

RESOLUTION NO. 2022-23-004

RESOLUTION OF APPLICATION BY THE BOARD OF DIRECTORS OF THE GOLD MOUNTAIN COMMUNITY SERVICES DISTRICT REQUESTING THE PLUMAS LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR THE FORMATION OF A NEW FIRE PROTECTION DISTRICT AND REORGANIZATION OF EXISTING FIRE SERVICE PROVIDERS IN THE AFFECTED TERRITORY

Resolved, by the Board of Directors of the Gold Mountain Community Services District (“the District”), that:

WHEREAS, the District in conjunction with other affected agencies approving substantially similar resolutions and listed within this resolution, desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code and California Health and Safety Code Sections 13800-13970, also known as the Fire Protection District Law of 1987, for the formation of a new fire protection district and the concurrent dissolution of the Beckwourth and Sierra Valley Fire Protection Districts and the divestiture of power/transfer of responsibility to provide fire protection, emergency medical and rescue services by the Gold Mountain Community Services District and the City of Portola (as multi-service agencies), contingent upon the formation of the proposed fire protection district as authorized by LAFCo and approved by election; and

WHEREAS, the City of Portola, Beckwourth Fire Protection District, Gold Mountain Community Services District, and Sierra Valley Fire Protection District, hereinafter referred to as “Participating Fire Agencies”, are authorized to provide fire protection, emergency medical and rescue services within their respective boundaries directly or by contract based on their respective formation documents and principal acts (California Government Code Section 38600, et seq., California Health and Safety Code Section 13800, et seq., and California Government Code Section 61000, et seq.); and

WHEREAS, in 2017, the City of Portola made the decision to close its fire department and contract for services, which was the impetus for several discussions and meetings amongst the region’s fire protection providers and the public seeking a means to address the common issues faced by the affected agencies, including but not limited to significant financial constraints in the face of rising costs, reliance on volunteers in a time of declining volunteerism, illogical fire service boundaries, disjointed service operations and planning, and maintaining full governing bodies from small population bases; and

WHEREAS, in 2020, the Participating Fire Agencies each signed a memorandum of understanding forming the Local Emergency Services Study Group (LESSG) with the intent of considering structure options to address the common challenges to effective fire protection and emergency medical services in the region; and

WHEREAS, in 2020, the LESSG came to the unanimous conclusion that formation of a new fire protection district combined with dissolution of the existing fire protection districts and divestiture of fire protection services by multi-service agencies was the preferred option for the region to best address the shared challenges faced by the Participating Fire Agencies, and to enhance services to the community; and

WHEREAS, the Participating Fire Agencies jointly financed a feasibility study, conducted by an independent consulting firm selected through an open and public process with the issuance of a Request for Proposals, with said study concluding that a newly drawn fire protection district would beneficially merge the operations of four different agencies currently providing fire services into one efficient, effective, and sustainable emergency services system, providing a proactive, sustainable solution for future fire and

emergency service needs for the area by creating a regional district with an improved economy of scale and associated benefits; and

WHEREAS, in October 2022, the Participating Fire Agencies each unanimously approved the feasibility study and directed the LESSG to compile an application to the Plumas Local Agency Formation Commission for the reorganization described in the feasibility study/plan for services (Exhibit B); and

WHEREAS, the Plumas Local Agency Formation Commission, hereinafter referred to as Commission, serves as the review authority over the formation and reorganization of cities and special districts as contained in and authorized by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, hereinafter referred to as “the Act”, commencing with Section 56000 of the California Government Code; and

WHEREAS, the Act establishes the process pursuant to which citizens or legislative bodies of local agencies may seek the formation and reorganization of cities and districts; and

WHEREAS, in order to facilitate the formation of a new fire protection district, through adoption of this resolution of application, the City of Portola has assumed the principal role in initiating the proposal and requesting the Commission to commence its review process by the filing of an application with the appropriate fees paid jointly by the Participating Fire Agencies; and

WHEREAS, the proposed reorganization is consistent with the adopted spheres of influence for the City of Portola, Beckwourth Fire Protection District, Gold Mountain Community Services District, and Sierra Valley Fire Protection District ensuring that there is no duplication of services within the resulting boundaries of the proposed fire protection district, through dissolution of single service fire providers as indicated by the “Zero Sphere of Influence” adopted for the Beckwourth Fire Protection District and Sierra Valley Fire Protection District, and divestiture of fire and emergency medical services as indicated by the “Limited Service Sphere of Influence” adopted for Gold Mountain Community Services District; and

WHEREAS, notice of intent to adopt this resolution of application has been given, and this Board has conducted a public hearing based upon this notification, and has received and considered comments presented at that hearing; and

WHEREAS, the territory proposed to be reorganized is considered to be inhabited (more than 12 registered voters) and a description of the boundaries of the territory to be included within the proposed fire protection district and a map of the proposed boundary designated as set forth in Exhibit A, are attached hereto and by this reference incorporated herein; and

WHEREAS, the reasons for the proposed reorganization are as follows:

1. The four agencies provide essentially the same fire protection and emergency medical services in the region and face substantially similar challenges to providing adequate and sustainable services, consisting of:
 - a. Ever increasing mandatory requirements and standards.
 - b. Limited volunteers and volunteer recruitment and retention programs and incentives.
 - c. Inadequate levels and types of training opportunities.
 - d. Limited administrative capacity to address growing organizational requirements.
 - e. Insufficient funding to cover growing expenses.
2. The reorganization would allow the new district to better meet the emergency fire, rescue, and medical needs of its communities. The newly formed district will implement a phased plan for creating a uniform level of service within the entirety of its territory which would allow:

- a. Better utilization of resources.
- b. Enhanced capital asset planning and streamlined improvement process.
- c. Enhanced response to emergency incidents based on key operational activities performed by paid professionals, paid part-time readiness staff, expanded paid personnel, fleet and station readiness, and district-wide uniform training and procedures.
- d. Reduced operating and administrative costs while increasing service levels.
- e. Enhanced efficiency of management through combining of technology infrastructure, fleet maintenance, and other administrative functions.
- f. Enhanced and standardized public education outreach.

WHEREAS, the following agencies would be affected by the proposed jurisdictional changes:

1. City of Portola;
2. Beckwourth Fire Protection District;
3. Gold Mountain Community Services District;
4. Sierra Valley Fire Protection District; and

WHEREAS, it is desired to require that the proposed reorganization be subject to the following terms and conditions:

1. A new fire protection district be formed with the proposed boundaries as identified in Exhibit A (map and legal description of boundaries of proposed district).
2. The new fire protection district will be named “Beckwourth Peak Fire Protection District”.
3. Beckwourth Fire Protection District and Sierra Valley Fire Protection District shall be dissolved, and the new fire protection district named the successor for both agencies, including all rights, responsibilities, properties, contracts, assets and liabilities, and functions of the Beckwourth Fire Protection District and the Sierra Valley Fire Protection District, and any funds to which it succeeds may be expended and properly disposed of as provided by Division 12, Part 2.7, Chapter 1, Health & Safety Code, Fire Protection District Law of 1987 (commencing with Section 13800 et seq.), as itemized in Asset Transfer Schedules Exhibits C (Beckwourth Fire Protection District) and D (Sierra Valley Fire Protection District).
4. Gold Mountain Community Services District shall be divested of the power to provide fire protection and emergency medical services, and the new fire protection district named the successor of those services within Gold Mountain Community Services District’s boundaries. Gold Mountain Community Services District will maintain its powers to provide wildland fire response and hazardous fuels reduction and will continue to levy a special tax to support these services.
5. The City of Portola shall transfer the responsibility of providing fire protection and emergency medical services, and the new fire protection district named the successor of those services within the city limits.
6. Gold Mountain Community Services District shall irrevocably convey to the new fire protection district the real and personal property described in the Asset Transfer Schedule

attached hereto as Exhibit E upon district formation.

7. The City of Portola shall irrevocably convey to the new fire protection district the real and personal property described in the Asset Transfer Schedule attached hereto as Exhibit F upon district formation.
8. All fire protection volunteers of the City of Portola, Beckwourth Fire Protection District, Gold Mountain Community Services District, and Sierra Valley Fire Protection District who meet the qualifications for volunteer fire fighters established by the new fire district shall be invited and encouraged to apply with the new fire protection district.
9. All full- or part-time employees of the Beckwourth Fire Protection District and the Sierra Valley Fire Protection District shall be invited and encouraged to apply with the new fire protection district.
10. Beckwourth Fire Protection District and the Sierra Valley Fire Protection District do not have any full-time employees. No benefit programs are offered to any employees. The board of the new fire district is urged to consider severance payments to employees of the predecessor agencies on a case-by-case basis, if the circumstances of transition to the new district warrant such action.
11. The successor agency shall function under and carry out all authorized duties and responsibilities assigned to a Fire Protection District as outlined in the Division 12, Part 2.7, Chapter 1, Health & Safety Code, Fire Protection District Law of 1987 (commencing with Section 13800 et seq.) and other applicable laws, with the exception of ambulance services presently provided throughout the territory to be included in the proposed new fire protection district by Eastern Plumas Healthcare District.
12. A tax exchange agreement shall be negotiated with the County to allocate the property tax revenue structure currently assigned to Beckwourth Fire Protection District, Sierra Valley Fire Protection District, and Gold Mountain Community Services District to the successor agency, as provided for in Government Code Section 56810. In addition, the City of Portola shall petition the Board of Supervisors to transfer \$70,000, in total, of its existing base property tax revenue to the successor agency. The transfer formula shall be based upon the FY 2022/23 tax roll information maintained by the County Auditor to determine the effective tax allocation factor that would generate approximately \$70,000, in base property tax revenue. This is a base transfer that shall continue in perpetuity without further regard for the amount of revenue generated for the successor agency. Each fiscal year thereafter, the successor agency shall receive the base amount and its share of the annual tax increment derived according to the formula described above, based on the growth in assessed value. The City of Portola shall solicit the County to address existing tax rate incongruities resulting from historical boundary changes during tax sharing negotiations. All resolved incongruities shall be reflected in the FY 2022/23 tax roll information for purposes of the reallocation calculations described above.
13. Formation of the new fire protection district shall be conditioned upon approval of a new special tax by the registered voters of the new fire protection district that would include the following provisions:
 - a. A new revenue source will be required to support the new fire protection district's ability to build and sustain adequate community fire and rescue services for the entire service area. To this end, an annual special tax will be proposed for Assessor's Parcels located entirely or partially within the proposed fire protection district boundary,

based on land use types provided by the Assessor's Office. The proposed special tax will raise funds to plan, finance, implement, manage, own, and operate a regional fire protection district to provide community fire and emergency medical response services. The new special tax must be approved by two-thirds of the votes cast by registered voters residing within the proposed fire protection district's boundary.

- b. Low Income Exemption – The new fire protection district recognizes the proposed special tax may create a burden for low-income property owners in the region. For this reason, the New Fire District shall establish procedures for implementing a Low Income Exemption, to allow landowners who fall within the U.S. Department of Housing and Urban Development (HUD) income limits for “very low” or “poverty level” to apply for a partial or complete exemption from the tax.
 - c. Contiguous Parcel Exemption – The new fire protection district shall establish procedures for implementing a Contiguous Parcel Exemption to allow Assessors Parcels which are categorized as Rate ID "C" under provisions of the special tax, and contiguous, undeveloped, held under identical ownership, shall upon approval of an application of the owners thereof to the District Board, be treated as a single parcel for purposes of this special tax.
 - d. Inflationary Adjustment - The proposed special tax will also include an inflationary adjustment to account for the ever-increasing costs of fire equipment, apparatus, diesel fuel, insurance and other items which typically increase at rates that exceed average inflation. To ensure that the proposed special tax will retain its purchasing power in future years, it is proposed to include an inflationary clause which will allow the new fire protection district Board, to adjust the tax annually, if needed, by no more than the cost of living as measured by the Consumer Price Index (CPI) for the preceding year as prepared by the United States Bureau of Labor. This increase will not exceed 3% each year and must be approved by resolution at a properly noticed public hearing.
- 14. All previously authorized charges, fees, assessments, and/or taxes currently in effect dedicated to fire protection or emergency medical response, now levied or collected by each of the four agencies, including improvement or assessment districts thereof, shall cease to be levied and collected by each of the four agencies and the successor agency, apart from Gold Mountain Community Services District which will continue to levy a special tax to support wildland fire response and hazardous fuels reduction.
 - 15. A charges and fee structure for services rendered will be adopted by the new fire protection district board, including procedures by ordinance to administer the special tax including exemptions that balance the needs of the district for funding and the burdens on property owners and file such ordinance with LAFCo.
 - 16. The provisional appropriation limit of the new fire protection district shall be set by the Plumas Local Agency Formation Commission for the first full year of operations per Government Code Section 56811.
 - 17. Indebtedness of each of the four agencies, if any, shall remain the legal obligation of only the lands and areas which incurred such indebtedness; however, the outstanding indebtedness of each of the four agencies at the time of consolidation shall remain the obligation of the successor newly formed fire protection district.
 - 18. The composition of the successor new fire protection district board of directors shall be five (5) member board of directors, elected at-large, each of whom must be a registered voter residing within the district and whose term must be four years, with the exception of the initial board that would have staggered terms with three members serving four-year

terms and two members serving two-year terms as determined by agreement of those elected in order to classify staggered terms beginning after the next general district election. The terms of office of the elected board members are determined pursuant to the Uniform District Election Law.

19. Contract services presently provided by Sierra Valley Fire Protection District to Hallelujah Junction Fire Protection District shall be continued by the successor new fire protection district based on the existing contract.
20. The services to be provided by the successor District shall be provided in a manner consistent with the "Plan for Services" attached hereto as Exhibit "B" and incorporated herein by reference.
21. The proposed boundaries of the new fire protection district were developed in an effort to respect the boundaries of other neighboring fire providers, and simultaneously aimed at including only full parcels for purposes of clarity and logical boundaries. However, due to a few split parcels (parcels where existing agency boundaries only included a portion of the parcel), the parcels were either fully excluded or fully included in the proposed boundaries. For those few parcels where Eastern Plumas Rural Fire Protection District's (EPRFPD) boundaries overlap all or a portion of the parcel proposed to be included in the new fire protection district, as itemized in Exhibit G, it is recommended that the territory be simultaneously detached from EPRFPD upon formation of the new fire protection district.

WHEREAS, the City of Portola has assumed Lead Agency status for this project under the California Environmental Quality Act (CEQA), with the remaining Participating Fire Agencies serving as Responsible Agencies; and

WHEREAS, the District has determined that this project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15320 (Changes in organization of local agencies) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment – where the activity consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised – and that does not involve development or a change in the manner for which an existing service is provided.

WHEREAS, this Board has determined that since a majority of the members of each of the legislative bodies of the four local agencies are adopting substantially similar resolutions of application for this reorganization, the Resolution of Application meets the criteria for requesting a waiver of election proceedings and a waiver of the final Conducting Authority hearing, as set forth in Government Code Section 56853 with regard to the dissolution and divestiture of powers applications; and

WHEREAS, upon approval by the Plumas Local Agency Formation Commission it is recognized that an election must occur of registered voters of the territory within the proposed new fire protection district, including majority voter approval of the question of formation of a new fire protection district and two-thirds voter approval of the proposed special tax, pursuant to California Health and Safety Code Section 13823 and California Government Code Section 50077.

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the Gold Mountain Community Services District as follows:

SECTION 1. Findings of Facts. The above recitals are adopted as findings of fact.

SECTION 2. Adoption of Resolution of Application. This Resolution of Application is hereby adopted and approved, and the Local Agency Formation Commission of Plumas County is hereby requested to take proceedings for the reorganization of territory described in Exhibit A (Map and Boundary Description) consisting of the formation of a new fire protection district, the dissolution of the Beckwourth and Sierra Valley Fire Protection Districts, and divestiture of the power/transfer of responsibility to provide fire protection, emergency medical and rescue services by the Gold Mountain Community Services District and the City of Portola (as multi-service agencies) according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code Section 56000, et seq.

SECTION 3. Other Acts. The Officers and staff of the City/District are hereby authorized and directed, jointly and severally, to do any and all things, to execute and deliver any and all documents, which, in consultation with the City Attorney/District Counsel, they may deem necessary or advisable in order to effectuate the purposes of this Resolution, and any and all such actions previously taken by such Officers or staff members are hereby ratified and confirmed.

SECTION 4. Effective Date. This Resolution shall take effect upon adoption.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Gold Mountain Community Services District at a regular meeting thereof held on the 17th day of February 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

President
Gold Mountain Community Services District

ATTEST:

District Secretary

Attachments:

Exhibit A, Map and legal description of proposed fire protection district boundaries

Exhibit B, Plan for Services

Exhibit C, Beckwourth Fire Protection District Schedule of Asset Transfer

Exhibit D, Sierra Valley Fire Protection District Schedule of Asset Transfer

Exhibit E, Gold Mountain Community Services District Schedule of Asset Transfer

Exhibit F, City of Portola Schedule of Asset Transfer