



AGENDA ITEM 6A

MEETING: September 16, 2015
TO: Humboldt LAFCo Commissioners
FROM: George Williamson, Executive Officer
SUBJECT: **Approval of Conducting Authority Proceedings for the Sphere of Influence Amendment and Annexation of Out Of District Fire Service Response Areas and Areas Served By Water & Wastewater to the Fieldbrook-Glendale Community Services District**

At the July 15, 2015 LAFCo meeting, the Commission approved the Fieldbrook-Glendale CSD sphere of influence amendment and annexation proposal, with an amendment and subject to terms and conditions (Resolution No. 15-08). Approval triggered a 30-day reconsideration period followed by a protest hearing. The protest hearing was conducted by the Executive Officer on August 25, 2015, in order to receive written protests from affected landowners and registered voters.

A. BACKGROUND

Proceedings for this annexation were initiated by the F-GCSD. The proposal includes annexation of approximately 3,244 acres of land (64 parcels) located outside the boundaries that is currently served by the District. At its meeting on July 15, 2015, the Commission approved the proposal, with an amendment, to include the following actions:

1. Expand the F-GCSD Sphere of Influence (SOI), establish a fire-only service zone by ordinance, and annex three areas (Areas 1, 2, and 3a) to which it currently provides fire protection services outside its district boundaries (Fire Service Area).
2. Expand the F-GCSD SOI and annex two areas (Areas 3 and 4) to which it currently provides fire protection and water services outside its district boundaries to "Zone 2" (Fire and Water Service Area). The Commission amended the proposal to require Area 4, currently within the Arcata Fire Protection District (FPD), be detached from that district prior to annexation to the F-GCSD. The detachment would discontinue any previously authorized assessment or tax by the Arcata FPD.
3. Expand the F-GCSD SOI and annex Area 5 to which it currently provides water and wastewater services outside its district boundaries to "Zone 1" (Water and Sewer Service Area).

A full and complete description of the proposal and the terms and conditions of the Commission's approval were set forth in Resolution No. 15-08. Upon annexation, the F-GCSD's existing special tax on property, applied at a rate of \$75 per parcel within the district, would be extended to all property receiving fire protection services within the

proposed annexation areas. There would be no change to existing water and sewer service fees.

B. DISCUSSION

LAFCo serves as the conducting authority to determine whether the annexation would be confirmed, terminated, or subject to an election based on the number of valid written protests received, as follows:

1. Terminate the annexation proceedings if written protests are received from the majority of voters; or
2. Order the annexation subject to an election if written protests have been received from 25% of registered voters, or 25% of the landowners who own a minimum of 25% of the assessed value in the area, or
3. Order the annexation without an election if fewer than 25% of registered voters or fewer than 25% of landowners owning less than 25% of the assessed value have submitted written protests.

The LAFCo Executive Officer was delegated authority by the Commission to conduct the protest hearing, which was held at the Fieldbrook Volunteer Fire Department on August 25, 2015. Notices for the protest hearing were mailed 21-days in advance to registered voters and property owners within the annexation area, and published in the Times Standard. At the hearing, the Executive Officer summarized the proposal and opened the public hearing. Those in attendance were Rich Grissom, Fire Chief of the Fieldbrook Volunteer Fire Department and Desmond Cowan, Fire Chief of the Arcata Fire Protection District. No community members were in attendance.

One (1) landowner protest was filed with the Executive Officer. Based on the determination that insufficient written protests were submitted by both registered voters and landowners, it is recommended that the Commission order the annexation without an election in accordance with Government Code Section 57075(a)(3). The annexation will become effective once conditions are fulfilled to the satisfaction of the Executive Officer, which must occur prior to the recordation of the Certificate of Completion. This includes property tax negotiations among the County and affected agencies, which are in progress. The Certificate of Completion must be recorded within one calendar year from the date of approval unless a time extension is approved by the Commission.

C. RECOMMENDATION

Staff recommends the Commission adopt Resolution No. 15-10, ordering the annexation, subject to the satisfaction of the terms and conditions in Resolution No. 15-08, as adopted by the Commission on July 15, 2015.

Attachments

Attachment A: Draft Resolution No. 15-10

RESOLUTION NO. 15-10

**ACTING AS THE CONDUCTING AUTHORITY, ORDERING
THE ANNEXATION OF OUT OF DISTRICT FIRE SERVICE RESPONSE AREAS
AND AREAS SERVED BY WATER & WASTEWATER TO THE
FIELDBROOK-GLENDALE COMMUNITY SERVICES DISTRICT**

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," adopted Resolution No. 15-08, subject to terms and conditions, on July 15, 2015, after holding a public hearing, making determinations, and approving the Sphere of Influence Amendment and Annexation of Out Of District Fire Service Response Areas and Areas Served By Water & Wastewater to the Fieldbrook-Glendale Community Services District in accordance with proceedings taken pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56650, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000); and

WHEREAS, the Commission serves as the conducting authority for proceedings taken pursuant to Part 4, Division 3, Title 5 of the California Government Code (commencing with Section 57000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) to determine whether the proposal outcome is confirmed, terminated, or subject to an election based on written protests received from landowners and registered voters residing within the subject territory in accordance with California Government Code Section 57075; and

WHEREAS, the Commission delegated authority to the LAFCo Executive Officer to order, hold, and report on conducting authority proceedings pursuant to California Government Code Section 57000(c); and

WHEREAS, the Executive Officer held a public hearing at the Fieldbrook Volunteer Fire Department on August 25, 2015, after providing sufficient notice of the hearing in the form and manner prescribed by law; and

WHEREAS, at said hearing, the Executive Officer summarized the determinations, terms and conditions included in Resolution No. 15-08, and heard and received all oral and written protests, objections, and evidence presented; and

WHEREAS, upon conclusion of the protest hearing, the Executive Officer determined the value of written protests filed and not withdrawn, which consisted of one (1) landowner protest.

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission, acting as the conducting authority, hereby orders the Annexation of Out Of District Fire Service Response Areas and Areas Served By

Water & Wastewater to the Fieldbrook-Glendale Community Services District without election, pursuant to California Government Code Section 57075(a)(3).

2. The Commission hereby authorizes and directs the Executive Officer to file a Certificate of Completion upon the satisfaction of the terms and conditions in LAFCo Resolution No. 15-08.

PASSED AND ADOPTED at a meeting of the Humboldt Local Agency Formation Commission on the 16th day of September, 2015, by the following roll call vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

Virginia Bass, Chair
Humboldt LAFCo

Attest:

George Williamson, Executive Officer
Humboldt LAFCo