



## AGENDA ITEM 6C

**MEETING:** January 18, 2016  
**TO:** Humboldt LAFCo Commissioners  
**FROM:** George Williamson, Executive Officer  
**SUBJECT:** **Approval of Conducting Authority Proceedings for the Strongs Creek Valley Annexation to the City of Fortuna**  
At the September 21, 2016 LAFCo meeting, the Commission approved the Strongs Creek Valley Annexation to the City of Fortuna, subject to modifications and conditions (Resolution No. 16-06). Approval triggered a 30-day reconsideration period followed by a protest hearing. The protest hearing was held on October 24, 2016 to allow registered voters and landowners within the affected territory to file a written protest against the proposed action with the Executive Officer.

---

### BACKGROUND

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 a 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.

### DISCUSSION

The LAFCo Executive Officer was delegated authority by the Commission to conduct the protest hearing, which was held on October 24 at 3:00 p.m. at Fortuna City Hall. Notices for the protest hearing were mailed 21-days in advance to registered voters and property owners within the affected territory, published in the Times Standard, and posted on the LAFCo website.

At the hearing, the Executive Officer summarized the proposal and opened the public hearing. No public comments were received and no protests were filed at the closing of the hearing. 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 not become effective

until conditions are fulfilled to the satisfaction of the LAFCo Executive Officer, which must occur prior to the recordation of the Certificate of Completion. 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. Staff will keep the Commission apprised of the City's progress with fulfilling the conditions.

**RECOMMENDATION**

Staff recommends the Commission adopt Resolution No. 17-02, ordering the Strongs Creek Valley Annexation to the City of Fortuna without election, subject to the satisfaction of the terms and conditions in Resolution No. 16-06, as adopted by the Commission on September 21, 2016.

**Attachments:**

Attachment A: Resolution No. 17-02

Attachment B: Protest Hearing Summary

**Cc:** Liz Shorey, Deputy Director of Community Development

**RESOLUTION NO. 17-02**

**ACTING AS THE CONDUCTING AUTHORITY, ORDERING  
THE STRONGS CREEK VALLEY ANNEXATION TO THE CITY OF FORTUNA, WITH  
MODIFICATIONS AND CONDITIONS**

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," adopted Resolution No. 16-06, subject to modifications and conditions, on September 21, 2016, after holding a public hearing, making determinations, and approving the Strongs Creek Valley Annexation to the City of Fortuna 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 affected 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 Fortuna City Hall on October 24, 2016, 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, modifications, terms and conditions included in Resolution No. 16-06, 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 zero (0) written protests from landowners or registered voters.

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

1. The Commission, acting as the conducting authority, hereby orders the Strongs Creek Valley Annexation to the City of Fortuna 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. 16-06.

**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 18<sup>th</sup> day of January, 2017, 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

**PROTEST HEARING SUMMARY – OCTOBER 24, 2016  
STRONGS CREEK VALLEY ANNEXATION  
TO THE CITY OF FORTUNA**

**1. CALL TO ORDER**

The meeting was called to order at 3:00 p.m. in the Council Chambers of Fortuna City Hall, 621 11<sup>th</sup> Street, Fortuna, with Executive Officer Williamson presiding.

LAFCo Staff Present:

George Williamson, Executive Officer

City Staff Present:

Liz Shorey, Deputy Director of Community Development

**2. PUBLIC APPEARANCES**

No members of the public requested to speak on items that were not on the agenda.

**3. PROTEST HEARING – STRONGS CREEK VALLEY ANNEXATION**

The Executive Officer conducted the protest hearing as follows:

**A) Describe the proposal and purpose of the hearing**

The Executive Officer described the purpose of the meeting and how the Commission delegated authority for the protest hearing to be conducted by the Executive Officer in Fortuna. Mr. Williamson explained that, in addition to the Commission's public hearing that was conducted on September 21, 2016, a second protest hearing is required. The protest hearing is conducted to allow registered voters and land owners within the affected territory to reverse LAFCo's decision.

**B) Summarize LAFCO Resolution No. 16-06, subject to modifications, terms and conditions**

The Executive Officer summarized the outcomes of the September 21, 2016 public hearing. He explained the reasons for the proposal, described the basis of the reduced boundary alternative, and reviewed the terms and conditions that were included in the Commission's resolution of approval. He noted that the approval triggered a 30-day reconsideration period in which no requests were received.

**C) Open the hearing**

The Executive Officer opened the public hearing at 3:10 p.m.

**D) Receive any oral or written protests, objections or evidence**

None

**E) Note all written protests received prior to the hearing**

The Executive Officer noted that no written protests had been received prior to conducting the protest hearing.

**F) Close the hearing**

The public hearing was closed at 3:14 p.m.

**G) Determine the value of written protests filed and not withdrawn**

The Executive Officer noted that no written protests had been received; therefore, confirming the Commission's action on the annexation. He briefly discussed next steps, including approval of conducting authority proceedings at the next Commission meeting on November 16, 2016, conditions compliance, and certificate of completion recordation with the County Recorder's Office.

**4. ADJOURNMENT**

The meeting was adjourned at 3:15 p.m. Next regular LAFCo meeting: November 16, 2016 at 9:00 a.m. at the Humboldt Bay Municipal Water District Office, 828 7th Street, Eureka.