



## AGENDA ITEM 6A

**MEETING:** July 17, 2024

**TO:** Humboldt LAFCo Commissioners

**FROM:** Colette Santsche, Executive Officer

**SUBJECT:** **Approval of Conducting Authority Proceedings for the Arcata Fire Protection District Annexation of its goodwill response areas located along Fickle Hill and Jacoby Creek Roads**

The Commission will consider adopting Resolution No. 24-05, acting as the conducting authority, finding insufficient protest, and confirming and ordering Annexation of Goodwill Response Areas Located Along Fickle Hill Road and Jacoby Creek Road to the Arcata Fire Protection District.

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### BACKGROUND

At the March 20, 2024 LAFCo meeting, the Commission approved the Annexation of Goodwill Response Areas to the Arcata Fire Protection District (Resolution No. 24-02). Approval triggered a 30-day reconsideration period followed by a protest hearing. 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:

- A. Terminate the annexation proceedings if written protests are received from a majority of voters within the affected territory; or
- B. Order the annexation subject to an election if written protests have been received from at least 25% of registered voters, or at least 25% of the number of landowners who also own at least 25% of the assessed value of land within the affected territory, or
- C. Order the annexation without an election if subsections (A) or (B) do not apply.

### DISCUSSION

The LAFCo Executive Officer was delegated authority by the Commission to conduct the protest hearing, which was held on May 1, 2024, at 5:30 p.m. at the Six Rivers Masonic Lodge located on Bayside Road in Arcata. The protest hearing was continued to June 13, 2024, at the same time and place as a precautionary measure due to the timing of the LAFCo office relocation and possible mailing challenges. Notices for both protest hearing dates were mailed 21-days in advance to registered voters and property owners within the affected territory, published in the Mad River Union, and posted on the LAFCo website.

At said hearing(s), the Executive Officer summarized the proposal and opened the public hearing. No public comments were received. Upon conclusion of the protest hearing,

the Executive Officer determined the value of written protests filed and not withdrawn, which consisted of five (5) written protests from registered voters and nine (9) written protests from landowners. 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 57091(a)(1)(C). 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 conditions compliance and final recordation.

### **RECOMMENDATION**

Staff recommends the Commission adopt Resolution No. 24-05, ordering the Arcata Fire Protection District Annexation without election, subject to the satisfaction of the terms and conditions in Resolution No. 24-02, as adopted by the Commission on March 20, 2024.

### ***Attachments***

Attachment A: Draft Resolution No. 24-05

Attachment B: Protest Hearing Summary

**RESOLUTION NO. 20-05**

**ACTING AS THE CONDUCTING AUTHORITY,  
FINDING INSUFFICIENT PROTEST, AND CONFIRMING AND ORDERING ANNEXATION  
OF GOODWILL RESPONSE AREAS LOCATED ALONG FICKLE HILL ROAD AND  
JACOBY CREEK ROAD TO THE ARCATA FIRE PROTECTION DISTRICT**

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," adopted Resolution No. 24-02, subject to terms and conditions, on March 20, 2024, after holding a public hearing, making determinations, and approving the Arcata Fire Protection District Annexation of Goodwill Response Areas 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, in the case of inhabited territory, is to be confirmed, terminated, or subject to an election based on written protests received from landowners and registered voters within the affected territory in accordance with California Government Code Section 57091(a)(1); 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 protest hearing at the Six Rivers Masonic Lodge located on Bayside Road in Arcata on May 1, 2024, and continued to June 13, 2024, after providing sufficient notice of the hearing(s) in the form and manner prescribed by law; and

WHEREAS, at said hearings, the Executive Officer summarized the Commission's determinations and conditions included in Resolution No. 24-02, 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 five (5) written protests from registered voters and nine (9) written protests from landowners. In such cases where majority protest does not exist and where the change of organization is not subject to confirmation by the registered voters residing within the affected territory, the Commission is directed to confirm and order the annexation without an election pursuant to California Government Code Section 57091(a)(1)(C).

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

1. The Commission, acting as the conducting authority, hereby confirms and orders the Arcata Fire Protection District Annexation.
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. 24-02.

**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 17<sup>th</sup> day of July, 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Michelle Bushnell, Chair  
Humboldt LAFCo

Attest:

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Colette Santsche, Executive Officer  
Humboldt LAFCo

**PROTEST HEARING SUMMARY – MAY 1, 2024**  
**ANNEXATION OF GOODWILL RESPONSE AREAS ALONG FICKLE HILL AND**  
**JACOBY CREEK ROADS TO THE ARCATA FIRE PROTECTION DISTRICT**

**1. CALL TO ORDER**

The meeting was called to order at 5:30 p.m. at the Six Rivers Masonic Lodge located at 251 Bayside Road, Arcata, CA 95521, with Executive Officer Santsche presiding.

**2. PUBLIC APPEARANCES**

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

**3. PROTEST HEARING – Arcata Fire Protection District 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 to the Executive Officer allowing the protest hearing to be conducted within the affected territory. Executive Officer Santsche reported that the Commission approved the proposed Arcata FPD Annexation at a public hearing on March 20, 2024. A protest hearing is required to allow registered voters and landowners within the affected territory to file a written protest against the Commission's action.

**B) Summarize LAFCo Resolution No. 24-02, subject to terms and conditions**

The Executive Officer further summarized the outcomes of the March 20, 2024 public hearing. She explained the reasons for the proposal, described the basis of the annexation proposal, and reviewed the terms and conditions that were included in the Commission's resolution of approval. She 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.

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

None

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

Due to LAFCo office relocation and temporary mailing/phone challenges, the protest hearing is being extended. Additional mailed notice will be provided with information about the continued protest hearing and extended time to file written protests.

**F) Continue the hearing**

The public hearing was continued to 5:30 p.m. on June 13, 2024, at the Six Rivers Masonic Lodge in Arcata.

**4. ADJOURNMENT**

The meeting was adjourned at 5:56 p.m.



**CONTINUED PROTEST HEARING SUMMARY – JUNE 13, 2024**  
**ANNEXATION OF GOODWILL RESPONSE AREAS ALONG FICKLE HILL AND JACOBY**  
**CREEK ROADS TO THE ARCATA FIRE PROTECTION DISTRICT**

**1. CALL TO ORDER**

The meeting was called to order at 5:30 p.m. at the Six Rivers Masonic Lodge located at 251 Bayside Road, Arcata, CA 95521, with Executive Officer Santsche presiding.

**2. PUBLIC APPEARANCES**

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

**3. CONTINUED PROTEST HEARING – Arcata Fire Protection District Annexation**

The Executive Officer noted that due to LAFCo office relocation and temporary mailing/phone challenges, the protest hearing was continued. Additional mailed notice was provided with information about the continued protest hearing and extended time to file written protests. The Executive Officer conducted the continued 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 to the Executive Officer allowing the protest hearing to be conducted within the affected territory. Executive Officer Santsche reported that the Commission approved the proposed Arcata FPD Annexation at a public hearing on March 20, 2024. A protest hearing is required to allow registered voters and landowners within the affected territory to file a written protest against the Commission's action.

**B) Summarize LAFCo Resolution No. 24-02, subject to modifications, terms and conditions**

The Executive Officer further summarized the outcomes of the March 20, 2024 public hearing. She explained the reasons for the proposal, described the basis of the annexation proposal, and reviewed the terms and conditions that were included in the Commission's resolution of approval. She noted that the approval triggered a 30-day reconsideration period in which no requests were received.

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

None

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

The Executive Officer noted that five (5) written protests from registered voters and nine (9) written protests from landowners have been received prior to the hearing.

**E) Close the hearing**

The public hearing was closed.

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

The Executive Officer provided an overview of the protest thresholds. Pursuant to State law, an election would be called if 25-50% of registered voters protest or 25% or more of landowners protest. The 25% threshold for landowner protest refers to both the number of owners and the assessed value of land. Furthermore, the annexation would be terminated if 50% or more of registered voters protest.

The Executive Officer noted that the written protests received were insufficient to call an election or terminate proceedings; therefore, the Commission's prior approval of the annexation will be confirmed. The total land value of landowner protests was approximately \$893,014, which is 8% of the total assessed value of the annexation properties. It is important to note that several of the landowner protests received are owned under joint tenancy and not all owners of those properties filed written protests; therefore, the actual assessed value of protests would likely be lower than 8% of the total assessed value but would require further consultation with the Assessor's Office. However, since the assessed value and number of landowner protests received were not close to the 25% threshold, no further consideration is needed.

The Executive Officer briefly discussed next steps, including approval of conducting authority proceedings at the next Commission meeting on July 17, 2024, conditions compliance, and certificate of completion recordation with the County Recorder's Office.

**4. ADJOURNMENT**

The meeting was adjourned at 5:45 p.m. Next regular LAFCo meeting: July 17, 2024 at 9:00 a.m. at the City of Eureka Council Chambers.