



## AGENDA ITEM 7B

**MEETING:** September 21, 2022  
**TO:** Humboldt LAFCo Commissioners  
**FROM:** Colette Santsche, Executive Officer  
**SUBJECT:** **Request to the Humboldt County Board of Supervisors to Call an Election for the Garberville Fire Protection District Annexation Special Tax Measure**  
The Commission will consider approving Resolution 22-13 and direct the Humboldt LAFCo Executive Officer to work with County Election Officials in preparation of an appropriate ballot measure for the Garberville FPD Annexation Special Tax Measure, including preparation of an impartial analysis for the measure.

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### BACKGROUND

The Garberville Fire Protection District (FPD) annexation includes approximately 36,000 acres of land (1,108 parcels) within the good-will response area of the Garberville FPD and the response area of the Sprowel Creek Volunteer Fire Company (VFC). The annexation is intended to redefine the Garberville FPD boundary to secure funding and support improvements to the level of service to the existing district and areas that are currently being served as part of the District's goodwill response area and by the Sprowel Creek VFC which lacks dedicated funding sources.

The principal reasons for the annexation are as follows:

1. The Garberville FPD has provided fire protection services to its out-of-district response area and the Sprowel Creek Volunteer Fire Company has provided service to their community for many years.
2. The annexation would extend the Garberville FPD's current property tax allocation to the expanded district boundary, establish a new district-wide special tax, and consolidate fire protection service operations and administration with Sprowel Creek, providing regular and ongoing revenue sources to sustain local fire protection services within each community and to also retain the important local identity of each community's fire department.
3. The new revenue generated by this annexation would begin the process of establishing a new battalion in the Benbow area. Initially this would mean firefighters would be recruited and trained from the Benbow area, and a fire engine may be strategically placed at a residence or other location to allow a quicker response to Benbow incidents.
4. The annexation and consolidation would support essential fire protection services to the following communities: Benbow, Sprowel Creek, Garberville Airport/Kimtu Meadows, Bear Canyon, Alderpoint Road, and South U.S. 101/Richardson Grove.

5. The annexation would establish district boundaries that clearly define service responsibilities for the benefit of neighboring fire service providers, land use authorizes, the public, and other service providers.

## **DISCUSSION**

On July 20, 2022, the Commission conditionally approved the Garberville FPD Annexation, subject to two-thirds (2/3) voter approval of a special tax within the existing district and annexation area (Resolution No. 22-10). LAFCo Resolution No. 22-10 also provided for the waiver of conducting authority proceedings since written opposition was not received from landowners or registered voters within the affected territory prior to the conclusion of the Commission's proceedings on the proposal in accordance with criteria outlined under Government Code Section 56663.

To proceed with the election, it is recommended that the Commission direct the LAFCo Executive Officer to work with County Election Officials in preparation of an appropriate ballot measure for the Garberville FPD Annexation Special Tax Measure, including preparation of an impartial analysis for the measure.

## **RECOMMENDATION**

Staff recommends the Commission adopt Resolution No. 22-13, waiving conducting authority proceedings, confirming and ordering the Garberville FPD annexation contingent on special tax approval, and requesting the Humboldt County Board of Supervisors call an election.

## ***Attachments***

Attachment A: Draft Resolution No. 22-13

**RESOLUTION NO. 22-13**

**WAIVING CONDUCTING AUTHORITY PROCEEDINGS, CONFIRMING  
AND ORDERING THE GARBERVILLE FIRE PROTECTION DISTRICT  
ANNEXATION CONTINGENT ON SPECIAL TAX APPROVAL, 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 "LAFCo" or "Commission," conditionally approved a sphere of influence amendment and annexation of good will response areas and land currently served by the Sprowel Creek Volunteer Fire Company to the Garberville Fire Protection District by LAFCo Resolution No. 22-10, 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, LAFCo Resolution No. 22-10 also provided for the waiver of conducting authority proceedings subject 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) since written opposition was not received from landowners or registered voters within the affected territory prior to the conclusion of the Commission's proceedings on the proposal in accordance with criteria outlined under Government Code Section 56663; and

WHEREAS, the annexation is subject to terms and conditions, including voter approval of a special tax consistent with the Special Tax Ordinance introduced by the Garberville Fire Protection District Board of Directors on June 8, 2022, to sustain and improve fire protection services by the registered voters of the current district boundaries and proposed annexation area; and

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

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

1. The Commission hereby confirms and orders the Garberville Fire Protection District Annexation subject to the terms and conditions set forth in LAFCo Resolution No. 22-10 as provided in Attachment 1 hereto.
2. The Commission hereby requests the Board of Supervisors call an election and authorize the County Elections Official to prepare for and conduct the necessary election for the Special Tax Measure 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. 22-10; and
3. The Commission authorizes and directs the Executive Officer to work with County Election Officials in preparation of appropriate ballot measure for the Special Tax, including preparation of an impartial analysis for the measure. 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.
4. The question posed to the qualified voters of the existing district and proposed annexation area shall substantially conform with the following language:

QUESTION: "To sustain essential fire protection and rescue services, merge with the Spowel Creek Volunteer Fire Department, plan and construct a new station in Benbow, and adequately fund daytime staffing coverage, insurances, fuel, and essential equipment, shall the Garberville Fire Protection District Ordinance introduced on June 8, 2022, establishing a special tax to be levied within the existing district and annexation area, raising an estimated \$150,000 annually, be adopted? Passage of this tax is required for the annexation to be confirmed."

**[73 WORDS, Garberville Fire Protection District counts as 1 word, Sprowel Creek Volunteer Fire Company counts as 1 word]**

A copy of the Garberville Fire Protection District Ordinance may be submitted as part of the full text for the measure.

5. If two-thirds of all votes cast in favor of the special tax, the tax shall be enacted.
6. 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. 22-10.

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

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

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Virginia Bass, Chair  
Humboldt LAFCo

Attest:

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Colette Santsche, Executive Officer  
Humboldt LAFCo