

FROM: Annexation Committee/L. Smith & C. Curtis

Meeting Date: May 8, 2024

RE: Status of Eastern Plumas Rural Fire Protection District Annexation

BACKGROUND:

January 23, 2024 – Annexation Committee met with Plumas LAFCo and Eastern Plumas Rural FPD (EPRFPD) to open discussion about the annexation of EPRFPD into Beckwourth Peak FPD/BPFPD.

January 29, 2024 – Annexation Committee met with EPRFPD representatives to discuss a path forward and immediate steps to accomplish to bring a similar resolution of both districts for review and approval by the respective district board of directors.

April 15, 2024 – Rep from Annexation Committee and President of EPRFPD board visited with county department heads to ensure there is knowledge of the potential annexation and to gain their input on next steps and tasks to complete.

EXECUTIVE SUMMARY:

The resolution for Annexation is almost complete. Missing pieces are a map of the newly proposed service area and a proposed combined budget. It is anticipated that the map and analysis of the BPFPD Special Tax for Eastern Plumas Fire served parcels that is needed for the combined proposed budget will be received the week of April 29. Once the draft is complete, it will be sent to legal counsel and then LAFCo for their review. Next steps is a first reading of the resolution by the board followed by a Public Hearing to adopt the resolution.

At their April 15 meeting, the board discussed completing an inventory and a path forward for providing necessary resources for response to BPFPD from time of executing the resolution of annexation to completion of annexation. This would be in the form as outlined in the Terms and Conditions in the resolution.

Another hurdle that has been resolved is the disposition of FEPP equipment on loan to EPRFPD by CalFire. We know that some of this equipment has been damaged and could be un-usable. We have received confirmation from CalFire that all loaned equipment to EPRFPD can be returned “as is”. Additionally, Angie Sutcliffe of EPRFPD has confirmed that they have possession of all CalFire equipment.

Other tasks that are being worked -

- EPRFPD to provide a copy of the C-Road contract for review by BPFPD committee.
- EPRFPD to provide background on parcel tax being assessed for Lake Davis parcels.
- EPRFPD to provide background on benefit assessment to parcels annexed in 2008-2010.

We have adjusted our anticipated date for completion of the resolution to May 15. Will require an initial board review/ first reading, followed by a 21-day noticed public hearing for consideration of adoption. Once both boards have followed the noticed public hearing and have adopted the resolution, the package will be submitted to LAFCo. Plumas LAFCo has set the annexation completion date as November 1, 2024, previously it was set as December 31, 2024.

1) **Annexation Task List**

<u>Task</u>	<u>Owner</u>	<u>Status</u>
Develop Reso for both boards	Beckwourth Peak	1 st draft complete by May 15
Request LAFCo fee reduction	Eastern Plumas	Feb. 12 - Approved by LAFCo
Develop Plan for Services	Beckwourth Peak	Drafted
Mapping & legal desc.	Beckwourth Peak	In process
Compile Application	Both	By June 1
Negotiate Tax Sharing w/County	Beckwourth Peak	After application submission
Considered at LAFCo Hearing	LAFCo	TBD
Considered by board of sups.	County/BoS	TBD
File with BOE by 11/1/24	LAFCo	

RECOMMENDATION:

- The Annexation Committee is asking the directors and staff to review the Terms and Conditions that have been outlined in the draft resolution and is seeking input from all to determine if there are others that should be included. Comments are due back to Cary by May 15, 2024.

The draft terms and conditions are included with this document.

FISCAL IMPACT:

There is no immediate financial impact to Beckwourth Peak FPD.

Long term, a thorough financial review of the annexation fiscal impacts to BPPFD needs to be done and understood as it relates to post annexation.

DRAFT TERMS AND CONDITIONS OF DRAFT ANNEXATION RESOLUTION

WHEREAS, it is desired to require that the proposed annexation be subject to the following Terms and Conditions:

1. A territorial new boundary be established for the Beckwourth Peak Fire Protection District as identified in Exhibit #A, map and legal description of boundaries of the combined territories.
2. Eastern Plumas Rural Fire Protection District be dissolved, and Beckwourth Peak Fire Protection District named the successor, including all rights, responsibilities, properties, contracts, assets and liabilities, and functions of the Eastern Plumas Rural 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 Exhibit #C, Eastern Plumas Rural Fire Protection District.
3. All full- or part-time employees of the Eastern Plumas Rural Fire Protection District shall be invited and encouraged to apply with Beckwourth Peak Fire Protection District.
4. Beckwourth Peak Fire Protection District, 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 by Eastern Plumas Healthcare District.
5. A tax exchange agreement shall be negotiated with the County of Plumas to allocate the property tax revenue structure currently assigned to Eastern Plumas Rural Fire Protection District to the successor agency, as provided for in Government Code Section 56810.
6. Owners of developed and undeveloped parcels within the boundaries of Eastern Plumas Rural Fire Protection District will be assessed a 2023 voter approved annual Special Tax at the parcel level as currently administered by Beckwourth Peak Fire Protection District as described in Exhibit #E, that includes the following provisions:
 - a. The Special Tax at the parcel level will be assessed annually for Assessor's Parcels located entirely or partially within the Eastern Plumas Rural Fire Protection District boundary, based on land use types provided by the Assessor's Office. The special tax will raise funds to adequately provide fire and medical emergency response services to the newly annexed territory. This Special Tax is identical to the voter approved Beckwourth Peak Fire Protection District Special Tax of 2023. The revenue derived supports the operation of a regional fire protection district to

provide community fire and emergency medical response services. The Special Tax is a condition of annexation and is not subject to approval by voters within Eastern Plumas Rural Fire Protection District.

- b. Low Income Exemption – Beckwourth Peak Fire Protection District recognizes the special tax may create a burden for low-income property owners in the region. For this reason, Beckwourth Peak Fire Protection District has established 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 – Beckwourth Peak Fire Protection District has established procedures for 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 special tax includes 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. Beckwourth Peak Fire Protection District maintains the right to retain its purchasing power in future years, and thus, the inflationary clause allows the Board of Beckwourth Peak Fire Protection District 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). This increase will not exceed 3% each year and must be approved by resolution at a properly noticed public hearing.
7. All previously authorized charges, fees, assessments, and/or taxes currently in effect and dedicated to fire protection or emergency medical response, now levied or collected by Eastern Plumas Rural Fire Protection District including improvement or assessment districts thereof, shall upon annexation, cease to be levied and collected by Beckwourth Peak Fire Protection District.
 8. Upon annexation, all parcels within the boundary of Eastern Plumas Rural Fire Protection District are subject to all charges and fee structure that balance the needs of Beckwourth Peak Fire Protection District for funding and cost of services and the burdens on property owners. All charges and fee structure programs will be rendered and adopted by the Beckwourth Peak Fire Protection District board of directors and administered and codified through resolution or ordinance and filed with LAFCo.
 9. Indebtedness of Eastern Plumas Rural Fire Protection District, if any, shall remain the legal obligation of only the lands and areas which incurred such indebtedness; however, the outstanding indebtedness, at the time of annexation shall remain the obligation of Beckwourth Peak Fire Protection District.

10. The composition of the Beckwourth Peak Fire Protection District board of directors is five (5) member board of directors, elected at-large, each of whom must be a registered voter residing within the district. Upon annexation, registered voters residing within the boundaries of the Eastern Plumas Rural Fire Protection District are eligible to serve on the Beckwourth Peak Fire Protection District.
11. Beckwourth Peak Fire Protection District terms of office are; two positions of two year terms ending December 5, 2025 and three positions of three year terms ending December 3, 2027.
12. All contracts for services presently administered by Eastern Plumas Rural Fire Protection District are subject to separate review and price for services negotiations by Beckwourth Peak Fire Protection District.
13. 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.
15. Upon joint execution of this resolution and until the application for annexation is done and effective, both parties agree that Beckwourth Peak Fire Protection District will serve as financial administrator for Eastern Plumas Rural Fire Protection District, thus authorizing Beckwourth Peak Fire Protection District full control of the financial assets and liabilities of Eastern Plumas Rural Fire Protection District.
16. Upon execution of this resolution and until the application for annexation is done and effective, Eastern Plumas Rural Fire Protection District will effect a release of liability and hold harmless against Beckwourth Peak FPD, and allow Beckwourth Peak FPD access and control of all Eastern Plumas Rural Fire Protection District facilities, and allow Beckwourth Peak FPD to make use EPRFPD apparatuses and equipment to provide fire protection, emergency medical and rescue services to Eastern Plumas Rural FPD.
17. Eastern Plumas Rural FPD will assist in the disposal of all non-functional/inoperable vehicles and equipment as deemed by Beckwourth Peak Fire Protection District.
18. Eastern Plumas Rural FPD will return/reallocate USFS equipment and vehicles as deemed by Beckwourth Peak Fire Protection District.
20. Upon execution of this resolution, Eastern Plumas Rural FPD will provide Beckwourth Peak FPD their two most recent audit reports.
21. Eastern Plumas Rural FPD will preserve all documents and information related to, financial reports, audits, records, audits, contracts, deeds, easements, registrations, assessments, correspondence, personnel, and the like, and upon completion of annexation, will make these documents available to Beckwourth Peak FPD.