

# **EXECUTIVE OFFICER'S REPORT**

To The

## **Local Agency Formation Commission**

**TO:**

Commissioner **MARIA NAVA-FROELICH** City Commissioner **MICHAEL KELLEY** (Chair) Supervisor  
Commissioner **JASON JACKSON** City Commissioner **RAY CASTILLO** Supervisor  
Commissioner **DAVID WEST** (Vice-Chair) Public

Alt Commissioner **JACK TERRAZAS** [Supervisor]  
Alt Commissioner **VACANT** [City]  
Alt Commissioner **RALPH MENVIELLE** [Public]

**REPORT DATE:** March 5, 2016

**FROM:** Jurg Heuberger, AICP, CEP, Executive Officer 

**PROJECT:** Niland Fire District Dissolution Update

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**HEARING DATE:** **March 24, 2016** **TIME:** 8:30 a.m.

**AGENDA ITEM NO:** 7

**HEARING LOCATION:** 1275 Main St., El Centro, Ca. (City Council Chambers)

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**RECOMMENDATION(S) BY THE EXECUTIVE OFFICER** (In summary & order)

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**OPTION #1:** Accept the report and provide any direction as applicable.

**OPTION #2:** NA

# Project Data:

## DATA & FACTS:

Project ID	NFD 1-14	
Project Name:	Niland Fire District Dissolution	
Applicant/Proponent:	Niland Fire District	
Application Type:	Petition	
Application Filed:	04/09/2014	
Certificate of Filing:	NA	
Area/Size:	See Map	
Location/Legal:	See attached Map	Exhibit "A"
Proposed Project:	This is a request by the District to dissolve the district.	

## TAX AGREEMENT:

Board of Supervisors Action:	NA
City Resolution:	NA
Tax Split:	NA

## CEQA:

Lead Agency:	NA
Documentation:	NA

## UPDATE:

On January 28, 2016 your Commission reviewed and considered during a public hearing the dissolution of the Niland Fire District as requested by the District's Board of Directors. During this hearing no one spoke in opposition or for that matter raised any concerns or issues pertaining to the proposed dissolution. The only person speaking to the issue was the secretary to the District who asked that the termination date be changed to February 26, 2016 versus that proposed by the EO.

During the two years plus that this matter was pending there were numerous meetings, requests for information, evaluations, and a workshop again during which no serious issues were raised by anyone. In fact the only issue that kept re-occurring was the question by both residents and others pertaining to whether or not the special assessment would continue.

Given that the successor to this would most likely be the County, a meeting we held between county staff and the EO in the summer of 2015 at which time the EO was informed that the County Board would not be in favor of continuing the special assessment and most likely not in forming a successor district. Subsequently this issue was discussed with the County CEO and subsequent to that the County Board discussed and determined that they did not wish to continue as a special district or more specifically continue with the special assessment.

Based on this comprehensive review, the EO recommended the dissolution of the district, and without the formation of a new district that the successor be the County pursuant to that statues of the CHK, all without special conditions being imposed other than those established by the CHK.

On or about February 24, 2016 an issue was raised by the County relative to the dissolution which on the surface appeared to necessitate a continuation of the district until a later date. The EO then notified the District and the Commission that he was considering extending the dissolution date for 30 days to allow for a revisit of the dissolution. Subsequently on March 2, 2016 the EO met with county representatives to further discuss issues of concern that they had which among other things included concerns about the environmental condition of the Niland Fire Station which the county would presumably take as an asset and use or dispose of, and the newest previously undiscovered information about the Bombay Beach Fire station property, etc.

Following further review of the concerns the EO determined not to extend the dissolution date without the Commission's approval.

At this time the EO sees no reason why the Commission should extend the date. The reasons are as follows;

First, although the Bombay Beach Fire Station issue was only recently (and after the January hearing) brought to light, the EO is of the opinion that the terms under which the Fire Station property was transferred to Niland are self-explanatory and again in the opinion of the EO the property as is being requested by Bombay Beach would and should be returned to Bombay Beach. (**See attached Exhibit B**).

Second, the County has been aware of and actively involved in the NFD dissolution process and in addition to the County Board taking a position on the dissolution, has operated the NFD station for over four years during which the County had ample time to notify LAFCO or address concerns it had over the dissolution prior to the January 28, 2016 hearing.

Third, although the County is of the opinion that LAFCO could and should have imposed conditions, on the dissolution, in the opinion of the EO that statues contained in the CHK specifically Gov. Code Sections, 57450-57463 (**Exhibit C**) more than adequately provide the necessary authority to the County to act as the successor entity.

## CONCLUSION:

Although this is an update to the NFD dissolution resulting from recent concerns or questions raised, it is the opinion of the EO that the Commission can but need not take further action. If the Commission has questions the EO will certainly attempt to answer them and if the Commission wishes to provide direction it will likewise be addressed.