

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2014-10

El Dorado Hills County Water District Annexation of the
Latrobe Fire Protection District and Sphere of Influence
LAFCO Project No. 2014-04

WHEREAS, on January 23, 2014, the El Dorado Hills County Water District (“EDH”) Board of Directors adopted District Resolution 2014-04 (“petition”) requesting expansion of the EDH sphere of influence to include the LTB service area and sphere of influence (“SOI”), and annexation of this same territory; and

WHEREAS, on February 3, 2014, the Latrobe Fire Protection District (“LTB”) Board of Directors adopted District Resolution 02-03-14 (“petition”) requesting the dissolution of LTB and the simultaneous annexation to EDH; and

WHEREAS, on February 4, 2014, EDH and LTB submitted the petitions to El Dorado Local Agency Formation Commission (“LAFCO”); and

WHEREAS, the proposal was assigned LAFCO Project No. 2014-04 and is referred to as the “El Dorado Hills County Water District Annexation of the Latrobe Fire Protection District and Sphere of Influence”; and

WHEREAS, LTB and its SOI includes 699 parcels, consisting of approximately 27,838 acres, shown in “Exhibit A” (hereinafter referred to as the “subject territory”); and

WHEREAS, the petition includes agreed upon conditions between LTB and EDH to stabilize and secure the financial condition of services in the Latrobe community, ensure appropriate levels of emergency fire and medical response to all areas of the resulting District, eliminate redundant management personnel, increase operations and efficiencies and maximize available resources; and

WHEREAS, the petition is in conformance with Government Code §56650 et seq.; and

WHEREAS, determining the exact and definite boundaries of LTB’s service area is part of Project L-2014-04; and

WHEREAS, Government Code Sections 56375(l) and 56668(f) require LAFCOs to review the definiteness and certainty of the boundaries of the territory in question, with particular attention to the conformance of the proposed boundaries with the lines of assessment or ownership; and

WHEREAS, Assessor's Parcel Number (APN) 087-30-80 (10.36 acres), is currently split between the El Dorado County Fire Protection District (ECF) and LTB boundaries with two separate tax rate areas; and

WHEREAS, the majority of APN 087-300-80 (9.1 acres) is within tax rate area (TRA) 076-016, which includes ECF, and the remaining 1.26-acre portion of this parcel is within TRA 076-025, which includes LTB; and

WHEREAS, on or about March 2014, the fire chiefs for EDH, LTB and ECF agreed that the entirety of APN 087-300-80 should be within the service boundaries of ECF; and

WHEREAS, one of LAFCO's missions as contained in Government Code Section 56001 is "the logical formation and modification of the boundaries of local agencies, with a preference granted to accommodating additional growth within, or through the expansion of, the boundaries of those local agencies which can best accommodate and provide necessary governmental services and housing for persons and families of all incomes in the most efficient manner feasible"; and

WHEREAS, Government Code Section 56375 gives LAFCO the discretionary authority to "review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission"; and

WHEREAS, as defined in Government Code 56073, the making of "two or more changes of organization contained within a single proposal" is technically designated as a "reorganization" of multiple agency boundaries; and

WHEREAS, Revenue and Taxation Code §99 requires an agreement for the exchange of property tax revenues in the event of a jurisdictional change of local agencies; and

WHEREAS, property tax exchange negotiations were completed and approved by the County of El Dorado Board of Supervisors ("the County") on June 10, 2014, by the EDH Board of Directors on June 19, 2014, by the LTB Board of Directors on July 14, 2014, and by the ECF Board of Directors on July 17, 2014; and

WHEREAS, LTB and ECF requested termination of the informational hearing proceedings pursuant to Government Code §56857(b); and

WHEREAS, pursuant to Government Code §56857(c), the Commission terminated the informational hearing proceedings; and

WHEREAS, the Executive Officer reviewed the petition for conformance under the California Environmental Quality Act (“CEQA”) and determined that the Reorganization is consistent with the determinations of a Class 20 Categorical Exemption under Section 15320 of the State CEQA Guidelines; and

WHEREAS, the Executive Officer has examined the petition, certified that it is adequate and has accepted the petition for filing on July 29, 2014; and

WHEREAS, the Executive Officer set a public hearing for August 27, 2014, for consideration of the petition and the environmental determination and caused Notice thereof to be posted, published and mailed at the times and in the manner required by law at least twenty-one (21) days in advance of that date; and

WHEREAS, said Notice stated that the petition and an environmental determination would be considered by this Commission at the hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code §56665, has reviewed this petition and prepared and distributed a report, including recommendations, and has furnished a copy of this report to each person entitled to a copy at least five (5) days prior to the August 27, 2014 meeting during which the petition was considered; and

WHEREAS, on August 27, 2014, this Commission designated a zero sphere of influence for LTB; and

WHEREAS, on August 27, 2014, the matter came on regularly for hearing before this Commission, at the time and place specified in the Notice of the Public Hearing; and

WHEREAS, at said hearing, the petition, the environmental determination, and the Executive Officer’s Report and Recommendations were reviewed and considered; and

WHEREAS, an opportunity was given to all interested persons, organizations, and agencies to present oral or written protests, objections, and any other information concerning the proposal and all related matters; and

WHEREAS, this Commission has received, heard, discussed and considered all oral and written testimony related to the petition, including, but not limited to, protests and objections, the Executive Officer’s report and recommendations, the environmental determination, spheres of influence, applicable General and Specific Plans, each of the policies, priorities and functions set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, including those set forth in Government Code

§§56377, 56668 and 56668.3, LAFCO's Policies and Guidelines and all other materials presented as prescribed by law.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED, ORDERED AND FOUND by the El Dorado Local Agency Formation Commission as follows:

1. Each of the foregoing recitals is true and correct.
2. This resolution making determinations is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, California Government Code §56000 et seq.
3. The following agencies and districts were notified concerning this petition: El Dorado County Chief Administrative Office, El Dorado County Agricultural Department, El Dorado County Assessor's Office, El Dorado County Auditor's Office, El Dorado County Elections Department, El Dorado County Emergency Services Authority, El Dorado County Fire Protection District, El Dorado County Office of Education, El Dorado County Planning Department, El Dorado County Resource Conservation District, El Dorado County Sheriff's Department, El Dorado County Surveyor's Office, El Dorado County Water Agency, El Dorado County Representing County Service Areas (Zone 2, 9 Zone 14, 9 Zone 17, 10, 10 Zone E, and 10 Zone H), El Dorado Hills Community Services District, El Dorado Hills County Water District, El Dorado Union High School District, Farm Bureau, Latrobe Fire Protection District, Latrobe School District, and Los Rios Community College District.
4. There are 691 registered voters in the subject territory; therefore, the subject territory is considered inhabited per Government Code §56046.
5. Written Notice of Commission proceedings was given to all registered voters and landowners within 300 feet of the affected territory.
6. Pursuant to Government Code §57000 et seq. the Conducting Authority proceedings are necessary in conjunction with this application.
7. LTB was formed pursuant to the Health and Safety Code in 1982 for the purpose of providing fire suppression and emergency services to the Latrobe Community.
8. The LTB service area is located in the southwestern corner of El Dorado County, south of Highway 50, directly south of the EDH service area.
9. LTB is currently staffed with part-time personnel and relies heavily on volunteers, including the Fire Chief and Firefighter positions, which are all part-time non-paid.

10. LTB has two fire stations, only one of which is staffed on a part-time basis during business hours Monday through Friday.
11. LTB currently receives an average of 5% of the property taxes collected in the District's service area.
12. From 2001 to 2012, the County of El Dorado provided money out of its general fund to support eight of the county's 14 fire agencies, including LTB, under its "Aid to Fire" program.
13. From 2001 to 2012, approximately half of the LTB budget relied on the annual Aid to Fire funding.
14. In anticipation of the end of the County's Aid to Fire program in 2012, LTB and EDH conducted joint training sessions and various internal financial, budgetary and labor studies to integrate the departments.
15. LTB has held various public workshops and outreach efforts to engage the community about dissolution and annexation into EDH. Topics covered have included what the larger department will look like, issues of service capabilities and political representation, and general information about what dissolution and annexation into EDH will mean for the Latrobe area residents.
16. The LTB and EDH Boards of Directors adopted a Plan for Service, which provides a detailed plan for the provision of services to be provided to the Latrobe Community by EDH.
17. The Plan for Service addresses staffing and personnel issues, an annexation transition plan, details regarding existing facilities and equipment, training and operational issues, administrative operations, and Latrobe Community representation after the annexation. It also includes the creation of a Latrobe Area Coordinator position and a Latrobe Area Advisory Council.
18. The EDH Board of Directors voted to contract with Citygate for a peer review of the LTB dissolution and annexation to EDH.
19. Citygate has completed an initial assessment and preliminarily concluded that EDH's proposed budget should be able to meet the needs of the Latrobe area and that services to the Latrobe area would be improved.
20. The subject territory consists of six tax rate areas (TRAs): 076-001, 076-007, 076-011, 076-015, 075-016, and 076-019.
21. APN 087-30-80 (10.36 acres) is currently split between tax rate areas 076-016 and 076-025.

22. TRA 076-016 is within the ECF service boundaries; TRA 076-025 is within the LTB boundaries.
23. The majority of APN 087-300-80 (9.1 acres) is within TRA 076-016 (ECF); the remaining 1.26-acre portion is within TRA 076-025 (LTB).
24. Per the County Assessor's Office, the 1.26-acre portion of APN 087-300-80 is the only territory within TRA 076-025.
25. Per the County Auditor's Office, TRA 076-025 does not contain any "assessable" parcels.
26. Currently, 100% of the property taxes collected from APN 087-300-80 are assigned to TRA 076-016; 0% of the property taxes collected from APN 087-300-80 are assigned to TRA 076-025.
27. Upon Commission approval of the Dissolution of LTB (LAFCO Project 2014-03), the 1.26-acre portion of APN 087-300-80 will no longer be within the boundaries of any Fire Protection District
28. Annexation of the 1.26-acre portion of APN 087-300-80 into EDH with the rest of the dissolved LTB parcels would not result in an orderly boundary, and would instead perpetuate a split-boundary parcel, which is discouraged by Government Code Sections 56375(l) and 56668(f).
29. Annexation of the 1.26-acre portion of APN 087-300-80 fully into ECF will place the parcel into a single TRA (076-016) and a single fire protection district (ECF), eliminating the overall need for TRA 076-025.
30. Annexation of APN 087-300-80 into ECF was included in the AB-8 negotiations and the property tax agreement resolution adopted by the County Board of Supervisors on June 10, 2014.
31. The total assessed land value of the subject territory is \$217,892,687.
32. LTB currently collects a \$60 per parcel assessment for parcels in the service area; parcels in the LTB SOI are not included in that assessment.
33. Upon Commission approval of the reorganization, EDH will create two zones of benefit within the annexed area: Zone A will be assessed \$60 per parcel; Zone B will be assessed \$0 per parcel. Zone A will include parcels within the LTB service area which are currently paying the \$60 assessment. Zone B will include parcels within the LTB SOI area which are not currently paying the \$60 assessment, as well as any parcels within LTB which have previously been exempted from this assessment.

34. The subject territory includes 699 developed and undeveloped parcels.
35. The subject property is almost exclusively designated by the 2004 County General Plan as either Agricultural Lands or Rural Residential, with small portions designated as Natural Resources and Open Space along the Cosumnes River border to the south.
36. The subject territory is developed according to current zoning and is not proposed for any additional development of any kind; the future land use of the subject territory will not change upon reorganization.
37. The current land use and annexation petition is consistent with the County's 2004 General Plan.
38. The reorganization is consistent with LTB's zero sphere of influence and the EDH and ECF spheres of influence.
39. Pursuant to Government Code §57450 et seq., upon Commission dissolution of LTB (LAFCO Project No. 2014-03) and annexation of the LTB area into EDH, EDH will be the successor of LTB.
40. As the successor agency, EDH is responsible for winding up the affairs of LTB after dissolution, as well as, upon annexation, continuing to provide fire protection services to the Latrobe Community at levels consistent with the Plan for Service that has been previously agreed upon by the LTB and EDH Boards of Directors.
41. CEQA Guidelines Section §15320 is the Class 20 categorical exemption for "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."
42. This petition is hereby found to be exempt from CEQA pursuant to California Code of Regulations Categorical Exemption §15320.
43. The Reorganization does not include any residential development and will not assist the County's ability to meet its Regional Housing Needs Assessment allocations as determined by the Sacramento Area Council of Governments for any income groups.
44. Upon the filing of the Certificate of Completion for these proceedings, EDH and ECF shall provide fire suppression and emergency medical services to the subject territory.
45. The petition meets the intent, policies, and priorities of this Commission, and the laws and policies within its jurisdiction and authority, including but not limited to

the LTB “zero” sphere of influence, the EDH and ECF spheres of influence, and the El Dorado LAFCO Policies and Guidelines.

46. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
47. The annexation to EDH will not result in negative impacts to the cost and adequacy of services otherwise provided in the area, and it is in the best interests of the affected area and the total organization of local government agencies.
48. The territory proposed for annexation to EDH represents an orderly, logical and justifiable extension of the EDH boundaries.
49. The annexation to ECF will not result in negative impacts to the cost and adequacy of services otherwise provided in the area and it is in the best interests of the affected area and the total organization of local government agencies.
50. The territory proposed for annexation to ECF represents an orderly, logical and justifiable extension of the ECF boundaries and amendment of the project, consistent with the provisions of Government Code Section 56375.
51. The proposal is re-assigned the following short form designation:
Reorganization of the Latrobe Fire Protection District and Sphere of Influence to the El Dorado Hills County Water District and El Dorado County Fire Protection District; LAFCO Project No. 2014-04
52. The Reorganization of the Latrobe Fire Protection District and Sphere of Influence to the El Dorado Hills County Water District and El Dorado County Fire Protection District is hereby approved, subject to the following conditions:
 - (a) The subject territory shall be liable for any authorized or existing taxes, fees, service charges, assessments and any bonded indebtedness of EDH and ECF.
 - (b) The applicant and the real party of interest, if different, shall agree to defend, indemnify, hold harmless and release the El Dorado Local Agency Formation Commission, its agents, officers, attorney and employees from any claim, action or proceeding brought against them or any of them, the purpose of which to attack, set aside, void, condition, challenge or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant,

arising out of, related to or in connection with the approval of this application, whether or not there is concurrent passive negligence of the part of the El Dorado Local Agency Formation Commission or its agents, officers, attorney or employees.

- (c) Proponents shall complete all map and legal description requirements for final recording and filing, including documents required by the State Board of Equalization, within 180 days of August 27, 2014.
53. All subsequent proceedings in connection with this reorganization shall be conducted only in compliance with the approved boundaries and conditions set forth in the attachments and any terms and conditions specified in this resolution and in Resolution L-2014-09.
54. The Executive Officer is hereby authorized and directed to file with the Clerk of the County of El Dorado, a Notice of Exemption for the reorganization, within five (5) working days of the adoption of this Resolution.
55. The Executive Officer is hereby instructed to set the Conducting Authority proceeding for this Reorganization for October 22, 2014.
56. All interested parties, including without limitation the El Dorado Hills County Water District, the Latrobe Fire Protection District and the El Dorado County Fire Protection District, agree that LAFCO retains in perpetuity the authority to enforce, through legal action or otherwise, all of the terms and conditions of the project approval.
57. The documents and materials which constitute the record of proceedings on which these findings are based are located at 550 Main Street, Suite E, Placerville, CA 95667. The custodian of these records is the Executive Officer.

PASSED AND ADOPTED by the El Dorado Local Agency Formation Commission at a regular meeting of said Commission, held August 27, 2014, by the following vote of said Commission.

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Clerk to the Commission

Chairperson