

RESOLUTION NO. 23- 8827

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL ELECTION CONSOLIDATED WITH THE ELECTION ON NOVEMBER 7, 2023 FOR THE SUBMISSION OF WHETHER FORMATION OF THE BECKWOURTH PEAK FIRE PROTECTION DISTRICT SHALL BE APPROVED, A SPECIAL TAX LEVIED AND BOARD OF DIRECTORS ELECTED FOR SUCH DISTRICT

WHEREAS, on June 26, 2023, by LAFCO Resolution No. 23-0004, the Plumas County Local Agency Formation Commission (“LAFCO”) conditionally approved the formation of the Beckwourth Peak Fire Protection District (“the District”) upon voter-approval of a special tax by the registered voters within the proposed District; and

WHEREAS, LAFCO Resolution No. 23-0004 also provides that the Board of Directors of the proposed District be composed of five (5) at-large members elected pursuant to the Uniform District Election law; and

WHEREAS, the election of the Board of Directors of the proposed District shall be completed at the same time as the formation election; and

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Act, specifically California Government Code section 57000, subdivision (d) and (e), LAFCO notified the Board of Supervisors and the County Clerk and Ex-Officio Registrar of Voters (“the Elections Official”) that LAFCO made a determination requiring that an election be conducted and requesting the Board of Supervisors direct the Elections Official to conduct the special election consistent with applicable law; and

WHEREAS, the combined elections which must be conducted are: (1) an election by registered voters on the questions of whether the order adopted by LAFCO on June 26, 2023, ordering the formation of the District shall be approved; and, if formed; (2) an election for a special tax for each parcel dependent on use, with a base rate of \$110 for improved single family residential parcels under 1,800 square feet, and parcels with other uses will be charged at various rates based on usage, (3) an election to fill the five (5) board of director seats to be voted on by registered voters within the proposed District, if the District is formed; and

WHEREAS, the Elections Official has authorized an election consolidated with the General Election on November 7, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County Plumas, State of California, does declare, determine and order as follows:

1. Special elections consolidated within the November 7, 2023 general election shall be conducted for the purpose of submitting to the qualified voters of the proposed District: (1) an election by registered voters on the questions of whether the order adopted by LAFCO on June 26, 2023, ordering the formation of the District shall be approved; and, if formed; (2) an election

for a special tax for each parcel dependent on use, with a base rate of \$110 for improved single family residential parcels under 1,800 square feet, and parcels with other uses will be charged at various rates based on usage, (3) an election to fill the five (5) board of director seats to be voted on by the registered voters within the proposed District, if the District is formed.

2. The questions pose to the qualified voters of the proposed District shall be as follows:

QUESTION 1: To build and sustain adequate community fire and rescue services for the eastern region of Plumas County, shall the order adopted on June 26, 2023 by the Plumas Local Agency Formation Commission ordering the reorganization affecting the Beckwourth Fire Protection District, Sierra Valley Fire Protection District, Gold Mountain Community Services District, and City of Portola and providing for the formation of the "Beckwourth Peak Fire Protection District" in the territory described, subject to terms and conditions specified in the order, including a special tax to finance district services, be confirmed?

QUESTION 2: To build and sustain adequate community fire and rescue services for the eastern region of Plumas County, including adequate funding for staffing coverage, insurance, fuel, and essential equipment, shall a measure imposing an annual special tax for each parcel dependent on use, with a base rate of \$110 for improved single family residential parcels under 1,800 square feet, and parcels with other uses will be charged at various rates based on usage, raising an estimated \$405,000 annually until repealed by voters, be adopted in accordance with the terms and conditions of the Beckwourth Peak Fire Protection District Formation?

3. The formation of the proposed District shall be subject to the conditions set forth by LAFCO in its order of LAFCO Resolution No. 2023-0004 as provided in Attachment 1 hereto.

4. The District shall initially have a five-member elected Board of Directors, and the five Director seats shall be up for election as part of the November 7, 2023 election.

5. The proposed district will be governed by a five (5) member board of directors, elected at-large, each of whom must be registered voters residing within the proposed district and whose terms must be four years, with the exception of the initial board. The five-member initial Board of Directors must be elected prior to recordation of the Certificate of Completion.

6. The term of office of the initial Board of Directors is as described in California Elections Code section 10505.

7. Pursuant to Elections Code 10500 et seq. the Board hereby prescribes the procedures for nominating the candidates for the officers to be filled at the election.

8. If a majority of all the votes cast favor the formation of the District, the territory shall be formed as a district. If two-thirds of all votes cast in favor of the special tax, the tax shall be enacted.

9. The ballots to be used at the election shall be in the form and content as required by law.

10. The Elections Official is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter and all supplied, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the elections.

11. The Elections Official is hereby directed to send a copy of this resolution to LAFCO within five (5) days of the adoption of the resolution.

12. Notice of the time and place of holding the elections is given and the County Elections Official is further directed to publish in accordance with California Government Code section 57130.

13. In all particulars not recited in this resolution, the elections shall be held and conducted as provided by law for holding elections related to the formation of the District and the election of the first set of directors of the District.

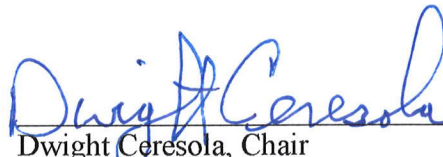
14. This resolution shall take effect immediately upon its adoption.

DULY PASSED AND ADOPTED this 11th day of July, 2023 by the Board of Supervisors of the County of Plumas, State of California by the following vote:


AYES: Supervisor(s) Engel, Hagwood, McGowan, Goss, Ceresola

NOES: None

ABSENT: None


Dwight Ceresola, Chair
Board of Supervisors
County of Plumas
State of California

ATTEST


Heidi White
Clerk of the Board of Supervisors

Resolution 2023-0004
Of the
Plumas Local Agency Formation Commission
in
Plumas County, California

Making Determinations and Approving the Formation of the Beckwourth Peak Fire Protection District, the Dissolution of Beckwourth and Sierra Valley Fire Protection Districts, and the Divestiture of Fire Protection and Emergency Medical Services by the City of Portola and Gold Mountain Community Services District, and Identifying Beckwourth Peak Fire Protection District as the Successor Agency

WHEREAS, the City of Portola ("Portola"), on February 22, 2023, adopted a resolution requesting Plumas Local Agency Formation Commission ("LAFCo") initiate proceedings to form the Beckwourth Peak Fire Protection District ("BPFDP"), pursuant to the Fire Protection District Law of 1987 (California Health and Safety Code Section 13800-13970) and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.); and

WHEREAS, Beckwourth Fire Protection District ("BFD") on March 15, 2023, Sierra Valley Fire Protection District ("SVFPD") on March 14, 2023, and Gold Mountain Community Services District ("GMCSD") on February 17, 2023, also adopted substantially similar resolutions of requesting initiation of reorganization of their respective agencies, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.); and

WHEREAS, a joint application was filed with the Executive Officer of Plumas LAFCo by Portola, BFD, SVFPD, and GMCSD, proposing the formation of BPFDP such that the entirety of the eastern region of Plumas County would be included within the boundaries of the newly formed district, including all of Portola, the entirety of BFD and GMCSD, and a majority of the territory within SVFPD, which would result in subsequent dissolution of BFD and SVFPD, the divestiture of fire protection and emergency medical services by Portola and GMCSD, and identifying BPFDP as the successor agency for all four applicants. Said application complied with all the requirements of law and the Commission; and

WHEREAS, the reasons for the proposal 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 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 expanded paid personnel, fleet, and station readiness.
- 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; and
- f. Enhanced and standardized public education outreach; and

WHEREAS, the proceedings for this reorganization are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Section 56000 *et seq.* of the Government Code; and,

WHEREAS, the applicants are located in Plumas County; and

WHEREAS, the Commission has heard and adopted a Municipal Service Review of services provided by Portola, BFD, GMCSO, and SVFPD and adopted Resolution 2022-0006 on October 17, 2022 in accordance with Government Code Section 56430; and

WHEREAS, in Resolution 2022-0008 on December 12, 2022 the Commission made the required determinations regarding the factors relevant to determining spheres of influence identified in Government Code Section 56425 for each of the applicant special districts and in Resolution 2003-003 on February 24, 2003 the Commission made the required determinations regarding the factors relevant to determining the sphere of influence identified in Government Code Section 56425 for Portola; and,

WHEREAS, the Spheres of Influence for BFD, GMCSO, and SVFPD, as updated in Resolution 2022-0008 and the Sphere of Influence for Portola as updated in Resolution 2003-003 are consistent with the proposed reorganization, as required by Government Code Section 56375.5; and

WHEREAS, the applicants have jointly conducted a Feasibility Study and developed a Plan for Service that sets forth the terms of the reorganization and transfer of service, including transfer of assets, property, personnel and equipment; and,

WHEREAS, Portola, acting as the Lead Agency for this project in accordance with the provisions of the California Environmental Quality Act, has reviewed the reorganization proposal and has found that it qualifies for exemption under Class 20: Changes in Organization of Local Agencies, where the changes do not change the area in which previously existing powers or services are exercised and that it will not result in adverse changes to the environment nor to the level or scope of services provided; and,

WHEREAS, the Commission finds that there is no conflict or overlap between the formation and services to be provided by the proposed district and services provided by other districts within the proposed district boundaries. All potentially affected districts have been notified. The Commission finds that any perceived overlap of service or duplication is complementary and not conflicting; and

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission upon said application, including mailed notice to affected and subject agencies and published notice in newspapers of general circulation in order to ensure agencies, affected citizens and landowners were aware of the proposal; and,

WHEREAS, the Commission conducted a duly noticed public hearing on formation of the proposed district on June 12, 2023. At the hearing, all interested persons were given the opportunity to hear and be heard, and all oral and written testimony and evidence presented or filed was received and considered by the Commission; and

WHEREAS, the Executive Officer has reviewed the application and has prepared a report including staff recommendations thereon within the time required by law and has furnished copies of said report to the Commission and to all other persons required by law to receive it; and,

WHEREAS, the Commission has heard all interested parties desiring to be heard at the public hearing and considered the application and report by the Executive Officer and all other relevant evidence and information presented at said hearing, and has considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures;

NOW, THEREFORE, the Plumas Local Agency Formation Commission determines the following:

1. The foregoing recitals are true and correct.
2. The territory comprises approximately 468 square miles more or less and is found to be inhabited.
3. The Commission adopts the determinations regarding consistency with LAFCo Policies contained in the staff report for this formation and reorganization and incorporates them by reference herein.
4. The change of organization is assigned the following distinctive short-term designation:
Formation of Beckwourth Peak Fire Protection District and Reorganization of Fire and Emergency Medical Services Provided by City of Portola, Beckwourth Fire District, Gold Mountain Community Services District, and Sierra Valley Fire Protection District (Plumas LAFCo File No. 2023-0002)
5. The Commission concurs with and affirms Portola's finding that this project qualifies for a Categorical Exemption to CEQA under Class 20 - *Changes in the organization or reorganization of local governmental agencies where the changes do not change the area in which previously existing powers are exercised.*
6. The boundaries, as set forth in this reorganization (or as amended by action of the Commission), are hereby approved as submitted and are as described in Exhibits "A" Map and "B" Boundary Description attached hereto and by this reference incorporated herein subject to the terms and conditions included.
7. This reorganization consists of the following jurisdictional changes:
 - Beckwourth Peak Fire Protection District - Formation and assumption of fire protection and emergency medical services within its boundaries as successor agency.
 - City of Portola – Transfer of fire protection and emergency medical services to BPPFD
 - Beckwourth Fire Protection District – Dissolution and transfer of services to BPPFD
 - Gold Mountain Community Services District – Divestiture of fire protection and emergency medical services and transfer of those services to BPPFD
 - Sierra Valley Fire Protection District - Dissolution and transfer of services to BPPFD
8. Based upon the information provided in the Executive Officer's Report, this Commission finds that the project to form the district is feasible, economically sound, and is in the public interest.

NOW, THEREFORE, the Commission resolves and orders the following:

1. Conditions

1.1. Approval of Proposal

The proposal is for the formation of the Beckwourth Fire Protection District and related reorganization such that the entirety of the eastern region of Plumas County would be included within the boundaries of the newly formed district, including all of Portola, the entirety of BFD and GMCSD, and a majority of the territory within SVFPD, which would result in subsequent dissolution of BFD and SVFPD, the transfer or divestiture of fire protection and emergency medical services by Portola and GMCSD, respectively, and identifying BPPFD as the successor agency for all four applicants. In addition to LAFCo's Terms and Conditions stated herein, this reorganization shall

be subject to terms and conditions as stated in the initiating resolutions included in the following documents all of which documents are by this reference incorporated herein:

- Resolution 2543 adopted February 22, 2023 by the City of Portola City Council (Exhibit "C");
- Resolution 2203.01 adopted March 15, 2023 by the Beckwourth Fire Protection District (Exhibit "D");
- Resolution 2022-23-004 adopted February 17, 2023 by the Gold Mountain Community Services District (Exhibit "E");
- Resolution 2023-02 adopted March 14, 2023 by the Sierra Valley Fire Protection District (Exhibit "F"); and
- Feasibility Study and Plan for Services developed by the Local Emergency Services Study Group (LESSG) (Exhibit "G").

1.2. Election

The Commission approves the proposal, including waiver of protest proceedings, subject to confirmation of the voters and upon the terms and conditions stated herein.

The Commission requests the Board of Supervisors call an election and authorize the County Elections Official to prepare for and conduct the necessary election in accordance with Government Code Section 57125 et seq. and relevant election provisions of the County.

All proper expenses incurred in conducting elections for formation proceedings must be paid by the newly formed district, if successful, or by the county within which the proposed district is located, if the formation proceedings are terminated (Government Code, Sec. 57150(b)); and

The Beckwourth Peak Fire Protection District is required to be partially funded by a special tax approved by registered voters residing within the boundaries of the district, and the district shall not be formed unless this funding mechanism is approved. The language in the Ballot Measure must substantially conform with the following language:

- a. "To build and sustain adequate community fire and rescue services for the eastern region of Plumas County, shall the order adopted on June 12, 2023 by the Plumas Local Agency Formation Commission ordering the reorganization affecting the Beckwourth Fire Protection District, Sierra Valley Fire Protection District, Gold Mountain Community Services District, and City of Portola and providing for the formation of the "Beckwourth Peak Fire Protection District" in the territory described, subject to terms and conditions specified in the order, including a special tax to finance district services, be confirmed? [67 WORDS, "Eastern Region of Plumas County", "June 12, 2023", "Plumas County", "Local Agency Formation Commission", "Beckwourth Fire Protection District", "Sierra Valley Fire Protection District", "Gold Mountain Community Services District", "City of Portola", and "Beckwourth Peak Fire Protection District" count as 1 word]
- b. "To build and sustain adequate community fire and rescue services for the eastern region of Plumas County, including adequate funding for staffing coverage, insurance, fuel, and essential equipment, shall a measure imposing an annual special tax for each parcel dependent on use, with a base rate of \$110 for improved single family residential parcels under 1,800 square feet, and parcels with other uses will be charged at various rates based on usage, raising an estimated \$405,000 annually until repealed by voters, be adopted in accordance with the terms and conditions of the Beckwourth Peak Fire Protection District Formation?" [89 WORDS, "Beckwourth Peak Fire Protection District Formation" and "Eastern Region of Plumas County" count as 1 word]

Certification of the election results by Plumas County must be submitted to the Executive Officer of Plumas LAFCo prior to recordation of the Certificate of Completion.

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.

1.3. Transfer of Services

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 within their boundaries.

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 GMCSO's boundaries. GMCSO 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.

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.

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.

1.4 Effective Date

The formation of the Beckwourth Peak Fire Protection District shall be effective January 1, 2024, after compliance with the terms and conditions stated in this resolution and recordation of the Certificate of Completion.

Reorganization of the applicant agencies and their fire and emergency medical services shall be effective July 1, 2024 following compliance with the terms and conditions stated in this resolution and recordation of the Certificate of Completion.

The Certificate of Completion must be filed within one calendar year from the date of approval unless a time extension is approved by the Commission.

2. Financial Conditions

2.1 Financial Plan

The financing plan for the Beckwourth Peak Fire Protection District, as submitted in the Application and Plan for Service, is adequate to maintain and enhance fire protection services, contingent on a special tax being approved by registered voters within the proposed district boundary.

2.2 Special Tax

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 All West Urban Consumers, Non-seasonally Adjusted, for the Preceding Year (Bureau of Labor Statistics Series ID CUUR400SAO) for the preceding year. This increase will not exceed 3% each year and must be approved by resolution at a properly noticed public hearing.

The special tax shall not become effective unless approved by two-thirds (2/3) of the votes cast by registered voters within the proposed district boundary and shall become effective in the next fiscal year following approval.

If approved, the special tax set forth above shall be collected annually by the County of Plumas in the same manner and subject to the same penalties as other taxes collected by the County.

The special tax shall be used by the Beckwourth Peak Fire Protection District for fire protection and emergency medical services and tax proceeds received shall be placed in an account created for that purpose.

The Beckwourth Peak Fire Protection District shall file an annual report regarding the use of the tax proceeds as required by Government Code Section 50075.3.

2.3 Transfer of Property

After the effective date of this resolution, all real and personal property of BFD and SVFPD shall be transferred to BPFPD, including all rights, responsibilities, properties, contracts, assets and liabilities, and functions of the BFD and the SVFPD, 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 in Exhibits D (BFD) and F (SVFPD).

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 in Exhibit E upon district formation.

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 in Exhibit C upon district formation.

BPFPD will accept such assets "as-is" with all leases or other liabilities attached thereto.

2.4 Transfer of Revenues, Expenses, Assets and Fund Balances

After the effective date of this reorganization, the revenues, expenses, assets and fund balances identified in the Asset Transfer Schedules for each agency will be transferred to the Beckwourth Peak Fire Protection District.

2.4 Transfer of Previously Authorized Special Taxes and Assessments and Associated Fund Balances

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.

2.5 Property Tax Exchange

The amount of base property tax and tax increment transferred shall be in accordance with Plumas County Board of Supervisor's Resolution 23-8818 herein attached as Exhibit H and City of Portola's Resolution 2023-2543 herein attached as Exhibit C.

The property tax revenue apportionment currently assigned to BFD, SVFPD, and GMCSD will be transferred to the successor agency, as provided for in Government Code Section 56810. In addition, the City of Portola shall transfer \$70,000, in total, of the City's 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. For the areas to be included in BPFPD that are presently outside of a fire and EMS provider, the County has agreed to a property tax exchange of 10% of the increment.

2.6 Use of Assessment Roll

The regular county assessment roll will be utilized for this change of organization.

2.7 Appropriations Limit

Pursuant to Section 7902.7 and Article XIII B of the State Constitution, the Commission hereby establishes BPFPD's provision appropriations limit as a combination of 1) transfers the existing appropriations limits of BFD and SVFPD, 2) the amount in property taxes to be transferred from the City of Portola and GMCSD, and 3) the amount raised through a special tax approved by registered voters within the District, as of the effective date of this reorganization.

2.8 Indebtedness

As specified in the Resolutions of Application, the indebtedness of each District 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 reorganization shall remain the obligation of the successor newly formed fire protection district.

2.9 Charges and Fees

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.

3 Operational Conditions

3.1 Service Plan

The Plan for Services provided in the Resolutions of Application submitted by the applicants shall guide the Board of Directors of the Beckwourth Peak Fire Protection District as to the manner in which services are provided in the affected territory.

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 "G" and incorporated herein by reference.

3.2 Staffing

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.

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.

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.

3.3 Board of Directors

The district shall be governed by a five (5) member board of directors, elected at-large, each of whom must be a registered voter residing within the proposed district and whose term must be four years, with the exception of the initial board. The five-member initial Board of Directors must be elected prior to recordation of the Certificate of Completion.

Once elected, the five members of the board of directors shall classify themselves by lot into two classes: one class must have three members and the other class must have two members. For the class that has three members, the terms of offices that begin after the next general district election must be four years; for the class that has two members, the initial terms of offices that begin after the general district election must be two years. Thereafter, the terms of all members is four years.

The terms of office of the elected board members are determined pursuant to the Uniform District Election Law and shall be elected at-large.

3.4 Contracts and Agreements

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.

4 Spheres of Influence

4.1 Sphere of Influence

The Sphere of Influence for the Beckwourth Peak Fire Protection District is approved to be 'coterminous' with the boundaries of the newly formed district.

5 Commission Directions to Staff

- 5.1 Pursuant to Health and Safety Code Section 13823, if LAFCo approves the formation of a district, with or without amendment, wholly, partially, or conditionally, the board of supervisors shall call and give notice of the election to be held in the proposed district. The Executive Officer shall provide a copy of this resolution to the County for the Board of Supervisors to comply with this mandate and call and give notice of the election to be held with three questions 1) shall the district be formed, 2) shall a special tax be approved to fund the district, and 3) election of the first Board of Directors. Specific language for these questions is outlined Condition 1.2 of this resolution.
- 5.2 The Executive Officer is hereby directed to transmit a certified copy of this resolution to each affected agency, as provided for in Government Code Section 56882.
- 5.3 The Executive Officer is hereby directed to file a Notice of Exemption meeting the requirements of CEQA.
- 5.4 Electronic copies of boundary maps and the metes & bounds description in PDF format meeting the state Board of Equalization Requirements shall be submitted to LAFCO prior to the recordation of the Certificate of Completion. All maps and boundary descriptions shall comply with the State Board of Equalization requirements. Any boundary description and (or) map, if rejected by the State Board of Equalization or amended by LAFCO, will be revised at the expense of the applicant. The applicant shall be responsible for all associated costs. The boundary description and map if amended by action of the Commission will be revised and checked at the expense of the applicant, prior to filing of the Certificate of Completion.
- 5.5 Any and all Plumas County, Plumas LAFCO and State of California fees or costs must be paid in full prior to filing the Certificate of Completion. LAFCO will forward invoices and (or) a list of required fees prior to filing the Certificate of Completion for direct payment to the agency by project proponent.
- 5.6 Approval of this reorganization is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Plumas Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this change of organization. The Plumas Local Agency Formation Commission shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.
- 5.7 The Executive Officer is directed to record a Certificate of Completion in Plumas County for this proposal after compliance with the conditions herein and certification of the election results by Plumas County have been submitted.
- 5.8 Completion of proceedings shall be concluded within one year after adoption of this resolution. If the proceedings are not concluded within one year after passage of this resolution, all proceedings

shall be terminated unless a request for an extension is submitted to LAFCo prior to the expiration date.

5.9 If there are disputes regarding the meaning or implementation of these terms and conditions, Plumas LAFCo is the authority which must be contacted to resolve such disputes or clarifications.

Action by the Plumas Local Agency Formation Commission on this application has been conducted pursuant to Government Code Section 57100.

The foregoing resolution was duly passed by the Plumas Local Agency Formation Commission at a regular meeting held on June 12, 2023, by the following roll call vote:

Ayes: Powers, Murphy, Goss, McGowan, Haesche

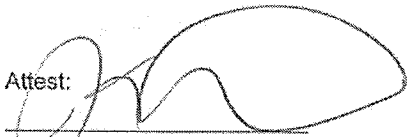
Noes: None


Abstentions: None

Absent: None

Signed and approved by me after its passage this ^{26th} day of June, 2023.

Attest:


Jennifer Stephenson, Executive Officer


Bill Powers, Chair, Plumas LAFCo