

EXHIBIT B

LAFCO RESOLUTION #WFD 2016-33

December 15, 2016

Ordering the dissolution of the Winterhaven Fire District

WHEREAS, the Imperial Local Agency Formation Commission, ICLAFCO, directed its Executive Officer to review the condition of the Winterhaven Fire District and prepare a report with recommendation(s); and

WHEREAS, the Executive Officer conducted an extensive review of the Winterhaven Fire District, including but not limited to meetings with the District Board, a review of the district's financial condition, a review of the districts assets and liabilities, a review of the district's ability to continue to provide services; the need for fire protection services of the area; alternatives including consolidation and/or dissolution/formation of a new or alternate district, and

WHEREAS, the district shows to have significant if not insurmountable financial as well as technical problems; and

WHEREAS, the district has voluntarily ceased to provide fire services to its residents and service area; and

WHEREAS, the County of Imperial has established a satellite fire station and has plans to develop a full service fire protection program,

NOW THEREFORE be it Resolved as follows:

The ICLAFCO finds as follows;

- 1) The Commission is authorized under Gov. Code 56375 (a) (2) (B) to initiate the process for the dissolution of a district.
- 2) The district has not provided fire protection services to its designated area for well over a year.
- 3) The district lacks the financial resources to provide or continue to provide fire protection services to the area and is unlikely to be able to provide such service anytime in the future.
- 4) The area previously served by the district is currently receiving fire protection services from the County Fire Department and therefore there is no need for the district to continue existing.
- 5) The order to dissolve the district shall be without an election pursuant to the requirements and conditions of Gov. Code 57077.1 (c) (2).

The ICLAFCO further finds as follows;

- 1) Pursuant to Gov. Code 57550, the powers of the Winterhaven Fire District upon the effective date of dissolution shall dissolved, dis-incorporated, and extinguished, its existence shall be terminated and all of its corporate powers shall cease.
- 2) For purpose of winding up the affairs of the district, the successor to the Winterhaven Fire District pursuant to Gov. Code 57451(b) shall be the County of Imperial.
- 3) Pursuant to Gov. Code 57452, upon the effective date of the dissolution, control over all of the moneys or funds, including cash on hand and moneys due but uncollected, and all property, real

or personal of the dissolved district is vested in the County of Imperial for the purpose of winding up the affairs of the district.

- 4) Pursuant to Gov. Code 57453, For the sole and exclusive purpose of winding up the affairs of the dissolved district, the successor and the officers and the legislative body of the successor have the same powers and duties as the dissolved district and the officers and legislative body of the dissolved district and all of the following additional powers and duties.
 - (a) To exchange, sell, or otherwise dispose of all property, real and personal, of the dissolved district.
 - (b) To compromise and settle claims of every kind of nature.
 - (c) To sue or be sued in the same manner and to the same extent as the dissolved district and the officers and legislative body of the dissolved district.

These powers and duties shall commence upon the effective date of the dissolution and shall continue thereafter until the time when the affairs of the dissolved district have been completely wound up.

- 5) Pursuant to Gov. Code 57454, No inhabitant, property owner, taxpayer, consumer, or user within the territory of a dissolved district shall be entitled to either of the following:
 - (a) All or any part, or to any payment on account of the moneys or funds, including cash on hand and moneys due but uncollected, or any property, real or personal, of the dissolved district.
 - (b) Any refund by reason of any taxes, assessments, service charges, rentals, or rates collected prior to the effective date of dissolution.
- 6) Pursuant to Gov. Code 57453, The successor shall reimburse the Local Agency Formation Commission \$24,540.45 for the direct cost incurred.
- 7) To the extent possible the successor (County) shall compensate and pay or partially pay any individual, business or vendor, from any cash on hand, revenue from disposal of equipment and/or real property. The County is herein not obligated to settle any debt owed beyond what the County can recover from current or disposed assets.
- 8) With regard to the SBA tower located on the districts parcel, any issue regarding the legality of the tower being in compliance with the County/State land use regulations can be addressed by the County as it has the land use authority that approved the permit for said tower.
- 9) Disposition of the parcel of land is as follows:
 - (a) LAFCO solicited, received, and transmitted a copy of the title report.
 - (b) LAFCO requested, received, and transmitted a copy of the Phase I environmental analysis to the County.
 - (c) The Winterhaven Water District owns an adjacent parcel and may have certain easements on districts property. Further, Winterhaven Water District has expressed an interest in acquiring the parcel.
 - (d) Successor (County) has the opportunity to dispose of this parcel/structure as it deems appropriate and allowed under the law.
- 10) The effective date of this order of dissolution is December 15, 2016.