



AGENDA ITEM 7A

MEETING: September 21, 2022
TO: Humboldt LAFCo Commissioners
FROM: Colette Santsche, Executive Officer
SUBJECT: **Approval of Conducting Authority Proceedings and Request to the Humboldt County Board of Supervisors to Call an Election for the Formation of the Salmon Creek Fire Protection District**
The Commission will consider approving Resolution 22-12 and direct the Humboldt LAFCo Executive Officer to work with County Election Officials in preparation of an appropriate ballot measures for the Salmon Creek FPD formation, including preparation of an impartial analysis for the measures.

BACKGROUND

The formation of the Salmon Creek FPD formalizes fire protection responsibility that has historically been provided by good-will services. The Salmon Creek Volunteer Fire Company (VFC) has been serving the Salmon Creek area since 1978 and currently supports its fire protection operations through fund raising, donations, and grants. However, the future of the Salmon Creek VFC could be in jeopardy if a consistent source of funding cannot be established that will pay for insurances, fuel, and the maintenance and replacement of essential equipment. Potential revenues that may be available to the new district upon approval of the proposed Salmon Creek FPD (such as special taxes, property tax growth, grants, or other new revenues) would be intended to support the maintenance of current service levels and could allow the Salmon Creek VFC to improve the level of fire and emergency medical services in the future. The Salmon Creek VFC would continue to provide fire protection services on behalf of the Salmon Creek FPD.

DISCUSSION

On July 20, 2022, the Commission conditionally approved the formation of the Salmon Creek Fire Protection District (FPD), subject to two-thirds (2/3) voter approval of a special tax and election of a three (3) member Board of Directors (Resolution No. 22-09). Approval triggered a 30-day reconsideration period followed by a protest hearing. The Commission delegated authority to the Executive Officer to conduct the protest hearing which is typically conducted to determine whether a proposal would be confirmed, terminated, or subject to an election based on the number of valid written protests received. Since the formation is already subject to an election for voter approval of the special tax and election of district board members, only the threshold for termination is applicable:

Terminate formation proceedings if written protests are received from 50 percent or more of the voters residing in the territory.

The protest hearing was held on September 10, 2022 at Salmon Creek School. Notices for the protest hearing were mailed 21-days in advance to registered voters and property owners within the formation area. At the hearing, the Executive Officer summarized the proposal and opened the public hearing. No public comment was received. At the closing of the hearing, no protests were filed with the Executive Officer.

Based on the determination that insufficient written protests were submitted, it is recommended that the Commission direct the LAFCo Executive Officer to work with County Election Officials in preparation of an appropriate ballot measures for the Salmon Creek FPD formation, including preparation of an impartial analysis for the measures.

RECOMMENDATION

Staff recommends the Commission adopt Resolution No. 22-12, confirming and ordering the formation of the Salmon Creek Fire Protection District and Special Tax subject to an election and requesting the Humboldt County Board of Supervisors call an election.

Attachments

Attachment A: Draft Resolution No. 22-12

Attachment B: Protest Hearing Summary

RESOLUTION NO. 22-12

**ACTING AS THE CONDUCTING AUTHORITY,
FINDING INSUFFICIENT PROTEST, CONFIRMING AND ORDERING
THE FORMATION OF THE SALMON CREEK FIRE PROTECTION DISTRICT
AND SPECIAL TAX SUBJECT TO ELECTION, AND REQUESTING THE
HUMBOLDT COUNTY BOARD OF SUPERVISORS CALL AN ELECTION**

WHEREAS, on July 20, 2022, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," conditionally approved the formation of the Salmon Creek Fire Protection District by LAFCo Resolution No. 22-09, incorporated herein by reference, 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, since the formation is already subject to an election, including voter approval of a special tax and election of district board members, only the threshold for termination of proceedings is applicable which would require that majority protest is received from 50 percent or more of the voters residing in the territory in accordance with California Government Code Section 57078; 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 Salmon Creek School on September 10, 2022, 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. 22-09, 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 and registered voters, does not constitute a majority protest.

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Act, specifically California Government Code section 57000, subdivision (d) and (e), LAFCo must notify the Board of Supervisors and the County Elections Official that LAFCo has made a determination requiring that an election be conducted and requesting that the Board of Supervisors authorize the County Elections Official to conduct a special election consistent with applicable law; and

WHEREAS, California Government Code section 57000, subdivision (e)(1), requires the Board of Supervisors to do all of the following: call, provide for, and give notice of a special election; fix a date of election and authorize the elections official to designate precincts and polling places, where applicable, and to take any other action necessary to call, provide for, and give notice of the special election or elections and to provide for the conduct and canvass of returns of the election, as determined by LAFCo; and

WHEREAS, the combined elections that must be conducted are: (1) an election by registered voters on the question of whether the order adopted by LAFCo on July 20, 2022, ordering the formation of the Salmon Creek Fire Protection District shall be approved; and if formed; (2) an election for a special tax of \$75 per year for each parcel within the district; (3) an election to fill the three (3) board of director seats to be voted on by registered voters within the proposed District, if the District is formed.

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

1. The Commission, acting as the conducting authority, hereby confirms and orders the formation of the Salmon Creek Fire Protection District subject to an election.
2. The formation of the Salmon Creek Fire Protection District shall be subject to the terms and conditions set forth in LAFCo Resolution No. 22-09 as provided in Attachment 1 hereto.
3. The Commission hereby requests the Humboldt County Board of Supervisors call an election and authorize the County elections official to prepare for and conduct the necessary election for the formation of the Salmon Creek Fire Protection District in accordance with Government Code Section 57125 et seq., relevant election provisions of the County, and the terms and conditions set forth in LAFCo Resolution No. 22-09; and
4. The Commission authorizes and directs the Executive Officer to work with County Election Officials in preparation of appropriate ballot measures for the formation of the Salmon Creek Fire Protection District, including preparation of an impartial analysis for the measures. The Executive Officer is authorized and directed to make non-substantive changes to the ballot language and impartial analysis for the purposes of clarity and for the purpose of addressing any concerns that may be raised by the County Elections Official.
5. The questions posed to the qualified voters of the proposed District shall substantially conform with the following language:

QUESTION 1: "To support the continued operation of the Salmon Creek Volunteer Fire Company, including adequate funding to pay for insurances, fuel, and essential equipment, shall the order adopted on July 20, 2022 by the Humboldt Local Agency Formation Commission ordering the formation of the "Salmon Creek Fire Protection District" in the territory described, subject to terms and conditions specified in the order, contingent upon the approval of a special tax to finance district services, the passage of which is required for the District to be formed, be approved?"

[75 WORDS, Salmon Creek Volunteer Fire Company counts as 1 word, Humboldt Local Agency Formation Commission counts as 1 word, Salmon Creek Fire Protection District counts as 1 word]

QUESTION 2: "To support the continued operation of the Salmon Creek Volunteer Fire Company, including adequate funding to pay for insurances, fuel, and essential equipment, shall a measure imposing a \$75.00 per year special tax for each parcel, until repealed by voters, providing approximately \$25,000 annually, requiring all funds spent to sustain local fire protection and rescue services, be adopted in accordance with the terms of the Salmon Creek Fire Protection District Formation? Passage of this tax is required for the District to be formed."

[75 WORDS, Salmon Creek Volunteer Fire Company counts as 1 word, Salmon Creek Fire Protection District counts as 1 word]

6. If a majority of all the votes cast favor the formation of the District, the territory shall be formed. If two-thirds of all votes cast in favor of the special tax, the tax shall be enacted.
7. The District will be governed by a three (3) member board of directors, elected at-large, each of whom must be registered voters residing within the proposed district and whose terms must be four years, with exception of the initial board. The terms of office for the initial Board of Directors is as described in California Elections Code section 10505.
8. The Commission authorizes and directs the Executive Officer to file a Certificate of Completion upon successful election, certification of election results, and the satisfaction of the terms and conditions in LAFCo Resolution No. 22-09.

PASSED AND ADOPTED at a meeting of the Humboldt Local Agency Formation Commission on the 21st day of September, 2022, by the following roll call vote:

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

Attest:

Virginia Bass, Chair
Humboldt LAFCo

Colette Santsche, Executive Officer
Humboldt LAFCo

PROTEST HEARING SUMMARY
Formation of the Salmon Creek Fire Protection District

Saturday, September 10, 2022 -- 12:00 PM
Salmon Creek School

1. CALL TO ORDER – 12:00 PM

2. PUBLIC APPEARANCES

This is an opportunity for members of the public to speak on items that are not on the agenda. No public comments were received.

3. PROTEST HEARING – SALMON CREEK FIRE PROTECTION DISTRICT FORMATION

The Executive Officer summarized the proposal and reasons for the protest hearing. The Humboldt Local Agency Formation Commission (LAFCo) approved the proposed Salmon Creek Fire Protection District Formation at a public hearing on July 20, 2022. Approval triggered a 30-day reconsideration period followed by a protest hearing. The protest hearing is conducted to allow landowners and registered voters within the affected territory to file a written protest against the Commission's action with the Executive Officer. 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 formation would be terminated if 50% or more of registered voters protest in accordance with this notice.

The LAFCo Executive Officer conducted the protest hearing as follows:

- A. Describe the proposal and purpose of the hearing
- B. Summarize LAFCo Resolution No. 22-09
- C. Open the hearing
- D. Receive any oral or written protests, objections or evidence – none received
- E. Note all written protests received prior to the hearing – none received
- F. Close the hearing
- G. Determine the value of written protests filed and not withdrawn – none received

4. ADJOURNMENT

The next regular meeting of the Commission will be held on September 21, 2022, at 9:00 AM via Zoom video conference. At the meeting, the Executive Officer will present the results of the protest hearing, with a draft resolution, to the Commission for its consideration. Based on the number of valid written protests received, the formation will be confirmed subject to an election.

***For more information about the protest hearing,
please contact LAFCo staff at 707-445-7508 or colettem@humboldtlafo.org (preferred).***