

Item 4.1
Attachment 1

Draft Resolution

111 Santa Rosa Avenue, Suite 240
Santa Rosa, CA 95404

April 3, 2019

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Finding Insufficient Protest and Confirming and Ordering Without An Election A Reorganization of Territory Consisting of Dissolution of the Roseland Fire Protection District, Annexation of the Unincorporated Areas of the District to the Rincon Valley Fire Protection District, and Transfer of the Assets of the District, Including Reserves, to the City of Santa Rosa (File No. 2018-14)

Resolved, that the Local Agency Formation Commission of the County of Sonoma (the Commission) hereby finds and determines as follows:

1. Procedural History

1.1 The Roseland Fire Protection District (Roseland FPD or District) filed an application with the Executive Officer of the Commission (Executive Officer), proposing a reorganization consisting of dissolution of the District, annexation of the unincorporated areas of the District to the Rincon Valley Fire Protection District (Rincon Valley FPD), and transfer of the assets of the District, including reserves, to the City of Santa Rosa (City) (Proposal).

1.2 The District is generally located south of State Highway 12, west of U.S. Highway 101 and north of Hearn Avenue, with the unincorporated areas of the District outside the City north of Ludwig Avenue, east of Llano Road and west of South Wright Road, and along Yuba Drive, south of Barndance Lane, north of Ludwig Avenue, and west of Stony Point Road (Affected Territory).

1.3 After conducting required proceedings on the Proposal on February 6, 2019, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code ("the Cortese-Knox-Hertzberg Act"), the Commission approved the Proposal and adopted Resolution No. 2698, a copy of which is attached hereto as Appendix "A" and incorporated herein by this reference. Resolution No. 2698 directed the Commission to undertake protest proceedings for the Proposal in compliance with Resolution No. 2698 and the Cortese-Knox-Hertzberg Act.

1.4 The Commission conducted a duly-noticed protest hearing on the Proposal on April 3, 2019. At the hearing, the Commission heard and received all relevant oral and written protests, objections, and evidence presented or filed on the Proposal. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission closed the public hearing, determined the value of written protests filed against the Proposal and not withdrawn prior to the conclusion of the hearing, and voted to order the Proposal without an election, as set forth herein.

1.5 The Commission has reviewed and considered this resolution and hereby finds that it accurately sets forth the intentions of the Commission with respect to the Proposal.

2. CEQA Compliance

2.1 The Commission determined that the Proposal was exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines sections 15320 and 15061(b)(3).

2.2 The Commission finds that it fully discharged its responsibilities under CEQA for the Proposal by its actions in Resolution No. 2698.

3. Cortese-Knox-Hertzberg Act Compliance

3.1 The actions herein on the Proposal are being taken pursuant to the Cortese-Knox-Hertzberg Act.

3.2 The Proposal consists of a reorganization of territory consisting of dissolution of the Roseland Fire Protection District, annexation to the Rincon Valley FPD of the unincorporated areas of the District outside the City, and transfer of the assets of the District, including reserves, to the City.

3.3 The exterior boundaries of the Affected Territory included in the Proposal are described in Resolution No. 2698.

3.4 The terms and conditions upon the Proposal shall be the terms and conditions specified in Resolution No. 2698.

3.5 The reason for the Proposal is to promote and support the efficient and effective provision of fire protection and emergency services. Roseland FPD has determined that it does not have the operational, financial, or service capabilities to serve the unincorporated areas of the District outside the City.

3.6 The short-form designation for the approved Proposal is Roseland Fire Protection District Reorganization No. 18-01 (Roseland FPD).

3.7 The value of written protests filed and not withdrawn is less than 25 percent of the registered voters residing within the Affected Territory and less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of land within the Affected Territory. In such cases, pursuant to Section 57077.3, the Cortese-Knox-Hertzberg Act directs the Commission to order the reorganization without an election.

NOW, THEREFORE, based on the foregoing findings and determinations and the record of these proceedings, the Commission hereby declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.

2. The value of written protests filed and not withdrawn is insufficient to terminate proceedings, and the Proposal is therefore approved without an election.

3. The Executive Officer is directed to prepare and execute a certificate of completion for the Proposal and to record a certified copy thereof with the Sonoma County Recorder. The certificate of completion shall not be filed until all charges assessed and fees due to the Commission have been paid and all materials required by the Commission for final processing of the Proposal have been submitted.

4. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by law.

5. The Clerk of the Commission is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Commission's decision herein is based. These documents may be found at the office of the Clerk of the Commission, 111 Santa Rosa Avenue, Suite 240, Santa Rosa, CA 95404.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Commission on the 3rd day of April 2019 and ordered adopted by the following vote:

Commissioners:

AYES:

NOES:

ABSTAIN:

WHEREUPON, the Chairman declared the foregoing resolution adopted, and

SO ORDERED

BY:

Mark Bramfitt, Executive Officer

The within instrument is a correct copy of the original on file in this office.

ATTEST:

BY:

Clerk