

# EL DORADO LAFCO

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LOCAL AGENCY FORMATION COMMISSION

## **RESOLUTION NUMBER L-2014-09**

### Dissolution of the Latrobe Fire Protection District LAFCO Project No. 2014-03

**WHEREAS**, the Latrobe Fire Protection District (“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; and

**WHEREAS**, the LTB service area is located in the southwestern corner of El Dorado County, south of Highway 50, directly south of the El Dorado Hills County Water District (“EDH”) service area; and

**WHEREAS**, on February 3, 2014, the LTB Board of Directors adopted District Resolution 02-03-14 (“petition”) requesting the dissolution of LTB and the simultaneous annexation to the El Dorado Hills County Water District; and

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

**WHEREAS**, the dissolution proposal (hereinafter referred to as the “Dissolution”) was assigned LAFCO Project No. 2014-03 and is referred to as the “Dissolution of the Latrobe Fire Protection District”; and

**WHEREAS**, LTB includes 660 parcels, consisting of approximately 23,388 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**, 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 and by the LTB Board of Directors on July 14, 2014; and

**WHEREAS**, the Executive Officer reviewed the Dissolution for conformance under the California Environmental Quality Act (“CEQA”) and determined that the Dissolution 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 on July 29, 2014, accepted the petition for filing; 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. Application for this Dissolution is made subject to §56654 by unanimous resolution of the LTB Board of Directors.
4. 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.
5. LTB has two fire stations, only one of which is staffed on a part-time basis during business hours Monday through Friday.
6. LTB currently receives an average of 5% of the property taxes collected in the District's service area.
7. 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.
8. From 2001 to 2012, approximately half of the LTB budget relied on the annual Aid to Fire funding.
9. 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.
10. 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.
11. On January 23, 2014, the EDH Board of Directors approved a resolution of application requesting annexation of the LTB service area and sphere of influence contingent upon, among other things, LTB's dissolution.
12. On February 3, 2014, the LTB Board of Directors approved a resolution of application to apply to LAFCO for dissolution and in support of EDH's annexation of the LTB service area and sphere of influence.

13. 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.
14. 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.
15. The EDH Board of Directors voted to contract with Citygate for a peer review of the LTB dissolution and annexation to EDH.
16. 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.
17. On June 10, 2014, the El Dorado County Board of Supervisors approved the transfer of the existing property tax base from the LTB to EDH to include an increase to 17 percent of the property taxes generated, including both increment and base, that would accrue to the EDH for the Latrobe territory.
18. 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.
19. There are 690 registered voters in the subject territory; therefore, the subject territory is considered inhabited per Government Code §56046.
20. Written Notice of Commission proceedings was given to all registered voters and landowners within 300 feet of the affected territory.
21. Pursuant to Government Code §57000 et seq. the Conducting Authority proceedings are necessary in conjunction with this application.
22. The subject territory includes 660 developed and undeveloped parcels.

23. 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.
24. 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 dissolution.
25. The current land use and Dissolution petition is consistent with the County's 2004 General Plan.
26. The Dissolution is consistent with LTB's zero sphere of influence.
27. Pursuant to Government Code §57450 et seq. the EDH will be the successor of LTB, upon annexation of the LTB area into EDH.
28. 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.
29. LTB has no outstanding debt or bonds to retire.
30. CEQA Guidelines Section §15320 provides a categorical exemption to CEQA (Class 20) for, "changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised."
31. This petition is hereby found to be exempt from CEQA pursuant to California Code of Regulations §15320.
32. The subject territory consists of five tax rate areas: 076-007, 076-011, 076-015, 075-016, and 076-019.
33. The total assessed land value of the subject territory is \$214,154,839.
34. The Dissolution 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.
35. Upon the filing of the Certificate of Completion for these proceedings, LTB shall no longer be legally responsible to provide fire protection services to the subject territory.

36. 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 and the El Dorado LAFCO Policies and Guidelines.
37. The Dissolution will not result in negative impacts to the cost and adequacy of services otherwise provided in the area, and dissolution is in the best interests of the affected area and the total organization of local government agencies.
38. The petition represents an orderly, logical and a justifiable elimination of the LTB boundaries.
39. The proposal is assigned the following short form designation:

Dissolution of the Latrobe Fire Protection District  
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40. The Dissolution of the Latrobe Fire Protection District is hereby approved, subject to the following conditions:
  - (a) Any previously authorized or existing taxes, fees, service charges, assessments and any bonded indebtedness of LTB shall be transferred to EDH as the successor agency and the manner of their assessment or imposition shall be consistent with the manner used by LTB.
  - (b) LTB and EDH 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 requirements for final recording and filing, including documents required by the State Board of Equalization, within one year of August 27, 2014.
41. All subsequent proceedings in connection with this Dissolution 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-2014-10.

42. The Executive Officer is hereby authorized and directed to prepare, execute, and file with the Clerk of the County of El Dorado a Notice of Exemption within five (5) working days of the adoption of this Resolution.
43. The Executive Officer is hereby instructed to set the Conducting Authority proceeding for this Dissolution for October 22, 2014.
44. All interested parties, including without limitation the Latrobe 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 approval.
46. The documents and materials that 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:

\_\_\_\_\_  
Interim Clerk to the Commission

\_\_\_\_\_  
Chairperson