



Chair

Jo MacKenzie, Director
Vista Irrigation District

September 11, 2018

Vice Chair

Ed Sprague, Director
Olivenhain Municipal Water

Delivered by Electronic Mail:

Board of Directors
Attn: Jeremi Roesler
Julian-Cuyamaca Fire Protection District
Post Office Box 33
Julian, California 92036
jeremi.rosler@fire.ca.gov

Board of Directors
Attn: Herman Reddick
County Service Area No. 135
5510 Overland Avenue, Suite 250
San Diego, CA 92123
herman.reddick@sdcounty.ca.gov

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City of Encinitas

Bill Horn, Supervisor
County of San Diego

Dianne Jacob, Supervisor
County of San Diego

Andrew Vanderlaan
Public Member

Bill Wells, Mayor
City of El Cajon

Lorie Zapf, Councilmember
City of San Diego

**SUBJECT: Notice of Conditional Approval |
Joint-Reorganization Proposal to Dissolve Julian-Cuyamaca Fire
Protection District and Latent Power Area Expansion of County
Service Area No. 135 (LAFCO File No. RO18-09 et al.)**

Board of Directors:

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Lorie Bragg, Councilmember
City of Imperial Beach

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Greg Cox, Supervisor
County of San Diego

Judy Hanson, Director
Leucadia Wastewater District

Harry Mathis
Public Member

Executive Officer

Keene Simonds

Counsel

Michael G. Colantuono

This letter serves as formal notice the San Diego Local Agency Formation Commission (LAFCO) conditionally approved the above referenced proposal at a noticed public hearing held on September 10, 2018. The approval is consistent with the staff recommendation previously forwarded to your respective agencies and is subject to the successful completion of protest proceedings scheduled for Tuesday, October 16, 2018. Formal notice of the protest hearing is expected to be published and mailed to all landowners and registered voters within the affected territory by Monday, September 17th. The following thresholds apply in valuing protests and determining next steps:

- Should less than 25% of (a) registered voters and/or (b) landowners holding less than 25% of the assessed value of land within the affected territory file written protests the reorganization will be ordered without an election assuming completion of approval conditions.
- Should 25% to 50% of (a) registered voters and/or (b) landowners holding 25% to 50% of the assessed value of land within the affected territory file written protests the reorganization will be ordered subject to an election at a future date.

San Diego LAFCO

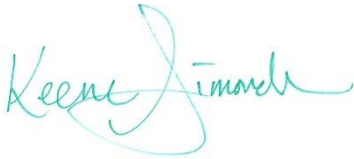
Notice of Conditional Approval | Joint Reorganization Proposal Involving Julian-Cuyamaca FPD and CSA No. 135
September 11, 2018

- Should more than 50% of (a) registered voters and/or (b) landowners holding 50% or more of the assessed value of land within the affected territory file written protests the reorganization will be terminated.

A draft resolution of approval for the proposal is attached with a listing of all conditions provided under Section No. 7. An executed version of the resolution will be mailed to you under separate cover shortly.

Should you have any questions please contact Project Manager John Traylor by e-mail at john.traylor@sdcountry.ca.gov or by phone at 858-614-7755.

Respectfully,



Keene Simonds
Executive Officer

Attachment: as stated

cc: John Traylor, Project Manager
Linda Zambito, Analyst
Adam Wilson, Supervisor Jacob's Office, County of San Diego
Tony Mecham, County Fire Authority
Susan Quasarano, County Fire Authority

RESOLUTION OF THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

**APPROVING A JOINT-REORGANIZATION AND
ASSOCIATED SPHERE OF INFLUENCE AMENDMENTS**

**CONCURRENT DISSOLUTION OF THE JULIAN-CUYAMACA FIRE PROTECTION DISTRICT AND
LATENT POWER AREA EXPANSION OF COUNTY SERVICE AREA NO. 135
(RO18-09 ET AL.)**

WHEREAS, the Julian Cuyamaca Fire Protection District (FPD) has filed a resolution of application with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, the Julian-Cuyamaca FPD’s application requests dissolution and cession of all corporate powers within its approximate 52,000 acre jurisdictional boundary subject to certain terms, including concurrent Commission approval to transfer fire protection and emergency medical service responsibilities to the County of San Diego and its Fire Authority through County Service Area (CSA) No. 135; and

WHEREAS, the County of San Diego, acting on behalf of CSA No. 135, filed a supporting resolution of application with the Commission requesting expansion of CSA No. 135’s existing latent power fire protection and emergency medical service area to include the affected territory; and

WHEREAS, the application filings by Julian-Cuyamaca FPD and County of San Diego are complementary and processed by the Commission as a joint-reorganization proposal; and

WHEREAS, the Commission’s Executive Officer has reviewed the joint-reorganization proposal and prepared a report with recommendations; and

WHEREAS, the Executive Officer’s report and recommendations on the joint-reorganization proposal and need for concurrent sphere of influence amendments have been presented to the Commission in the manner provided by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a noticed public hearing along with reviewing the necessary concurrent sphere of influence amendments for consistency under Government Code Section 56375.5 on September 10, 2018.

NOW, THEREFORE, BE IT RESOLVED, the Commission hereby finds, determines, and orders the following:

1. The hearing was held on the date set therefore, and due notice of said hearing was given in the manner required by law.
2. At the hearing, the Commission called for, heard, and considered all interested parties and public comments and read and considered the Executive Officer’s report.

3. The Commission serves as lead agency under the California Environmental Quality Act (CEQA) in considering two distinct “projects” associated with the joint-reorganization proposal and as detailed in the Executive Officer’s report: (a) accommodating sphere of influence amendments and the (b) reorganization itself. The Commission’s findings follow.
 - a) The sphere of influence amendments qualify as a project, but are exempt from additional review per CEQA Guidelines section 15061(b)(3). This exemption appropriately applies because it can be seen with certainty spheres of influence are planning policies and amendments do not make any changes to the environment or authorize any new uses or services and thus there is no possibility that the activity in question may have a significant effect on the environment.
 - b) The reorganization qualifies as a project, but is exempt from additional review under CEQA Guidelines section 15320. This exemption appropriately applies given the affected territory is already within an authorized fire protection and emergency medical provider and the reorganization will not change the geographic area where services are authorized and exercised.
4. The Commission conditionally APPROVES the following sphere of influence amendments.
 - a) The sphere of influence for Julian-Cuyamaca FPD is amended to a transitional or zero status and shown in Exhibit A-1.
 - b) The fire protection and emergency medical service specific sphere of influence for CSA No. 135 is amended to include all of the affected territory and shown in Exhibit A-2.
5. The Commission conditions the approved sphere of influence amendments as described on the recordation of the associated joint-reorganization identified as RO18-09 et al.
6. The written statements of the Commission addressing the mandatory factors required for consideration any time spheres of influence are adopted, amended, or updated under Government Code Section 56425 are provided as Exhibit B.
7. The Commission conditionally APPROVES the proposed joint-reorganization proposal identified as RO18-09 et al. without modification or amendment and as shown in Exhibit C.
 - a. The following conditions must be satisfied within one calendar year – or August 6, 2019 – unless prior written request for an extension is received and approved by the Commission.
 - i. Completion of the 30-day reconsideration period provided under Government Code Section 56895.
 - ii. Receipt and confirmation by the County of San Diego Assessor’s Office of the completeness of maps and geographic descriptions of the affected territory showing the (a) dissolution of Julian-Cuyamaca FPD and (b) expansion of CSA No. 135’s latent power fire protection and emergency medical service area.

- iii. Upon the Commission's order giving approval to the joint-reorganization, Julian-Cuyamaca FPD is prohibited from taking any of the actions contained in Government Code section 56885.5, including:
 1. Approving any increase in compensation or benefits for members of the governing board, its officers, or the executive officer of the agency.
 2. Appropriating, encumbering, expending, or otherwise obligating, any revenue of the agency beyond that provided in the current budget at the time the dissolution is approved by the commission.
 - iv. Upon successful completion of medical and background screening, Julian-Cuyamaca FPD volunteer firefighters shall be offered reserve positions/transitioned into the San Diego County Volunteer Reserve Firefighter Program. Personnel unable to meet these requirements may be offered positions as Support Reserves.
 - v. Julian-Cuyamaca FPD must establish an interim arrangement for an outside contractor to assume ambulance transport services for the greater Julian area through June 30, 2019 consistent with its contract with County Health and Human Service Agency. This includes requiring the contractor to offer equivalent employment to the six affected Julian-Cuyamaca FPD employees through June 30, 2019 subject to meeting standard qualifications and testing of the contractor.
- b. The following conditions apply upon and after the effective date of the joint-reorganization as defined in No. 11 below:
- i. Successor Agency. Upon and after effective date, CSA No. 135 shall be the successor to Julian-Cuyamaca FPD for purpose of providing structural fire protection and emergency medical services, and succeeding to all of the rights, duties, and obligations of the extinguished district with respect to enforcement, performance, or payment of any outstanding bonds, including revenue bonds, or other contracts and obligations within the territory previously included within the extinguished district.
 - ii. Organization and Governance. The dissolved fire protection district will become part of the fire protection and emergency medical services subarea of CSA No. 135. CSA No. 135 is governed by the five-member Board of Supervisors and the Deputy County Administrative Officer for the Public Safety Group will serve as the Fire Warden. Operationally, the County of San Diego will continue to contract with CAL FIRE to provide services. A seven-member fire advisory board has been created in accordance with County Board Policy A-74. The fire advisory board shall create a Julian-Cuyamaca subcommittee to provide feedback on fire protection services in the affected territory. The subcommittee shall consist of three persons as follows initially: one current Julian-Cuyamaca FPD Board member; one member of the Chamber of Commerce; and one member from the Julian Plugs Fire Association. In its discretion, the fire advisory board may change the membership categories of such subcommittee over time in the event it becomes impractical to fill certain membership categories.

- iii. Employees. As of the effective date, the Julian-Cuyamaca FPD Secretary shall be offered equivalent employment as determined by the County with the County, CSA No. 135, or through a contract with another agency/service provider..
- iv. Tax Revenues. Upon the effective date, the legal existence of Julian-Cuyamaca FPD shall cease except as otherwise required by law. All property tax revenues and voter-approved special tax or special assessment revenues (if any), received or receivable by Julian-Cuyamaca FPD as of the effective date shall be collected or collectible by CSA No. 135 for the exclusive use of funding the services within the Territory. CSA No. 135 property taxes, special taxes, and special assessments shall not be available for other CSA No. 135 or County purposes.
- v. Plan for Service. CSA No. 135 shall provide the services within the territory provided by Julian-Cuyamaca FPD per the Plan for Services adopted by the County of San Diego. CSA No. 135 will provide a Paramedic Fire Engine in Julian at Fire Station #56. CSA No. 135 will fund the year-round staffing of CAL FIRE Cuyamaca Fire Station #51 with an expanded scope BLS Fire Engine. Julian Fire Station #56 will be considered a must-cover priority #1 station subject to the 30-minute move up. Levels of services may improve or increase prior to the day immediately preceding the Effective Date.
- vi. Transfer of Facilities. Upon the effective date, the facilities located at the real properties identified on Exhibit B of Julian-Cuyamaca FPD Application shall be transferred to CSA No. 135 for use in providing the services. The facility in the community of Cuyamaca will not be transferred and will be disposed of by the Julian-Cuyamaca FPD prior to the effective date of dissolution.
- vii. Transfer of Assets. CSA No. 135 shall accept all real and personal property, books, records, papers, offices, equipment, supplies, moneys, funds, appropriations, licenses, permits, entitlements, agreements, contracts, claims, judgments, and all other assets and obligations transferred from Julian-Cuyamaca FPD in "as-is" condition, without any payment or repair obligation from Julian-Cuyamaca FPD . All incidental liabilities, such as accounts payable, contract obligations and consumer deposits, shall be transferred to CSA No. 135's appropriate, respective, isolated accounts. All assets including, but not limited to cash reserves, land, structures, appurtenances, rolling stock, personal property including tools, office furniture, fixtures and equipment, and held by Julian-Cuyamaca FPD, shall be transferred to the appropriate services zone of CSA No. 135 as of the effective date.
- viii. Transfer by Operation of Law. Except as otherwise provided herein, the ownership, possession, and control of all books, records, papers, offices, equipment, supplies, moneys, funds, appropriations, licenses, permits, entitlements, agreements, contracts, claims, judgments, land, and other assets and property, real or personal, owned or leased by, connected with the administration of, or held for the benefit or use of, Julian-Cuyamaca FPD shall transfer to CSA No. 135. CSA No. 135 is the successor to Julian-Cuyamaca FPD and, except as otherwise provided herein, the provisions of Government Code sections 57450 et seq. applicable to successor agencies to dissolved agencies apply to CSA No. 135.

- ix. Insurance Service Office (ISO) Ratings. CSA No. 135 will petition the ISO to update Julian-Cuyamaca FPD's former 5/9 rating of properties within the Territory to the County's 3/3x ISO rating. Julian-Cuyamaca FPD maintains a class 5/9 ISO Fire Department rating.
 - x. Explorer Program. CSA No. 135 shall assume and continue support for Julian-Cuyamaca FPD Explorer Program in place on the day immediately preceding the Effective Date.
 - xi. Community Events. County and/or state firefighters stationed in Julian will participate in community events as requested.
 - xii. District Firefighters. Upon successful completion of medical and background screening, Julian-Cuyamaca FPD volunteer firefighters shall be offered reserve positions/transitioned into the San Diego County Volunteer Reserve Firefighter Program. Personnel unable to meet these requirements may be offered positions as Support Reserves.
 - xiii. Benefit Fee | No. 3115-01. The County will pay the remaining balance on the Fire Station loan using the collected Fire Station benefit fee established in 2006 and additional County funds. The Fire Station benefit fee – identified by the Assessor as Fund No. 3115-01 – will then be discontinued no later than July 1, 2019.
 - xiv. Benefit Fee | No. 3115-40. CSA No. 135 shall be assigned all revenues collected by the Fire Protection benefit fee established in 1984. The Fire Protection benefit fee is identified by the Assessor by Fund No. 3115-40.
8. The affected territory as designated by the Commission is inhabited as defined in Government Code Section 56046.
 9. The Commission delegates to the Executive Officer performing all conducting authority proceeding requirements under Government Code Section 57000.
 10. Both subject agencies' utilize the regular assessment roll of the County of San Diego.
 11. The effective date of the reorganization proposal shall be the date of recordation of the Certificate of Completion.
 12. As allowed under Government Code 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.

PASSED AND ADOPTED by the San Diego County Local Agency Formation Commission on September 10, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

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EXHIBIT A-1

Julian-Cuyamaca FPD Sphere of Influence (Proposed Zero Designation)

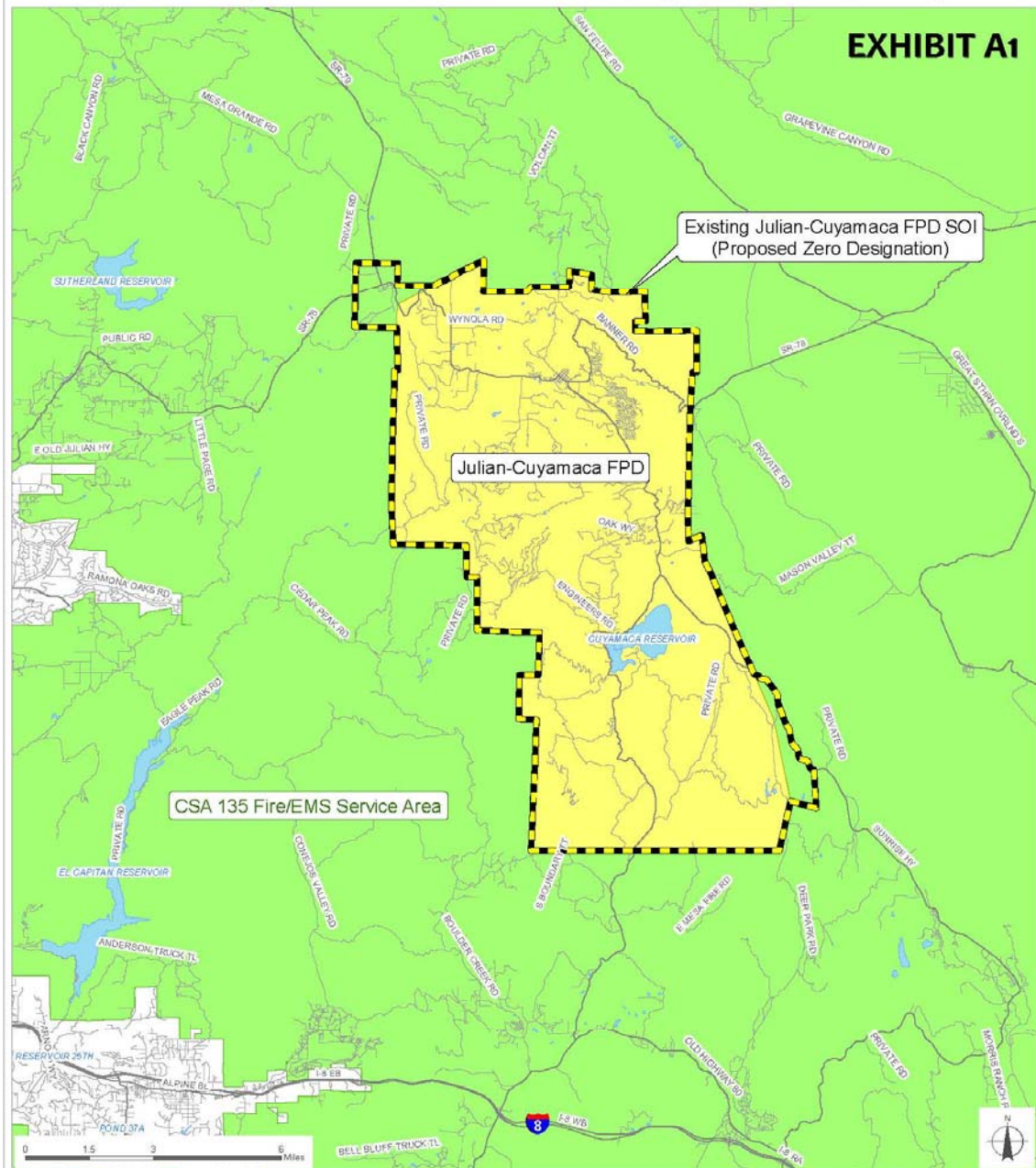


EXHIBIT A1

Existing Julian-Cuyamaca FPD SOI (Proposed Zero Designation)

Julian-Cuyamaca FPD

CSA 135 Fire/EMS Service Area

SAN DIEGO LAFCO SanGIS
30 Years of Digital Growth

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- Julian-Cuyamaca FPD
- Julian-Cuyamaca FPD SOI
- CSA 135 Fire/EMS Service Area

SOI = Sphere of Influence



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EXHIBIT B

Government Code Section 56425 Sphere of Influence Statements

1) The present and planned land uses, including agricultural and open-space lands.

The affected territory spans close to 52,000 acres and is entirely unincorporated, and as such subject to the adopted land use policies of the County of San Diego. The northern half of the affected territory is anchored by the unincorporated community of Julian and includes its own historic district with a mix of local and tourist-serving retail and commercial uses as well as public facilities. Development within this portion of the affected territory is guided by the Julian Community Plan with no significant future growth anticipated. The southern half of the affected territory is more rural with agrarian uses ranging from orchards to vineyards. It also includes a significant portion of public lands – estimated at approximately 52% of the total affected territory – and highlighted by the Cuyamaca Rancho State Park. Development within this portion is guided by Central Mount Subregional Plan with minimal new future growth anticipated. LAFCO estimates the total resident population is 4,100.

(2) The present and probable need for public facilities and services in the area.

Existing and planned uses within the affected territory as described above merits organized fire protection and emergency medical services. This need is highlighted by an existing residential population of over 4,000 and steady influx of tourists underlying the relatively constant service demands experienced over the last several years.

(3) The present capacity of public facilities and adequacy of public services the agency provides or is authorized to provide.

Julian-Cuyamaca FPD presently provides fire protection and emergency medical services to the affected territory. These services are considered adequate when volunteer staffing is fully available; the latter being a variable. CSA No. 135 serves as an implementing vehicle for the County Fire Authority to provide fire protection and emergency medical services throughout a significant portion of unincorporated San Diego County – including lands surrounding Julian-Cuyamaca FPD. County Fire Authority has available and sufficient capacities to immediately assume and increase service levels to the affected territory with 24-hour professional firefighters while at a reduce cost to constituents.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

The affected territory has developed strong social and economic ties to the Julian-Cuyamaca FPD and highlighted by the community's ongoing involvement in supporting FPD's volunteer-based service activities. The affected territory also possesses – albeit to a different degree – communities of interest with the surrounding region served by CSA No. 135 through County Fire Authority given the shared experience of being part of the “backcountry” area of San Diego County.

(5) The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

The northern half of the affected territory – which includes the main population center of Julian – qualifies as a disadvantaged unincorporated community (DUC) based on statute and implementing LAFCO policy. The sphere of influence amendments serve to facilitate the delivery of enhanced fire protection and emergency medical services to all of the affected territory by transitioning coverage from Julian-Cuyamaca FPD to County Fire Authority through CSA No. 135, and as such do not adversely impact residents within the DUC.

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