

SONOMA LOCAL AGENCY FORMATION COMMISSION

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Staff Report

Meeting Date: December 7, 2022

Agenda No. Item 4.1

Agenda Item Title: File No. 2021-03: Reconsideration of Northern Sonoma County Fire Protection District Reorganization No. 2021-03 Involving Detachment from County Service Area 40 – Fire Services, and Annexation of that Territory to the Northern Sonoma County Fire Protection District

Applicants: County of Sonoma and Northern Sonoma County Fire Protection District

Environmental Determination: Not a project under CEQA

Staff Contact: Mark Bramfitt

ANALYSIS

Overview

At its meeting on September 7, 2022, the Commission unanimously approved a reorganization of the Northern Sonoma County Fire Protection District. The reorganization encompassed detachment of areas from County Service Area 40 – Fire Services, and subsequent annexation of those areas to the District.

The annexed territory included “Incident Response Plan” areas 61 (The Geysers), 63 (Fitch Mountain), and over half of 64 (Sotoyome). The resolution of approval is attached (Attachment 1).

State law requires that, subsequent to approval of a proposal before the Commission, a period of thirty days commences during which any person or agency may submit a request for reconsideration of the Commission’s action.

On October 6, twenty-nine days after the Commission’s approval of the reorganization, the District filed a request for reconsideration of the reorganization approval (Attachment 2). A day later, the County of Sonoma and the District jointly filed a request for reconsideration of the approval (Attachment 3).

Staff is requesting that the Commission evaluate the reconsideration requests and consider modifications to the original resolution approving the reorganization after conducting a public hearing.

Filing of reconsideration requests essentially puts a “hold” on all subsequent Commission actions regarding the proposal. Staff was directed to begin a Protest Proceeding beginning immediately after the September approval, and duly noticed that proceeding with an intended conclusion on November 2nd. Regardless of actions taken on the reconsideration requests, staff recommends re-noticing the protest proceeding, with a concluding date of February 1, 2023, the Commission’s next scheduled meeting.

(Staff has not received any protest petitions to date, so a determination on petition validity during the initial protest proceeding is moot.)

Statutory Requirements for Request for Reconsideration

Government Code Section 56895 of the Cortese-Knox-Hertzberg Act (“CKH”) requires the Executive Officer to place a reconsideration request on the next agenda for which notice can be given, and also requires notice to be provided in the same manner as was provided for consideration of the proposal. To that end, notice of this proceeding was provided in the Press-Democrat and was posted on the Commission’s website and at

the LAFCO office. Due to publishing schedules and the need for a twenty-one day notice period, staff could not conduct this hearing at the scheduled November meeting.

By statute, a reconsideration request “shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration.”

The Commission must then accept public input, and either deny the request or approve it with or without amendment. The Commission’s determinations regarding a reconsideration request are deemed final and conclusive.

County and District Joint Request for Reconsideration

The County and District are seeking an amendment to the boundary line subdividing Incident Response Area 64 (Sotoyome), moving the boundary to include four parcels of land that were originally excluded from the annexation territory. This amendment ensures that all of the territory of the Dry Creek Community Facilities District #5 (“CFD#5”) is annexed into the District.

CFD#5 is an assessment district that collects authorized taxes from the area for provision of supplemental fire protection services. The four parcels are publicly-owned lands that are exempt from taxation.

The County and District contend that inadvertent errors warrant this reconsideration, in that errors in the map were only subsequently discovered.

The reconsideration request for a map change is a fairly technical “clean up” modification that does not substantively impact the policy issues previously considered.

District Request for Reconsideration

The District is seeking to have language added to the resolution indicating approval of the reorganization that expressly orders that the Community Facilities District be transferred from the County to the District. The District notes that the tax exchange agreement between the County and District explicitly noted this transfer. The District contends it could not have raised this issue earlier, because it did not realize there was an omission until after the hearing.

If the Commission accepts that the reconsideration standard is met on these facts, the following language can be inserted into the Resolution:

The authority and administration of Special Facility District #5 will be transferred from the County of Sonoma to the Northern Sonoma County Fire Prevention District.

Staff notes that a new resolution would be filed and recorded, incorporating the new language and indicating that the previous resolution has been superseded.

RECOMMENDATION

Staff recommends that the Commission determine the validity of the requests for reconsideration, and if it finds that the reconsideration standard is met on these facts, make the requested amendments to Resolution No. 2755. A proposed amended resolution is attached for the Commission's consideration.

ATTACHMENTS

1. Resolution No. 2755 Approving a Change of Organization for the Northern Sonoma County Fire Protection District, September 7, 2022
2. Request for Reconsideration of Commission's Resolution No. 2755, filed jointly by the County of Sonoma and the Northern Sonoma County Fire Protection District, dated October 7, 2022
3. Request for Reconsideration of Commission's Resolution No. 2755, filed by the Northern Sonoma County Fire Protection District, dated October 6, 2022
4. Proposed Resolution Approving a Change of Organization for the Northern Sonoma County Fire Protection District (Amended After Reconsideration)