

Les Baugh
County Member

Irwin Fust
Special District Member

Pamelyn Morgan
City Member Alternate

Mary Rickert
County Member Alternate

Stan Neutze
City Member Alternate

Brenda Haynes
Special District Member

Mark Dacquisto
City Member



Larry Russell
Public Member

Katharine Ann Campbell
Public Member Alternate

Joe Chimenti
County Member

George Williamson
Executive Officer

Fred Ryness
Special District Alternate

James M. Underwood
General Counsel

Kathy Bull
Manager

Agenda Item: 9.d

Meeting Date: March 3, 2022

From: Executive Officer George Williamson

Subject: Correction to Commission Resolution 2020-09 Making Determinations and Approving the Fall River Valley Fire Protection District Consolidation

Background:

Concurrent Fall River Mills and McArthur Fire Protection Districts Resolutions of Applications for consolidation into the Fall River Valley Fire Protection District, were filed with the Shasta Local Agency Formation Commission (LAFCO) Executive Officer and said application complied with Commission requirements.

A public hearing was held on December 3 2020, the Commission considered the proposal, the Executive Officer report; factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668 and all other relevant evidence and information presented at said hearing, including the comments of all interested parties desiring to be heard

Based on findings and determinations and the record of proceedings, the Commission found and determined that the Proposal for Consolidation is consistent with the intent of the Cortese-Knox-Hertzberg Act and the purposes of the Commission, as expressed in Government Code §56001 and §56301. The Commission found that approval of the consolidation of the two existing districts is appropriate.

DISCUSSION

Both the Fall River Mills and McArthur Fire Protection Districts (FPD) were Independent Districts as documented in the Intermountain FPD MSR SOI Update prepared for the consolidation:

“The McArthur FPD is governed by a three member Board of Directors elected to staggered four year terms and the Fall River Mills FPD is governed by a five member Board of Directors, elected to staggered four year terms by registered voters that live within the District.”

The Fall River Valley Fire Protection District is also an independent District, with an elected Board as documented in the Consolidation Application Plan for Services which states:

“The consolidated Fall River Valley FPD will maintain a five-member board of directors that will meet monthly. Directors will be elected at large from within District boundary.”

Shasta LAFCo Resolution 2020-09, approving the Consolidation, contained a single reference, in error, to an appointed Board. A correction to Resolution 2020-09, is necessary to clarify that the independent FPD Board is elected and not appointed. Said correction is to Condition 8 of this resolution.

RECOMMENDATION

Staff recommends the Commission:

Receive verbal report from staff; request public input; and

Discuss item, and consider action on staff recommendation:

1. Approve Corrected Resolution 2020-09 clarifying FRV FPD is independent special district with elected Board

Attachments

Corrected Resolution 2020-09 with Attachment Listing Elected Board Members and Staggered Terms

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LAFCO RESOLUTION 2020-09

CORRECTION TO RESOLUTION OF THE SHASTA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING THE FALL RIVER MILLS AND MCARTHUR FIRE PROTECTION DISTRICTS CONSOLIDATION TO THE FALL RIVER VALLEY FIRE PROTECTION DISTRICT.

WHEREAS, Concurrent Resolutions of Applications from the Fall River Mills and McArthur Fire Protection Districts for consolidation into the Fall River Valley Fire Protection District, were filed with the Shasta Local Agency Formation Commission (LAFCO) Executive Officer and said application complied with Commission requirements; and,

WHEREAS, The territories subject of the Proposal are located in the eastern portion of unincorporated Shasta County ("Affected Territories"). As part of the Application, the Applicants included a plan for providing services within the Affected Territories ("Plan for Services").

WHEREAS, The Fall River Mills and McArthur Fire Protection Districts were formed under authority defined in the California Health and Safety Code, Fire Protection District Law of 1987 [Sections 13800 - 13970]; and

WHEREAS, Both Districts circulated notices to agencies and interested parties including LAFCO and have adopted resolutions initiating LAFCO proceedings, have conducted public meetings based on their notification, and have received and considered comments presented; and

WHEREAS, District consolidation proceedings are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 as amended, Government Code Section 56000 et seq; and

WHEREAS, It is the desire of the Fall River Mills and McArthur Fire Protection District Boards that the territory currently served and within these two districts, be included into the consolidated District; and

WHEREAS, An annexation of parcels in County Service Area #1 – Shasta County Fire Department was also proposed for the consolidated District requiring detachment from CSA #1; and

WHEREAS, the proposed annexation and consolidation are subject to a Tax Revenue Sharing Agreement meeting California Revenue & Taxation Code Section 99 requirements; and

WHEREAS, The Shasta County Board of Supervisor's adopted Resolution 20-078, that formally documents that Fall River Mills and McArthur Fire Protection Districts property taxes allocations, with no revenue allocations for annexed parcels, to be transferred to the Fall River Valley Fire Protection District, to meet California Revenue & Taxation Code Section 99 requirements.

WHEREAS, Due to the proposed annexation not receiving property tax revenue allocations for annexed parcels currently allocated to County Service Area #1, the Commission excluded the annexation from consolidation action; and

WHEREAS, at the time and in the manner provided by law, the Executive Officer issued a certificate of filing and posted a notice of hearing, which gave notice of the date, time, and place of a Commission public hearing upon said application; and

WHEREAS, the Shasta LAFCO has adopted a Sphere of Influence for the consolidated District, as shown in the 2018 Intermountain Fire Protection Districts Municipal Services Review approved by the Commission; and

WHEREAS, the Executive Officer reviewed the application and prepared a report including staff recommendations thereon within the time required by law and has furnished copies of said report to the Commission and all other persons required by law to receive it; and

WHEREAS, at a hearing on December 3, 2020, the Commission considered the proposal, the Executive Officer report; factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668 and all other relevant evidence and information presented at said hearing, including the comments of all interested parties desiring to be heard; and

WHEREAS, State CEQA Guidelines Section 15320 exempts from CEQA changes in the organization or reorganization of local government agencies where the changes do not change the geographical area in which previously existing powers are exercised. In that the District will provide fire and emergency medical services to the Affected Territories that are comparable or superior to those provided currently and will continue to provide such services to the Affected Territories upon consolidation, there is no change in the geographic area to which services have been provided as a result of consolidation. As a result, the Proposal is exempt pursuant to State CEQA Guidelines Section 15320.

WHEREAS, LAFCO, on behalf of the two districts, prepared and certified as the Lead Agency a Notice of Exemption for the affected territory pursuant to the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

WHEREAS, The Affected Territories are inhabited, in that more than twelve registered voters reside within the consolidated District.

WHEREAS, Based on the foregoing findings and determinations and the record of these proceedings, the Commission finds and determines that the Proposal for Consolidation is consistent with the intent of the Cortese-Knox-Hertzberg Act and the purposes of the Commission, as expressed in Government Code §56001 and §56301. The Commission further finds, therefore, that approval of the consolidation of the two existing districts is appropriate.

WHEREAS, a correction to Resolution 2020-09, for Commission consideration on March 3, 2022, is necessary to clarify that the independent FPD Board is elected and not appointed. Said correction is to Condition 8 of this resolution. The Current Board Members and their respective staggered terms are listed in Attachment A.

NOW, THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED as follows:

The foregoing recitals are true and correct.

1. The territory comprises approximately 29,448 acres in the McArthur Fire Protection District (including 18,523 acres in Lassen County) and 25,057 acres in the Fall River Mills Fire Protection District, totaling 54,505 acres more or less and is inhabited.
2. The change of organization is assigned the following distinctive short-term designation:
Fall River Mills and McArthur Fire Protection Districts Consolidation.
3. The Commission reviewed and considered information contained in the Notice of Exemption prepared for this change of organization and made a specific determination for California Environmental Quality Act compliance.
4. The Commission adopted, affirmed and directed the Executive Officer to file a Notice of Exemption as provided under the California Environmental Quality Act. Applicant responsible for payment of Shasta County Clerk recording fee.

5. The proposed Fall River Valley Fire Protection District is consistent with the existing District boundaries,
6. The proposed annexation of 23,479 acres (including territory in Lassen and Modoc Counties totaling less than 400 acres, or 2 percent) and detachment from CSA #1 for all Shasta County territory, would not receive any Shasta County property tax revenue, per Board of Supervisors Resolution 20-078, approved July 28, 2020.
7. The proposed annexation is excluded from the consolidation, as there would be insufficient revenue due to lack of property tax revenue from the detached territory.
8. The Commission adopts the determinations regarding consistency with LAFCO policies contained in the staff report for this project and incorporates them by reference herein.
9. The Fall River Mills and McArthur Fire Protection Districts were formed pursuant to California Health and Safety Code, Fire Protection District Law of 1987 [Sections 13800 – 13970] and are hereby consolidated. The successor independent district shall be the Fall River Valley Fire Protection District.
10. This change of organization includes all the territory shown in Exhibit "A" Consolidated Fall River Mills and McArthur Fire Protection Districts. The district boundaries and Sphere of Influence, as set forth in the proposal, are hereby approved as shown in Exhibit "A" attached hereto and by this reference incorporated herein.
11. The effective date of formation shall be upon the Certificate of Completion recordation and after the completion of all proceedings.
12. The Fall River Valley Fire Protection District shall be the successor agency to all rights, responsibilities, properties, contracts, assets, liabilities, and functions of Fall River Mills and McArthur Fire Protection Districts. Any professional service agreements, individual employments contracts and pension liabilities will be evaluated consistent with the following:

Any full- or part-time Fall River Mills and McArthur Fire Protection District employees shall become full-time or part-time employees of the successor agency. Contract employees and professional service agreements will be evaluated, at the sole and exclusive discretion of the governing body of the consolidated District, to determine whether they are essential to the ongoing District operation.

This consolidation is subject to the following conditions:

1. The successor agency shall function under and carry out all authorized duties and responsibilities as outlined in Fire District Law and other applicable laws.
2. As applicable, all income from taxes, assessments or any other source, which has been a continuing right to tax distribution, or historical distribution or allocation of funds to each of the Districts, and the annexed area, shall continue to be distributed to the Fall River Valley Fire Protection District.
3. The provisional appropriation limits of the Fall River Mills and McArthur Fire Protection Districts shall be set in the first full fiscal year. This amount is to be set from the proceeds of taxes currently received by the Fall River Mills and McArthur Fire Protection Districts.
4. All Assets, unrestricted, restricted or fiduciary, held by the Fall River Mills and McArthur Fire Protection Districts, shall be transferred to and become assets of the Fall River Valley Fire Protection District. The consolidated District shall be the successor agency. The assets include, but are not limited to vehicles, infrastructure, structures, land, office equipment, maintenance equipment and cash assets.

5. Any previously authorized charges, fees, assessments, and/or taxes currently in effect, now levied or collected by each district, including improvement or assessment districts thereof, shall continue to be levied and collected by successor District.
6. All District liabilities shall be transferred to and become liabilities of the consolidated District.
7. Reorganization of these two (2) districts shall not change the rights of the lands in the respective district as they existed immediately prior to the consolidation.
8. Pursuant to Fire Protection District Law of 1987 [Sections 13800 – 13970] the Fall River Valley Fire Protection District Board of Trustees shall be five (5) members and all Directors shall be ~~appointed~~ elected to serve four-year terms and all directors shall be residents within the Fall River Valley Fire Protection District Boundaries.
9. The district shall provide the range of services authorized by the Fire District Law. The Board of Trustees of the consolidated District shall authorize an annual work plan for services throughout the consolidated District.
10. The Sphere of Influence hereby adopted by Shasta LAFCO (Resolution 2020-09) on December 3, 2020 shall guide the consolidated District and any Sphere of Influence Updates shall meet requirements of Government Code 56425 (g).
11. LAFCO is the conducting authority for this consolidation. In accordance with the provisions of Government Code Section 56000 et. seq. and Shasta LAFCO Policies, if the Commission does not receive written objections prior to the close of the public hearing on December 3, 2020, the protest-hearing requirement pursuant to Government Code Section 57000 et seq. shall be waived and the change of organization is ordered complete. No written objections were received.
12. Approval of this consolidation is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Shasta Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this annexation. Shasta LAFCO shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.
13. Unless otherwise waived, all LAFCO, Shasta County and State of California fees must be paid in full prior to Certificate of Completion filing. LAFCO will forward invoices and (or) a list of estimated required fees or deposits prior to Certificate of Completion filing.
14. The Executive Officer is hereby directed to transmit a certified copy of this resolution to each affected agency, as provided in G.C. Section 56882.
15. The Completion of the 30-day reconsideration period provided under G.C. § 56895.
16. Submittal of a final map and geographic description of the affected territory conforming to applicable State Board of Equalization requirements prior to the recordation of the Certificate of Completion.
17. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings.
18. Completion of proceedings shall be concluded within one year after adoption of this resolution. If the proceedings are not concluded within one year after passage of this resolution, all proceedings shall be terminated unless an extension is approved.

Corrected on March 3, 2020 by the following Vote:

For:

Against:

Abstain:

Absent:

Irwin Fust, Chair Shasta LAFCO

Attest:

George Williamson Executive Director

Attachment 1 *Fall River Valley Fire Protection District Board Members*

Attachment 1

Fall River Valley Fire Protection District Board Members

Name	Position	Current Term Expires
Joseph Bruce	President	12/2022
Scott Gallion	Board Member	11/2022
Jay Egy	Board Member	11/2024
Gary Fazio	Board Member	11/2024
Michael Pasternak	Board Member	12/2024