LAFCO
Meeting Date: 02/27/2020

Information

SUBJECT
Public Hearing to Consider the Springlake Fire Protection District's (FPD's) Change of Organization Proposal to Change from an Independent District to a Dependent District to the County of Yolo (LAFCo No 934)

RECOMMENDED ACTION
Staff recommends changing the Springlake Fire Protection District (FPD) from an independent district to a dependent district to the County of Yolo.

FISCAL IMPACT
None.

REASONS FOR RECOMMENDED ACTION
The Springlake FPD is an independent district with its own five (5) member board of directors. All of the FPD services are contracted out to the City of Davis, City of Woodland and UC Davis. The City of Woodland also provides staff and accounting services to the FPD.

The Springlake FPD has struggled in recent years to maintain sufficient board members to achieve a quorum for its meetings. LAFCo, Springlake FPD and the Yolo County District 3 Office (Supervisor Sandy) have had ongoing conversations for years about how best to resolve this problem. Governance options considered include: (1) changing the number of FPD board member seats from five to three; (2) consolidating the FPD with another adjacent one; or (3) changing the governance from an independent district to a dependent district so the Board of Supervisors could act for the FPD if need be. After much consideration by the FPD board, it has petitioned LAFCo to change its governance to a dependent district under Yolo County (i.e. Option 3).

BACKGROUND
On December 17, 2018 the Board of Supervisors adopted a resolution supporting the Springlake FPD Change of Organization to a dependent district. The intention is for the Board of Supervisors to delegate its authority back to a fire commission, essentially re-appointing the existing FPD board members as fire commissioners. However, it needs to be understood that ultimate authority would rest with the Board of Supervisors and it can take such delegation back if desired for any reason. This would also allow the FPD to continue functioning should the fire commission lose its quorum and become unable to take action.

Factors to be Considered
In accordance with Government Code Section 56668, the factors to be considered in the review of a proposal shall include, but is not limited to, all of the following:

- Population, land use, natural boundaries, proximity to other populated areas, and likelihood of significant growth in the area during the next 10 years;
- The need for organized community services, the adequacy of governmental services and controls in the area, the probable effect of annexation and alternative courses of action;
- The effect of the proposed action (and alternative actions) on the adjacent areas, social and economic interests and local governmental structure of the county;
- The conformity of the proposal and its effects with adopted commission policies on providing planned, orderly and efficient patterns or urban development;
- The effect of the proposal on maintaining the physical and economic integrity of agricultural lands;
- Creation of "islands" or corridors of unincorporated territory;
- A regional transportation plan;
- The proposal's consistency with city or county general and specific plans;
- The sphere of influence of any applicable local agency;
- The ability of the receiving entity to provide services and the sufficiency of revenues for those services;
- Availability of water supplies;
- The extent to which the proposal will affect a city in achieving its regional housing needs as determined by its council of governments;
- Any information or comments from landowners, voters or residents of the affected territory;
- Any information relating to existing land use designations;
- The extent to which the proposal will promote environmental justice, meaning the fair treatment of people of all races, cultures and incomes with the respect to the provision of public services; and
- Any local hazard plan or safety element of a general plan that identify land as a very high fire hazard zone.

Yolo LAFCo's local standards of evaluation for proposals (Section 2.0) elaborates on these state mandated factors with the following additional standards:
- Favoring municipal services by cities in urbanized areas rather than the County or special districts;
- Consider not only present service needs of the area under consideration, but shall also consider future services which may be required to take care of future growth or expansion;
- Requiring a service plan that describes the extension, financing and timing of services;
- SACOG's regional housing needs for the agency, recent update (and certification) of the agency's housing element, whether the agency's inclusionary housing ordinance complies with SACOG's Affordable Housing Compact, the degree to which the proposal meets the agency's "low income" and "very low income" housing targets, and the extent to which the proposal advances or inhibits the agency's housing element; and
- Consistency with the Agricultural Conservation Policy.

Analysis
The proposal would have no effect on growth patterns, land use or agricultural land. It does not change any services provided by Springlake FPD or its service territory. This proposal involves a governance change only, similar to establishing a subsidiary district although this would be to Yolo County and not a city. This LAFCo action would not affect any of the existing Springlake FPD contracts, which would continue enforce per existing terms. Existing property taxes and any assessments/fees would also not be affected by this action. The governance change would become effective at the beginning of the next fiscal year on July 1, 2020.

Protest Proceedings
The proposal is subject to protest proceedings if approved by LAFCo. If approved at the hearing, LAFCo will give notice (via a 1/8th page display ad in the Woodland Democrat) of the protest hearing to all residents in the Springlake FPD territory. The Executive Officer would likely set the protest hearing for our May 28, 2020 meeting. If protest is filed by less than 25% of the registered voters or landowners, the Commission shall order the change of organization. If between 25% - 50% of the voters/landowners file protests, the Commission shall order the change of organization subject to an election. Over 50% protest automatically terminates the proposal.

CEQA
CEQA Public Resources Code Section 15320 (Class 20) provides for a Categorical Exemption for Changes in Organization of local agencies that do not change the geographical area in which previously existing powers are exercised. One of the specific examples cited includes "establishment of a subsidiary district". Therefore, staff recommends this proposal is exempt from CEQA.
Attachments
ATT A-Springlake FPD Change of Organization Reso 2020-01
ATT B - Yolo County BOS Reso Supporting Change of Org

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YOLO LOCAL AGENCY FORMATION COMMISSION

RESOLUTION № 2020-01

Approving the Change of Organization to Change the Springlake Fire Protection District (FPD) from an Independent District to a Dependent District to the County of Yolo (LAFCO № 934)

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the organization and reorganization of cities and special districts by local agency formation commissions (LAFCo or Commission) established in each county, as defined and specified in Government Code Sections 56000 et seq. (unless otherwise indicated all statutory references are to the Government Code); and

WHEREAS, Government Code Section 56375 provides LAFCo with the power to review and approve proposals for “changes in organization” or “reorganization” (i.e. more than one change or organization) consistent with policies adopted by the Commission; and

WHEREAS, Government Code Section 56650 authorizes proceedings for a change of organization to be initiated by a Resolution of Application as adopted by a local agency; and

WHEREAS, on August 9, 2019, Springlake FPD submitted the subject proposal application (LAFCo № 934) to Yolo LAFCo accompanied by meeting minutes reflecting a vote to initiate the LAFCo process to transition from an independent district to a dependent district; and

WHEREAS, the proposal was routed to all subject, affected, and interested agencies and no concerns or objections were received; and

WHEREAS, the proposal is not subject to a negotiated exchange per Revenue and Taxation Code Section 99(b)(1) because it does not involve a jurisdictional change; and

WHEREAS, the Yolo County Board of Supervisors adopted a resolution on December 17, 2019, supporting the Springlake FPD’s request to change to a dependent district; and

WHEREAS, a Certificate of Filing was issued on December 17, 2019; and

WHEREAS, a public notice was published in the Woodland Democrat on January 1, 2020 as a 1/8th page display ad because the number of registered voters and landowners exceeded 1,000; and

WHEREAS, the public hearing was continued and all required notices were posted indicating the continuance until the February 27, 2020, meeting; and

WHEREAS, the proposal was analyzed in accordance with all applicable sections of the Cortese-Knox-Hertzberg Act, LAFCo Standards of Evaluation and Agricultural Policy, and all other matters presented as prescribed by law; and

WHEREAS, the Executive Officer reviewed the proposal and prepared and filed a report with recommendations with this Commission at least five (5) days prior to the date of the February 27, 2020, meeting during which the proposal was set to be considered; and
WHEREAS, an opportunity was given to all interested persons, organizations, and agencies to present oral or written testimony, protests, objections, and any other information concerning the proposal and all related matters; and

WHEREAS, at its February 27, 2020, meeting, the Commission reviewed and considered the CEQA exemption and the Executive Officer’s Report including all the information, recommendations, findings and conditions contained therein.

NOW, THEREFORE, BE IT RESOLVED that the Yolo LAFCo approves the Change of Organization to change the Springlake FPD governance from an independent district to a dependent district to the County of Yolo (LAFCo No. 934) subject to the following findings and terms and conditions, and directs the Executive Officer to set the conducting authority protest hearing.

Findings

1. Finding: The project is categorically exempt from CEQA per CEQA Guidelines Section 15320 (Class 20) which provides for a categorical exemption for changes in organization of local agencies.

   Evidence: CEQA Guidelines Section 15320 (Class 20) provides for a categorical exemption for changes in organization of local agencies that do not change the geographical area in which previously existing powers are exercised. The proposed change of the Springlake FPD’s governance to a dependent district is essentially similar to one of the specific examples cited including “establishment of a subsidiary district”. The proposal will not change the geographical territory or services provided by the district.

2. Finding: The proposal was considered and analyzed in accordance with the required factors listed in Government Code Section 56668 and Yolo LAFCo Standards of Evaluation for proposals (Yolo LAFCo Project Policies Section 2.0).

   Evidence: The proposal would have no effect on growth patterns, land use, or agricultural land. It does not change any services provided by Springlake FPD or its service territory. This proposal involves a governance change only, similar to establishing a subsidiary district although the governing board would be the Yolo County Board of Supervisors and not a city council, as is the case with a subsidiary district. This LAFCo action would not affect any of the existing Springlake FPD contracts, which would continue enforce per existing terms. Existing property taxes and any assessments/fees would also not be affected by this action. The governance change would become effective at the beginning of the next fiscal year on July 1, 2020. Therefore, staff concludes that the annexation proposal complies with required state factors and local standards of evaluation.

Terms and Conditions

1. The applicant and the real party of interest, if different, agree to defend, indemnify, hold harmless, and release the Yolo LAFCo, its agents, officers, attorney, and employees from any claim, action, or proceeding brought against any of them, the purpose of which to attack, set aside, void, or annul the approval of this application or adoption of the environmental review which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive negligence of the part of the Yolo LAFCo its agents, officers, attorneys, or employees.
2. The reorganization will be subject to all appropriate LAFCo, State Board of Equalization, and County Clerk-Recorder fees prior to recording the Certificate of Completion for the Change of Organization to change the Springlake FPD governance from an independent district to a dependent district to the County of Yolo (LAFCO № 934).

3. Once all of the terms and conditions have been satisfied/completed, the Executive Officer shall prepare a Certificate of Completion to be recorded with the County Recorder that confirms the final successful completion of the Change of Organization. The effective date shall be July 1, 2020.

PASSED AND ADOPTED by the Yolo Local Agency Formation Commission, State of California, this 27th day of February 2020, by the following vote:

Ayes:  
Noes:  
Abstentions:  
Absent:  

Olin Woods, Chair  
Yolo Local Agency Formation Commission

Attest:  

Christine Crawford, Executive Officer  
Yolo Local Agency Formation Commission

Approved as to form:  

Eric May, Commission Counsel
CONSENT CALENDAR

Excerpt of Minute Order No. 19-162, Item No. 10, of the Board of Supervisors’ meeting of December 17, 2019.


10. Adopt resolution approving the establishment of the Springlake Fire Protection District as a dependent district governed by the Yolo County Board of Supervisors. (No general fund impact) (Blacklock/Tengolics)

Approved Resolution No. 19-168 on Consent.
Consent-General Government    # 10.

Board of Supervisors  County Administrator
Meeting Date:  12/17/2019
Brief Title:  Springlake FPD Dependent District
From:  Patrick Blacklock, County Administrator
Staff Contact:  Alexander Tengolics, Manager of Governmental Relations, County Administrator's Office, x8068

Subject
Adopt resolution approving the establishment of the Springlake Fire Protection District as a dependent district governed by the Yolo County Board of Supervisors. (No general fund impact) (Blacklock/Tengolics)

Recommended Action
Adopt resolution approving the establishment of the Springlake Fire Protection District as a dependent district governed by the Yolo County Board of Supervisors.

Strategic Plan Goal(s)
Operational Excellence
Safe Communities

Reason for Recommended Action/Background
The Springlake Fire Protection District (District) is currently governed by a five-member Board of Directors appointed by the Yolo County Board of Supervisors. The District is otherwise independent from the County, and the County has no oversight or other responsibilities with respect to the District and its operations. The District has approached the County requesting to become a dependent district governed by the Yolo County Board of Supervisors due to longstanding quorum issues and has submitted an application to the Yolo Local Agency Formation Commission (LAFCo) to confirm this change in governance (Att. A). LAFCo is requesting the County confirm its willingness to accept the District as a dependent district, such as by the attached resolution (Att. B).

Following the LAFCo action, the Board could then separately establish a fire commission and vest it with authority over most matters of District governance. This typically includes authority over the hiring and firing of a Fire Chief, entering into contracts, making budgetary decisions, and otherwise handling all significant matters of
District business and operations. Commissioners are not compensated for their service. Advantages of this approach include ensuring that the District has a governing board at all times, as the Board of Supervisors would serve as a backstop in the event Fire Commission membership declines over time and forming a quorum becomes difficult or impossible. Additionally, any liability associated with the District would be confined to the District; the District's existing ad valorem apportionment and service contracts would also remain.

Collaborations (including Board advisory groups and external partner agencies)
County Counsel, LAFCO

Fiscal Information
No Fiscal Impact

Fiscal Impact of this Expenditure
Total cost of recommended action
Amount budgeted for expenditure
Additional expenditure authority needed $0
On-going commitment (annual cost)

Source of Funds for this Expenditure
General Fund

Attachments
Att. A. LAFCo Application
Att. B. Resolution

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RESOLUTION NO. 19-168

Resolution of the Yolo County Board of Supervisors Supporting Springlake Fire Protection District
Change of Organization to a Dependent District

WHEREAS, the Springlake Fire Protection District ("District") is an independent fire protection district organized under a statute that allowed for governance by a Board of Directors appointed for four-year terms; and

WHEREAS, the District faces challenges maintaining full Board membership and in achieving regular meeting attendance by a quorum of its members; and

WHEREAS, the District contracts with the City of Woodland and its Fire Department for the provision of all administrative support and for fire protection services; and

WHEREAS, in coordination with City staff, the County Counsel, and the Local Agency Formation Commission, the District Board considered various governance changes and determined that becoming a dependent fire protection district with the opportunity to maintain some local control through an appointed (by the Board of Supervisors) Fire Commission would be the most desirable approach; and

WHEREAS, continued involvement by the City in administrative support and fire protection services within the District is anticipated; and

WHEREAS, the County Counsel has advised that the District remains a separate legal entity and actions taken by the Board of Supervisors in its capacity as the District's governing board cannot be imputed to the County for liability purposes; and

NOW, THEREFORE, the Board of Supervisors hereby supports the proposed change in organization that would convert the District to a dependent district, as set forth above, and authorizes staff to take such further actions as may be necessary to support the District in completing this change.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yolo, State of California, this 17th day of December, 2019, by the following vote:

AYES: Sandy, Provenza, Chamberlain, Villegas, Saylor.
NOES: None.
ABSENT: None.
ABSTAIN: None.

Don Saylor, Chair
Board of Supervisors

Attest:
Julie Dachler, Deputy Clerk
Board of Supervisors

Approved as to Form:

Philip J. Pogledich, County Counsel