



Exploration of Montclair Independence

Tony Morosini

July 2010

Table of Contents

1. Disclaimer
2. Benefits of an independent Montclair
3. Process for independence
4. What is LAFCo?
5. The LAFCo Application Process
6. Montclair Neighborhood Association
7. Next steps

1. Disclaimer

The information provided in this presentation is the result of approximately 40 hours of research by Tony Morosini. Tony Morosini is not an attorney, he is not an expert on city government, nor has he ever held an elected office. This document is intended to be informational only and is provided with no warranty.

2. Benefits of an Independent Montclair

1. An independent Montclair can manage its own school system, police force and other services currently provided by Oakland and OUSD.
2. By providing better services, the value of Montclair property values will increase, possibly significantly.
3. Oakland benefits by receiving a one time pay off, funded by a Montclair municipal debt underwriting, in exchanging for existing Oakland and OUSD owned property and infrastructure.
4. Alameda County and California benefit due to higher property taxes.

3. Process of Independence

- There are three major milestone events
 - Approval by LAFCo (Local Agency Formation Commission)
 - Win a ballot initiative vote in Oakland. Per the LAFCo website, “Succeed only if a majority in each area approves the proposal (§57176.1).”
 - Municipal debt underwriting (borrowing money)

4. What is LAFCo?

- The purpose of Alameda Local Agency Formation Commission's (LAFCo) Guidelines, Policies and Procedures is to assist the Commission with fair and consistent implementation of the Cortese-Knox-Hertzberg (CKH) Local Government Reorganization Act of 2000 (Government Code § 56000 et sequitur¹).
- LAFCo is a state mandated local agency that oversees boundary changes to cities and special districts, the formation of new agencies including incorporation of new cities, and the consolidation of existing agencies. The broad goals of the agency are to ensure the orderly formation of local government agencies, to preserve agricultural and open space lands, and to discourage urban sprawl.
- LAFCOs are independent quasi-legislative agencies that serve as direct agents of the state.
- Learn more at <http://www.acgov.org/lafco/>

Special Reorganization

- LAFCo approves and rejects a variety of reorganization types(Annexations, City Incorporations, etc). Montclair’s situation is referred to as a “Special Reorganization”.
- Reorganizations are change of government proposals, which combine two or more changes of organization in a single proposal (§56073). Special reorganizations are reorganizations that include the detachment of territory from a city or city and county and its incorporation (§56075.5).
- In the LAFCo documentation pay close attention to anything labeled §56751

5. The LAFCo Application Process

- The process is lengthy, comprehensive and will require the work of many Montclarians to make possible. The following is a small subset of the rules of the application process
- 25% of Montclair voters/residents will have to sign a petition in favor of secession to grant an application review.
- No application will be deemed filed until a Plan for Providing Municipal Services is received and accepted as complete by the Executive Officer.
- No application will be deemed filed for processing purposes until maps and geographic descriptions that meet the criteria set forth by the State Board of Equalization and by the Alameda County Surveyor are received.
- No application shall be deemed filed until certified resolutions providing for an agreement for redistribution of property tax, when applicable, are received.
- Extensive environmental documentation required
- This entire process would take an enormous amount of time, money, energy and effort from a large number of the citizens and businesses of Montclair.

6. Montclair Neighborhood Association

- We need an organization to execute the secession. This organization will need to collect and spend money.
- Currently an application for the Montclair Neighborhood Association is being developed. This will be a non profit corporation with the state of California. It will be recognized by the IRS as a 503 (c) 4 organization. This means it is a non profit, but donations to the organization will not be tax deductible. The IRS web site is very clear that a charitable non profit cannot be political in nature. Hence, I do not feel that we could be set up as a 503 (c) 3, which would make contributions tax deductible.

7. Next Steps

- The next step is for you to decide if you want to do this. Do you want to be part of a huge effort in our community that in all likelihood will not work? Remember that we would have to win an election within all of Oakland to do this. Is that possible? I am skeptical, but miracles do happen. I feel this can only work if everyone in Montclair demands it.
- If we have a large number of people sign up for this, I will push this forward. If the number of committed individuals is small this will not work and will be a waste of time. We need 100 people committed to this, or it will not go anywhere.
- Just one example of what we have to do, is figure out our property tax base. From what I have been told so far, this will involve volunteers entering information on every house in Montclair, into an Alameda County website, and capturing the data. We have many, many labor intensive tasks like this ahead of us.

Next Steps Continued

- We are working on a website which will soon be up at <http://montclairneighbors.org> where you can sign up for the movement.
- We also have a Facebook group called Montclair Independence which you can search for within Facebook. We also have a yahoo group (<http://groups.yahoo.com/group/montclaircity/>)
- If we have enough volunteers, we can organize the work needed and push forward.
- Please spread the word, and think long and hard about this. If you are interested in volunteering, sign up for either the Yahoo group or Facebook group today.