



AGENDA ITEM 6B

MEETING: July 15, 2020

TO: Humboldt LAFCo Commissioners

FROM: Colette Metz Santsche, Executive Officer

SUBJECT: **Approval of Conducting Authority Proceedings for the Annexation of Fire Service Areas Served by Scotia, Redcrest, and Shively Volunteer Fire Companies to the Rio Dell Fire Protection District and Divestiture of Power to Provide Fire Protection Services by Scotia Community Services District**

At the May 20, 2020 LAFCo meeting, the Commission approved the Annexation of Fire Services to the Rio Dell Fire Protection District (Resolution No. 20-02). Approval triggered a 30-day reconsideration period followed by a protest hearing. The protest hearing was held on July 1, 2020 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 July 1, 2020 at 5:00 p.m. via Zoom videoconference. 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 a total of six (6) voter protests and four (4) landowner protest were filed by 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 District's progress with fulfilling the conditions.

RECOMMENDATION

Staff recommends the Commission adopt Resolution No. 20-04, ordering the Rio Dell Fire Protection District Annexation without election, subject to the satisfaction of the terms and conditions in Resolution No. 20-02, as adopted by the Commission on May 20, 2020.

Attachments

Attachment A: Draft Resolution No. 20-04

Attachment B: Protest Hearing Summary

RESOLUTION NO. 20-04

**ACTING AS THE CONDUCTING AUTHORITY,
FINDING INSUFFICIENT PROTEST, AND CONFIRMING AND ORDERING THE SPHERE
OF INFLUENCE AMENDMENT AND ANNEXATION OF FIRE SERVICE AREAS SERVED BY
SCOTIA, REDCREST, AND SHIVELY VOLUNTEER FIRE COMPANIES TO THE RIO DELL
FIRE PROTECTION DISTRICT, AND THE DIVESTITURE OF POWER TO PROVIDE FIRE
SERVICES BY THE SCOTIA COMMUNITY SERVICES DISTRICT**

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," adopted Resolution No. 20-02, subject to terms and conditions, on May 20, 2020, after holding a public hearing, making determinations, and approving the Rio Dell Fire Protection District Sphere Amendment, Annexation, and Scotia Community Services District Divestiture 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 57075(a); 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 via Zoom, in accordance with the Governor's Executive Order authorizing California public entities to conduct meetings remotely due to COVID-19 restrictions, on July 1, 2020, 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 Commission's determinations and conditions included in Resolution No. 20-02, 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 six (6) written protests from registered voters and four (4) written protests from landowners. In such cases, pursuant to California Government Code Section 57075(a)(3), the Commission is directed to confirm and order the annexation without an election.

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

1. The Commission, acting as the conducting authority, hereby confirms and orders the Rio Dell 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. 20-02.

PASSED AND ADOPTED at a meeting of the Humboldt Local Agency Formation Commission on the 15th day of July, 2020, by the following roll call vote:

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

Estelle Fennell, Chair
Humboldt LAFCo

Attest:

Colette Santsche, Executive Officer
Humboldt LAFCo

PROTEST HEARING SUMMARY – JULY 1, 2020
ANNEXATION OF FIRE SERVICE AREAS SERVED BY SCOTIA, REDCREST, AND SHIVELY
VOLUNTEER FIRE COMPANIES TO THE RIO DELL FIRE PROTECTION DISTRICT, AND THE
DIVESTITURE OF POWER TO PROVIDE FIRE SERVICES BY THE SCOTIA COMMUNITY
SERVICES DISTRICT

1. CALL TO ORDER

The meeting was called to order at 5:00 p.m. via Zoom, with Executive Officer Santsche presiding.

LAFCo Representatives Present:

Colette Santsche, Executive Officer
Krystle Heaney, Clerk/Analyst
Estelle Fennell, LAFCo Chair

2. PUBLIC APPEARANCES

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

3. PROTEST HEARING – Rio Dell 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 Rio Dell FPD Annexation at a public hearing on May 20, 2020. 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. 20-02, subject to modifications, terms and conditions

The Executive Officer further summarized the outcomes of the May 20, 2020 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.

During this time clarification was given on the transfer of assets from the volunteer fire departments to the Rio Dell FPD. Transfer agreements will be conducted on case by case basis. A future meeting will be scheduled between Rio Dell FPD and the Redcrest Community Center to discuss options for leasing the firetruck storage building.

Clarification was also given on the different assessment values that will be assessed to properties. A question of forest management and assessment for State Park lands was raised. State Parks is not exempt from the assessment but does not pay for assessments on their lands. Forest lands on State Park property are subject to State management requirements.

C) Open the hearing

The Executive Officer opened the public hearing at 5:37 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 six (6) Registered Voter written protests and four (4) landowner written protests had been received prior to conducting the protest hearing.

F) Close the hearing

The public hearing was closed at 5:42 p.m.

G) 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, confirming the Commission's action on the annexation. The total value of landowner written protests equaled \$685,858 which is less than 2% of the total assessed value of the annexation properties. She briefly discussed next steps, including approval of conducting authority proceedings at the next Commission meeting on July 15, 2020, conditions compliance, and certificate of completion recordation with the County Recorder's Office.

4. ADJOURNMENT

The meeting was adjourned at 5:43 p.m. Next regular LAFCo meeting: July 15, 2020 at 9:00 a.m. via zoom.