

# EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

---

## *EXECUTIVE OFFICER'S REPORT*

*AGENDA OF MAY 25, 2011*

### *REGULAR MEETING*

**TO:** Ron Briggs, Chair, and  
Members of the El Dorado County Local Agency Formation  
Commission

**FROM:** José C. Henríquez, Executive Officer

**PREPARED BY:** Erica Sanchez, Policy Analyst

**AGENDA ITEM #4:** Conducting Authority Proceedings to accept landowner  
protests for the Meeks Bay Fire Protection District  
Annexation of Rubicon Bay Parcels and Emerald Bay  
Tracts

**LAFCO Project No.** 2010-04

**PROPONENT(S):** Meeks Bay Fire Protection District

---

### **RECOMMENDATION**

Staff recommends that the Commission:

- 1) Summarize the Commission's Resolution Number L-2011-06 making determinations (Attachment A);
- 2) Open the Conducting Authority proceedings for the Meeks Bay Fire Protection District Annexation of Rubicon Bay Parcels and Emerald Bay Tracts;
- 3) Accept all valid landowner protests;
- 4) Authorize the Executive Officer to determine the value of written protests filed; and
- 5) Adopt Conducting Authority Resolution L-2011-08 (Attachment C), ordering the annexation if no majority land value protest is received.

### **REASON FOR RECOMMENDED ACTION AND BACKGROUND**

The annexation was approved by the Commission at the April 27, 2011 meeting; however, Conducting Authority proceedings are required for this project because the proposal did not have the written consent of all involved landowners. A Conducting

Authority hearing allows all landowners of the subject territory a final opportunity to formally protest the annexation. The subject territory contains four registered voters and is considered uninhabited per state law; therefore, written protests for this project may be filed by any landowner within the subject territory or on behalf of a landowner by an agent authorized in writing by the owner to act as agent with respect to that land.

Per Government Code §57000 et seq., the Commission shall summarize the resolution making determinations approving the annexation prior to hearing and receiving any oral or written protests, objections, or evidence that is made, presented or filed and determine the value of written protests filed and not withdrawn. Depending on the value of protests received, the Commission shall either order the change of organization (the annexation) or terminate the proceedings. The thresholds for uninhabited areas are as follows:

- If landowners owning less than 50 percent of the assessed value of land within the territory submit valid written protests, the Commission shall order the annexation.
- If landowners owning 50 percent or more of the total assessed value of land within the territory submit valid written protests, the Commission shall terminate the annexation.

The current assessed value of the subject territory as a whole is \$10,753,516; the privately-owned parcels in the Rubicon Bay area have an assessed value of \$8,653,442 and the USFS-owned Emerald Bay Tracts have an assessed value of \$2,100,074.

#### Re-Negotiation of the Property Tax Increment

Because the original reorganization petition was modified to include only 29 parcels of the 52 parcels originally proposed for reorganization, the original property tax increment negotiations between the Board of Supervisors and the District no longer applies to the project, as approved. Per Revenue and Taxation Code §99(b)(7), LAFCO has requested a re-negotiation of the exchange of property tax for the approved annexation area. The applicable code allows 30 days to adopt a resolution for an agreed upon increment; both agencies are aware of this deadline and are confident that a new agreement can be reached within the allotted timeframe.

#### Attachments

Attachment A: LAFCO Resolution No. L-2011-06 (*approved April 27, 2011*) and map

Attachment B: Annexation Staff Report (*attachments available online under the April 27, 2011 meeting agenda*)

Attachment C: Draft Conducting Authority Resolution No. L-2011-08