

Draft Resolution

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

May 6, 2020

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 Change of Organization Consisting of: Sonoma County Fire District Reorganization No. 2019-04 (Russian River FPD) Involving Dissolution of the Russian River Fire Protection District and Subsequent Annexation of That Territory

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

I. Procedural History.

1.1 The Sonoma County Fire District (“the Applicant”) filed Application No. 2019-04 with the Executive Officer of the Commission (“the Executive Officer”) requesting a change of organization consisting of annexation to the Sonoma County Fire District (“the District”) of all territory within the boundaries of the Bodega Bay Fire Protection District and Russian River Fire Protection District (“the Proposal”), 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 Territory”).

1.2 At its meeting on March 4, 2020, the Commission considered the Proposal, conducted the required proceedings on the Proposal 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. 2722, a copy of which is attached hereto as Appendix “A” and incorporated herein by this reference. Resolution No. 2722 directed that the Commission, or by delegation, the Executive Officer, initiate and conduct protest proceedings for the Proposal in compliance with the Cortese-Knox-Hertzberg Act.

1.3 The Commission conditioned approval of the Bodega Bay Fire Protection District portion of the proposed reorganization, indicating that approval was predicated on the execution of a tax exchange or other financial agreement on or before April 14, 2020

between the Applicant and the County of Sonoma, such that services to that territory would be financially sustainable. That agreement has not been secured; therefore, only the reorganization involving the Russian River Fire Protection District is ordered, and is subject to the protest proceedings addressed by this resolution.

1.4 The Commission conducted the duly noticed Protest Proceedings on the Proposal on May 6, 2020. At the hearing, the Commission's resolution making determinations was summarized. The Commission heard and received all relevant oral and written protests, objections, and evidence presented or filed. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission closed the 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 Acting as the lead agency for the Proposal, pursuant to the California Environmental Quality Act ("CEQA"), the Commission, as part of Resolution No. 2722, found and determined, prior to reaching its decision on the Proposal, that the Proposal was exempt from the provisions of CEQA, under State CEQA Guidelines Section 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. 2722.

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 change of organization consisting of annexation to the Sonoma County Fire District of all territory in the Russian River Fire Protection District in unincorporated area in central Russian River area of western Sonoma County.

3.3 The exterior boundaries of the Affected Territory included in the Proposal are shown in Exhibit "A" of Resolution No. 2722.

3.4 The terms and conditions upon the Proposal shall be the terms and conditions specified in Resolution No. 2722.

3.5 The reason for the change of organization is to continue to provide fire and emergency medical services in the area in a sustainable fashion.

3.6 The short-form designation for the Proposal is: “File No. 2019-19: Sonoma County Fire District Reorganization No. 2019-04 (Bodega Bay FPD and Russian River FPD).”

3.10 The value of written protests filed and not withdrawn is less than 25 percent of the registered voters residing within the Affected Territory or 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 57075(a), the Cortese-Knox-Hertzberg Act directs the Commission to order the change of organization 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 or order the change of organization subject to a confirmation election, and the Proposal is therefore ordered without an election.

3. Subject to receipt of all charges assessed and fees due to the Commission and the State Board of Equalization, 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. If the certificate of completion is not filed within one year after the Commission’s approval of the proposal, the proceeding will be deemed terminated unless the Commission authorizes an extension of time for that completion.

4. The Executive Officer is directed to mail certified copies of this resolution as 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 6th day of May 2020 and ordered adopted by the following vote:

Commissioners:

Ayes:

Noes:

Absent or not voting:

WHEREUPON, the Chairman declared the foregoing resolution adopted, and

SO ORDERED

ATTEST:

BY:

Mark Bramfitt, Executive Officer

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

ATTEST:

BY:

Clerk

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