

July 6, 2010

VIA FACSIMILE AND US MAIL
(530) 295-1208

Jose C. Henriquez
Executive Officer
El Dorado LAFCO
550 Main St., Suite E
Placerville CA 95667

Re: Diamond Springs/El Dorado Fire Protection District Detachment of the Shingle Springs Rancheria; LAFCO Project No. 2010-05

Dear Mr. Henriquez:

We represent the El Dorado County Fire Protection District ("EDCFPD"). This letter is in response to the Comment Request that EDCFPD received from your agency on the Diamond Springs/El Dorado Fire Protection District ("Diamond Springs") request for detachment of the Shingle Springs Band of Miwok Indians property ("Property"). We are defending EDCFPD against the lawsuit filed by Diamond Springs to invalidate the Agreement between EDCFPD and Shingle Springs Band of Miwok Indians. (*Diamond Springs/El Dorado Fire Protection District v. El Dorado County Fire Protection District et al*, Sacramento County Superior Court Case No. 34-2009-80000276). Diamond Springs has filed an appeal of a stipulated dismissal of that case which is now pending before the Court of Appeal (Third Appellate District, Case No. C064919). So, Diamond Springs is pursuing this application at the same time it continues its lawsuit against EDCFPD. We do not understand why Diamond Springs continues to pursue the litigation in light of this application submittal. In EDCFPD's view, the appeal is improper and results in significant and unnecessary expenditure of public funds to both Districts.

Given Diamond Spring's continuing litigation, EDCFPD is concerned about Diamond Springs' ultimate goals in seeking detachment. In its lawsuit, Diamond Springs is seeking a court order to detach the Property from Diamond Springs and annex the Property to EDCFPD. Shingle Springs Band of Miwok Indians has informed EDCFPD that they and their land are not subject to State law under the doctrines of sovereign immunity and federal supremacy. Consistent with Shingle Springs Band of Miwok Indians' position, EDCFPD believes that they and their Property are not subject to the Cortese-Knox-Hertzberg Act (a State law) which is the source of LAFCO's authority on district boundaries. Therefore, EDCFPD believes that the detachment application is not necessary.

If LAFCO moves forward with the detachment application, EDCFPD requests that any LAFCO action on the application have absolutely no effect on EDCFPD. In particular, any LAFCO decision on the application should not affect EDCFPD boundaries or revenues (including, property tax). The LAFCO decision should not impose any fees or conditions on EDCFPD. The LAFCO decision also should not affect in any way the existing Agreement between EDCFPD and Shingle Springs Band of Miwok Indians that was entered into in



Jose Henriquez, LAFCO Executive Officer
Re: Diamond Springs/El Dorado Fire Protection District Detachment of the Shingle Springs Rancheria;
LAFCO Project No. 2010-05
July 6, 2010
Page 2

July 2008, almost two years ago. The parties have taken many significant actions in reliance on the Agreement. Any LAFCO action that would affect the Agreement would damage both parties.

EDCFPD has an existing agreement with Shingle Springs Band of Miwok Indians. Diamond Springs continues to seek to invalidate that Agreement in court and have the court order a change to Diamond Springs' and EDCFPD's boundaries. It is critical to EDCFPD that any LAFCO action on the detachment application does not affect either EDCFPD or the Agreement in any manner.

If you have any questions about this letter or the EDCFPD's concerns, we are available to meet with you.

Very truly yours,



Steven R. Meyers

cc: Chief Bruce Lacher, El Dorado County FPD
Board of Directors, El Dorado County FPD
Andrew Morris, El Dorado LAFCO Agency Counsel
Hon. Robert T. Larsen, Sr., President, Diamond Springs-El Dorado FPD
Nicholas H. Fonseca, Tribal Chairman, Shingle Springs Bank of Miwok Indians

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