



Date: October 28, 2008 for November 5th Agenda
To: Commissioners
From: Patrick M. McCormick, Executive Officer
Subject: Request for Consideration of LAFCO No. 913, Formation of Bonny Doon Fire Protection District and Detachment of Bonny Doon from County Service Area 48 (County Fire), and Discussion of Meeting Schedule for Remainder of 2008

Summary: On September 22, 2008, the Commission held a public hearing regarding an application to form a fire protection district in Bonny Doon and to detach Bonny Doon from County Service Area 48 (County Fire). The Commission voted to disapprove that application. Bonny Doon Volunteer Fire/Rescue, Inc, in a letter dated October 17, 2008, has requested that the Commission reconsider its resolution of disapproval. State law requires staff to schedule a noticed public hearing on the reconsideration at the next meeting for which 21-day notice can be provided.

The Commission should discuss the meeting schedule for the remainder of 2008.

Recommendation: Reschedule the December LAFCO meeting from Wednesday December 3 to Monday December 8 at 9:30 a.m. The Bonny Doon reconsideration hearing would be held on December 8 along with other matters of business.

On September 22, 2008, the Commission held a public hearing on LAFCO Application Number 913 by Bonny Doon Volunteer Fire/Rescue, Inc. to form a fire protection district in Bonny Doon and to detach Bonny Doon from County Service Area 48 (County Fire). Upon the conclusion of the hearing, the Commission voted 4-3 to disapprove the application, and directed staff to return at the October 1, 2008 regular meeting with the resolution implementing the disapproval.

At the October 1, 2008, meeting, Commissioner Campos, who voted with the majority on September 22, was absent and submitted a letter requesting that the consideration of the implementing resolution be continued to the next meeting (November 5, 2008). The Commission voted unanimously to continue consideration of the implementing resolution to the November 5th meeting. Draft Resolution No. 913, implementing the disapproval, is a separate item under consideration on the November 5th agenda.

On October 17, 2008, Donita Springmeyer, acting on behalf of Bonny Doon Volunteer Fire/Rescue, Inc, submitted the attached letter requesting that the Commission reconsider its disapproval of the fire district formation and county service area detachment application. This type of request is authorized pursuant to Government Code Section 56895 (attached). Under this section of the law, LAFCO must schedule a public hearing on the matter, and must notice the hearing (newspaper ad, posting on website, etc.) at least 21 days in advance of the hearing. There is no separate deposit required with a request for reconsideration; however, the Commission's Schedule of Fees and Deposits charges the actual costs, Therefore, staff will track costs of the reconsideration request and include those in the final bill that goes to Bonny Doon Volunteer Fire/Rescue, Inc, the applicant for Application No. 913.

Staff is available to answer the Commissioners' questions about the reconsideration process.

Date and Time of December Meeting

The Commission currently has its next regular meeting scheduled for Wednesday, December 3, 2008 at 9:30 a.m. There is adequate time for staff to prepare and distribute public notices for a hearing on that date.

Two Commissioners who attended the September 22nd public hearing on Application No. 913 are expecting to be absent on December 3. The staff has inquired of the Commissioners to try to find a date upon which the same Commissioners who voted on the September 22 motion could hear the request for reconsideration. The morning of Monday December 8 appears to be a time that works for all the Commissioners who voted on the motion. In order to avoid holding two meetings in less than a week, the Commission could cancel its December 3rd meeting, and conduct all pending business at its special meeting on December 8th. Therefore, staff **RECOMMENDS** that the Commission cancel its December 3rd meeting, and schedule a meeting for December 8, 2008 at 9:30 a.m., at which time it would agendaize both the Bonny Doon reconsideration and other items of business.

cc: Donita Springmeyer, Bonny Doon Volunteer Fire/Rescue, Inc.
Tom Scully, Bonny Doon Volunteer Fire/Rescue, Inc.
Mike Phinn, Bonny Doon Volunteer Fire/Rescue, Inc.
Susan A. Mauriello, County Administrative Officer
Nancy Carr-Gordon, County General Services
County Fire Department Advisory Commission
John Ferreira, CAL FIRE/County Fire Chief

Attachments

--October 17, 2008 letter of Bonny Doon Volunteer Fire/Rescue, Inc.
--October 27, 2008 letter of Executive Officer Acknowledging Receipt
--Government Code Section 56895 (Reconsideration)