



**Santa Cruz Local Agency Formation Commission**

Date: September 6, 2023  
To: LAFCO Commissioners  
From: Joe Serrano, Executive Officer  
Subject: **“Branciforte Fire Protection District Reorganization” – Latest Update**

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**SUMMARY OF RECOMMENDATION**

The Commission unanimously adopted a resolution approving the reorganization involving two fire districts on August 2, 2023. Two proceedings occur following the approval of a reorganization: a 30-day Request for Reconsideration and a 24-day Protest Period. LAFCO received a request to reconsider the Commission’s approval in August.

It is recommended that the Commission take the following actions:

- a. Consider the submitted request for reconsideration; and
- b. Receive and file the administrative corrections to the adopted resolution (No. 2023-17) in accordance with Government Code Section 56883.

**EXECUTIVE OFFICER’S REPORT:**

On August 2, 2023, the Commission considered and approved the reorganization involving the Branciforte and Scotts Valley Fire Protection Districts. This action once recorded will dissolve the Branciforte Fire Protection District (BFPD), concurrently annex the dissolved area into the Scotts Valley Fire Protection District (SVFPD), and amend the existing sphere to include the entire annexation area.

The purpose of the reorganization is to address BFPD’s distressed situation, and more importantly, facilitate the efficient delivery of fire protection and emergency services to individual and property owners within the affected territory (approximately 1,700 residents). After Commission action, state law requires the commencement of a request for reconsideration period and a protest proceeding. These two periods were summarized in the August staff report<sup>1</sup>.

**REQUEST FOR RECONSIDERATION PERIOD**

In accordance with Government Code Section 56895, when the Commission adopts a resolution making determinations regarding a change of organization, any person or affected agency may file a written request with the Executive Officer requesting amendments to or reconsideration of the resolution. The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration. Individuals or agencies have up to 30 days after adoption of the resolution to submit a written request. The reconsideration period was scheduled for August 3 to September 1.

LAFCO staff did receive one request on August 25, 2023 (refer to **Attachment 1**). The request identified nine concerns about the proposed reorganization. These concerns are summarized and addressed in the following pages.

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<sup>1</sup> 8/23 LAFCO Staff Report: [https://santacruzlafco.org/wp-content/uploads/2023/07/5a.0-RO-22-07-Staff-Report\\_Hyperlinked.pdf](https://santacruzlafco.org/wp-content/uploads/2023/07/5a.0-RO-22-07-Staff-Report_Hyperlinked.pdf)  
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## 1. Resolution Has Incorrect Dates

Certain dates found in the adopted resolution (No. 2023-17) were incorrect.

**LAFCO Response:** In accordance with Government Code Section 56883, *“the Executive Officer may, before the completion of a proceeding, on good cause being shown, correct clerical errors or mistakes made through inadvertence, surprise, or excusable neglect that may be contained in the resolution adopted by the commission making determinations, upon written request by any member of the commission, by the executive officer, or by any affected agency. A correction made pursuant to this section shall not be cause for filing a request pursuant to Section 56895.”*

The dates in question were accurately shown in the August 2nd Staff Report but were not reflected in the adopted resolution. Initially, the reorganization was scheduled to be presented to the Commission in June but was moved to August in order to allow the two fire districts additional time to adopt the Plan for Service document during their respective board meetings. Therefore, staff has updated the resolution to accurately reflect the LAFCO hearing date and the dates for the scheduled proceedings following LAFCO’s action in August pursuant to GCS 56883. **Attachment 2** shows the edits in tracked changes while **Attachment 3** shows a clean version of the resolution with the edits already implemented. No Commission action is required.

## 2. CalPERS Analysis Has Expired

The California Public Employees’ Retirement System (“CalPERS”) developed a cost analysis in April 2023 for the proposed reorganization. The cost analysis expired on July 1, 2023.

**LAFCO Response:** The adopted resolution includes language that states *“The current cost analysis will expire on July 1, 2023. An updated cost analysis may be available as early as September 2023.... SVFPD submitted a request to CalPERS in July 2023 for an updated cost analysis. The updated report will replace the initial analysis included in the Plan for Service prior to the recordation of the reorganization.”*

BFPD, SVFPD, and LAFCO were fully aware that the cost analysis had an expiration date, which is why SVFPD requested for an updated version. It is LAFCO’s understanding that the new cost analysis will be available in September. Once the new cost analysis is provided by CalPERS, it will replace the older version in the Plan for Service document and will be part of the updated resolution (Exhibit 3) before recordation.

## 3. Measure T Funds (Part 1 of 2)

The BFPD Board of Directors should be provided additional time to address constituent concerns regarding the continuation of Measure T post-reorganization.

**LAFCO Response:** Representatives from BFPD, SVFPD, and LAFCO formed a joint ad-hoc committee to develop a transition plan known as a Plan for Service in accordance with Government Code Section 56653. The plan covered various factors, including but not limited to the transfer of all assets and liabilities, such as the Measure T funds. Both affected agencies agreed to transfer all existing revenues and fiscal obligations to the successor agency (SVFPD). Since SVFPD will now assume fire protection and emergency service responsibility for the Branciforte community, the existing revenue funds will be used to ensure the delivery of these service provisions.

LAFCO does not have the authority to force the continuation or discontinuation of revenue funds. However, LAFCO may place terms and conditions that have been vetted by the affected agencies. BFPD and SVFPD unanimously adopted the Plan for Service in June 2023, during their respective board meetings, agreeing that all revenue funds (including Measure T) will be transferred over to SVFPD post-reorganization. Additionally, the BFPD Board nor its staff has requested for additional time to review the continuation of Measure T.

**4. Measure T Funds (Part 2 of 2)**

LAFCO staff did not provide complete and accurate information about the continuation of Measure T funds.

**LAFCO Response:** Refer to Response to Concern #3.

**5. County Elections Department Data**

LAFCO was provided inaccurate registered voter information.

**LAFCO Response:** In accordance with state law on processing a submitted application, LAFCO staff requested a list of the most recent registered voters within BFPD. The Elections Department identified 171 registered voters within the reorganization area as of May 4, 2022. This list is used to ensure registered voters are received statutory notices about the reorganization. LAFCO understands that the two districts would not be interested in moving forward at this time if LAFCO sought to force the successor agency in changing its election practices. The transition from at-large to district-based elections will fall under the successor agency's discretion and subject to compliance with applicable law. The discussion about future governance, including the California Voting Rights Act, was addressed in the adopted LAFCO resolution and Plan for Service document. Additionally, the County Elections Department has not informed LAFCO of any inaccuracies in the listed provided in May 2022.

**6. California Voting Rights Act**

The adopted LAFCO resolution must address the California Voting Rights Act.

**LAFCO Response:** Refer to Response to Concern #5.

**7. Branciforte Advisory Commission**

The adopted LAFCO resolution should be amended to give greater inclusion of the Branciforte Advisory Commission.

**LAFCO Response:** LAFCO may place terms and conditions on reorganizations, including governance items. The role of the Branciforte Advisory Commission was vetted by the affected agencies. BFPD and SVFPD unanimously adopted the Plan for Service in June 2023, during their respective board meetings, agreeing that a Branciforte Advisory Commission would be formed post-reorganization. Further, the SVFPD Board will adopt a policy forming the Branciforte Advisory Commission and will also appoint members of the Branciforte community to Commission in accordance with Health and Safety Code Section 13956. The purpose of the Advisory Commission will be to review the finances, operations, and projects that directly benefit and/or affect the Branciforte community. The adopted Plan for Service included a draft policy and bylaws for the proposed advisory commission.

## 8. Exclusion of Certain Parcels

The reorganization excludes BFPD property owners and will create “islands.”

**LAFCO Response:** This is incorrect. The reorganization will dissolve the Branciforte Fire Protection District and the dissolved area will be concurrently annexed into the Scotts Valley Fire Protection District. The maps, parcel data, and GIS shapefiles will accurately reflect the reorganization. No unincorporated islands will be created as part of the proposed reorganization. Additionally, the change of organization will be filed with the California State Board of Equalization, the County of Santa Cruz, and SVFPD to ensure that the boundary change is reflected at the local, regional, and state level.

## 9. Feasibility Study

No feasibility study was produced as part of the reorganization.

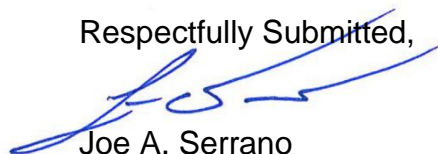
**LAFCO Response:** The reorganization was processed under the Cortese-Knox-Herzberg Act. State law does not require the completion of a feasibility study for a reorganization. State law does require certain factors to be addressed. The August 2, 2023 staff report and supporting attachments provide a detailed analysis of the proposed reorganization and fulfilled the statutory requirements.

## NEXT STEPS

The request does not meet the criteria under Government Code Section 56895, since all of the identified concerns were addressed by LAFCO in either the staff report, adopted resolution, or Plan for Service document presented to the Commission on August 2, 2023, prior to LAFCO action. However, the request did inform LAFCO about incorrect dates within the adopted resolution, specifically the date of the LAFCO hearing and the scheduled dates for the request for reconsideration and protest proceedings. Staff has made the necessary corrections, which are shown in Attachments 2 and 3. Now that the request for reconsideration period is over. The reorganization now enters into the protest period.

In accordance with Government Code Section 57000, when the Commission adopts a resolution making determinations regarding a change of organization, affected residents within the proposal area will have an opportunity to voice their opposition during the protest period. The Commission adopted a 24-day protest proceeding which started after the end of the Request for Reconsideration Period (September 1, 2023). The protest period began on Monday, September 4 and will end on Wednesday, September 27. A protest hearing will be held on September 27 to collect the final petitions and hear any resident feedback. A public notice for the protest hearing was advertised in the Sentinel and mailed out to the residents on Friday, September 1, 2023. A resolution certifying the protest period results will be considered by the Commission during the next regularly scheduled meeting on October 4, 2023.

Respectfully Submitted,



Joe A. Serrano  
Executive Officer

Attachments:

1. [Request for Reconsideration Submittal \(received August 25, 2023\)](#)
2. [Resolution No. 2023-17 with corrected dates \(Tracked Change Version\)](#)
3. [Resolution No. 2023-17 with corrected dates \(Clean Version\)](#)

cc: Branciforte Fire Protection District  
Scotts Valley Fire Protection District