



HUMBOLDT

Local Agency Formation Commission

RESOLUTION NO. 22-13

WAIVING CONDUCTING AUTHORITY PROCEEDINGS, CONFIRMING AND ORDERING THE GARBERVILLE FIRE PROTECTION DISTRICT ANNEXATION CONTINGENT ON SPECIAL TAX APPROVAL, AND REQUESTING THE HUMBOLDT COUNTY BOARD OF SUPERVISORS CALL AN ELECTION

WHEREAS, on July 20, 2022, the Humboldt Local Agency Formation Commission, hereinafter referred to as "LAFCo" or "Commission," conditionally approved a sphere of influence amendment and annexation of good will response areas and land currently served by the Sprowel Creek Volunteer Fire Company to the Garberville Fire Protection District by LAFCo Resolution No. 22-10, incorporated herein by reference, in accordance with proceedings taken pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56650, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000); and

WHEREAS, LAFCo Resolution No. 22-10 also provided for the waiver of conducting authority proceedings subject to Part 4, Division 3, Title 5 of the California Government Code (commencing with Section 57000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) since written opposition was not received from landowners or registered voters within the affected territory prior to the conclusion of the Commission's proceedings on the proposal in accordance with criteria outlined under Government Code Section 56663; and

WHEREAS, the annexation is subject to terms and conditions, including voter approval of a special tax consistent with the Special Tax Ordinance introduced by the Garberville Fire Protection District Board of Directors on June 8, 2022, to sustain and improve fire protection services by the registered voters of the current district boundaries and proposed annexation area; and

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Act, specifically California Government Code section 57000, subdivision (d) and (e), LAFCo must notify the Board of Supervisors and the County Elections Official that LAFCo has made a determination requiring that an election be conducted and requesting that the Board of Supervisors authorize the County Elections Official to conduct a special election consistent with applicable law; and

WHEREAS, California Government Code section 57000, subdivision (e)(1), requires the Board of Supervisors to do all of the following: call, provide for, and give notice of a special election; fix a date of election and authorize the elections official to designate precincts and polling places, where applicable, and to take any other action necessary to call, provide for, and give notice of the special election or elections and to provide for the conduct and canvass of returns of the election, as determined by LAFCo; and

NOW, THEREFORE, BE IT RESOLVED by the Commission as follows:

1. The Commission hereby confirms and orders the Garberville Fire Protection District Annexation subject to the terms and conditions set forth in LAFCo Resolution No. 22-10 as provided in Attachment 1 hereto.
2. The Commission hereby requests the Board of Supervisors call an election and authorize the County Elections Official to prepare for and conduct the necessary election for the Special Tax Measure in accordance with Government Code Section 57125 et seq., relevant election provisions of the County, and the terms and conditions set forth in LAFCo Resolution No. 22-10; and
3. The Commission authorizes and directs the Executive Officer to work with County Election Officials in preparation of appropriate ballot measure for the Special Tax, including preparation of an impartial analysis for the measure. The Executive Officer is authorized and directed to make non-substantive changes to the ballot language and impartial analysis for the purposes of clarity and for the purpose of addressing any concerns that may be raised by the County Elections Official.
4. The question posed to the qualified voters of the existing district and proposed annexation area shall substantially conform with the following language:

QUESTION: Shall the June 8, 2022 Garberville Fire Protection District Ordinance (establishing a special tax be levied on all parcels within the existing district and annexation area) be adopted? The special tax will raise approximately \$150,000 per year to sustain local fire and rescue services, including 1) funding daytime staffing coverage, insurance, fuel, and equipment; 2) merging with Sprowel Creek Volunteer Fire Company; and 3) planning/constructing a fire station in Benbow. Passage of this tax is required for the annexation to be confirmed.

[75 WORDS, Garberville Fire Protection District counts as 1 word, Sprowel Creek Volunteer Fire Company counts as 1 word]

A copy of the Garberville Fire Protection District Ordinance may be submitted as part of the full text for the measure.

5. If two-thirds of all votes cast in favor of the special tax, the tax shall be enacted.
6. The Commission authorizes and directs the Executive Officer to file a Certificate of Completion upon successful election, certification of election results, and the satisfaction of the terms and conditions in LAFCo Resolution No. 22-10.

PASSED AND ADOPTED at a meeting of the Humboldt Local Agency Formation Commission on the 21st day of September, 2022, by the following roll call vote:

AYES: Commissioners: Avis, Bass, Bushnell, Lake, Lee, Johnson, and Nicolini
NOES: Commissioners: None
ABSENT: Commissioners: Losey
ABSTAIN: Commissioners: None

Virginia Bass
Virginia Bass, Chair
Humboldt LAFCo

Attest:

Colette Santsche
Colette Santsche, Executive Officer
Humboldt LAFCo