

RESOLUTION NO. 11 2022/23

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF BUTTE MAKING DETERMINATIONS AND ORDERING THE
DISSOLUTION OF THE EL MEDIO FIRE PROTECTION DISTRICT**

RESOLVED, by the Local Agency Formation Commission of the County of Butte, State of California, that

WHEREAS, a proposal for the dissolution of certain territory from the El Medio Fire Protection District in the County of Butte was heretofore filed by the El Medio Fire Protection District accepted for filing on November 14, 2022, by the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56658, set December 1, 2022, as the hearing date on this proposal and gave the required notice of public 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, this Commission called for and held a noticed public hearing on December 1, 2022, and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer; and

WHEREAS, this Commission considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and

NOW, THEREFORE, the Local Agency Formation Commission of the County of Butte **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

Section 1. Environmental Action:

- A. Butte LAFCO, as the lead agency, has determined that the proposed reorganization is categorically exempt from the provisions of the California Environmental Quality Act pursuant to Section 15320 (Changes in Organization of Local Agencies). This exemption is appropriate for actions which involve the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised, including the consolidation of two or more districts having identical powers.

Section 2. General Findings and Determinations:

- A. The Commission has considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, Butte LAFCo Policies and Procedures, Sphere of Influence and General Plan consistency, the *Municipal Service Reviews and Sphere of Influence Plans for the El Medio Fire Protection District*, and other factors specified in Government Code Section

56668 and as described in the staff report dated November 27, 2022 for the meeting of December 1, 2022.

- B. The dissolution area shall consist of 2,398 parcels, totaling approximately 1,500 acres as described in Exhibit "A."
- C. The subject area is found to be inhabited, and is assigned the following short form designation: 22-03 – El Medio Fire Protection District Dissolution.
- D. The District overlays portions of the City of Oroville and unincorporated Butte County. Through cooperative agreements, fire protection services for these areas are provided by CAL FIRE. CAL FIRE operates about 530 facilities statewide, including fire stations, telecommunication facilities, conservation camps, air attack and helitack bases, administrative buildings, training centers, and a forestry nursery. CAL FIRE has sufficient capacity to provide fire service coverage to the residents of the District without detriment to current service recipients.
- E. Pursuant to Butte LAFCO Policy 2.13.1, the Commission determines that agricultural and/or open space lands will not be adversely affected by this proposal.
- F. The proposal only involves the dissolution of the El Medio Fire Protection District. No other special districts will be affected by this proposal.
- I. Butte County shall be named the successor agency in order to wind up the affairs of the EMFPD. This will involve the transfer of all revenues, assets and liabilities to Butte County, to include fund balances, property tax share and parcel assessments.
- J. All special assessments associated with the El Medio Fire Protection District will be eliminated upon dissolution of the District.
- H. A Master Property Tax Sharing Agreement is in affect with the Butte County that does not transfer any County share of property tax to the District. EMFPD's ad-valorem property tax revenue collected from the parcels within the territory shall be redistributed proportionally to each agency in each Tax Rate Areas within the district.

Section 3. Conditions requested by LAFCO:

- A. All LAFCO, County of Butte and State of California fees must be paid in full prior to filing the Certificate of Completion.
- B. Pursuant to Government Code Sections 57451, 56452, 57453, and 56476, the Commission determines the County of Butte to be the Successor Agency for the purposes of winding up the affairs of the El Medio Fire Protection District.
- C. Pursuant to Pursuant to Government Code Section 56886(t), LAFCo directs the County Auditor to eliminate EMFPD's special assessment. Any remaining funds associated with the parcel assessment shall be directed to Butte County as the successor agency.

D. Pursuant Government Code Sections 56886(r) and 57463, Butte County as the successor agency is permitted to use any unspent funds within the former EMFPD territory for the benefit of its residents.

Section 4. The boundaries, as set forth in the proposal or as amended by action of the Commission, are hereby approved as submitted and are as depicted in "Exhibit A" attached hereto and by this reference incorporated herein.

Section 5. Waiver of Protest Proceedings:

A. Pursuant to Government Code Section 57077.1(c)(1) the Commission waives protest proceedings and elections for the dissolution of the El Medio Fire Protection District.

Section 6. The Executive Officer is hereby authorized and directed to mail certified copies of this Resolution as provided in Section 56882 of the Government Code.

PASSED AND ADOPTED by this Local Agency Formation Commission of the County of Butte, on the 1st day of December, 2022, by the following vote:

AYES: Commissioners Bolin, Johnson, Kimmelshue, McGreehan, Sharman, and Chair Connelly

NOES:

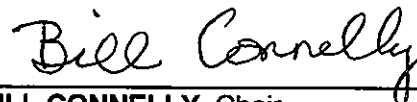
ABSENT:

ABSTAINS: Commissioner Rust

ATTEST:



Clerk of the Commission



BILL CONNELLY, Chair
Butte Local Agency Formation Commission