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Special District Member

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Public Member Alternate

Rosemary Smith
Special District Alternate

AGENDA ITEM 9.C.

Date: April 2, 2026

From: Krystle Brogna, Executive Officer

Subject: Burney FPD MSR/SOI Update Discussion

The Commission will review the prior action from October 2, 2025, approving the Burney FPD MSR/SOI Update (Resolution 2025-06) which expanded the SOI to include areas around Hatchet Ridge, southern Burney, Cassel, and the McArthur-Burney Falls Memorial State Park.

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. Burney FPD is responsible for providing fire protection, ambulance, and "all-risk" emergency response services to the unincorporated communities of Burney and Johnson Park in eastern Shasta County. Burney FPD engages in mutual aid with County Service Area #1 - Shasta County Fire Department and Fall River Valley Fire Protection District. CAL FIRE provides dispatch services for Burney FPD through the Emergency Command Center (ECC) in Redding.

The MSR/SOI Update reviewed the District's current level of services, financial standing, governance, public transparency, and additional items as outlined in Government Code §56430. As part of the update process, staff coordinated with Burney FPD Interim Chief Robert May who conducted two rounds of internal review. 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 members regarding the status of services in the Cassel area as was noted in the February 5, 2026 staff report. This information was taken into consideration when developing options for the Burney FPD SOI.

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.

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.

Information pertinent to amending the SOI was provided as follows (except from the October 2, 2025 staff report):

Commercial Timberlands

State law prevents fire protection districts from including “commercial forest lands which are timbered lands declared to be in a state responsibility area” within new district formations or annexations (Health and Safety Code §13811). Additionally, the Forest Practice Act (Public Resources Code §4511 et seq.) regulates timber harvesting operations in California and establishes the State Board of Forestry’s exclusive jurisdiction over those operations. Public Resources Code §4516.5 specifically provides that “individual counties shall not otherwise regulate the conduct of timber operations, as defined by this chapter, or require the issuance of any permit or license for those operations.” This has been interpreted to mean that counties and local fire districts are preempted from regulating the conduct of timber operations (e.g., fire safety practices during logging activities).

Based on the current law, it would not be advisable to expand Burney FPD’s current SOI south into the large areas of commercial timberlands that are owned by Sierra Pacific Industries (SPI). Staff has determined that there are 114 parcels (approximately 28,174 acres) of land owned by SPI in the District’s requested SOI. As such, staff proposes a smaller SOI excluding the majority of these areas. However, should the District wish to memorialize its typical goodwill response area, the SOI may be expanded into these areas.

Community of Cassel and Other SOI Expansion Areas

The community of Cassel is currently within the boundary of CSA #1 - Shasta County Fire. Previously, CSA #1 operated out of the Cassel fire station up until July 30, 2025, when the County terminated its Site Use Agreement with the Cassel Volunteer Fire Department (VFD) due to a lack of active volunteers. At this time [September 2025], all County-owned equipment, appliances, and property have been removed from the fire station. While the Cassel station is not currently in use, the area is still served by CSA #1 from CAL FIRE Burney Station #14 that is located in the Johnson Park area.

Community members from Cassel, and Burney FPD have expressed interest in possible expansion of the Burney FPD SOI to cover the Cassel area, and potential future annexation. This would allow Burney FPD to provide fire, emergency medical response, and ambulance services to the area. However, CSA #1 has expressed concerns over this type of reorganization and encourages further discussion between the fire chiefs and the County, prior to making any final decisions regarding the provision of services in the area. It has been noted that Burney FPD would have to pass the CAL FIRE station in order to reach the Cassel area and is not the closest resource available. Similar concerns have been expressed for the areas along Hatchet Ridge and McArthur-Burney Falls Memorial State Park.

During the October 2, 2025 meeting, public comment was received from several individuals 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 the Cassel Volunteer Fire Company requesting 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, with input from legal counsel, provided information to the Cassel Volunteer Fire Company as requested. 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, and February 5, 2026 Regular Commission meeting by Cassel community members. They expressed concern that insufficient notice was provided to the Cassel community regarding the SOI amendment and that additional issues with Burney FPD were becoming more of a concern. They also formally requested that the Commission "reconsider" its decision to expand the SOI, and remove Cassel from the SOI.

It was noted that the reconsideration process as outlined in Government Code §56895 only applies to changes of organization or reorganization which includes annexations, detachments, consolidations, formations, and dissolutions. It does not apply to SOI amendments. As such, at the February 5, 2026 Commission meeting, the Commission voted to conduct a rehearing of the October 2, 2025 Burney FPD MSR/SOI decision, utilizing Shasta LAFCO policy Chapter 1 - Section 3.4.2: Rehearings.

DISCUSSION

Cassel Community Petition

At the February 5, 2026, Commission meeting, members of the Cassel community stated that a petition was circulated and signed by numerous members of the community. This petition was later emailed to Executive Officer Brogna. Staff reviewed the signatures and addresses to ensure that all signatures collected were from the Cassel area. In total, 28 unique signatures were collected stating: "The undersigned hereby protests the inclusion of Cassel, California within the Burney Fire Protection

District's Sphere of Influence (SOI) and calls for Shasta LAFCO to rescind their October 2, 2025, decision and restore Cassel to its former status".

Request for Corrective Action

LAFCO staff received communication from Lozano Smith, legal counsel for the Burney FPD, requesting that the LAFCO vacate the February 5, 2025 re-hearing order, and should LAFCO wish to revisit the SOI, proceed through the SOI amendment process prescribed by Government Code §56427, 56428, and 56430. The letter argues that LAFCO policy Chapter 1 - Section 3.4.2: Rehearings, may not be used to reconsider SOI decisions as it unlawfully expands LAFCO's statutory authority through internal rules or policy. It also argues that even if the policy did apply, the timeline for using the policy was exceeded, and no findings were made to support holding a rehearing. The letter also stated that should the Commission choose to move forward with the rehearing, the Burney FPD may be forced to pursue available legal remedies to enforce compliance with the CKH Act.

In light of this request, staff has reviewed the applicable CKH Act sections, and local policies pertaining to SOI amendments, and the potential for future litigation should the Commission move forward with the rehearing. Based on this information, staff recommends that any Commission determined changes to the recently adopted MSR/SOI be considered by the procedure for considering a potential amendment, and not by formally rehearing the final Commission action taken in October of 2025.

RECOMMENDATION

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

Formal Amendment of the Burney FPD MSR/SOI Update

The Commission may move to formally initiate proceedings to amend the Burney FPD SOI. This would include an updated MSR with revised determinations based on new information, and new SOI findings based on information provided in the updated MSR. A new Public Hearing would be noticed and held at a future date and time to be determined.

Continue the Item to a Future Meeting

The Commission may choose to continue this Public Hearing to the next Regular Commission meeting to be held on June 4, 2026, in order to obtain additional information and hold further discussion on the item.

No Action

The Commission may determine that 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