

AMADOR LAFCO

LOCAL AGENCY FORMATION COMMISSION

810 COURT STREET ♦ JACKSON, CA ♦ P.O. Box 1574 Sutter Creek CA 96585 ♦ (916) 425-0077

RESOLUTION MAKING DETERMINATIONS AND ORDERING THE LOCKWOOD FIRE PROTECTION DISTRICT AND AMADOR FIRE PROTECTION DISTRICT REORGANIZATION

LAFCO RESOLUTION NO. 2024-3

WHEREAS, on October 23, 2023, and on July 16, 2024, the Lockwood Fire Protection District (“LFPD”) and the Amador Fire Protection District (“AFPD”), respectively, adopted substantially similar resolutions (Resolution No. LFPD10-01-23 and Resolution No. AFPD 24-07) to initiate LAFCO proceedings to reorganize AFPD by extending fire protection and emergency medical services from AFPD’s existing territory into LFPD’s territory as successor agency and to dissolve LFPD, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act) Government Code (GC) Section 56000, et seq.; and

WHEREAS, LFPD and AFPD have submitted applications to LAFCO (or Commission) to annex LFPD territory to AFPD, dissolve LFPD, and designate AFPD as the successor agency, LAFCO Project #341 (LFPD) and former Project #342 (AFPD) which projects are now combined into Project #341, and AFPD has submitted a “Plan For Services” for those purposes, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.); and

WHEREAS, the substantially similar applications have been combined into one project for ease of processing and consideration, as they are essentially mirror images wherein each proposes reorganization of LFPD and AFPD whereupon LFPD is annexed into AFPD, LFPD is dissolved, and AFPD is designated the successor agency, and LAFCO Project #341 now encompasses the LFPD application and all matters pertaining to former LAFCO Project #342 (the AFPD proposal); and

WHEREAS, when substantially similar resolutions are adopted by the affected local agencies, the Commission is required to approve, or conditionally approve, the proposal (Gov. C. §56853(a)); and

WHEREAS, the proposed reorganization involves three key actions: (1) annexation of LFPD to AFPD; (2) dissolution of LFPD; and (3) naming AFPD as successor agency to the dissolved LFPD; and

WHEREAS, the proposal is consistent with LAFCO’s Policies and Procedures Relating to Proposals; and

WHEREAS, the Commission has amended the AFPD Sphere of Influence (SOI) to extend the AFPD SOI to include the entirety of the LFPD boundaries and SOI, and has amended the LFPD SOI to reduce that sphere to zero in anticipation of the reorganization (LAFCO Resolutions 2024-1 and 2024- 2, respectively, adopted September 19, 2024); and

WHEREAS, the LAFCO Executive Officer reviewed and researched the LFPD proposal, associated Municipal Service Reviews (MSRs) pertaining to LFPD, the LFPD SOI, the budgets and finances of LFPD from June 2016 forward, and the recent history of staffing and service levels of LFPD and other related materials; and

WHEREAS, the LAFCO Executive Officer reviewed and researched the AFPD proposal, associated MSRs pertaining to AFPD, the AFPD SOI, the budgets and finances of AFPD for the last 3 years, and the implementation of the increase in special benefit assessment for AFPD; and

WHEREAS, the Executive Officer, based on the research and review described above has compiled a single report for the Commission's consideration under LAFCO Project #341 (the LFPD proposal), which combines and includes all matters pertaining to former LAFCO Project #342 (the AFPD proposal) and set the matter for hearing; and

WHEREAS, the subject area is inhabited and is located in Amador County, within the unincorporated area of the county, and includes 1250 parcels totaling approximately 22 square miles and an estimated 1,100 residents. A vicinity map of the proposal area showing the LFPD and AFPD boundaries is attached and identified as Exhibit A; and

WHEREAS, the application does not propose any changes to the existing land use designations found in the general plans for the County, and no other change of organization is required; and

WHEREAS, correspondence summarizing the proposed reorganization and requesting comments was sent on May 1, 2024, and August 8, 2024 to all affected and interested agencies. LAFCO did not receive any opposition following the conclusion of the comment period; and

WHEREAS, California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement involving the affected agencies before LAFCO can consider a jurisdictional change. The County Board of Supervisors, acting as the authorizing body for the two fire districts regarding property tax adjustments, adopted a resolution on September 10, 2024, (BOS Resolution #24- xx) affirming the proposal will cause no changes in property tax allocations; and

WHEREAS, the purpose of the proposal is to facilitate the efficient delivery of fire protection services to individuals and property owners within the affected territory. If approved, the reorganization will preserve or increase the current levels of service, maintain local demand expectations, extend the use of existing funding sources for AFPD to the affected territory, and transfer certain funding sources and all in the affected territory and all assets of LFPD to AFPD; and

WHEREAS, at the time and in the manner required by law the Executive Officer gave public notice of this proposal. Notice of the Commission's hearing regarding this proposal was published in the Ledger Dispatch on August 30, 2024. The public notice indicated that the reorganization was scheduled for Commission consideration on September 19, 2024. Information on how to participate in the LAFCO meeting was included in the public notice; and

WHEREAS, a public hearing was held by the Commission on September 19, 2024, upon the date, time, and place specified in said notice of hearing and in any order or orders containing

such hearing, and the Commission has received, heard, discussed and considered all oral and written testimony related to the reorganizations of LFPD and AFPD, including but not limited to, comments, objections, the Executive Officer's written and oral report and recommendation, the content of the Municipal Service Reviews for both agencies, the environmental document and determination, plan for providing services, and previously amended spheres of influence.

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

1. The foregoing recitals are true and correct.
2. The matter before the Commission is the proposed reorganization of LFPD and AFPD as one project, LAFCO Project # 341 (encompassing and including all matters related to former LAFCO Project # 342), and more specifically the proposed annexation of LFPD to AFPD, the dissolution of LFPD, and naming AFPD as successor agency.
3. The reorganization is exempt under the California Environmental Quality Act (CEQA), and in accordance with CEQA, the Commission finds the proposed reorganization is categorically exempt pursuant to CEQA guidelines Sec. 15320(b) (Class 20 – *Changes of Organization in Local Agencies*).
4. The subject proposal is assigned the distinctive and short-form designation and description:

LOCKWOOD FIRE PROTECTION DISTRICT AND AMADOR FIRE PROTECTION DISTRICT REORGANIZATION

5.
 - (a) The Commission finds and determines that there has been a long history since at least 2008 of LFPD operating on a minimum budget and unstable funding which restricts the district's ability to increase service levels, hire full time staff and replace or obtain equipment and apparatus, and that these are serious challenges to adequate service delivery.
 - (b) The Commission finds and determines that multiple MSRs have concluded that consolidation or reorganization or functional consolidation with other fire service providers will likely offer increased opportunities for shared resources, including facilities and vehicles, as well as pooled finances to hire full-time staff.
 - (c) The Commission finds and determines that the highest service levels for LFPD were achieved when LFPD was partnered with CALFIRE or AFPD for the provision of services and staffing of fire stations.
 - (d) The Commission finds and determines that prior to the current short term contract between LFPD and AFPD, entered into in July 2024, staffing was inadequate to respond to some local and mutual aid calls.
 - (e) The Commission finds and determines that under the current short term contract between LFPD and AFPD approved in July 2024, staffing and hours of operation for the principal LFPD fire station have increased from one staff member on duty at the station for 8 hours one to two days a week to two or more staff members on duty 24 hours a day 5 days a week and 8 hours a day for the remaining 2 days a week, and that this level of staffing is appropriate and sufficient to respond to local and mutual aid calls and provide fire protection and emergency medical services.

(f) The Commission finds and determines that the existing staffing and hours of operation regime implemented pursuant to the July 2024 short term contract between LFPD and AFPD, and the past experience with a similar agreement between the districts in 2022 and 2023, have clearly demonstrated (1) the efficacy of a functional consolidation between LFPD and AFPD, (2) that AFPD can financially maintain an appropriate level and range of service for the LFPD territory without detriment financially or functionally to the provision of services in the current AFPD territory, and (3) that this objective evidence strongly supports approval of the proposal to annex LFPD into AFPD, to dissolve LFPD, and to name AFPD as the successor agency.

6. In reviewing the proposal, the Commission has considered the factors specified in GC §56668.

7. The Commission determines that the proposed reorganization appropriately and successfully addresses and resolves on a long term basis (a) the issues with LFPD's current internal operations and ability to adequately provide fire protection and emergency medical services absent a functional consolidation with AFPD; (b) issues with the ability to adequately provide long term financial sustainability for the provision of fire protection and emergency medical services within the affected area and pursuant to mutual aid agreements; and (c) issues with the lack of firefighters and volunteers when LFPD operates solely to provide fire protection and emergency medical services. The Commission further determines that the objective evidence described in paragraph (5) above supports these determinations.

8. The Commission determines that the efficiency, effectiveness, and economy of fire protection and emergency medical services to individuals within LFPD can be improved through the proposed reorganization, and will enable the reorganized AFPD to better meet the fire protection and emergency medical service needs of the residents in the former LFPD territory, without compromising the ability of AFPD, either functionally and financially, to maintain or increase the level and range of services for the residents of the current AFPD territory. The Commission further determines that the objective evidence described in paragraph (5) supports these determinations.

9. The Commission determines that the annexation of LFPD territory to AFPD, the dissolution of LFPD, and the naming of AFPD as successor agency, is in the best interest of the affected area and the total organization of government agencies in Amador County.

10. The subject territory is inhabited and is subject to a protest hearing to be conducted no less than 30 days following the Commission's approval of the proposal.

11. The Executive Officer will conduct a protest hearing pursuant to GC §57000 et seq.

12. All LAFCO, County of Amador, and State of California fees shall be paid in full prior to the filing and recording of a Certificate of Completion.

13. The effective date of this reorganization is subject to completion of terms and conditions outlined in this resolution for approval as authorized by Government Code Sections 56886(p) and 57202 and will be effective upon the date of recordation of the Certificate of Completion.

14. Approval of the reorganization and dissolution of LFPD is subject to the following terms and

conditions pursuant to GC §§57450-57463 and §§56885-56890:

A) Successor Agency. Upon completion of the LAFCO proceedings and the recording of the LAFCO Certificate of Completion, AFPD, as successor agency to LFPD, shall function under and carry out all authorized duties and responsibilities assigned to a fire protection district as provided in the Health & Safety Code, Fire Protection District Law of 1987, Division 12, Part 2.7, Chapter 1 (§13800 et seq.)

B) Revenue Transfer: Upon completion of the LAFCO proceedings and recording of the LAFCO Certificate of Completion, AFPD shall levy, collect, track and administer all revenue, income, previously authorized funds, charges, fees, assessments currently in effect, levied, or collected by LFPD, including but not limited to, Measure M funds, development impact fees, fire protection fees, emergency response and rescue service fees, any other service or fire protection fees, strike force revenue, and grants.

C) Transfer of Functions and Responsibilities: Upon the effective date of the reorganization, the functions of LFPD shall transfer to AFPD as the successor agency. All laws, ordinances, resolutions, rules and regulations, and policies and procedures that were enacted, adopted, or passed by the LFPD Board of Directors prior to the reorganization shall remain in effect after the reorganization and shall apply to the territory of the former LFPD until superseded, amended, modified, or repealed by the AFPD Board of Directors.

D) Transfer of Assets and Liabilities: As of the effective date of the reorganization, AFPD shall have ownership, possession, and control of all assets and liabilities of LFPD, including, but not limited to, equipment, licenses, land, records, papers, debts, pension/contractual/settlement agreements, other obligations, facilities, property, sources of income, cash, fund balances, including but not limited to funds held by the Amador County Treasury for LFPD and any other checking or cash accounts, and other assets or property, real or personal, owned or leased by, connected with the administration of, or held for the benefit or use of LFPD, except that AFPD shall not assume any of LFPD's collective bargaining agreements, express or implied contracts for retiree health/OPEB for its active employees, or any other employment agreements with its active employees.

E) Successor Agency Revenue Sources: AFPD, as successor agency, shall continue to be financed through benefit assessments and taxes, fees and charges, and all other revenue currently in effect and being collected by AFPD and LFPD, except that upon imposition of the AFPD special benefit assessment upon those entities subject to said assessment in the former LFPD territory, the LFPD property-based fee assessment shall be terminated. As successor agency, AFPD shall have full authority to impose, administer, and collect benefit assessments, special assessments, taxes, and fees and charges within the former LFPD territory consistent with those imposed within the current AFPD territory, as provided by law.

F) Employees: From and after the LAFCO effective date all LFPD employees of the dissolved LFPD shall become employees of AFPD. Upon the effective date of the reorganization, all LFPD employees shall become employees of AFPD, as successor agency without interruption in service or seniority, and with the compensation, seniority, and benefits applicable in AFPD. Said employees shall be retained in their respective or most closely equivalent capacities as

determined by AFPD and shall be subject to the same terms and conditions of employment that govern similarly situated AFPD employee; provided however, that the successor agency may alter such terms and conditions of employment from time to time as provided by law. All volunteer staff of LFPD shall become volunteers of AFPD.

G) Employment agreements: The successor agency shall honor all memoranda of understanding, letters of understanding, side letters or related written agreements with any and all employees or bargaining groups (labor contracts), in effect when the LAFCO Certificate of Completion is recorded with the Amador County Recorder's Office, until such agreements expire on their own terms or are superseded by labor contracts negotiated through the collective bargaining process. Any memoranda of understanding, letters of understanding, side letters or related written agreements with any and all employees or bargaining groups (labor contracts) adopted after September 19, 2024, but prior to the date of recordation shall be honored by the successor agency, unless alternative measures are agreed to by all affected parties. All labor contracts shall remain in effect until expiration or until superseded by new labor contracts.

H) Successor Agency Fire Chief: The current AFPD Fire Chief shall continue to serve as the Fire Chief of the reorganized district.

I) Plan for Services: (1) The Commission determines that the plan for services complies with the requirements of GC §56653. (2) The plan for services provides that (a) fire protection and emergency medical services will be extended to the former LFPD territory by AFPD at a level and range that maintains or exceeds those services as currently provided, and recognizes that those services can and have been feasibly extended to the affected territory as demonstrated by the functional consolidation of LFPD and AFPD during 2022 and 2023, and from July 2024 to current, when those services were provided jointly by LFPD and AFPD under contract; and (b) that the recent increase in the AFPD special benefit assessment, the imposition of the special benefit assessment in the affected territory, the transfer of LFPD's share of Measure M revenue to AFPD, the ability of AFPD to receive other revenue and fees as LFPD has previously, and the transfer of LFPD funds held by the County Auditor will provide adequate and appropriate revenue in the near and long term for financing those services that at a minimum, are at the levels and range currently provided jointly by LFPD and AFPD. (3) Upon the effective date of the reorganization, AFPD as the successor organization shall serve the dissolved LFPD service territory through implementation of the Plan for Services until and unless it is determined by the AFPD Board of Directors that fiscal or service requirements justify changes.

15. The proposal for the reorganizations of LFPD and AFPD is approved, and the map attached to this resolution as Exhibit A is approved and incorporated herein.

16. Upon the effective date of the reorganization, LFPD is dissolved, the territory of the former LFPD is annexed to AFPD, and AFPD is the successor agency to LFPD, pursuant to the terms, conditions, and orders specified above.

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

18. The Executive Officer is hereby directed to file a Notice of Exemption in compliance with

the California Environmental Quality Act and local ordinances implementing the same.

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission of the County of Amador at a regular meeting thereof, held on the _____ day of _____ by the following vote:

AYES:

NOES:

ABSENT:

Presiding Officer
Patrick Crew, Chairman

ATTEST:

Erin Seever
Clerk to the Commission
Amador Local Agency Formation Commission
Amador County, California