the commission may approve or disapprove with or without amendment, wholly, partially, or conditionally, the request. If the commission disapproves the request, it shall not adopt a new resolution making determinations. If the commission approves the request, with or without amendment, wholly, partially, or conditionally, the commission shall adopt a resolution making determinations that shall supersede the resolution previously issued.

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(h) The determinations of the commission shall be final and conclusive. No person or agency shall make any further request for the same change or a substantially similar change, as determined by the commission.

(i) Notwithstanding subdivision (h), clerical errors or mistakes may be corrected pursuant to Section 56883.