AGENDA ITEM NO. 11

LAFCO *of Monterey County*

LOCAL AGENCY FORMATION COMMISSION
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KATE MCKENNA, AICP
Executive Officer

DATE: June 22, 2015

TO: Chair and Members of the Commission

FROM: Kate McKenna, AICP, Executive Officer

SUBJECT: **SOUTH MONTEREY COUNTY FIRE PROTECTION DISTRICT – PROPOSED ANNEXATION OF APPROXIMATELY 840 SQUARE MILES OF LANDS ADJACENT TO EXISTING DISTRICT BOUNDARIES (LAFCO FILE NO. 13-05)**

SUMMARY OF RECOMMENDATIONS:

It is recommended that the Commission receive a report by the Executive Officer, conduct a public hearing, and continue consideration of the District's proposal to the August 24, 2015 (4:00 PM) LAFCO meeting to allow further discussion between the District and stakeholders to identify potential alternatives that may be satisfactory to all interested parties.

EXECUTIVE OFFICER'S REPORT:

Overview and Recommended Action

The South Monterey County Fire Protection District is proposing annexation of approximately 840 square miles of lands adjacent to existing District boundaries. The purpose of the proposal is to provide comprehensive fire protection and advanced life support emergency medical services to these lands, which are currently not within the boundaries of any fire protection district.

The annexation proposal includes the communities of San Lucas, San Ardo, and Parkfield. The proposal also includes the Bryson-Hesperia area south of Lake San Antonio, areas near Bradley, rural lands north and south of Highway 198 near San Benito and Fresno Counties, and other rural lands extending to the southeast corner of Monterey County. A map of the existing District and the proposed annexation area is provided as Attachment 1. The proposal area represents approximately 25% of the county's total land area. The 2010 Census population of the proposed annexation area was 2,170.

The proposed annexation area consists of most of the District's existing designated Sphere of Influence, which LAFCO affirmed most recently in 2012; Camp Roberts is excluded. A 28-acre (0.2-square-mile) Sphere of Influence expansion is also proposed in order to include a nearby private "inholding" property, surrounded by U.S. Forest Service lands, that is located outside the District's existing Sphere.

In late April 2015, LAFCO and the District began conducting enhanced public outreach with residents of the proposal area. A public notice, map, and other information about the proposal was sent to approximately 1,200 property owners and voters. The mailer also notified recipients of a May 28 meeting of the District's board of directors for discussion of the annexation proposal. The mailer and the District's May 28 meeting are further described in the Public Noticing section, below. Since the time of the mailing, LAFCO staff has received a considerable amount of written opposition to the proposal, as well as some written expressions of support. Written correspondence is provided as Attachment 2, and is discussed in the Public Comments section of this report.

LAFCO staff's analysis of the District's annexation proposal, as further described below, finds that the proposal has much merit and is consistent with the requirements of State LAFCO law, locally adopted LAFCO policies, and LAFCO's basic objectives of encouraging the orderly development of local government agencies and efficiently providing local government services. However based on the volume of written correspondence and the issues and concerns that have been raised, staff believes it would be appropriate for the Commission to open the public meeting on June 22, take public testimony, and continue consideration of the District's proposal to the next scheduled LAFCO public meeting at 4:00 PM on August 24 to allow further discussions to occur between the District, residents of the local communities, and other stakeholders. The goal of the recommended continuation is to identify potential alternatives to the District's current proposal that may satisfy the interests of all stakeholders (i.e. a "downsized" or otherwise modified proposal). Other alternative actions for the Commission's consideration are discussed at the end of this report.

Background

Description of the Existing District: The District is geographically the largest fire protection district in Monterey County. It currently serves approximately 500 square miles of unincorporated lands in the southern Salinas Valley, including Arroyo Seco, the San Antonio Valley, and the unincorporated area around King City. This area covers large areas of farmland, ranchland, and open areas in the south county. The District is rural and contains little commercial development. As of the 2010 Census, population within existing District boundaries was approximately 4,500.

The District was formed in 1997. Its predecessor, County Service Area 61, was originally formed in 1971 to provide structural fire protection in the unincorporated area within the King City Union School District boundaries. Over the years, CSA 61 expanded to include the Arroyo Seco and Bradley areas. The CSA was officially dissolved at the time of the District's 1997 formation.

The District owns and operates two fire stations—one in the Arroyo Seco area west of Greenfield, and the other in the Pine Canyon Area southwest of King City—and also co-locates some firefighting apparatus at the California Department of Forestry and Fire Protection's ("CAL FIRE") Lockwood station. The District's approximately 45 firefighters are all volunteers. CAL FIRE currently provides management and administrative services to the District by contract. For example, the District's Fire Chief is a CAL FIRE employee who also serves as Fire Chief for several other fire protection districts in the county.

Current Annexation Proposal: In June 2013, the District initiated the annexation proposal by a resolution of its board of directors. The District filed its proposal with LAFCO in July 2013. The proposal was inactive for approximately 18 months while the District negotiated terms of a required property tax transfer agreement with the County of Monterey. The County Board of Supervisors approved the tax agreement in March 2015, enabling the proposal to proceed to a LAFCO public hearing.

The vast majority of the District's annexation proposal area (approximately 95%, based on County mapping data) is located within the State Responsibility Area, or SRA. Within the SRA, CAL FIRE is responsible for wildland fire response. CAL FIRE will also respond to structural and medical emergency calls, if and when CAL FIRE is available. However, CAL FIRE stations are typically only open seasonally; they are not typically staffed during the "non-fire" season, which varies from year to year but is generally October through May.

The District considers these areas to be currently unprotected, in the sense that they are outside the boundaries of any agency that is authorized to provide comprehensive fire protection (i.e., structural as well as wildland fire response) and advanced life support response services. Medical-related calls account for approximately 70% of calls for services to fire protection agencies, both countywide and for this particular district. A small part of the annexation proposal area, centered on the communities of San Lucas and San Ardo, is outside the SRA, and is thus further unprotected, in that CAL FIRE does not have responsibility for any fires in this part of the proposal area. San Ardo does, however, have its own

volunteer fire company, which strongly supports being annexed by the District, as noted in the Agency Comments section below. Camp Roberts, a National Guard facility that straddles Monterey and San Luis Obispo Counties, has its own firefighting personnel and provisions and is excluded from the proposal.

Merits of the Proposal

Various aspects of the District's annexation proposal would serve the public interest. The following is a summary of facts and considerations that constitute a fundamentally sound basis for the proposal.

1. Sphere of Influence**:** The proposal area consists of the District's existing designated Sphere of Influence, plus a 28-acre, single-parcel Sphere expansion. LAFCO first established the District's existing Sphere in 1997 and most recently affirmed it in 2012. State LAFCO law defines a Sphere of Influence as "a plan for the probable physical boundaries and service area of a local agency, as determined by the commission." LAFCO of Monterey County's locally adopted policies further define a Sphere as "the area around a local agency eligible for annexation and extension of urban service within a twenty-year period."

2. Authorization for existing, already-provided services: In its 2013 resolution initiating the LAFCO application process, the District stated that, although the proposed annexation area is outside the District's existing boundaries, it has provided services to the proposal area for many years [i.e., without legal authority or obligation to do so]. The stated reason for the proposal is to authorize the District to provide the services it is already providing in the proposal area. As introduced above, the proposal area is currently unprotected, in the sense that it is situated outside the boundaries of any agency authorized or obligated to provide year-round, comprehensive fire protection services. Approximately 70% of emergency calls for service to the District are medical-related.

3. Unsustainable current arrangements: The District has been responding to calls throughout the proposal area for years on a "good neighbor" basis, outside its jurisdictional boundaries, with no related revenue or cost reimbursement mechanism. This is an increasingly unsustainable financial and operational burden for the District. The District's position is that, while it does not currently have the authority or legal responsibility to respond, it would be impractical for them to stop responding to calls when its services are requested.

4. Funding to enable increased levels of service: If the Commission approves an annexation to the District, the District's existing benefit assessment fees would automatically extend to the annexed area beginning in 2016, if received by the State Board of Equalization by November 30, 2015. The benefit assessment fee is an annual, parcel-based fee that was authorized by a vote of the residents of County Service Area 61 (the District's "predecessor" agency) in 1980 and has remained unchanged since that time.

   The District has estimated that its fees would generate approximately $86,000 per year in the proposal area. Other additional revenue would result from Proposition 172 funds (Public Safety Sales Tax, approximately $28,000 per year) and from a portion of future property tax proceeds (note: assessed property values and property tax amounts, however, are not affected by annexation). The District's intent is to use this increased revenue base to enhance existing levels of service in the proposal area. There would be a possibility of higher staffing levels at existing fire stations. However, the District is unable to commit to a specific level-of-service increase at this time. More certainty is needed as to how much additional funding would be available after annexation, and how best to deploy such funds.

   Implementation of the District's benefit assessment fees would, for many residents, be partly offset by an automatic $35-per-year reduction, per habitable structure, in the fee that the State of California currently bills, statewide, to residents within the State Responsibility Area (current SRA fee would be reduced from $152 to $117). San Ardo and San Lucas residents who live outside the SRA do not pay the SRA fee and would not receive this reduction.

5. Highly efficient district: The District is lean and cost-effective. It currently operates with the second-lowest per-capita revenues of all fire districts in the county, according to LAFCO's 2012 countywide fire study. The district's firefighters are all volunteers. If the District's boundaries expand via the proposed annexation, the potential pool of volunteer firefighters may increase. Volunteers from the San Ardo Volunteer Fire Company would be included within the District's "umbrella" with potential opportunities for improved training resources and other District support.
6. Interagency coordination for improved services: Annexation would provide a mechanism for the District to potentially enter into automatic or mutual aid agreements with other nearby agencies (including in the adjacent counties) to further enhance levels of service and response times. Currently, there is no local fire agency present in eastern Monterey County to enter into such agreements. Annexation of parcels not currently served by a fire agency would also streamline emergency responses by eliminating uncertainty at the County dispatch center (911).
7. District representation: Annexation into the District would make residents eligible to be serve on the District's board of directors and have more of a voice in the District's operations. District board members are appointed by the County of Monterey Board of Supervisors.

Consistency of the Proposal with State Law and Local Policies

Under the requirements of State LAFCO law (the Cortese-Knox-Hertzberg Act) and LAFCO of Monterey County's locally adopted policies, the Commission, in considering an annexation proposal, must review many factors. These include the area's population and land use, the need for services, the agency's capacity, and the adequacy of public facilities and services, among others. For purposes of the current proposal, some of the most specifically relevant factors for LAFCO to consider are:

- "The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas." *(The Cortese-Knox-Hertzberg Act, Section 56668(b))*
- "The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county." *(The Cortese-Knox-Hertzberg Act, Section 56668(c))*
- Economics, Service Delivery and Development Patterns *(LAFCO of Monterey County's Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization)*

LAFCO staff has reviewed the proposal in light of the applicable requirements and policies, and determined the proposal to be consistent in the majority of respects. However, because of widespread concerns and unresolved issues, staff believes the application is not supportable as currently proposed. It should be noted that "Any information or comments from the landowner or owners, voters, or residents of the affected territory" is also one of the statutory factors that a LAFCO must consider. *(The Cortese-Knox-Hertzberg Act, Section 56668(n))*

Staff therefore recommends that the proposal be continued to the next LAFCO meeting (August 24) to allow for further stakeholder engagement and exploration of possible alternatives. However, should the Commission opt instead to approve the District's proposal at the June 22 meeting, a draft resolution is provided in order to allow such approval to proceed. This option, though not recommended, is further discussed in the Alternative Actions section, below.

Environmental Determination

For purposes of the California Environmental Quality Act (CEQA), the District is the Lead Agency for this proposal and LAFCO is a Responsible Agency with discretionary approval power over the proposed

Sphere of Influence expansion and annexation. As the CEQA Lead Agency, the District's board of directors, in its 2013 initiating resolution, determined the proposal to be categorically exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), pertaining to activities covered by the "general rule" that CEQA only applies to projects that have potential to cause significant environmental impacts. The Executive Officer has reviewed the record and concurs with this finding.

Public Agency Referrals and Agency Comments

LAFCO referred the proposal to affected local agencies for review and comment in July 2013. The San Ardo Volunteer Fire Company, which would become an element of the District if the proposed annexation is approved, and the San Benito-Monterey Unit of CAL FIRE had earlier provided letters of support for the proposal (Attachment 3). No other agencies have submitted comments.

Public Noticing

In May 2015, the proposal was legally noticed in the Monterey County Weekly and in the King City Rustler for a June 22 LAFCO public hearing. The Cortese-Knox-Hertzberg Act does not require mailed notice in cases in which more than 1,000 envelopes would be required to notify all registered voters and property owners in the affected territory. Although not required in this instance because approximately 1,200 envelopes were involved in the mailing, mailed public hearing notices, along with a map of the proposed annexation, were sent to registered voters and property owners within the proposed annexation area in late April.

In addition to the public hearing notice and map, the mailer included the following supplemental information provided by the District: an introductory letter from Chief Brennan Blue inviting recipients to a May 28 meeting of the District's board of directors at the District's King City fire station to discuss the annexation proposal, a report from the Chief Blue for the May 28 meeting including questions and answers about what it means to be annexed into the District, and information about the District's benefit assessment fees. A copy of the mailer is provided as Attachment 4 to this report.

Public hearing notices were also posted on the LAFCO web site, at the County Government Center and the LAFCO office, and mailed to all known interested agencies and organizations. Based on these measures, LAFCO has met and exceeded all requirements and procedures for public agency referrals and public noticing.

Public Comments

Numerous members of the public have provided written comments expressing opposition, support, questions, or concerns about the District's annexation proposal. The majority of public correspondence has been opposed to the annexation. Written correspondence that had been received as of the distribution of the June 22 meeting packet is provided as Attachment 2. Copies of written correspondence received after packet distribution but prior to the June 22 meeting will be provided to Commissioners in a separate transmittal or at the meeting.

Many of the views expressed in written correspondence were also discussed at a May 28, 2015 regular meeting of the District's board of directors. Notification of the May 28 meeting was provided in early May, along with the public hearing notice and other information pertaining to the June 22 LAFCO public hearing. LAFCO staff and six members of the public attended the District's May 28 meeting.

Written opposition to the proposal has presented a range of objections. The following is a good-faith effort by LAFCO staff to summarize the substantive grounds that have been raised in correspondence and in verbal comments at meetings, as of this writing.

1. <u>Adequacy of existing arrangements and local self-sufficiency:</u> Most property owners in the proposal area pay SRA fees to the State, CAL FIRE responds during the fire season, and CAL FIRE has been able to provide enhanced staffing levels at the Bradley CAL FIRE station year-round in the recent

past. Community members rely on their own fire and emergency medical preparedness (private water storage, neighbors watching out for each other, and other measures). Long travel distances make it difficult for emergency responders to be able to help them in time despite all best intentions and efforts. *(Staff note: According to District representatives, a core of permanent CAL FIRE employees was assigned at the Bradley station during the 2015 winter period due to the drought, but this is not a permanent staffing increase).*

2. Scope of the annexation proposal: Some residents have expressed a view that District annexation may be justifiable in areas along the 101 corridor, such as San Lucas and San Ardo, with relatively higher population densities and nearer to the District's operations—but not in more remote, harder-to-reach communities such as Parkfield. *(Staff note: Annexation of the Parkfield area would result in additional funding becoming available for enhanced District operations, as described in the Merits of the Proposal section. The District has expressed specific interest in prioritizing some of this additional funding to contract with CAL FIRE to increase staffing levels at the Parkfield CAL FIRE station).*

3. District's benefit assessment fee-
   - Equity of implementation: The District's benefit assessment fee is calculated for each Assessor's Parcel Number (APN). Numerous residents own several adjacent parcels, resulting in higher District fees than would be the case for the same acreage under one APN. This is perceived as unfair. *(Staff note: A case-by-case assessment fee appeal process exists for such situations, although the process requires action by the property owner, and approval of an appeal by the District's board of directors is not guaranteed).*
   - Potential for future fee increases: Concern has been expressed that the district's fees are low now, but could increase in the future *(Staff note: The District's existing benefit assessment fee appear to be subject to the requirements of Proposition 218, in which case any future proposed increases by the District would be subject to a voter approval process. There are other classes of fees, known as "regulatory" fees—such as for inspections, plan check, or similar functions—that the district could potentially effectuate without a vote).*

4. Proposal's relationship to the pending California Flats / First Solar project southeast of Parkfield: In February 2015, the County Board of Supervisors approved a large-scale "solar farm" project in the Cholame Valley. Concern has been expressed that the proposal's purpose is to serve development of that project, not to benefit the existing community. *(Staff note: The County's approvals are structured such that either the District or CAL FIRE, as applicable at the time of development, could provide the necessary oversight and fire protection services for the project. Therefore, annexation into the District is not necessary in order for the project to proceed. Should annexation not occur, and if CAL FIRE were to be unable to contract directly with a private developer, then the County would need to identify another equivalent mechanism, such as a memorandum of agreement between the County and CAL FIRE, in order to achieve its identified mitigation measures).*

Conclusion

The rationale for the District's annexation proposal is sound and has merit. The proposal is consistent with the District's longstanding Sphere of Influence. It would authorize the District to provide services it is already providing without corresponding revenue support, in an area where no fire agency is currently authorized or obligated to provide comprehensive year-round fire protection services. The proposal would enable the District to enhance levels of service, with its own resources as well as through potential future automatic/mutual aid agreements with other agencies, in an area that is underserved with regard to fire and emergency services.

The proposal is consistent with the determinations that a LAFCO must make under applicable statutory requirements of State law and locally adopted policies. The proposal is also in keeping with LAFCO's

fundamental legislative purposes of providing for the orderly growth and development of local government agencies and the efficiency of local government services.

However, the significant volume of written responses to the proposal indicates there are unresolved issues of concern that warrant further consideration before taking action on the proposal. LAFCO staff therefore recommends that the Commission open the public hearing for this item on June 22, giving the Commission an opportunity to hear from all parties. Staff recommends that the Commission then continue consideration of the District's proposal to the August 24, 2015 LAFCO meeting (4:00 PM) to allow further discussion between the District and stakeholders to identify one or more potential "compromise" annexation scenarios that may be satisfactory to all interested parties.

Alternative Actions

Staff recommends that the Commission continue consideration of the District's proposal to the next scheduled LAFCO meeting (Monday, August 24, 2015 at 4:00 PM). In lieu of staff's recommendation, the Commission may consider these or other alternatives on June 22:

1) Approve the District's annexation and Sphere of Influence proposal as it is currently proposed. A draft resolution is provided (Attachment 5) to enable this course of action to proceed, should the Commission opt to approve the proposal at the June 22 meeting. The draft resolution includes a review of, and potential determinations for, all the factors that must be considered in order to comply with the requirements of State LAFCO law and local policies, should the Commission opt to approve the District's proposal at this time. The resolution includes standard conditions of approval. The annexation and single-parcel Sphere of Influence expansion are both conditioned on the District's payment of all required LAFCO and State fees. The annexation is additionally conditioned on preclearance from the U.S. Department of Justice and the State Board of Equalization's acceptance of the map and property description. The proposal is also subject to LAFCO's indemnification by the District.

   If the Commission were to select this alternative, the standard Reconsideration and Conducting Authority ("protest") steps of the annexation process would come into effect, as described below.

   <u>Reconsideration:</u>

   After the Commission has adopted a resolution making determinations, any person or affected agency may file a written request with the LAFCO Executive Officer requesting amendments to, or reconsideration of, the resolution. The person or agency shall file the written request within 30 days of the adoption of the resolution. Pursuant to State law (the Cortese-Knox-Hertzberg Act, Section 56895), "The 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."

   <u>Conducting Authority ("Protest") Proceedings and Hearing:</u>

   If the Commission approves an annexation, then a subsequent protest hearing will be required, following consideration of any reconsideration requests as outlined above. Protest proceedings allow registered voters and property owners within the proposed annexation area the opportunity to voice their opposition and to potentially make the annexation subject to a confirmation election of the people, or to terminate the annexation in the event of a majority voter protest. The protest hearing will be scheduled for the next Commission meeting for which notice can be given.

   After LAFCO publishes a public hearing notice for the protest hearing, registered voters and landowners within the annexation area will have an ability to file written protests of the Commission's decision via mail, email, fax, or in person. Written protests may also be submitted in person at the protest hearing. Protests must be submitted prior to the close of the protest hearing. Pursuant to State law (the Cortese-Knox-Hertzberg Act, Section 57051), <u>protests must be dated after publication of the protest hearing notice in order to count toward the protest proceedings outcomes.</u>

All protests must be in writing and must include:

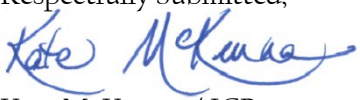
- Printed name and signature;
- Dated on or after the date of publication of a hearing notice for the protest proceedings;
- The protest filer's place of residence – street address or other designation sufficient to enable the place of residence to be easily ascertained; and
- Indication of whether each person is signing as a registered voter within the annexation proposal area or as a property owner within the annexation proposal area, or both.

LAFCO staff will prepare and make available a standardized protest form to assist property owners and voters to exercise their right to submit a legally valid protest after publication of a hearing notice for the protest hearing. Protests need not use this form in order to be valid. As stated above, protests must be submitted prior to the close of the protest hearing in order to be valid. Within 30 days of the close of the protest hearing, the Commission shall, pursuant to Government Code section 57075, make a finding regarding the value of written protests that have been filed and not withdrawn, and take one of the actions described below.

- The Commission shall order the annexation **subject to a subsequent confirmation election** by registered voters residing within the affected territory if written protests have been filed and not withdrawn by either of the following:
    - Between 25 percent and 50 percent of the registered voters residing in the affected territory, or
    - At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory.
- The proposed change of organization or reorganization **shall be abandoned, without need of a confirmation election,** if the Commission finds that written protests filed and not withdrawn prior to the conclusion of the hearing represent 50 percent or more of registered voters residing in the territory.
- If none of the above-described protest thresholds are met, the Commission shall order the annexation without an election. A Certificate of Completion will be filed for the annexation proposal, and the annexation will become effective, once all conditions of approval have been satisfied.

2) Deny the District's annexation proposal, in which case the item should be continued to the August 24, 2015 Commission meeting with direction to staff to prepare a new draft resolution based on the Commission's determinations for denial.

Respectfully Submitted,



Kate McKenna, AICP
Executive Officer

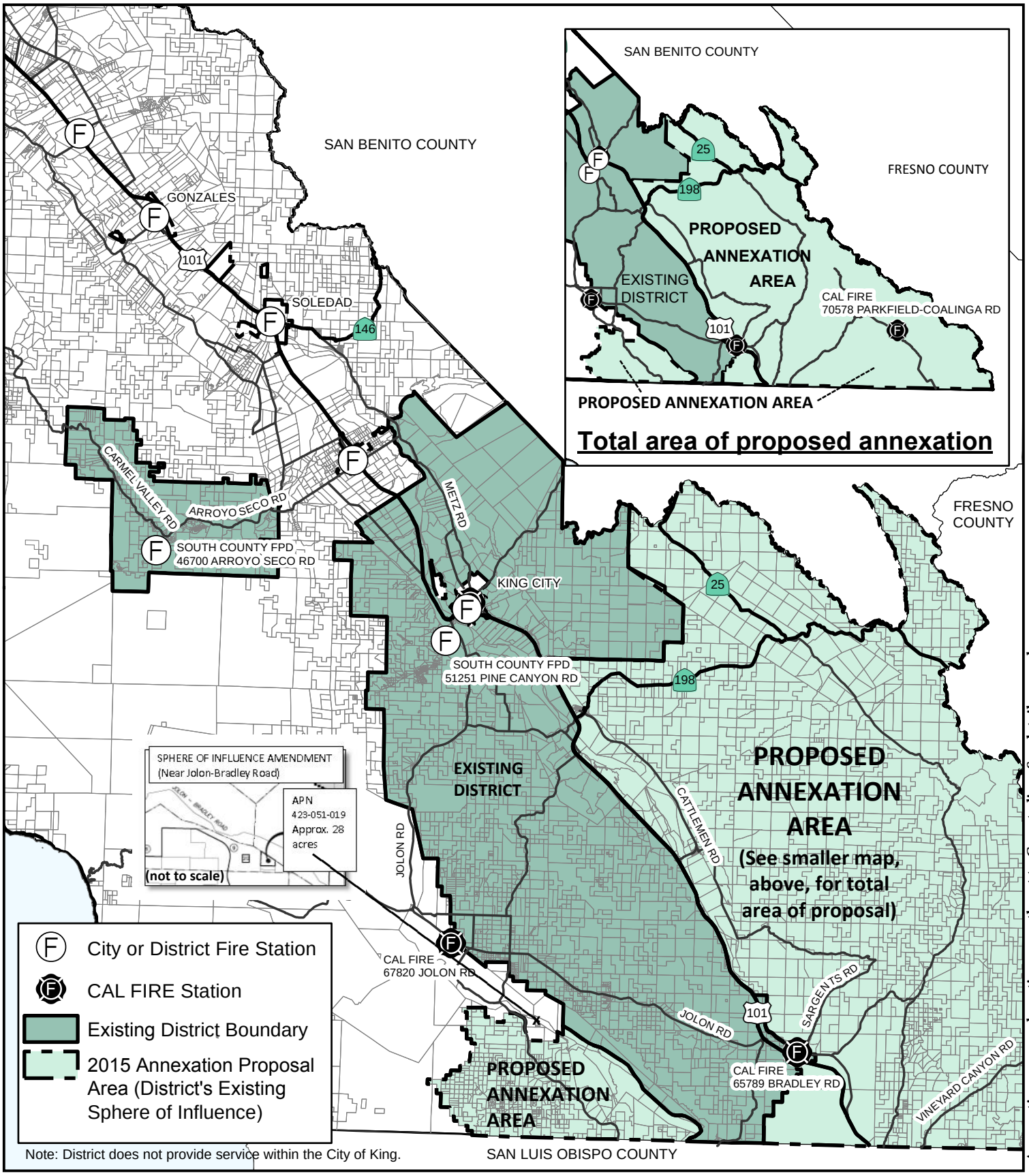
Attachments:

1. Map of existing South Monterey County Fire Protection District boundaries and proposed annexation areas
2. Written correspondence received through Wednesday, June 17 (correspondence received after June 17 will be provided to the Commission as a separate transmittal or at the June 22 meeting)
3. Letters of support for the District's annexation proposal: San Ardo Volunteer Fire Company and California Department of Forestry and Fire Protection (CAL FIRE) San Benito-Monterey Unit
4. Public hearing notice and informational mailer – sent April 30, 2015 to property owners and voters in the annexation proposal areas
5. Draft resolution for "Alternative Action #1" (approve the District's annexation proposal at the June 22 meeting) – *This alternative is not recommended, but a draft resolution is provided in order to allow this alternative to proceed, should the Commission opt for this course of action.*

CC:
Chief Brennan Blue, South Monterey County Fire Protection District
Chief Kaeda Barrios, San Ardo Volunteer Fire Company
Bob Schubert, Senior Planner, County of Monterey
Private citizens who submitted written comments on the proposal to LAFCO staff

Attachment 1:

Map of existing South Monterey County Fire Protection District boundaries and proposed annexation areas



LAFCO of Monterey County

LOCAL AGENCY FORMATION COMMISSION

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2015 ANNEXATION PROPOSAL

SOUTH MONTEREY COUNTY FIRE PROTECTION DISTRICT

Attachment 2:

Written correspondence received through Wednesday, June 17

Correspondence received after June 17 will be provided to the Commission as a separate transmittal, or at the June 22 meeting.

McBain, Darren J. 754-5838

Subject: FW: SoMoCo Fire District Annexation

Kate,

I am a ranch owner and resident out along Indian Valley Road, and I am upset by the proposed annexation to the SoMoCo Fire District. It seems clear that while it may be appropriate elsewhere, for us the new fees will cost a lot for no benefit out here.

I am also dismayed that whoever proposed the Annexation (can you tell me who did?) did NOT have to get signatures from residents (owners and
voters) to put the annexation before LAFCo. But to oppose it, it appears we will have to do so - do you realise how far flung the home are out here? Moreover, several owners near us in Indian Valley, like Ned Thompson, never received the snail-mail proposed annexation - can you tell me why?

I did actually collect the sheet of neighbours (by phone call) who agreed they did not want annexation on the sheet so labelled, as well as several of the ones whose actual signatures we have. This is the only feasible way for me to gather many of those opposed who may not even live out here (as I do) and EVERY owner or voter I talked to was opposed, as there is no benefit to this area from the proposed new fees.

Note that I have been told that the owners I contacted by phone need to actually sign a petition or send a letter asking to be removed from the annexation area, perhaps with yet more info on it. But none of us have received instruction from your agency on what is required. It seems to me that our input should have been solicited BEFORE the annexation proposal was moved to a vote by your agency, and that soliciation should have stated any and all information from owners and voters, and been sent by some sort of certified mail with return requested to insure that the owners and voters in fact received notification of the proposed annexation and new fees.

Is it the case that LAFCo does NOT have the latitude to redraw the proposed annexation area to exclude areas that, like Indian Valley, will not benefit from inclusion in the district? I would the annexation area lines could be redrawn to exclude Indian Valley Rd parcels, since we will receive no benefit from the new fees.

Note also that the proposed fee structure, presumably by APN, is bizarre
- there are, for example, several legal parcels, some smaller, which cross over Book and Page assessor's maps, and therefore were broken into two APNs - thus two fees for the same legal parcel.

One further question: why has this annexation not come before our Land Use Advisory Committee, of which I am a member (the LUAC is good place for members of the public, including the owners and voters mentioned above, to make heard their concerns about planning and land use issues in SoMoCo)?

I hope you know that it looks from out here like a big grab for money.

Bart

William "Bart" Bartosh
62893 Indian Valley Rd
San Miguel, CA 93451

(but in Monterey County)

McKenna, Kate 754-5838

Subject: FW: Objection to South County Fire Protection 2015 Annexation

-----Original Message-----
From: Howard Strohn [mailto:howardstrohn@gmail.com]
Sent: Thursday, June 11, 2015 3:47 PM
To: McKenna, Kate 754-5838
Subject: Objection to South County Fire Protection 2015 Annexation

Kate McKenna

I object to the annexation including the Priest Valley area. The closest firehouse will be in King City, the closest vehicles will be stationed in King City. We are 50 minutes from King City, any structure will be completely burned down in that time. As for medical assistance it's the same thing, now we can have the ambulance and sheriff respond from King City.
I see no improvement in the service to our area.

As South County is a volunteer organization, for improvement we would need some in our area. Our population is approximately 28, with the vast majority in their 50's and up to the 90's, so I see no unit of volunteers in Priest Valley.

The goals for the district are good, but, in REALITY, there will be no improvement of services in the Priest Valley area. With no facilities, no equipment and no pool of volunteers, for us it's only a pipe dream.

Thanks for your attention.

Howard P. Strohn

Priest Valley

McBain, Darren J. 754-5838

From: Vicki Rosenberg <[redacted]>
Sent: Tuesday, June 02, 2015 1:04 PM
To: McBain, Darren J. 754-5838
Subject: Notice of Public Hearing---South Monterey County fire Protection

Darren,
Please add our name for future notifications on this fire protection issue. We have read through your materials and have several further questions.

1. We understand that the base assessment per parcel is $1.15 according to your sheet. Are there additional benefit assessments to be added? If so, what are they and how much? How are the units of benefits determined? Does the Williamson Contracts play a role in these assessments? As land owners, will we be able to work with you on determining the assessment for each of our parcels prior to final adoption? If not, what recourse do we have if we don't agree with your determination of these assessments?
2. Will there be any impact to land use in the future by participating in this fire protection area? Such as additional fees or requirements for land or housing development?
3. What actual dollars will go to the San Ardo Volunteer Fire Company annually?
4. Your estimated revenues for current fiscal year show $292,000 from property taxes but your answer to another question says our property taxes won't increase. How do you reconcile these statements?

Thank you for taking the time to answer our questions. We look forward to hearing from you before the June 22nd meeting.
Vicki & Gordon Rosenberg

McBain, Darren J. 754-5838

Subject: South County Fire Protection District Request to Annex Entirety of Southern Monterey County

From: Tony Lombardo <[redacted]>
Date: May 27, 2015 at 10:59:59 AM PDT
To: "100-District 3 (831) 385-8333" <district3@co.monterey.ca.us>
Cc: "McKenna, Kate 754-5838" <McKennaK@monterey.lafco.ca.gov>
Subject: South County Fire Protection District Request to Annex Entirety of Southern Monterey County

Dear Supervisor Salinas:

I am writing to follow up on our conversation which we had last week regarding this issue.

As I explained at the meeting, I have spoken to and corresponded with a number of the large landholders in Southern Monterey County (including the Varians, the Works, the Kesters, the Haleys, Wayne Hughes, Jr., Eric and Megan Lindberg, Melissa Duflock, which probably account for nearly 100,000 acres of Southern Monterey County) and none of them have any desire to be annexed into the jurisdiction of the South County Fire Protection District.

The South County Fire Protection District provides a very valuable service to the urban areas of Southern Monterey County, including King City. Apparently, there is a desire by the volunteer fire department in San Ardo to be incorporated within their District.

My clients and I fully support the annexation of the San Ardo Volunteer Fire District into the boundaries of South County Fire Protection District, if that is what the residents of San Ardo desire. However, based on a meeting I had with representatives of the South County Fire Protection District and Kate McKenna recently, it does not appear that there would be any fire protection benefits afforded to the remainder of the Southern part of Monterey County for which there would be additional taxes collected for being included within the boundary of the District.

My clients and neighbors would therefore respectfully request that LAFCO not pursue any annexation of the area outside of San Ardo and San Lucas.

I also understand that there are a number of smaller landowners in Southern Monterey County who are collecting petitions in opposition to the annexation.

Fortunately, because the South County Fire Protection District is a special district, they are not limited to contiguous annexations and, therefore, the proposal to annex San Ardo and/or San Lucas may still proceed without incorporating other rural areas of the County in the annexation.

Please let me know if you need any additional information regarding the individuals who are in opposition to the annexation.

Sincerely,

Anthony L. Lombardo
ANTHONY LOMBARDO & ASSOCIATES
A Professional Corporation
144 W. Gabilan St.
Salinas, CA 93901
Phone (831) 751-2330
Fax (831) 751-2331
[redacted]

PRIVILEGED & CONFIDENTIAL -- ATTORNEY CLIENT PRIVILEGE -- ATTORNEY WORK PRODUCT
The information contained in this electronic transmission is legally privileged and confidential, and it is intended for the sole use of the individual or entity to whom it is addressed. If you are not the intended recipient, please take notice that any form of dissemination, distribution or photocopying of this electronic transmission is strictly prohibited. If you have received this electronic transmission in error, please immediately contact Anthony Lombardo at (831) 751-2330 or tony@alombardolaw.com and immediately delete the electronic transmission.
(obtained verbal OK to include in the 6/22 Commission packet – 6/18)

McBain, Darren J. 754-5838

From: Debbie Roberson <[redacted]>
Sent: Wednesday, May 27, 2015 3:07 PM
To: McBain, Darren J. 754-5838; Theresa.Volland@fire.ca.gov; 100-District 2 (831) 755-5022; 100-District 1 (831) 647-7991; 100-District 3 (831) 385-8333; 100-District 4 (831) 883-7570; 100-District 5 (831) 647-7755
Subject: South Monterey County Fire Protection District Annexation.
Attachments: 2015_05_SMCFPD & LAFCO.pdf

Please find attached a copy of signatures of some of the people in the Parkfield, Indian Valley, and Lonoak area that are opposed to the annexation. We continue to collect signatures.

The original signatures will be held in the possession of the Parkfield Community Club until they are requested in writing. If addresses of the attached group is needed, they will be sent upon request in writing.

The majority of the residents of our areas do not see the need for the "benefits" offer by the new annexation. Especially in light of all the fees that are attached to it.

We rejected this proposal when it was presented a couple of years ago.

Thank you for your attention to this matter and we look forward to being left out of the annexation.
Debbie Roberson

Parkfield, Indian Valley & Lonoak Property Owners and Voters

May 19, 2015

South Monterey County Fire Protection District
2221 Garden Road
Monterey, Ca 93940

Re: Proposal to annex into the South Monterey County Fire Protection District

The landowners, residents, business owners, and voters signed below are opposed to being annexed into the South Monterey County Fire Protection District.

Signature	Jacquita Jensen Printed Name
Signature	EVAN JENSEN Printed Name
Signature	Sharon E Owens Printed Name
Signature	Gary L. Owens Printed Name
Signature	SHARON E. WEIR Printed Name
Signature	Kyler Hamann Printed Name
Signature	TOM ROBERTSON Printed Name

Signature	Printed Name
Flint Speer	Flint Speer
Gary E. Roberson	GARY E. ROBERSON
Kathleen Dewey	Kathleen Dewey
Robert Frederick	ROBERT FREDERICK
William H. Bartosh	WILLIAM H. BARTOSH
Anthony P Sapomato	Anthony P Sapomato
George K. Weir	GEORGE K. WEIR
Karen K. von Gelderen	KAREN K. VON GELDEREN
Bonnie Speer	Bonnie Speer
Sharon VanHorn	SHARON VANHORN
Alice Howard	Alice Howard

Signature	Printed Name
John Van Horn	John Van Horn
Lynda Jamrog	LYNDA JAMROG
Dana Jones	Dana Jones
Laurie Betson	Laurie Betson
Jim Betson	Jim Betson
Douglas H Thomason	Douglas H. Thomason
Marlene J Thomason	Marlene J Thomason
2R Ranch, Inc. by Marlene J Thomason, Sec	2R Ranch, Inc. by Marlene J. Thomason, Sec.
Mark Eckenbeck	Mark Eckenbeck
Deborah A Robinson	Deborah Robinson
[illegible]	JARED ABATE

Signature	Printed Name
	John Varian
	Barbara Varian
	Grey Varian
	Patricia Varian
	Lillian Massey
	Michael Massey
	DAVID H. RICHARDS
	GEOFF TUCK
	Ted J. Gilbert
	John O. Varian
	ROBERT PALM

Signature	Printed Name
	Roberto Ramirez
David Jewell	David Jewell
	Tom Lynch
JULIE LIGON MD	Vineyard Mountain Ranch LLC
Julie A. Ligon	Julie A. Ligon Vineyard MTN Ranch LLC
Mayra Solis	Mayra Solis
William R. Jewell	William R. Jewell
Mackenzie Vaughn	Mackenzie Vaughn Van Horn
Bruce Brodie	Bruce Brodie
Lois Roberson	Lois Roberson

Signature	Printed Name
	ANDREW EASTERBROOK
	Mona C. Culver

Parkfield, Indian Valley & Lonoak Property Owners and Voters

May 19, 2015

South Monterey County Fire Protection District
2221 Garden Road
Monterey, Ca 93940

Re: Proposal to annex into the South Monterey County Fire Protection District

The landowners, residents, business owners, and voters signed below are opposed to being annexed into the South Monterey County Fire Protection District.

Signature	Printed Name
John C. Moore	JOHN C. MOORE
Carl E Tapper	CARL E TAPPER
Kelly F Tapper	Kelly F. Tapper
R.J. Bartley	R.J. Bartley
Shirley L Montgomery	Shirley L MONTGOMERY
Lester C. Montgomery Jr.	LESTER C. MONTGOMERY JR
Elaina S Stokes	Elaina S. Stokes
Burton A Stokes	Burton A Stokes
John A. Dalton	John A Dalton
	DENNIS DILL

Parkfield, Indian Valley & Lonoak Property Owners and Voters

May 19, 2015

South Monterey County Fire Protection District
2221 Garden Road
Monterey, Ca 93940

Re: Proposal to annex into the South Monterey County Fire Protection District

The landowners, residents, business owners, and voters signed below are opposed to being annexed into the South Monterey County Fire Protection District (AUTHORISED SIGNATURES AS PRINTED NAMES)

ERIC LINDBERG
PRINTED NAM

WAYNE HUGHES
PRINTED NAME

CAROL BARKER
~~Signature~~ PRINTED NAME

TONY LOMBARDO
Printed Name

RAY BARKER
~~Signature~~ PRINTED NAME

SUE SNOW
Printed Name

EDDIE SNEAD
~~Signature~~ PRINTED NAME

ALBERTA BONNIFIELD
Printed Name

JAN M. SMITH
~~Signature~~ PRINTED NAME

PHYLLIS PITTS
Printed Name

MARGUERITE NUNN
~~Signature~~ PRINTED NAME

BOB PITTS
Printed Name

TOM NUNN
~~Signature~~ PRINTED NAME

PIERRE CANSUZOU
Printed Name

WAYNE PEARSON
~~Signature~~ PRINTED NAME

KATHIE CANSUZOU
Printed Name

LESLIE PEARSON
PRINTED NAME

TIM HALEY
PRINTED NAME

BRICE PEARSON
PRINTED NAME

ALLEN LITTEN & KATHARINE LITTEN
PRINTED NAME

McBain, Darren J. 754-5838

From: Steve Craig <[redacted]>
Sent: Tuesday, May 26, 2015 1:49 PM
To: McBain, Darren J. 754-5838
Cc: Jay Brown; 100-District 3 (831) 385-8333; Lopez, Christopher M. x5729; Erin McKenna; Fred Kenyon; Cheryl Bryantbruce; Erick and Mary Ann Reinstedt
Subject: South Monterey County Fire Protection District 2015 Annexation

Tuesday 26 May, 2015

Darren:

We wanted to write and state our support for the establishment of an expanded Fire Protection District which would encompass Bryson, Forest River, Copperhead and the Smith Road communities, as well as other portions of South Monterey County.

We have, for many years, been in the position of paying extensive fees to insurance companies because we do not fall within a designated service area for Fire Suppression. The proposed and pending LAFCO amendment to incorporate our areas into an existing Fire Protection District is a welcome piece of news. We think the minor fee involved is not going to have adverse impacts on the community, and certainly not on our ownership, as individuals. The reduction in Insurance costs that will come as a result of being incorporated into a Protection District will more than offset the costs per unit for inclusion, when compared with our Fire Insurance requirements as they now exist.

I do hope that you understand that "weekenders" in this area may oppose this expansion of the district; however, those of us who are permanent residents, who ultimately will be the ones voting on the issue, if it is forced to a vote, are strongly supportive of this annexation.

I am sorry we will not be able to attend the public hearing to voice our support for this step; however, we did want you to know that as a long term residents of this region, and residents who have benefitted from both fire suppression and emergency auto accident related services, we are very pleased to see an entry into the "modern world" of actually paying for services that are so valuable to our long term well being.

In the past, this region has generally opposed fire service provision, or paying for such services, largely because there are so many owners who are only recreational or part time occupants. We do hope everyone involved sees the benefits of this annexation, and any service fee that may follow on to implement the new district. We are also strongly supportive of any help you or the County may provide towards the establishment of a volunteer fire department and emergency services corps for this region.

Having experienced three major fires in this area over the past three decades, we are very impressed by the capabilities of the local CDF, Fort Hunter Liggett, volunteer emergency services, and the County Fire Department which have provided excellent responses to fire events in the past. I personally benefitted from these services after a serious auto accident near the San Antonio River bridge and am truly grateful for the excellent work done by our emergency volunteer crew.

We hope this annexation goes forward without conflict, misunderstanding of purpose, and with a clear understanding of why this is a sane, beneficial and wise step for everyone here in south County, whether permanent or seasonal residents.

Thank you for your efforts to organize our area into a coherent fire district. If we can be of any assistance in the process of District formation and public outreach, feel free to contact us at the address below, or by email or phone.

Regards,

Steve Craig
Charles Rowley
Sienna Craig
Ken Bauer

Sapaque Valley Ranch

Bob Wondries Ford

May 20, 2015

L.A.F.C.O.
132 W Gabilan St
#102
Salinas, Calif.
93901

Dear Mr. McBain

Re: Annexation of Southern Monterey County Parcels

I am a property owner in Parkfield, Calif. and I am very against the annexation of property in Southern Monterey County by the Southern Monterey County Fire Protection District.

I understand that one of the main reasons for this proposed annexation is the proposed construction of a huge solar field in the Hearst Property. I also understand that the construction of this solar field requires 24 hour, 7 days a week fire protection. If that is one of the main driving reasons, then the owners of the solar field along with the Hearst Property should cover the cost of the required fire protection.

Sincerely

Paul Wondries
White Road, Parkfield, California

400 South Atlantic Blvd. • P.O. Box 1131 • Alhambra, CA 91802
626-289-3591 • 866-377-1085
www.bobwondriesford.com

5/20/15

RE: **South Monterey County Fire Protection District Annexation**

Dear LAFCO officials,

Yesterday evening I attended the Parkfield community meeting regarding the Fire Protection District Annexation. I've was raised in that town and my relatives have been there since the 1880's - I've never seen such regional unity AGAINST something in my life.

The residents rejected the Annexation when it was proposed a few years ago, yet now it has returned.

The people and the feelings are still the same. They don't want the Annexation. They feel they've done fine without the proposed "benefits" for all these years and they definitely don't want the onerous Assessment Fees.

These days it's difficult enough to keep ranch land in a family and adding more fees is just another nail in the coffin of family ranches and farms. Personally we've put our 3,300 acres into a conservation easement to try to keep it in the family as long we can, but we can't bear the burden of any extra fees.

From what I've learned there may be some cooperation for Annexation on the West side of 101, but from my networking the East side is vehemently opposed to it. If the folks on the West want it so bad draw the dividing line at Highway 101 and leave the Southeast part of the County alone.

Apparently First Solar is pushing this Annexation to save costs during their solar project construction, but that's Cruel and Unusual punishment to permanently put all the residents under Annexation just to appease a construction project that will last 2 years and then be gone. Make First Solar pay for their own required protection and don't saddle the residents with a permanent financial obligation.

Please listen to the residents of the Southeastern part of Monterey County and leave us out of the Annexation.

Respectfully submitted,

Kyler Hamann

[redacted]

McBain, Darren J. 754-5838

From: ERICK REINSTEDT <[redacted]> on behalf of Erick & Mary Ann Reinstedt <[redacted]>
Sent: Tuesday, May 12, 2015 6:43 PM
To: McBain, Darren J. 754-5838
Subject: Hi Darren

Hi,
Thanks so much for your kind message today. I am gone most of tomorrow, so I thought maybe an email is best. In a nutshell, I've been a volunteer on SOMOCO Station #3 (Lockwood) for 18 years, since before we were even in SOMOCO, and a chaplain for it since 2000, so I am not against the annexation (I live in Bryson-Hesperia, and pastor a church in Lockwood).

My comments are two, one that is just an observation, one that I would appreciate advocacy on. They are:

1. It strikes me as strange that the meeting is in Salinas, considering most (if not all) of the affected regions are south or east of King City. I know that is the county seat, but it seems that if public input is genuinely desired, having the meeting in south county would be better. I am not sure I could even make the meeting, but it is a thought.

2. This is the one I really would like to know how to have action on. I feel that the assessment structure is unfair. The parcels out here are, it is my understanding, 40-acre minimums unless you have property that was granny'ed in (not sure how that is spelled). I believe that, in fact, there are single parcels that are larger than 40 acres as well. My wife and I own 40 contiguous acres that we bought in one purchase in 1996, but they are four 10-acre parcels. So, someone with their home on
40 (or even more) acres that sits on one parcel pays $23, and we pay over $50. It doesn't make sense to me. I think, also, that the unimproved lot fee is high, especially considering that these things always increase over the years. CalFire has primary responsibility for wildland here, and we now pay this state tax for that which is well over
$100 new dollars a year for us. Yes, SOMOCO responds to wildland (I've done it a lot), but the primary benefit to the area is going to be structure and medical (during the winter especially when CalFire doesn't man Lockwood) and neither of these affect unimproved parcels. I could think of a couple of different ways the fee structure could be changed---one being an elimination of extra fees if unimproved lots are contiguous and owned by someone already paying the improved lot fee. If not, there should be a change to charge for acres at least only over the 40-acres most own out here. Those are just some thoughts.

Thanks for your time and listening. I'd value your thoughts and response.
Blessings,
Erick Reinstedt (and Mary Ann)

--
Erick Reinstedt
Personal Blog: "A Great God & Good Coffee" http://erickreinstedt.blogspot.com/
Personal Facebook Pages: www.facebook.com/erickr1 and www.facebook.com/justacloserlook

Pastor, True Life Christian Fellowship (www.truelifecf.org & www.facebook.com/truelifecf) Firefighter/Chaplain, San Antonio Valley Volunteer Fire Department

Home & Church Phone: ([redacted]
Personal Mailing Address & Email: P.O. Box 200, Lockwood, CA 93932, [redacted] Church Address & Email: P.O. Box 479, Lockwood, CA 93932, [redacted]

Attachment 3:

Letters of support for the District's annexation proposal

- San Ardo Volunteer Fire Company
- California Department of Forestry and Fire Protection (CAL FIRE) San Benito-Monterey Unit

San Ardo Volunteer Fire Company
62180 Railroad St
Post Office Box 311
San Ardo, CA 93450

June 14, 2013

To: South Monterey County Fire Protection District

From: Kaeda Barrios. San Ardo Volunteer Fire Department Chief

Subject: Annexation of the San Ardo Fire Department into the Southern Monterey County fire Protection District

Dear LAFCO members

It is with great anticipation the San Ardo Volunteer Fire Department awaits the annexation of our department into the Southern Monterey County Fire Protection District. We feel this annexation is necessary for our department to continue serving the community of San Ardo and to enhance emergency service to all of the citizens of Southern Monterey County .

Thank You,

Kaeda Barrios

Kaeda Barrios
Chief, SAVFD

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
San Benito-Monterey Unit
2221 Garden Road
Monterey, California 93940
(831) 333-2600 FAX: (831) 333-2660
Website: www.fire.ca.gov

June 20, 2013

Kate McKenna, AICP
Executive Officer
LAFCO of Monterey County
P.O. Box 1369
Salinas, California 93902

Subject: **South Monterey County Fire Protection District Application for Annexation**

Dear Ms. McKenna:

The San Benito–Monterey Unit of CAL FIRE supports the South Monterey County Fire Protection District's application for annexation of large tracts of land in Southern Monterey County. CAL FIRE is responsible for the wildland fire protection of most of this area, and responds to emergency incidents on a "good neighbor" basis if and when available. During the "non-fire season", however, our stations are oftentimes not staffed.

This annexation would extend fire protection to approximately 500,000 acres of currently un-protected properties within the sphere of influence of the fire district. Please feel free to contact me if you have any questions.

Sincerely,

RICHARD C. HUTCHINSON JR.
Unit Chief

Attachment 4:

Public hearing notice and informational mailer –
Sent April 30, 2015 to property owners and voters in the annexation proposal areas

LAFCO

MAY 4 2015

LAFCO *of Monterey County*

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

NOTICE OF PUBLIC HEARING

Pursuant to Government Code Section 56660, notice is hereby given that the Local Agency Formation Commission of Monterey County will consider the following proposal at a public hearing on **Monday, June 22, 2015 at 4:00 p.m.**:

> **"South Monterey County Fire Protection District 2015 Annexation"** of approximately 840 square miles of lands adjacent to existing District boundaries. The annexation proposal includes the communities of San Lucas, San Ardo, and Parkfield. The proposal also includes the Pleyto/Bryson-Hesperia area south of Lake San Antonio, areas near Bradley, rural lands north of Highway 198 near San Benito and Fresno Counties, and other rural lands extending to the southeast corner of Monterey County. The proposed annexation area consists of the District's existing designated Sphere of Influence, plus a proposed 28-acre (0.2-square-mile) Sphere of Influence expansion. The purpose of the proposal is to provide comprehensive fire protection services to these lands, which are currently not within the boundaries of any fire protection district.

The public hearing will be held in the Board of Supervisors Chambers of the Monterey County Government Center (168 W. Alisal Street, first floor) in Salinas. All persons wishing to make presentations for or against the proposal will be heard.

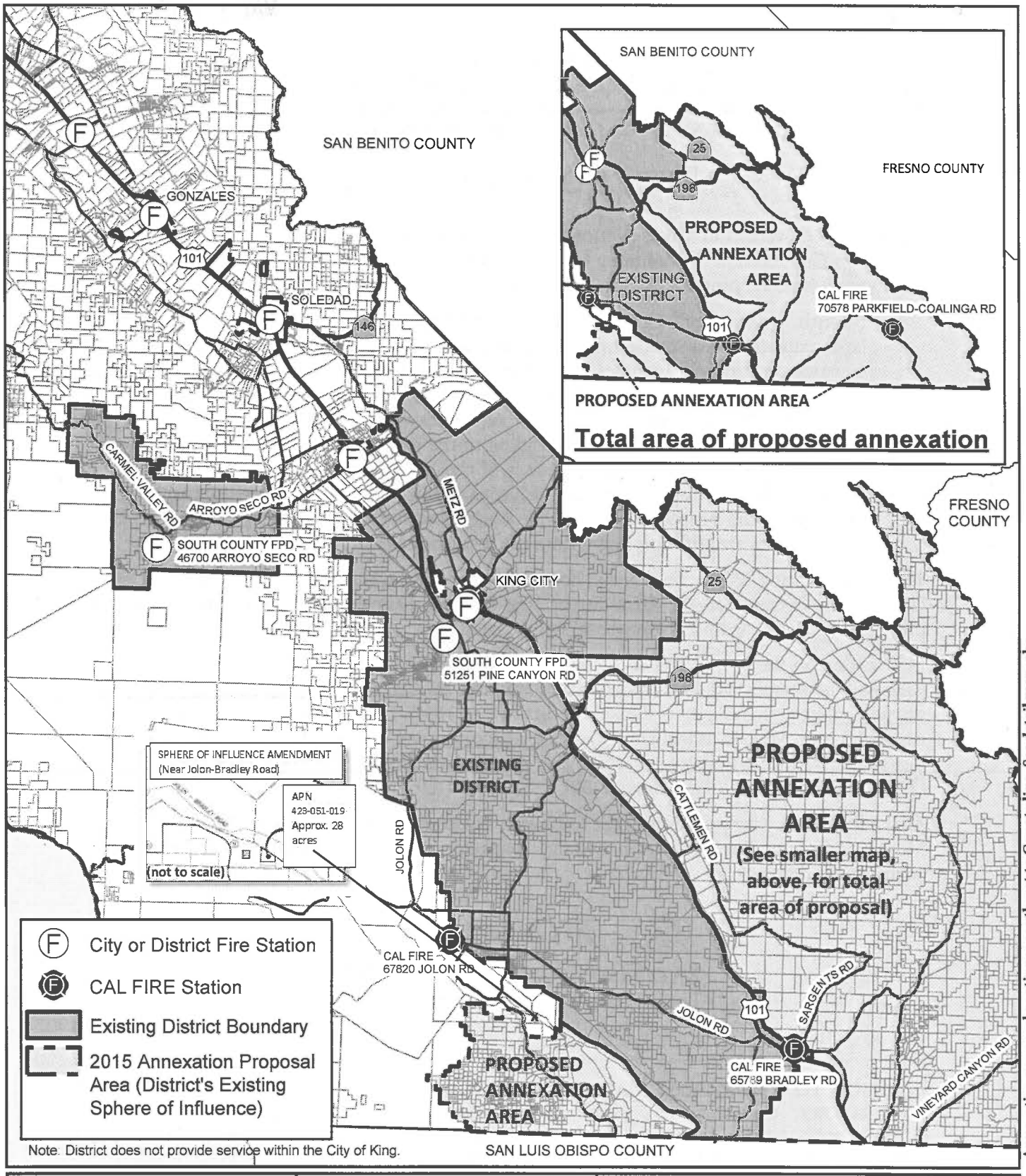
Information on the proposal is on file at the LAFCO office and may be examined by interested persons. The agenda and staff report will be available by 4:00 p.m. on Thursday, June 18, 2015 at www.monterey.lafco.ca.gov. Please contact us at (831) 754-5838 or email LAFCO Senior Analyst Darren McBain at mcbaind@monterey.lafco.ca.gov if you have questions, or if you would like to receive future updates regarding this proposal via email. The LAFCO office is located at 132 W. Gabilan Street #102, Salinas 93901.

As the lead agency for purposes of the California Environmental Quality Act (CEQA), the South Monterey County Fire Protection District has determined the proposal to be exempt from environmental review.

Kate McKenna

KATE McKENNA, AICP, Executive Officer
Local Agency Formation Commission of Monterey County

NOTICE TO REGISTERED VOTERS AND LANDOWNERS WITHIN THE AFFECTED TERRITORY: Unless written opposition to the proposal is received before the conclusion of the June 22 public hearing, the Commission intends to waive the need to hold a second public hearing ("Conducting Authority Proceedings") for purposes of considering any written protests. Please note that annexation to the South Monterey County Fire Protection District includes the potential for extension or continuation of any previously authorized charge, fee, assessment, or tax by the District.



LAFCO of Monterey County
LOCAL AGENCY FORMATION COMMISSION

P.O. Box 1369
Salinas, CA 93902
Telephone (831) 754-5838

132 W. Gabilan St., Suite 102
Salinas, CA 93901
FAX (831) 754-5831

N

0 2 4 6 8
Miles

2015 ANNEXATION PROPOSAL

SOUTH MONTEREY COUNTY FIRE PROTECTION DISTRICT

SOUTH MONTEREY COUNTY FIRE PROTECTION DISTRICT
2221 Garden Road
Monterey, California 93940
(831) 333-2600 FAX: (831) 333-2660

April 29, 2015

RE: Proposal to annex into the South Monterey County Fire Protection District

Dear Property Owner or voter:

The South Monterey County Fire Protection District is in the process of annexing currently unprotected parcels adjacent to our District boundaries. Our goal is to annex these adjacent parcels into the Fire District for continued fire, emergency medical, and fire prevention services. The areas to be annexed are all parcels that are not currently in the South Monterey County Fire Protection District (roughly all of south Monterey County east of Highway 101 and south of Highway 198, and the Bryson/Hesperia area west of Lake San Antonio).

Upon review of properties located along the boundaries of the South Monterey County Fire Protection District, it has been determined that your property is not within the boundaries of any fire protection district. We have proposed to annex your property into the South Monterey County Fire Protection District through our Local Agency Formation Commission (LAFCO) application. The fire district has waived the annexation fees for this annexation application. If you were required to annex into the district at a later time because of a condition of building permit or insurance provider, the minimum annexation and LAFCO fees would be between $1,500 and $2,500. We are merely adjusting our boundaries to include areas that we currently respond into and to provide your parcel guaranteed fire district services. You will not see an increase in your property taxes due to this annexation.

We have included a report on potential questions regarding this annexation proposal, along with other information pertinent to the annexation proposal. We will offer a question and answer session during the next regular meeting at our Pine Canyon Fire Station, located at 51251 Pine Canyon Road, King City, CA on May 28, 2015 at 9:00 A.M. Fire department and LAFCO staff will be in attendance to allow you to gather more information and ask questions about the annexation process.

We are also available to answer any questions that you may have. Please contact Theresa Volland at 831-333-2600 during regular business hours.

Sincerely,

Brennan Blue
Fire Chief

South Monterey County Fire Protection District

2221 Garden Road, Monterey, CA 93940

STAFF REPORT

May 28, 2015

To: Board of Directors

From: Brennan Blue, Fire Chief

Subject: **Potential Annexation Questions & Responses**

Q. What is the annexation proposal?

A. The fire district has proposed to annex parcels on approximately 550,000 acres adjacent to the South Monterey County Fire Protection District (SoMoCo) that are not currently within any fire protection district. This includes all parcels to the east of the district (basically Highway 198 south and east to the county line(s), and to the southwest in the Bryson-Hesperia area. These areas are all included in the Monterey County Local Agency Formation Commission (LAFCO) sphere of influence for SoMoCo.

Q. Why did SoMoCo propose annexation?

A. Two years ago, the San Ardo Volunteer Fire Department asked the Fire District to consider annexing their area, in order to improve their department's training and overall operations. The Fire District had also received inquiries from residents in the Bryson/Hesperia areas asking about the possibility of their joining SoMoCo.

The district has identified areas within the District's Sphere of Influence totaling approximately 840 square miles (app. 537,600 acres) that are not within any formal Fire Protection District. Over the past several decades, the District has responded too many of these parcels for emergency incidents. At the June 2013 regular board meeting, the District approved an application to the Local Agency Formation Commission of Monterey County to annex these areas into the Fire District. Annexation of these areas that the District already responds to would formalize these responses. This would make responses legal under all aspects of law.

The annexation application process through LAFCO is being funded by the Fire District. The board also felt it was beneficial to include all areas within the sphere of influence at the same time. Doing so eliminates multiple applications and the resultant fees to LAFCO and the State Board of equalization.

Q. Will my property taxes increase?

A. No. A tax rate includes a general 1% tax levy applicable to all property tax bills, voter approved (pre-Proposition 13) special taxes, and voter approved debt issues for your particular area. The general tax levy is based on state law and is limited to 1% of assessed value (or $1 per $100 of assessed value).

Q. I understand the South Monterey County Fire District has "Benefit Assessment Fees". What are they, how much are they, and how much would I be assessed?
A. Correct: If the proposed areas are annexed into the Fire District, the benefit assessment fees would be imposed on all parcels. Prior to reorganization as the South Monterey County Fire Protection District in December 1997, Monterey County Service Area 61 established benefit assessment fees to provide extended fire protection services as authorized by California Government Code. The base assessment per fee unit of benefit is $1.15. (Carmel Valley's base assessment per fee unit is $7.50).

As an example, a single family dwelling on one site receives 20 units of benefit, which equals $23.00 annual assessment. (See attached chart)

Q. The nearest South Monterey County Fire District Station to Parkfield is a long way away. How will that help me and my family?
A. If the proposed annexation is approved, the South Monterey County Fire District would enter into a formal mutual aid agreement with CAL FIRE to respond to reported emergencies. Additionally, the Fire District could contract with CAL FIRE to provide round the clock coverage at Parkfield by way of an "Amador Agreement" to ensure staffing at the state fire station during the "non-fire season".

Q. CAL FIRE already responds to our 911 calls. How does this improve that?
A. By law, CAL FIRE is required to respond to all vegetation fires that occur on State Responsibility Area lands. When available, CAL FIRE will respond to other 9-1-1 calls as a "good neighbor". If the areas proposed for annexation become part of the fire district, CAL FIRE would enter into formal agreements to provide mutual aid for all emergency calls.

Q. CAL FIRE bills me now for a "Fire Prevention Fee". How does that affect me?
A. If you receive an annual bill from CAL FIRE for Fire Prevention Fees, your fee would be reduced by $35 by virtue of being within a recognized fire district.

Q. We are in San Lucas. Will we ever see a fire station in our community?
A. It is a possibility. Just as community volunteers have committed to the San Ardo, Arroyo Seco, Pine Canyon, and Lockwood areas, the fire district could support a volunteer station / fire company in the San Lucas area. Currently, San Lucas is unprotected by any fire agency.

Q. We are in San Ardo. We already have the volunteer fire department. Why change?
A. The San Ardo Volunteer Fire Company has requested annexation to the South Monterey County Fire District. They requested this because of the increasing requirements for formal training, record keeping, chief officer coverage, etc.

Q. How is the South Monterey County Fire District funded? Where does the revenue for the district come from?
A. Estimated revenues for the current fiscal year:

Property taxes -	$292,000
Proposition 172-	$ 84,220
Fire Mitigation Fees-	$ 75,000
Measure "A" funds	$ 6,300
Other income-	$ 53,640
Total Revenue	$511,160

Q. What revenues would be generated from the newly annexed areas?
A. Benefit assessment fees are estimated to generate approximately $86,000 annually from all parcels in the proposed annexation area. Additionally, the Proposition 172 funds (Public Safety Sales Tax) that San Ardo Volunteer Fire Department would go to the fire district. In 2012, that amount was $28,000. Finally, the County of Monterey and SoMoCo agreed to a cost share of 9% of any property tax "growth" that might be realized due to sale or improvement of properties.

Q. How much does it cost the fire district to operate annually?
A. The budget for the fire district for fiscal year 2014-15 is $878,050.

- $539,540 is for general operating expenses. This provides for operation of three volunteer fire stations. (fuel, insurance, & maintenance of fire engines and rescue vehicles & equipment; safety gear for volunteer firefighters; fire station maintenance; liability & workers compensation insurance; radios; hose; etc. etc.)

- $338,510 is for capitalized equipment, land, and improvements (one-time expenses funded from reserve accounts).

South Monterey County Fire Protection District Annex Information
Benefit Assessment Fees

The Benefit Assessment fee will be the only new additional charge to the property owners annexed into the district. This charge is $1.15 per unit of benefit. The fee is an annual charge and is used only for funding the South Monterey County Fire Protection District.

EXAMPLES OF BENEFIT ASSESSMENTS

Actual Land Use	Units of Benefit	Total Fee
Undeveloped Parcels		
Up to 10 acres	10	$11.50
11-40 acres	30	$34.50
41-300 acres	40	$46.00
301 + acres	50	$57.50
Developed Residential Parcels		
Single family dwelling on one site	20	$23.00
2-4 single family dwellings	30	$34.50
Mobile home, less than 11 acres	30	$34.50
Apartments with 5-15 units	40	$46.00
Apartments with 6-30 units	50	$57.50
Apartments with 31 + units	60	$69.00
Agriculture Parcels		
Row, field crops, vineyards, orchards, NO bldgs.	10	$11.50
Grazing, nurseries, dry farming land	20	$23.00
Feed lots, row, field crops, vineyards, orchards, WITH bldgs	30	$34.50
Developed Commercial/Industrial Parcels		
Retail nurseries, communication towers	20	$23.00
Animal hospitals, golf courses	20	$23.00
Mobile home parks < 20 pads	30	$34.50
Medical, bank, auto sales	30	$34.50
Mobile home parks > 20 pads	40	$46.00
Office or retail use	40	$46.00
Auto wrecking, light industrial	50	$57.50
Mobile home parks 51-80 pads	50	$57.50
Motels, hotels, super markets, private schools	60	$69.00
Convalescent homes	70	$80.50
Heavy industry, warehousing	80	$90.00
LPG, chemical plants	90	$103.50
Gas/oil facilities, HazMat storage	100	$115.00
Developed Institutional Parcel		
Cemeteries	10	$11.50
Museums, libraries	40	$46.00
Churches	50	$57.50
Miscellaneous Developed Parcels		
Private tanks, wells, right of ways	10	$11.50
Taxable property leased by private entities	30	$34.50
Parcels with buildings not mentioned above	10	Per 1000 sq ft of floor

Attachment 5:

Draft resolution for **"Alternative Action #1"** (approve the District's annexation proposal at the June 22 meeting)

This alternative is not recommended, but a draft resolution is provided in order to allow this alternative to proceed, should the Commission opt for this course of action.

THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 15 – xx

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION AMENDING THE SOUTH MONTEREY COUNTY FIRE PROTECTION DISTRICT'S SPHERE OF INFLUENCE BY APPROXIMATELY 28 ACRES AND APPROVING THE "SOUTH MONTEREY COUNTY FIRE PROTECTION DISTRICT 2015 ANNEXATION" OF APPROXIMATELY 840 SQUARE MILES (LAFCO FILE NO. 13-05)

Not recommended for Commission action.
LAFCO Staff's recommended action is to continue consideration of this proposal to the August 24, 2015 meeting. This draft Resolution is provided should the Commission opt instead to approve the proposal, in its current form, at the June 22 meeting ("Alternative Action #1" in the Executive Officer's report).

WHEREAS, an application for the proposed Sphere of Influence amendment and annexation to the South Monterey County Fire Protection District ("Proposal") was heretofore filed and accepted for filing by the Executive Officer of this Local Agency Formation Commission, pursuant to Title 6, Division 1, commencing with Section 56000, et seq. of the Government Code; and

WHEREAS, the Commission adopted a countywide "Municipal Service Review and Sphere of Influence Update for Districts Providing Fire Protection and Emergency medical Services in Monterey County" in March 2012; and

WHEREAS, the Executive Officer, pursuant to Government Code section 56658, set June 22, 2015 as the hearing date on this proposal; and

WHEREAS, the required notice of the hearing was published in the King City Rustler on May 27, 2015 and in the Monterey County Weekly on May 28, 2015; and

WHEREAS, the public hearing by this Commission was held upon the date and at the time and place specified in said notice of hearing and in any order or orders continuing such hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code section 56665, has reviewed this proposal and prepared a report, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, the stated purpose of the proposal is to ensure the provision of fire protection, emergency medical service, rescue, hazardous material response, fire prevention, and public education to the annexation areas from a full service fire department; and

WHEREAS, the South Monterey County Fire Protection District ("District" or "Applicant") has indicated its ability and willingness to provide service to the area; and

WHEREAS, this Commission, on June 22, 2015 heard from interested parties, considered the proposal and the report of the Executive Officer and considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code sections 56425(e) and 56668; and

WHEREAS, the proposed Sphere of Influence expansion area is effectively surrounded by the currently adopted District Sphere of Influence and boundaries; and

WHEREAS, the South Monterey County Fire Protection District Board of Directors, as the Lead Agency, has reviewed the record and found that the proposed annexation is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) as activities covered by the general rule that CEQA only applies to projects that have potential to cause significant environmental impact, and

Draft "Alternative Action" Resolution - Not recommended for Commission approval.
LAFCO Staff's recommended action is to continue consideration of this proposal to the August 24, 2015 meeting. This draft Resolution is provided should the Commission opt instead to approve the proposal, in its current form, at the June 22 meeting ("Alternative Action #1" in the Executive Officer's report).

WHEREAS, the Monterey County Board of Supervisors considered and adopted a tax transfer agreement between the County and the District on March 24, 2015.

NOW, THEREFORE, the Local Agency Formation Commission of Monterey County does HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. The forgoing recitals are true and correct.

Section 2. The Commission has considered the South Monterey County Fire Protection District's finding that the proposed annexation is categorically exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) and that no additional CEQA documentation is required.

Section 3. No additional CEQA documentation is required at this time to support this Sphere of Influence Amendment or annexation proposal based upon the findings set forth above.

Section 4. In determining the Sphere of Influence of the South Monterey County Fire Protection District, the Commission, in accord with Section 56425(e) of the Government Code, has considered and prepared a written statement of its determinations with respect to each of the following:

- *The present and planned land uses in the area, including agricultural and open-space lands.*

  The proposed Sphere of Influence expansion area contains a single 28-acre parcel. This privately owned parcel is an inholding within U.S. Forest Service lands. This parcel is zoned by the County for "Rural Grazing," with a 40-acre minimum for subdivision. Subdivision of this parcel is therefore not allowed. The parcel is currently vacant and contains no structures, although a residential structure would be allowed provided it was accessory to the agricultural use of the property. The current and potential use of this parcel will not be changed by the proposed Sphere expansion.

- *The present and probable need for public facilities and services in the area,* and
- *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.*

  If this parcel were to be developed with a residence or other structures, it would benefit from the provision of fire protection and emergency medical services. The parcel is currently effectively surrounded by the District and its Sphere of Influence. The District states that it can provide serve to this parcel.

- *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.*

  The single-parcel addition to the District's Sphere of Influence is vacant. There are no relevant communities of interest.

- *The present and probable need for . . . [structural fire protection] . . . facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence.*

  Several communities within the District's Sphere of Influence, including San Ardo, San Lucas and Parkfield, may qualify as disadvantaged unincorporated communities. They are all within the District's current annexation proposal.

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Section 5. The Commission has considered the factors set forth in the Cortese-Knox-Hertzberg Act for annexation to the South Monterey County Fire Protection District and found them to be consistent with the proposed change of organization as more fully discussed below.

Section 6. *Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years (Gov. Code § 56668(a).)*

The annexation proposal includes the communities of San Ardo, San Lucas, and Parkfield. The proposal also includes the Bryson-Hesperia area south of Lake San Antonio, areas near Bradley, rural lands north and south of Highway 198 near San Benito and Fresno Counties, and other rural lands extending to the southeast corner of Monterey County. The proposal area represents approximately 25% of the county's total land area. The 2010 Census population of the proposed annexation area was 2,170.

The areas proposed for annexation to the District are primarily rural lands that are designated for agricultural, mineral extraction and conservation uses. The annexation excludes Camp Roberts, which has its own fire protection personnel and provisions. The annexation's boundaries allow the District to serve areas up to the County boundary with San Luis Obispo County to the south and Kings and Fresno Counties to the east. Significant residential growth is not anticipated in the annexation area. Growth in the oil fields is dependent on extraction technologies and the market for petroleum products.

Section 7. *The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed ... annexation ... and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. (Gov. Code § 56668(b).)*

The annexation area is not currently within the boundaries of any local fire protection agency. The 840 square miles acres are contiguous with the boundaries of Monterey County. Although not within existing fire protection agency jurisdiction, fire protection in the affected territory is now informally provided through the District and CAL FIRE, which has responsibility only for wildland fires. The annexation would grant the District responsibility for the fire protection, emergency medical service, rescue, hazardous material response, and education within the area. It would have the potential to simplify communications, quicken dispatch of equipment and personnel, and assign the financial responsibility to one agency. Mutual aid agreements with adjacent fire protection agencies would be facilitated.

Section 8. *The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county. (Gov. Code § 56668(c).)*

Because the annexation areas are outside the boundaries of any city or fire district, the proposed action would not adversely affect adjacent areas, mutual social and economic interest, or the local governmental structures of the county. The alternative to this action would be to continue to exclude these areas from the boundaries of a fire protection agency. Landowners and residents of the proposed annexation areas would then continue to receive services from nearby fire agencies, but would not contribute financially to the provision of these services and would continue to have no voice in their operations.

Section 9. *The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377. (Gov. Code § 56668(d).)*

The annexation is consistent with all adopted Commission policies on providing planned, orderly, efficient patterns of urban development.

Government Code Section 56377 pertains to directing development away from open-space and agricultural land, unless this would be detrimental to the promotion of the planned, orderly, efficient development of an area. Existing and planned land uses are not affected by the proposed annexation. The proposed annexation does not affect any development pattern, or direct the location of development. Open space lands within the annexation areas will benefit from the availability of fire protection and emergency medical services.

Section 10. *The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined in Section 56016. (Gov. Code § 56668(e)).*

The proposed annexation is limited to the provision of fire protection, emergency medical and related services. There will therefore be no impact on maintaining the physical and economic integrity of the area's agricultural land.

Section 11. *The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries. (Government Code §56668(f).)*

The annexation boundaries are definite and certain and consistent with assessment lines and ownership. The proposal allows for the rational expansion of the South Monterey County Fire Protection District consistent with its Sphere of Influence.

Section 12. *A regional transportation plan adopted pursuant to Section 65080, and consistency with City or County General and Specific Plans. (Gov. Code § 56668(g).)*

The proposed annexation to the South Monterey County Fire Protection District has no impact on the regional transportation plan. The proposed annexation is consistent with the applicable County general plan and zoning ordinance. The annexation will not change area development patterns.

Section 13. *The proposal's consistency with . . . county general and specific plans. (Gov. Code §§ 56375.5, 56668(h).)*

The 2010 Monterey County General Plan supports the improvement of fire protection services throughout the County. It specifically requires that "all new development shall be required to annex into the appropriate fire district." As such, the proposal is consistent with this plan.

Section 14. *The Sphere of Influence of any local agency, which may be applicable to the proposal being reviewed. (Gov. Code §§ 56375.5, 56668(i).)*

The 840 square mile annexation is located wholly within the Sphere of Influence of the South Monterey County Fire Protection District, including the proposed 28-acre expansion of the Sphere.

The annexation areas are also located within the boundaries of the county-wide County Service Area 74 (Emergency Medical Services System). The South Monterey County Fire Protection District cooperates with the County's ambulance provider, and provides complementary emergency medical service.

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Section 15. *The comments of any affected local agency or other public agency. (Gov. Code § 56668(j).)*

The San Ardo Volunteer Fire Company, which will become an element of the District following annexation, has provided a letter of support. No other public agency commented on the proposal.

Section 16. *The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change. (Gov. Code § 56668(k).)*

The South Monterey County Fire Protection District currently provides services to these areas although it receives no property tax or other compensation for its work. If the annexation is approved, some future funding will be provided through the payment of benefit assessment fees, a tax transfer agreement negotiated with the County, and State funding through Proposition 172. The potential pool of volunteer firefighters would be expanded, and the volunteers from the San Ardo Volunteer Fire Company would be included within the District umbrella.

Section 17. *Timely availability of water supplies adequate for projected needs as specified in Section 65352.5. (Gov. Code § 56668(l).)*

The annexation will have no impact on the timely availability of water supplies.

Section 18. *The extent to which the proposal will affect a City or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7. (Gov. Code § 56668(m).)*

The annexation will have no impact on housing needs.

Section 19. *Any information or comments from the landowner or owners, voters, or residents of the affected territory. (Gov. Code § 56668(n).)*

Numerous members of the public have provided written comments expressing opposition, support, questions or concerns about the District's annexation proposal. The majority of public correspondence has been opposed to the annexation. Among other concerns, commenters have expressed opinions that existing fire protection arrangements are adequate, that long distances will preclude the provision of a higher level of service, that the annexation area should be reduced to only include areas easily served, and that the District's benefit assessment fee would be applied inequitably among different lot sizes and development patterns.

Section 20. *Any information relating to existing land use designations. (Gov. Code § 56668(o).)*

The vast majority of the area proposed for annexation is rural. The County's land use designations are rural ones, including "Farmlands," "Permanent Grazing," "Rural Grazing" and "Resource Conservation." There are oil fields in the southern part of the area, along Highway 101, which are zoned "Heavy Industrial" for mineral extraction. The unincorporated communities of San Ardo, San Lucas and Parkfield include parcels designated for commercial and residential uses.

Section 21. *The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. (Gov. Code § 56668(p).)*

The annexation includes all areas within the District's Sphere of Influence, except for Camp Roberts (California National Guard). No adjacent populated areas remain to be served. The annexation provides fire protection and emergency services to existing and future residents of the annexation areas. The proposal provides a consistent level of service to all residents, regardless of race, ethnicity, or income, through the logical extension of South Monterey County Fire Protection District boundaries.

Section 22. *Whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner, or reorganization with other single-purpose agencies that provide related services. (Gov. Code §§ 56301, 56886.5.)*

In addition to the District, there are three organizations that currently provide fire protection and emergency medical service within the proposed annexation area. The vast majority of the District's annexation proposal area is located within the State Responsibility Area, or SRA. Within the SRA, the California Department of Forestry and Fire Protection (CAL FIRE) is responsible for wildland fire response. CAL FIRE will also respond to structural and medical emergency calls, if and when CAL FIRE is available. However, CAL FIRE stations are typically only open seasonally; they are not typically staffed during the "non-fire" season, which varies from year to year but is generally October through May. CAL FIRE has expanded its services in southern Monterey County through a contract with the South Monterey County Fire Protection District. It is statutorily unable to provide a full range of services without the District. CAL FIRE supports the proposal. San Ardo is currently protected by its own volunteer fire company. This company strongly supports the proposed annexation and would be subsumed by the District following annexation. Ambulance Service is contractually provided, countywide, through County Service Area 74. This service, which does not include fire protection, would be coordinated with District service following annexation.

Section 23. *Apportionment of property tax revenue. (Revenue & Taxation Code §99.01)*

Monterey County and the South Monterey County Fire Protection District have agreed to a tax transfer agreement. The County Board of Supervisor approved this agreement on March 24, 2015.

Section 24. *Consistency with Policies and Procedures Relating to Spheres of Influence and Changes of Organization and Reorganization.*

The proposal is consistent with local LAFCO Policies and Procedures. Of most relevance, the proposal is consistent with policies relating to Economics, Service Delivery and Development Patterns (Section D.VII.) The proposal will not have adverse financial impacts on the District, will provide fire protection and emergency medical support to an area which is now unprotected, and will provide an appropriate level of service to the large rural area to be annexed.

Section 25. The proposal is approved subject to the following terms and conditions:

a. The proposed Sphere of Influence expansion and annexation are approved subject to the applicant's payment of all fees incurred in the processing of the application consistent with the LAFCO fee schedule, including the fee required by the State Board of Equalization.
b. The proposed annexation is approved subject to review and pre-clearance of the annexation by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act, as applicable.
c. The proposed annexation is subject to the preparation of a Map and Property Description deemed acceptable by the State Board of Equalization.

Section 26. The Certificate of Completion for the Annexation shall not be issued until all terms and conditions are met. The Sphere of Influence expansion shall be effective immediately upon approval of this resolution and the completion of any requested reconsiderations.

Section 27. If a Certificate of Completion for a change of organization or reorganization has not been filed within one year after the Commission approves a proposal for that proceeding, the proceeding shall be deemed abandoned unless prior to the expiration of that year the Commission authorizes an extension of time for that completion. The extension may be for any period deemed reasonable to the Commission for completion of necessary prerequisite actions by any party. If a proceeding has not been completed because of the order or decree of a court of competent jurisdiction temporarily enjoining or restraining the proceedings, this shall not be deemed a failure of completion and the one-year period shall be tolled for the time that order or decree is in effect. [Government Code section 57001]

Section 28. The boundaries of the territory proposed as the Sphere of Influence amendment and the boundaries of the territory proposed for annexation to the District are hereby approved as described in Exhibit "A," attached hereto and made a part hereof. The annexation is assigned the following distinctive short form designation: "**SMCFPD 2015 Annexation.**"

Section 29. The regular County assessment roll will be used and the annexation area will not be taxed for existing general bonded indebtedness of the South Monterey County Fire Protection District.

Section 30. The affected territory is inhabited and requires the Commission to set a protest hearing for the proposed annexation in accordance with Government Code Section 57000 and Government Code Section 57002. The protest hearing is set for _____, 2015 at 4:00 P.M. at the Monterey County Board of Supervisors Chambers in Salinas, California.

Section 31. The effective date will be the filing of the Certificate of Completion.

Section 32. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner and as provided in Section 56882 of the Government Code.

Section 33. The applicant agrees as a condition of the approval of this application to defend at its sole expense any action brought against LAFCO, the Commission and its staff, because of the approval of this application. The applicant will reimburse LAFCO for any court costs and attorneys' fees which may be required by a court to pay as a result of such action. LAFCO may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicant of his obligations under this condition. The obligation on the part of the applicant to indemnify LAFCO is effective upon the adoption of this resolution and does not require any further action.

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Draft "Alternative Action" Resolution - Not recommended for Commission approval.
LAFCO Staff's recommended action is to continue consideration of this proposal to the August 24, 2015 meeting. This draft Resolution is provided should the Commission opt instead to approve the proposal, in its current form, at the June 22 meeting ("Alternative Action #1" in the Executive Officer's report).

UPON MOTION of Commissioner _____, seconded by Commissioner _____, the foregoing resolution is adopted this _____ day of _____, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Alternative Action #1 (not recommended by LAFCO staff)

_____, Chair
Local Agency Formation Commission of Monterey County

ATTEST: I certify that the within instrument is a true and complete copy of the original resolution of said Commission on file within this office.

Witness my hand this ___ day of _____, 2015

By: _____
Kate McKenna, AICP, Executive Officer

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