

Item 5.2 - Attachment 4

Draft Resolution

111 Santa Rosa Avenue, Ste. 240
Santa Rosa, CA 95404

March 4, 2020

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Making Findings and Determinations, Determining Exemption from the California Environmental Quality Act, Approving a Reorganization of Territory Designated as: Sonoma County Fire District Reorganization No. 2019-04 (Bodega Bay FPD and Russian River FPD) Involving Dissolution of the Bodega Bay Fire Protection District and the Russian River Fire Protection District and Subsequent Annexation of Those Territories and Setting Protest Proceedings for the Proposal (File No. 2019-19)

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

1. Proposal and Procedural History

1.1 The Sonoma County Fire District (“the District,” “the Applicant”) filed a resolution of application (“the Application”) with the Executive Officer of the Commission (“the Executive Officer”) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code section 56000 et seq. (“the Cortese-Knox-Hertzberg Act”), proposing a reorganization consisting of dissolution of the Bodega Bay and Russian River Fire Protection Districts and subsequent annexation of those territories (“the Proposal”). The territories that are the subject of the Proposal are generally located in the unincorporated areas of Bodega Bay, Salmon Creek, and Carmet in the western coastal area of Sonoma County, and the unincorporated areas of Guerneville and Rio Nido and surrounding territory in the central Russian River area of Sonoma County (“the Affected Territories”). As part of the Application, the Applicant included a plan for providing services within the Affected Territory (“the Plan for Services”). The Application and the Plan for Services were submitted to the Executive Officer pursuant to the Cortese-Knox-Hertzberg Act. The Executive Officer accepted the Application for filing and issued a certificate of filing on January 29, 2020. Following issuance of the certificate of filing, the Executive Officer set the Proposal for consideration by the Commission and provided notice thereof as provided in the Cortese-Knox-Hertzberg Act.

1.2 The District, acting as lead agency for the purposes of the California Environmental Quality Act (“CEQA”) determined that the proposal was not a project subject to CEQA, pursuant to Section 15320 of the State CEQA Guidelines, and further, if the Proposal could be considered a project subject to CEQA, it is exempt under State CEQA Guidelines Section 15061(b)(3).

1.3 Based on the District's action, the Executive Officer determined that the Commission would comply with CEQA by acting as a responsible agency in its consideration of the Proposal.

1.4 The Executive Officer reviewed the Proposal and written comments received thereon and prepared a report analyzing the Proposal and recommending its approval ("the Executive Officer's Report"). Upon completion, the Executive Officer furnished copies of the Executive Officer's Report to all persons entitled to copies under the Cortese-Knox-Hertzberg Act.

1.5 The Commission considered the Executive Officer's Report and the Proposal at a noticed public hearing on March 4, 2020. At the hearing, the Commission heard and received all relevant oral and written testimony and evidence presented or filed and considered the Executive Officer's Report, the Proposal, and the CEQA determination. All interested persons were given the opportunity to hear and be heard.

1.6 At the conclusion of public testimony, the Commission discussed the Proposal and the environmental effects of the Proposal and voted to approve the Proposal, as set forth herein.

1.7 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 concurs with the District's and the Executive Officer's CEQA determinations for the Proposal and finds and determines that the Proposal is not a project subject to CEQA. If the Proposal could be considered a project, it is exempt from CEQA under State CEQA Guidelines Sections 15061(b)(3) and 15320. The facts and circumstances supporting the Commission's conclusions are set forth below:

2.2 The District will continue to provide fire and emergency medical services to the Affected Territories. The District will also provide mutual aid coverage, advanced life support/paramedic service, and ambulance transport service in the same manner as is provided currently. No physical changes to the environment are anticipated, planned or reasonably foreseeable as a result of the Proposal.

2.3 State CEQA Guidelines Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. As set forth above, the Proposal involves no change in existing use, and it can be seen with certainty that it will not have a significant effect on the

environment. As a result, if the Proposal can be considered a project subject to CEQA, it is exempt pursuant to State CEQA Guidelines Section 15061(b)(3).

2.4 State CEQA Guidelines Section 15320 exempts from CEQA 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. In that the District will provide fire and emergency medical services to the Affected Territories that are comparable or superior to those provided currently, and will continue to provide such services to the Affected Territories upon annexation, there is no change in the geographic area to which services have been provided. As a result, the Proposal is exempt pursuant to State CEQA Guidelines Section 15320.

2.6 The Commission has considered the potential environmental effects of the Proposal prior to reaching its decision on the Proposal. The Commission finds that, in doing so, it has fully discharged its responsibilities under CEQA for the Proposal.

3. Cortese-Knox-Hertzberg Act Compliance

3.1 The Commission makes the following findings and determinations with respect to the Proposal.

- a. The affected territories are within the Sonoma County Fire District's sphere of influence, making it eligible for annexation.
- b. The reason for the reorganization is to allow residents of the affected territories to directly receive the full range of services provided by the District.
- c. The Municipal Service Review conducted for West County Fire and Emergency Services Agencies, and the subsequent Sphere of Influence Study, reflects the District's ability to serve the affected territory.
- d. The District has not executed a tax exchange or other financial agreement with the County of Sonoma that will provide sufficient funding for the District to serve the Bodega Bay Fire Protection District territory, so approval of that portion of the reorganization proposal will be made contingent upon securing an agreement by April 14, 2020.
- e. Existing property tax revenue, and parcel tax revenues raised using Sonoma County Fire District's rate schedule, will be sufficient to provide and maintain services with the Russian River Fire Protection District territory.
- f. Governance of the reorganized agency will be migrated to a district election model beginning in 2022.

3.2 The District has stated, and a Municipal Service Review conducted for the West County region found, that the District can adequately serve the Affected Territories.

3.3 The Affected Territories are inhabited, in that more than twelve registered voters reside within. Therefore, the Commission will establish a Protest proceeding

beginning on March 14, 2020 and concluding at the Commission's regular meeting on May 6, 2019.

3.4 Based on the foregoing findings and determinations and the record of these proceedings, the Commission finds and determines that the Proposal is consistent with the intent of the Cortese-Knox-Hertzberg Act and the purposes of the Commission, as expressed in Government Code §56001 and §56301. The Commission further finds, therefore, that approval of the Proposal is appropriate.

NOW, THEREFORE, based on the foregoing findings and determinations and the record of these proceedings, and pursuant to the Cortese-Knox-Hertzberg Act, 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 Proposal is not a project subject to CEQA. If the Proposal could be considered a project subject to CEQA, it is exempt under Sections 15061(b)(3) and 15320 of the State CEQA Guidelines. The Executive Officer is directed to file a notice of exemption in accordance with CEQA and the State CEQA Guidelines.

3. The Proposal is approved.

4. The boundaries of the Affected Territory shall be as shown and described in Exhibit "A" to this resolution, attached hereto and incorporated herein by this reference.

5. The Proposal is assigned the following short-form designation: Sonoma County Fire District Reorganization No. 2019-04 (Bodega Bay FPD and Russian River FPD).

6. The regular county assessment roll shall be utilized for the Proposal.

7. The Affected Territories shall not be taxed for existing bonded indebtedness and contractual obligations.

8. A property tax exchange agreement or other financial agreement shall be executed to provide sustainable financial support for the Bodega Bay Fire Protection District portion of the reorganization on or prior to April 14, 2020, or that portion of the approval of the reorganization proposal will be vacated.

10. The Executive Officer is authorized and directed to file a notice of exemption in accordance with the provisions of CEQA and the State CEQA Guidelines. The Executive Officer is further authorized and directed to mail certified copies of this resolution in the manner provided by law.

11. If a certificate of completion for the Proposal has not been filed within one year after the adoption of this resolution, the Proposal shall be deemed abandoned unless, prior to expiration of the one-year time period, the Commission authorizes an extension of time for completion of the Proposal.

12. 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 Ave., Ste. 240, Santa Rosa, CA, 95404.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Commission on the 4th day of March 2020 and ordered adopted by the following vote:

COMMISSIONERS:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared the foregoing resolution adopted and

SO ORDERED.

Mark Bramfitt, Executive Officer

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

ATTEST:

BY: _____
Clerk