

Chair

Jo MacKenzie, Director
Vista Irrigation District

December 10, 2018

Vice Chair

Ed Sprague, Director
Olivenhain Municipal Water

Hand Delivered

Honorable Board of Directors
Julian-Cuyamaca Fire Protection District
2645 Farmer Road
Julian, California 92036

Members

Catherine Blakespear, Mayor
City of Encinitas

Bill Horn, Supervisor
County of San Diego

Dianne Jacob, Supervisor
County of San Diego

Andrew Vanderlaan
Public Member

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City of El Cajon

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County of San Diego

Judy Hanson, Director
Leucadia Wastewater District

Harry Mathis
Public Member

Executive Officer

Keene Simonds

Counsel

Michael G. Colantuono

**SUBJECT: Julian-Cuyamaca Fire Protection District Reorganization |
Request to Establish an Ad Hoc Committee to Facilitate Communications
with LAFCO Regarding the Ongoing Reorganization Proceedings**

Dear Board

Board -

At its December 3, 2018 meeting, the San Diego Local Agency Formation Commission (LAFCO) certified the results of a protest hearing held on its earlier approval of the "Julian-Cuyamaca Fire Protection District Reorganization" and transfer therein of fire and emergency medical service responsibilities to County Service Area No. 135. The certified results are codified in the attached resolution and – markedly – necessitate an election for voters to confirm LAFCO's approval of the reorganization. To this end, LAFCO has requested the County of San Diego Board of Supervisors call an election and forward the ultimate decision on the reorganization to voters with recommendations to conduct the election by special mail-ballot within 100 days. The Board of Supervisors is expected to take up the request on December 11, 2018.

Given the preceding factors I am respectfully requesting the Julian-Cuyamaca Fire Protection District (FPD) establish an ad hoc committee to facilitate direct communications with LAFCO while the reorganization proceedings continue. The ad hoc committee would include up to two appointees from the Board and enable the two agencies – FPD and LAFCO – to maintain direct and timely communications during this unique and interim circumstance and help proactively address items of mutual interests while complying with the provisions of the Brown Act. Direct communications, notably, will help adhere to the Legislature's directive that baseline conditions within the FPD continue as determined by LAFCO while the reorganization proceedings continue. This directive is memorialized within the following statutes:

- No new appropriations, encumbrances, expenses, or any other types of obligations – including employee or service contracts – beyond the provisions of the adopted budget at the time of the reorganization approval is prohibited (Government Code Section 56885.5).

San Diego LAFCO

December 10, 2018

Letter to Julian-Cuyamaca FPD | Request to Establish an Ad Hoc Committee

- Until change of organization or reorganization proceedings acted on by LAFCO are completed or terminated no conflicting proposal involving the affected territory shall be filed with the Commission (Government Code 57003).

I appreciate your consideration of the above request. Should you have any questions please contact me or Project Manager John Traylor by telephone at (858) 614-7755.

Respectfully,


Keene Simonds
Executive Officer

Attachment:

1) Resolution Certifying Protest Results for the Julian-Cuyamaca Reorganization

cc by e-mail:

Chair Jo MacKenzie

Vice Chair Ed Sprague

Honorable Dianne Jacob, Supervisor 2nd District

Herman Reddick, County Fire Authority

Tony Mecham, County Fire Authority

Susan Quasarano, County Fire Authority

RESOLUTION OF THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

**REQUESTING THE SAN DIEGO COUNTY BOARD OF SUPERVISORS
DIRECT THE COUNTY ELECTIONS OFFICIAL TO CONDUCT AN ELECTION
OF THE REGISTERED VOTERS OF THE JULIAN-CUYAMACA FIRE PROTECTION DISTRICT
TO CONFIRM THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION'S
ORDER RO18-09 ET AL. DISSOLVING THE
JULIAN-CUYAMACA FIRE PROTECTION DISTRICT AND DESIGNATING
COUNTY SERVICE AREA NO. 135 AS SUCCESSOR**

WHEREAS, on April 10, 2018, the Board of the Julian-Cuyamaca Fire Protection District (“District”) adopted a “Resolution of Application” to dissolve the District, Resolution No. 2018-03 (“Resolution”); and

WHEREAS, the District submitted the “Resolution of Application” to the San Diego Local Agency Formation Commission (“Commission”) on April 11, 2018; and

WHEREAS, the District’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, On May 15, 2018, the San Diego County Board of Supervisors, 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 the District and County were complementary and processed by the Commission as a joint-reorganization proposal; and

WHEREAS, on September 10, 2018, Commission adopted RO18-09 et al., approving the joint reorganization proposal to dissolve the District, expand CSA No. 135’s existing latent powers to include the affected territory and designate CSA No. 135 as the successor agency, subject to the outcome of a protest hearing; and

WHEREAS, Commission provided landowners and registered voters with notice of the protest hearing on September 17, 2018; and

WHEREAS, on October 16, 2018 Commission conducted a protest hearing and received 803 signed written protests; and

WHEREAS, Commission submitted the written protests to the San Diego County Registrar of Voters on October 19, 2018 to verify the 803 signatures submitted; and

WHEREAS, the Registrar of Voters certified the results of the verification to the Commission on November 5, 2018, finding 177 signatures to be invalid and 626 signatures to be valid, which Certification is attached as Exhibit A; and

WHEREAS, the 626 valid written protests amount to 26% of the District's total registered voters which exceed the 603 protest, or 25% voter, threshold required to trigger an election by voters; and

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

1. Under Government Code Section 57000(d), the Commission determines that an election must be conducted and requests the San Diego County Board of Supervisors direct the County elections official to conduct the necessary election.
2. The Board of Supervisors of the County of San Diego is requested to phrase the question put to the voters as required by Government Code Section 57133(g) as follows: "Shall the order adopted on September 10, 2018, by the San Diego Local Agency Formation Commission (Resolution No. RO18-09 et al.) ordering the reorganization affecting the Julian-Cuyamaca Fire Protection District and County Service Area No. 135 and providing for the dissolution of the Julian-Cuyamaca Fire Protection District, the expansion of County Service Area No. 135's existing latent powers in the affected territory, and designating County Service Area No. 135 as the successor agency to the dissolved district be confirmed subject to the terms and conditions specified in the order?"
3. Per Government Code Section 57000(e)(1), the Board of Supervisors is requested, within 45 days from the date of this Resolution, to direct the County elections official to conduct the election.
4. The Board of Supervisors of the County of San Diego is authorized to determine the date and method of elections consistent with the deadlines set forth in Government Code sections 57000 et seq., but the Commission requests the Board consider a special election conducted wholly by mailed ballot on any date, including dates other than an established date authorized by the County elections official, as authorized to Government Code Section 57125(b). The Commission further recommends the special election be set for a date no later than 100 days from the date the Board of Supervisors calls the special election with a preferred date of March 19, 2019.
5. The Board of Supervisors of the County of San Diego is requested to issue to all officers of the County charged with duties pertaining to the conduct of elections the appropriate instructions to take any and all steps necessary in connection with the election services herein described.
6. The Board of Supervisors of the County of San Diego is requested to authorize and direct the Registrar of Voters to perform the following:
 - (a) In accordance with Government Code section 57146(a); (i) set the deadlines for submittal of arguments for or against the measure and rebuttal arguments; (ii) publish notice of such deadlines and the date of election in a newspaper of general circulation which is circulated in the affected territory; and (iii) ensure such published notice contains the required information set forth in Government Code section 57146(b);
 - (b) In accordance with Government Code section 57147 perform all required steps set forth in Elections Code section 9167 regarding rebuttal arguments;

- (c) Prepare a mail the ballot pamphlet regarding the measure in accordance with Government Code section 57148;
 - (d) Furnish a tabulation of the number of registered voters in the affected territory (i.e., the current Julian-Cuyamaca Fire Protection District jurisdictional boundary);
 - (e) Examine and verify signatures;
 - (f) Provide election materials in languages other than English in accordance with federal law;
 - (g) Canvass the returns of the election in accordance with Government Code section 57149;
 - (h) Furnish a tabulation of the number of votes given in the affected territory;
 - (i) Complete any and all tasks related to the legal conduct of this election as required by the Executive Officer upon the request of the Executive Officer or the Commission;
7. The Commission authorizes the Executive Officer to reimburse the County of San Diego for the actual and direct costs of the services performed by the Registrar of Voters in connection with the election services herein described.
8. 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.

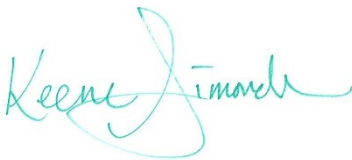
PASSED AND ADOPTED by the San Diego County Local Agency Formation Commission on December 3, 2018 by the following vote:

AYES: Commissioner Bragg (voting), Horn, Jacob, MacKenzie, Sprague, Vanderlaan, and Zapf

NOES: None

ABSENT: Commissioner Blakespear, Cate, Cox, and Wells

ABSTAINING: None



Attest: Keene Simonds
Executive Officer

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Exhibit A



County of San Diego

REGISTRAR OF VOTERS

County Operations Center Campus
5600 Overland Avenue, Suite 100, San Diego, California 92123-1278

Telephone: (858) 565-5800 Toll-free: 1 (800) 696-0136 TTY / TDD: (800) 735-2929
Facsimile: (858) 694-2955 Web Address: www.sdvote.com

MICHAEL VU
Registrar of Voters

CYNTHIA L. PAES
Assistant Registrar of Voters

November 5, 2018

Keene Simonds, Executive Officer
San Diego Local Area Formation Commission
9335 Hazard Way, Suite 200
San Diego, CA 92123

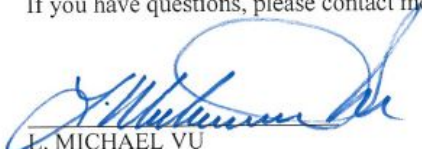
Re: Julian-Cuyamaca Fire Protection District Reorganization

LAFCO Protests regarding Julian-Cuyamaca Fire Protection District/CSA 135 Reorganization (LAFCO file No. 18.09 et al.) was filed with the Registrar of Voters on October 19, 2018. As directed by your office, the Registrar of Voters conducted a verification of 100 percent of the 803 signatures submitted. **Of this number, a total of 626 signatures have been verified to be valid.** Results of the verification process are as follows:

CERTIFICATION OF RESULTS:

- Number of sections submitted..... 421
- Number of signatures submitted..... 803
- Number of signatures verified (100%)..... 803
- Number of signatures found to be valid..... 626
- Number of signatures found not to be valid (includes 40 duplicates)..... 177
- Number of signatures required for qualification..... 603

If you have questions, please contact me at (858) 505-7201 or Javier De Anda at (858) 505-7357.


L. MICHAEL VU
Registrar of Voters