

Corkey Harmon
County Member

Chris Kelstrom
County Member

Allen Long
County Member Alternate

Susie Baugh
City Member

Pam Morgan
City Member

Tenessa Audette
City Member Alternate

Fred Ryness
Special District Member

Ronnean Lund
Special District Member

Rosemary Smith
Special District Alternate

Brenda Haynes
Public Member

Michael Spencer
Public Member Alternate



AGENDA ITEM 9.A.

Date: February 5, 2026

From: Krystle Brogna, Executive Officer

Subject: **Burney FPD Sphere of Influence Amendment Discussion**

The Commission will receive a report of recent updates pertaining to the Burney FPD SOI Amendment approved in October 2025 that expanded the SOI to include areas along Hatchet Ridge and the community of Cassel.

BACKGROUND

The Cortese-Knox-Hertzberg Local Government Reorganization Act directs Local Agency Formation Commissions (LAFCOs) to regularly prepare municipal service reviews (MSRs) in conjunction with establishing and updating each local agency's sphere of influence (SOI). The legislative intent of MSRs is to proactively assess the availability, capacity, and efficiency of local governmental services. MSRs may also lead LAFCOs to take other actions under their authority such as forming, consolidating, or dissolving one or more local agencies in addition to any related sphere changes.

As part of the Commission's work plan, staff prepared a MSR/SOI Update for the Burney Fire Protection District (FPD) in 2025. As part of the update process, staff coordinated with Burney FPD Interim Chief Robert May. Discussions were focused on the provision of services including fire and emergency response, and ambulance services. Additionally, Chief May requested that LAFCO review the established SOI for the District and consider expanding it to encompass additional forested, and developed, areas surrounding the District.

During the course of the MSR/SOI Update preparation, LAFCO received communication from Cassel community member Edie Baltzer, informing the Commission that the Shasta County Fire Department sent the Cassel Volunteer Fire Company a letter (dated June 9, 2025), informing them that the Shasta County Fire Department (CSA #1) was terminating their Site Use Agreement and would be pulling all Shasta County Fire assets out of the Cassel fire station. This meant that the Cassel fire station might no longer be utilized and/or staffed by Shasta County fire. During a follow-up phone call with Ms. Baltzer on July 9, 2025, LAFCO Executive Officer Krystle Brogna noted that staff was currently working on a MSR/SOI Update for Burney FPD and the Commission could potentially look into expanding the SOI for the FPD to include Cassel which, if approved by the Commission, could open up additional options for possible future staffing of the fire station in Cassel.

At the August 7, 2025, Commission meeting, a Public Hearing for the Burney FPD MSR/SOI Update was opened. The meeting was noticed in the Record Searchlight newspaper in accordance with Government Code Section 56153 and on the Shasta LAFCO website. During the meeting, Commissioners received a presentation from staff and Chief May on the status of the District and the

additional coordination needed to determine if the SOI should be expanded or not. The Public Hearing was then continued to the October 2, 2025, regular Commission meeting.

Prior to the October meeting, Executive Officer Brogna contacted Shasta County Fire Department Chief Sean O'Hara, and Senior Administrative Analyst Jenn Rossi of the Shasta County Administrative Office, to discuss potential expansion of the Burney FPD SOI. Both of them expressed concern over expansion of the SOI citing potential issues with logistics, safety, resources, and coverage that needed to be researched and clarified prior to any decision. As such, LAFCO staff recommended that the Cassel area instead be identified as a Special Study area in order to further review options but without an immediate SOI change that included Cassel.

The October 2, 2025, meeting was held in Burney at the Burney FPD in order to offer the public increased access to provide public comment. During the meeting, staff provided an overview of changes that were made to the MSR/SOI Update document since the August meeting, discussed potential issues with including commercial timberlands within the FPD SOI, and options for the Cassel area. Information was also provided by representatives from Burney FPD and CAL FIRE (as staff for Shasta County Fire Department). It was noted that including Cassel in the Burney FPD SOI could open up the area to ambulance services provided by the District.

Public comment was received from several members of the public including multiple people from the Cassel community. Commissioners asked clarifying questions and discussed several options for the Burney FPD SOI. After deliberation, the Commission opted to expand the SOI to the largest extent requested by the District which included the community of Cassel (Attachment A: Resolution 2025-06).

After adoption of the MSR/SOI Update, Executive Officer Brogna received communication from Shelly Irwin, Secretary of the Cassel Volunteer Fire Company. She requested clarification on the SOI change process, public notification processes, if Cassel had been included in the Burney FPD SOI before, who could apply for potential annexation into the FPD, and the process for requesting reconsideration of the Commission's decision to expand the Burney FPD SOI. Executive Officer Brogna sought input from Legal Counsel Jim Underwood and the LAFCO Executive Committee in order to provide information on the items listed. Clarification was also provided on the differences between the District's jurisdictional boundary and the SOI.

Jurisdictional Boundary: The area where the agency has actual legal authority to implement its adopted rules and regulations, and provide services.

Sphere of Influence: A plan for the probable physical boundaries and service area of a local agency, as determined by the Commission, but not authorizing expanded services unless there were to be a noticed hearing and formal Commission approval of an agency boundary change.

It was emphasized that changes to a SOI do not change service boundaries or affect service provision. Instead, a SOI identifies areas where future service options may be considered.

Following this communication, public comment was provided at the December 4, 2025, Regular Commission meeting by both Ms. Baltzer and Ms. Irwin. They expressed concern that insufficient

notice was provided and the Cassel community was therefore unaware of the proposed change for the Burney FPD SOI. They also formally requested that the Commission “reconsider” its decision to expand the SOI, and remove Cassel from the SOI. During public comment, a motion was made to agendize the issue for the next regular Commission meeting in February. Brown Act requirements, as stated on the LAFCO meeting agenda, provide that no actions are to be taken by the Commission as a result of items presented during the public comment period of the meeting. However, it was later requested by the Commission, during Commission discussion of a related agendized item, that staff notice further discussion of the Burney FPD SOI issues and potential action on a future agenda. It was also requested that a presentation be provided by Shasta County Fire then on the possibility of having that agency take over fire services within the Burney FPD boundary.

Executive Officer Brogna also received communication from Ms. Irwin, on behalf of the Cassel Volunteer Fire Company, in December 2025, asking for additional information from Shasta LAFCO for a community meeting in Cassel on January 12, 2026. They asked if a representative from LAFCO could attend the meeting or, if someone could not attend, they asked if additional written information could be provided that explained the purpose of LAFCO and the SOI process. Subsequent communication noted that LAFCO would not be a panelist but would be attending as a member of the public to be available for any questions that might come up. Executive Officer Brogna was unable to attend so written information was provided (Attachment B).

DISCUSSION

Reorganization Process

As noted above, under Background, the question was raised as to whether the Shasta County Fire Department could take over fire and emergency response services from the Burney FPD. There are provisions in the CKH Act for LAFCO initiated dissolutions of agencies based on the inability of an agency to provide services (Government Code Section 56375.1). However, based on the recently adopted MSR for the District, there is no evidence to suggest that they have chronic service provision deficiencies, have spent public funds in an unlawful manner, have shown willful neglect regarding public disclosure laws, have failed to meet the minimum number of times required by law, have consistently failed to perform timely audits, and/or have chronic issues with the District’s fiscal controls. As such, LAFCO has no statutory grounds for initiating dissolution of the Burney FPD. Such a reorganization of services would need to be initiated by Resolution of Application by both the Burney FPD and the Shasta County Fire Department after considerable discussion and consultation with both agencies.

Reconsideration of Expanded Burney FPD SOI

As noted above under Background, a SOI is a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission. Changes to a SOI do not change service boundaries or affect service provision. Instead, a SOI identifies areas where alternative future service options may be considered. These options may include out of agency service connections (most commonly for water or wastewater), service contracts with other agencies, expanded goodwill or mutual aid response areas, or other service arrangements. Any future changes of organization, such as annexations, must be consistent with an adopted SOI, but inclusion within a SOI does not guarantee that a change of organization will occur. Prior to consideration of any substantial boundary change,

additional public outreach takes place to allow ample opportunity for public comment and coordination with other potentially affected agencies.

The Commission chose to expand the Burney FPD SOI on October 2, 2025, after receiving information from staff and potentially impacted agencies, and after accepting public comment at two public hearings. The CKH Act provides for a reconsideration of Commission approved changes of organization or reorganizations, but only if this occurs within a period of 30 days following that approval (Government Code Section 56895). During this time, any person or affected agency may file a written request with the executive officer requesting amendments to or reconsideration of a resolution. The Cassel Volunteer Fire Company first inquired about the reconsideration process on October 22, 2025. However, due to additional information gathering and discussion with legal counsel, options for potential reconsideration were not provided until November 25, 2025. A formal verbal request for reconsideration was given at the December 4, 2025 Commission meeting, citing Shasta LAFCO policy Chapter 4, Section 7 – Reconsideration of Shasta LAFCO Decisions, and arguing that insufficient public notice was given, noting that the initial public notice did not mention the community of Cassel nor was it published in The Intermountain News, which is the local newspaper for the Fall River Valley.

It should be noted that the reconsideration process and timing, as addressed both in the CKH Act and in Shasta LAFCO policy, is limited to changes of organization or reorganization. These include changes to the jurisdictional boundaries of agencies such as annexations or detachments, formation and/or dissolution of agencies, new or expanded services, and the like. It does not pertain to setting an agency's SOI. However, Shasta LAFCO Policy Chapter 1 – Section 3: Transaction of Official Business – Public Hearings/ Rehearings, does provide options for such a request.

Policy Chapter 1 – Section 3.4.2: Rehearings. At the next meeting after action has been taken approving or disapproving a proposal, other than a change of organization or reorganization which would be subject to reconsideration proceedings pursuant to § 56895, the Commission may order a rehearing on any matter. Such order for rehearing may be made upon the Commission's own approved motion, or at the request of any affected agency or interested party. A rehearing may be granted only upon one or more of the following grounds:

1. A demonstrated proceedings error that may have affected the Commission's decision.
2. A mistake or misunderstanding of fact or law that substantially affected the Commission's decision.
3. The existence of new matters not considered by the Commission and which may have affected the decision.

Should the Commission identify an item that qualifies under the grounds listed above, the item may be reheard.

RECOMMENDATION

The Commission has several options for moving forward with the consideration of the Burney FPD SOI as noted below:

Formal Rehearing for the Burney FPD MSR/SOI Update

Should the Commission determine that there was either a demonstrated proceeding error, a mistake or misunderstanding of fact or law, or the existence of new matters not considered by the Commission, then a formal rehearing may be conducted. Such a rehearing would be a scheduled for a newly noticed public hearing at the next regular Commission meeting.

Continue the Item to a Future Meeting

The Commission may choose to continue this meeting item to the next Regular Commission meeting to be held on April 2, 2026, in order to obtain additional information and hold further discussion on the item.

No Action

The Commission may determine that the sufficient information and discussion was held during the August and October public hearings for the MSR/SOI Update and as such, the Commission's October 2, 2025, decision would stand.

Attachments

Attachment A - Resolution 2025-06: Burney FPD MSR/SOI Update

Attachment B - Letter to Cassel Volunteer Fire Company: LAFCO Process for Sphere of Influence and Organization Changes