

EL DORADO LAFCO
LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2011-08

Conducting Authority Proceedings on the Meeks Bay Fire Protection District Annexation of Rubicon Bay Parcels and Emerald Bay Tracts

LAFCO Project No. 2010-04

WHEREAS, on February 25, 2009, the Meeks Bay Fire Protection District (“MEK”) adopted District Resolution 2009-02 (“petition”) requesting a reorganization of territory including the annexation and detachment of approximately 2,710 acres; and

WHEREAS, on April 2, 2009, the Meeks Bay Fire Protection District (“MEK”) submitted the petition to El Dorado Local Agency Formation Commission (“LAFCO”); and

WHEREAS, the petition designated the MEK Fire Chief as the authorized agent for the proceedings; and

WHEREAS, the petition was assigned LAFCO Project No. 2010-04 and was referred to as the “Meeks Bay Fire Protection District Reorganization”; and

WHEREAS, on November 3, 2010, the MEK Fire Chief requested in writing that the Commission use its discretionary authority to amend the boundaries of MEK’s petition to include only the annexation of APNs 016-600-07, 016-600-08, 016-600-10, 016-600-13, 016-600-19, 016-600-20, 016-600-21, 018-020-03, 018-020-04, 018-020-05, 018-020-06, 018-020-07, 018-020-08, 018-020-09, 018-020-10, 018-020-11, 018-030-01, 018-030-02, 018-030-03, 018-030-04, 018-030-06, 018-030-07, 018-030-08, 018-030-09, 018-030-10, 018-030-11, 018-030-12, 018-030-13 and 018-030-14 (hereinafter referred to as the “amended petition”); and

WHEREAS, the amended petition consists of approximately 40.25 acres, shown in ‘Exhibit A’ (hereinafter referred to as the “subject territory”); and

WHEREAS, the amended petition requests the Annexation of the subject territory for the continued provision of structural fire protection and emergency services; and

WHEREAS, the amended 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 (“the County”) on August 17, 2010 and by MEK on August 25, 2010; and

WHEREAS, a Negative Declaration of Environmental Impact (ND) has been prepared for the project by the Meeks Bay Fire Protection District as outlined by the California Environmental Quality Act (“CEQA”); and

WHEREAS, within the scope of this environmental review any potential environmental impacts of the project were considered and addressed; and

WHEREAS, the Executive Officer reviewed the project pursuant to the California Environmental Quality Act (CEQA), and recommended the Commission consider the Negative Declaration as the appropriate environmental document; and

WHEREAS, on April 27, 2011 this Commission adopted Resolution 2011-06: (1) adopting the Negative Declaration as the appropriate environmental document for this proposal in accordance with CEQA; (2) exercising its authority under Government Code §56375(a)1 amending and approving the amended proposal to annex the Rubicon Bay Parcels and Emerald Bay Tracts into Meeks Bay Fire Protection districts, subject to certain conditions as set forth in Resolution 2011-06, and (3) taking other related actions; and

WHEREAS, the Commission retained “LAFCO Project No. 2010-04” as the project number for the amended petition but assigned it the short form designation of “Meeks Bay Fire Protection District Annexation of Rubicon Bay parcels and Emerald Bay Tracts”; and

WHEREAS, the amended petition was amended to include only 29 of the 52 parcels originally proposed for reorganization, the original property tax exchange negotiations no longer applied to the project, as approved; and

WHEREAS, per Revenue and Taxation Code §99(b)(7), LAFCO requested a re-negotiation of the exchange of property tax for the approved annexation area; and

WHEREAS, property tax exchange negotiations for the amended project were completed and approved by the County of El Dorado (“the County”) on _____ and by MEK on _____; and

WHEREAS, there are four registered voters in the subject territory; therefore the subject territory is considered uninhabited per Government Code §56046; and

WHEREAS, Government Code §§57000 et seq. designates this Commission as the conducting agency for further proceedings; and

WHEREAS, the Executive Officer has examined the petition, certified that it is adequate and has accepted the petition for filing on March 29, 2011; and

WHEREAS, as directed by the Commission in Resolution L-2011-06, the Executive Officer set a public hearing for May 25, 2011 to receive and consider any protests pursuant to Government Code §57051 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, notice of the Conducting Authority proceeding was mailed to all landowners within the subject territory at least 21 days prior to the hearing in accordance with Government Code §56157; and

WHEREAS, said notice contained the short form designation assigned by this Commission to this proposal; a statement of the manner in which, and by whom, the proceedings were initiated; a description of the exterior boundaries of the subject territory as shown on Exhibit A and the particular changes of organization in the proposed annexation; a statement of the time, date, and place of the protest hearing on the proposed annexation and the manner in which protests may be submitted; and

WHEREAS, on May 25, 2011, this Commission opened the public hearing, LAFCO Resolution 2011-06 was summarized, and 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, after the conclusion of the public hearing this Commission reviewed, evaluated and accepted all valid landowner protests and determined the value of all valid written protests and not withdrawn.

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. The number of valid protests filed and not withdrawn for the Meeks Bay Fire Protection District Annexation of Rubicon Bay parcels and Emerald Bay Tracts is ____.
3. The value of written protests filed and not withdrawn is found to be less than 50% of the number of owners of land owning less than 50% of the assessed value of the land within the territory.
4. Under the provisions of Government Code §57075(b), the Meeks Bay Fire Protection District Annexation of Rubicon Bay parcels and Emerald Bay Tracts is hereby ordered, subject to the following conditions, in addition to all conditions specified in LAFCO Resolution No. L-2011-06:
 - (a) The Certificate of Completion shall be issued and recorded subsequent to final payment of all LAFCO, State Board of Equalization and County fees,

costs and charges associated with the project and necessary to complete the required filings and transmittals.

5. All interested parties, including without limitation the Meeks Bay 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.
6. 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 May 25, 2011 by the following vote of said Commission.

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Interim Clerk to the Commission

Chairperson