

Joe Serrano

From: Becky Steinbruner <ki6tkb@yahoo.com>
Sent: Tuesday, October 3, 2023 11:48 PM
To: Joe Serrano; Francisco Estrada; Yvette Brooks
Cc: Mark Correia; Alicia Walton; Nate Lackey; Larry Pageler; Becky Steinbruner
Subject: FOR PUBLIC COMMENT AT OCTOBER 4, 2023 LAFCO MEETING RE: Corrections on Branciforte Fire District Reorganization Resolution

******CAUTION:**This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.****

Dear Santa Cruz County LAFCO,
I have read the proposed Resolution 2023-021 and found incorrect information:

1) LAFCO denied my Request for Reconsideration at the September 6, 2023 meeting, not September 4.

*"WHEREAS, a 30-day request for reconsideration period was held during August 3 to September 1, 2023, in accordance with Government Code Section 56895. LAFCO did receive a request to reconsider the Commission's approval during this period. The Commission, legal counsel, and **staff determined during the September 4, 2023 LAFCO Meeting that the request did not meet the criteria** under Government Code Section 56895; and"*

I request that the Commission request the Executive Officer date be corrected to reflect the actual LAFCO meeting date of September 6, 2023.

2) It appears that LAFCO Executive Director did not provide published notice of the September 27, 2023 Protest Hearing, as is required by Govt. Code 56153 and 56154, following requirements of Govt. Code 6061 for one-time publishing in a local newspaper at least 21 days in advance of the hearing. LAFCO staff has not provided any such responsive materials to my Public Records Act request for such. LAFCO staff has also not provided any such responsive materials to my Public Records Act request for published notice in a newspaper of the August 2, 2023 LAFCO public hearing for the Branciforte Fire District Reorganization.

"WHEREAS, on September 1, 2023, LAFCO provided notice of the protest proceeding in accordance with Government Code Section 57025. A 24-day protest period was conducted during September 4 to September 27, 2023; "

I request that proper noticing, published in a local newspaper occur, in compliance with the Govt. Codes applicable, and that the related hearings and actions be taken be re-done in order to be compliant with the laws of California.

Govt. Code 57025:

(a) The executive officer of the commission shall give notice of the protest hearing to be held on the proposal by publication pursuant to [Sections 56153](#) and [56154](#) and by posting pursuant to [Sections 56158](#) and [56159](#).

(b) The executive officer shall give mailed notice to all landowners owning land within any affected territory, consistent with [Sections 56155](#) to [56157](#), inclusive.

(c) If the affected territory is inhabited, the executive officer shall also give mailed notice to all registered voters residing within any affected territory, consistent with [Sections 56155](#) to [56157](#), inclusive.

(d) The executive officer shall also give mailed notice to each affected city, affected district, or affected county, the proponents, if any, and to persons requesting special notice, consistent with [Sections 56155 to 56157](#), inclusive.

(e) In the case of a proposed change of organization or reorganization that would result in the extension of any previously authorized special tax or benefit assessment to the affected territory, the executive officer of the commission shall give mailed notice to each landowner within the affected territory.

Govt. Code Section 56153:

Notice required to be published shall be published pursuant to [Section 6061](#) in one or more newspapers of general circulation within each affected county, affected city, or affected district. If any newspaper is a newspaper of general circulation in two or more affected cities or affected districts, publication in that newspaper shall be sufficient publication for all those affected cities or affected districts. If there are two or more affected counties, publication shall be made in at least one newspaper of general circulation in each of the affected counties.

Govt. Code 6061:

[Next »](#)

Publication of notice pursuant to this section shall be for one time.

Govt. Code Section 56154:

If the published notice is a notice of a hearing, publication of the notice shall be commenced at least 21 days prior to the date specified in the notice for the hearing.

3) **Request for Clarification:** I still have concern that areas formerly included in the Branciforte Fire District have not been included in the Successor Agency map. Please compare the area at the far bottom right of the boundary maps on pages 3 and 4 of the Resolution. LAFCO did not address this concern on September 6, 2023 during deliberation of my Request for Reconsideration, referencing it as a possible island.

4) Finally, my September 27, 2023 correspondence to LAFCO, detailing my inability to access the Branciforte Fire District Reorganization Protest Hearing has not been included in the Commission's October 4, 2023 meeting packet. I have copied the text of that correspondence below, and will bring hard copies for the Commissioners to review at tomorrow's meeting. I sincerely hope that other members of the public were not also prohibited from accessing the LAFCO Office, the published location for the protest ballots to be turned in "before close of the Protest Hearing."

Please respond. Thank you.

Sincerely,

Becky Steinbruner

Becky Steinbruner

From:ki6tkb@yahoo.com

To:Joe Serrano

Cc:Francisco Estrada,Yvette Brooks,Nate Lackey,Larry Pageler,Mark Correia,Alicia Walton,Becky Steinbruner Hide

Wed, Sep 27 at 9:34 AM

Dear LAFCO,

I have attempted multiple methods of accessing this morning's LAFCO Special Meeting for the Branciforte Fire District Reorganization Protest Hearing, and perhaps it is still taking place.

Having read the LAFCO Notice of the Protest Hearing, provided by Mr. Serrano, I did not understand that the Protest Hearing was virtual only.

How to Submit Protest Form?

Petitions of opposition can be submitted in two ways:

- ***In person at the LAFCO office prior to the conclusion of the protest hearing on September 27, 2023. The LAFCO office is located at 701 Ocean Street, Room 318-D, Santa Cruz, CA 95060; or***
 - *By mail addressed to LAFCO at 701 Ocean Street, Room 318-D, Santa Cruz, CA 95060. If your mailed protest form is postmarked by September 27, 2023, and received by LAFCO within four (4) days of a September 27, 2023 postmark, we will process, verify, and count that protest.*
- The written protest must be signed and dated during the official protest period, which begins on September 4, 2023, and ends on September 27, 2023.*

I went to the LAFCO Office, but could not even access the corridor to the LAFCO Office because the main door to the corridor was locked. There was no sign posted on the door regarding any LAFCO Protest Hearing.

I went to the customary meeting location in the Board of Supervisors chambers, but it was also locked, and there was no sign posted on the door for an alternate meeting location.

At 9:08am, I tried joining the meeting by Zoom from the Law Library computer, but after waiting several minutes, was not allowed into the meeting.

I tried accessing the meeting via the payphone in the basement, but the 1-669-900-6833 number was not recognized, and my call would not go through.

It is now 9:30am, and I have just logged off the Zoom connection. I must assume that I will not be allowed access as the Protest Hearing has likely concluded.

I have to wonder if other citizens have experienced such difficulty in accessing the Protest Hearing this morning?

Why was the LAFCO Office not accessible this morning for anyone to bring Protest Letters to your Commission before the conclusion of the Protest Hearing, as is stated in the Notice was possible?

Please send the draft minutes of the Protest Hearing when they are available. Thank you.

Sincerely,
Becky Steinbruner

Joe Serrano

From: Becky Steinbruner <ki6tkb@yahoo.com>
Sent: Tuesday, October 3, 2023 10:55 PM
To: Joe Serrano
Cc: Francisco Estrada; Yvette Brooks; Nate Lackey; Larry Pageler; Mark Correia; Alicia Walton; First Amendment Coalition; Becky Steinbruner
Subject: Re: Unable to Access LAFCO Branciforte Fire District Protest Hearing Sept. 27, 2023

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Hi, Joe,
I just noticed that this correspondence is not included in the October 4, 2023 LAFCO meeting agenda packet, and is not on the website.

Can you please include it and send it to all Commissioners before the meeting in the morning?

Thanks so much,
Becky

On Wednesday, September 27, 2023, 09:34:43 AM PDT, Becky Steinbruner <ki6tkb@yahoo.com> wrote:

Dear LAFCO,
I have attempted multiple methods of accessing this morning's LAFCO Special Meeting for the Branciforte Fire District Reorganization Protest Hearing, and perhaps it is still taking place.

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Please send the draft minutes of the Protest Hearing when they are available. Thank you.

Sincerely,
Becky Steinbruner

Joe Serrano

From: Joe Serrano
Sent: Thursday, September 28, 2023 6:44 AM
To: Becky Steinbruner
Cc: Francisco Estrada; Yvette Brooks; Nate Lackey; Larry Pageler; Mark Correira; Alicia Walton; Joshua Nelson
Subject: RE: Unable to Access LAFCO Branciforte Fire District Protest Hearing Sept. 27, 2023

Good Morning Ms. Becky,

The LAFCO office was open yesterday from 6am to 6pm. The blue corridor doors for the legislative wing were open yesterday. While LAFCO is not responsible for monitoring the blue corridor doors entering the legislative wing, in the event that the blue corridor doors are closed, there is a visual sign that states how to contact any of the legislative wing offices, including LAFCO, to open them. LAFCO received no calls at the time in question, including from you. That being said, you did send me an email at 9:35am about the protest hearing and the doors. I responded at 9:40am and inspected the blue corridor doors of the legislative wing, which they were open.

In summary, LAFCO did not receive any concerns/issues from any Branciforte resident or other public member (besides you) on accessing LAFCO's office, the protest hearing, or the ability to submit a petition of opposition yesterday. More importantly, LAFCO did not receive a single petition of opposition during the entire protest proceeding, including any last minute submittals yesterday (again, the LAFCO office was open until 6pm).

Thank you.

-Joe

Joe A. Serrano

Executive Officer

Local Agency Formation Commission of Santa Cruz County

701 Ocean Street, Room 318-D, Santa Cruz, CA 95060

Email: joe@santacruzlafco.org

Phone: (831) 454-2055



From: Becky Steinbruner <ki6tkb@yahoo.com>
Sent: Wednesday, September 27, 2023 11:44 PM
To: Joe Serrano <Joe.Serrano@santacruzcountyca.gov>
Cc: Francisco Estrada <Francisco.Estrada@santacruzcountyca.gov>; Yvette Brooks <ybrooks@ci.capitola.ca.us>; Nate Lackey <natel@branciforte-fire.com>; Larry Pageler <larryp@branciforte-fire.com>; Mark Correira <mcorreira@scottsvalleyfire.com>; Alicia Walton <awalton@scottsvalleyfire.com>; Joshua Nelson <Joshua.Nelson@bbklaw.com>
Subject: Re: Unable to Access LAFCO Branciforte Fire District Protest Hearing Sept. 27, 2023

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Hi, Joe,
Thank you for this report.

How do you know that no affected resident tried to come to the meeting at the LAFCO Office, but found the door to the corridor locked?

Mr. Nicholas Brown, County Planning staff who assisted me at the Board Chambers entrance at 9am told me he also tried to access the LAFCO office, but it was locked. He sent you a message on my behalf, asking about the location of the meeting, and let me know of your reply that the meeting was just getting started virtually. That was at about 9:05am.

Sincerely,
Becky

On Wednesday, September 27, 2023, 09:40:48 AM PDT, Joe Serrano <joe.serrano@santacruzcountyca.gov> wrote:

Good Morning Ms. Becky,

The protest hearing has concluded. LAFCO received zero petitions of opposition from the affected Branciforte residents. No affected Branciforte resident encountered issues accessing the protest hearing this morning. The results of the protest proceeding will be ratified by the Commission during next week's LAFCO Meeting (October 4 at 9am). The agenda packet for the October 4th Meeting will be published and accessible on LAFCO's website tomorrow. The agenda packet will include a staff report about the protest proceeding, the draft resolution, and the draft protest hearing minutes. I will send you a link to the agenda packet tomorrow.

-Joe

Joe A. Serrano

Executive Officer
Local Agency Formation Commission of Santa Cruz County

701 Ocean Street, Room 318-D, Santa Cruz, CA 95060

Email: joe@santacruzlafco.org

Phone: (831) 454-2055



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