



San Luis Obispo Local Agency Formation Commission

TO: MEMBERS OF THE COMMISSION

FROM: MORGAN BING, ANALYST

VIA: ROB FITZROY, EXECUTIVE OFFICER

DATE: DECEMBER 19, 2024

SUBJECT: FINAL RESULTS FOR THE PROTEST HEARING FOR LAFCO FILE NO. 1-E-23 | OCEANO COMMUNITY SERVICES DISTRICT DIVESTITURE OF FIRE PROTECTION SERVICE AND DESIGNATION OF THE COUNTY OF SAN LUIS OBISPO AS THE SUCCESSOR AGENCY FOR FIRE PROTECTION SERVICE

RECOMMENDATION

Action: Motion pursuant to Government Code Section 57075 finding the value of written protests to be zero and authorizing the Executive Officer to file the Certificate of Completion and order the change of organization.

SUMMARY

On November 21, 2024, at 9:00 a.m. the LAFCO Executive Officer conducted a properly noticed (Attachment A) Protest Hearing pursuant to the Cortese Knox Hertzberg Act. This action was delegated to the Executive Officer by the Commission under Government Code Section 57000 (c). The protest hearing regarding the Oceano Community Services District Divestiture of Fire Protection Service and Designation of the County of San Luis Obispo as the Successor Agency for Fire Protection Service was held in the County of San Luis Obispo Board of Supervisors Chambers. LAFCO accepted written protests filed by landowners and registered voters commencing on October 31, 2024, and up and until the end of the protest hearing on November 21, 2024.

Pursuant to Government Code Sections 56707, 56708, and 56710 the Executive Officer is to determine the validity and number of written protests. No written landowner or registered owner protests were submitted. Therefore, the proposal is hereby ordered pursuant to compliance with the conditions of approval adopted by LAFCO (Attachment B).

COMMISSIONERS

Chair
VACANT

Special District Member

Vice-Chair
STEVE GREGORY
City Member

DEBBIE ARNOLD
County Member

ROBERT ENNS
Special District Member

VACANT
Public Member

JIMMY PAULDING
County Member

ED WAAGE
City Member

ALTERNATES

DAWN ORTIZ-LEGG
County Member

ED EBY
Special District Member

CARLA WIXOM
City Member

DAVID WATSON
Public Member

STAFF

ROB FITZROY
Executive Officer

IMELDA MARQUEZ-VAWTER
Analyst

MORGAN BING
Analyst

MELISA MORRIS
Commission Clerk

HOLLY WHATLEY
Legal Counsel

ATTACHMENTS

Attachment A: 21-Day Notice

Attachment B: LAFCO Resolution 2024-08

Attachment

21-Day Notice



San Luis Obispo Local Agency Formation Commission

1042 Pacific Street, Suite A, San Luis Obispo, CA 93401

Telephone: (805) 781-5795 | Fax: (805) 788-2072

Notice of LAFCO Protest Hearing –November 21, 2024, at 9:00 AM

Board of Supervisors Chambers
County Government Center
1055 Monterey Street
San Luis Obispo, CA 93408

Hearing Item: LAFCO File No. 1-E-23 | Oceano Community Services District Divestiture of Fire Protection Service and Designation of the County of San Luis Obispo as the Successor Agency for Fire Protection Service

Hearing Notice: Notice is hereby given that the Local Agency Formation Commission (LAFCO) will hold a Conducting Authority (Protest) Hearing regarding the Oceano Community Services District (OCS D) Divestiture of Fire Protection Service and Designation of the County of San Luis Obispo (County) as the Successor Agency for Fire Protection Service on **November 21, 2024**, at 9:00 AM at the Board of Supervisors Chambers in the County Government Center at 1055 Monterey Street, San Luis Obispo, CA 93408. The proposal was conditionally approved by LAFCO at a noticed public hearing on October 17, 2024. If you oppose this approval, you have the right to protest, see below.

Historically, OCS D has provided fire response services through a contract with Five Cities Fire Authority (FCFA). However, as the cost of providing fire service has grown, OCS D is unable to fund fire service at the prior levels of service. As a result of two failed ballot measures intended to raise revenue for fire service, OCS D Board of Directors passed a Resolution of Application to LAFCO to divest OCS D's fire service authority. Under this proposal, the County will assume responsibility for providing fire service within the Community of Oceano. As approved, the County will enter into a contract with FCFA to provide fire service to the Community of Oceano. The contract will provide for delivery of all fire protection and emergency services in Oceano out of the Grover Beach and Arroyo Grande fire stations, at a minimum of two personnel per engine. This contract maintains the level of service currently provided to the Community of Oceano. Additional details on the proposal, including a map of the affected territory, are available online at slo.lafco.ca.gov by accessing the "Meetings" page and staff reports for the October 17, 2024 meeting.

If you are not in favor of LAFCO's approval of the above-described divestiture, commencing on October 31, 2024, LAFCO will accept written protests filed by landowners and/or registered voters within the affected territory up and until the close of the protest hearing set for **November 21, 2024**. Written protests filed before the formal hearing may be submitted by mail to 1042 Pacific Street Suite A, San Luis Obispo, CA 93401, by email to mbing@slo.lafco.ca.gov or via the LAFCO website at slo.lafco.ca.gov so long as forms are received by LAFCO by 5:00 PM on Wednesday, November 20, 2024. Otherwise, all protests must be submitted in person at the noticed hearing. Each written protest shall state whether it is made by a qualifying landowner or registered voter. It shall also identify the property location or assessor's parcel number(s) or residence address and be signed and dated. All signatures must be dated after the publication of the protest hearing notice.

Protest forms for landowners and registered voters are available at slo.lafco.ca.gov. All questions should be directed to LAFCO Analyst Morgan Bing by telephone at 805-781-5795 or by email at mbing@slo.lafco.ca.gov

Attachment B

LAFCO Resolution 2024-08

**IN THE LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Thursday, October 17, 2024

RESOLUTION NO. 2024-08

**RESOLUTION APPROVING THE OCEANO COMMUNITY SERVICES DISTRICT DIVESTITURE OF
FIRE PROTECTION SERVICE AND DESIGNATION OF THE COUNTY OF SAN LUIS OBISPO AS THE
SUCCESSOR AGENCY FOR FIRE PROTECTION SERVICE**

The following resolution is now offered and read:

WHEREAS, on February 6, 2023, Oceano Community Services District, hereinafter referred to as the "District" applied to the San Luis Obispo Local Agency Formation Commission, hereinafter referred to as the "Commission", through resolution of application for divestiture of fire protection service due to the District's inability to fund fire protection service at the prior levels of service and proposed that the County of San Luis Obispo, hereinafter referred to as the "County", be designated as the successor agency for fire protection service within the current District service area; and,

WHEREAS, on September 12, 2023, the County Board of Supervisors received a report on the County's options to assume fire responsibility as named in OCSD's application for divestiture and directed County staff to develop a plan for providing fire protection service to the Community of Oceano as successor agency; and,

WHEREAS, on June 18, 2024, the County approved the Plan for Service as the successor agency, and the District endorsed the County's Plan for Service on July 24, 2024; and

WHEREAS, a Certificate of Filing for this proposal was signed by the Executive Officer on September 24, 2024; and

WHEREAS, the matter was set for public hearing at 9:00 AM on October 17, 2024, and the public hearing was duly conducted and determined and a decision was made on October 17, 2024; and

WHEREAS, the Executive Officer gave sufficient notice of a public hearing to be conducted by the Commission in the form and manner provided by law; and

WHEREAS, at said hearing this Commission heard and received all oral and written protests, objections and evidence, which were made, presented or filed, and all person's present

were given the opportunity to hear and be heard in respect to any matter relating to the proposal and report; and

WHEREAS, the Notice of Exemption, prepared pursuant to §15062 is adequate as the documentation to comply with the California Environmental Quality Act (CEQA) for this proposal.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Local Agency Formation Commission of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid and are hereby incorporated by reference.
2. That the Executive Officer of this Commission is authorized and directed to mail copies of this resolution in the manner provided by law.
3. That the Notice of Exemption prepared for this proposal is complete and adequate, having been prepared in accordance with the provisions of CEQA and is hereby determined to be sufficient for the Commission's actions and is incorporated by reference as Exhibit A of this resolution.
4. In approving the Oceano Community Services District Divestiture of Fire Protection Service and Designation of the County of San Luis Obispo as the Successor Agency for Fire Protection Service, the Commission establishes that the only functions or services provided by the District within its jurisdictional boundaries are water, wastewater, parks and recreation, lighting, and solid waste.
5. That the Oceano Community Services District Divestiture of Fire Protection Service and Designation of the County of San Luis Obispo as the Successor Agency for Fire Protection Service is approved with the following conditions:
 1. The Oceano Community Services District and County of San Luis Obispo agree to defend, indemnify, hold harmless and release the San Luis Obispo Local Agency Formation Commission (LAFCO), its officers, employees, attorneys, or agents from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul, in whole or in part, LAFCO's action on the proposal or on the environmental documents submitted to or prepared by LAFCO in connection with the proposal. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys' fees, and expert witness fees that may be asserted by any person or entity, including the Applicant, arising out of or in connection with the application. In the event of such indemnification, LAFCO expressly reserves the right to provide its own defense at the reasonable expense of the applicant.
 2. That the Executive Officer is authorized and directed to conduct protest proceedings pursuant to Government Code Section 57000.

3. The effective date of the Oceano Community Services District Divestiture of Fire Protection Service and Designation of the County of San Luis Obispo as the Successor Agency for Fire Protection Service shall be the date of recordation of the Certificate of Completion. The Certificate of Completion will not be filed before the protest process is completed by LAFCO.
4. Once the divestiture is effective per Condition of Approval #3, the County of San Luis Obispo will hence forth be designated as the successor agency and shall be responsible for providing fire protection service here forward within the existing District boundary as of October 17, 2024, and as depicted in Exhibit B and as per the terms detailed in the Plan for Service contained in Exhibit C.
5. The Oceano Community Services District shall transfer the fee title of 1655 Front Street as per the terms of the Plan for Service contained in Exhibit C by June 30, 2025.
6. The Oceano Community Services District and County of San Luis Obispo shall execute the lease agreements for 1655 and 1681 Front Street, as per the terms of the Plan for Service contained in Exhibit C prior to the effective date of the divestiture.
7. The Oceano Community Services District Board of Directors shall take action at a public hearing to rescind all ordinances related to fire protection services and make other necessary administrative changes (such as changes to the District's website) for the public's benefit to reflect the changes in fire protection responsibilities by March 31, 2025.

Upon a motion of *Commissioner Paulding*, seconded by *Commissioner Arnold* and on the following roll call vote:

AYES: *COMMISSIONERS JIMMY PAULDING, DEBBIE ARNOLD, ROBERTENNS, ED WAAGE
DAVE WATSON, ED EBY, AND VICE CHAIR STEVE GREGORY*

NAYS: *NONE*

ABSENT: *NONE*

ABSTAIN: *NONE*

The foregoing resolution is hereby adopted.


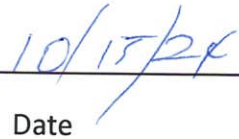
10-17-21

~~Marshall Ochylski~~
LAFCO Chair

Date

*STEVE GREGORY
VICE CHAIR*

ATTEST:

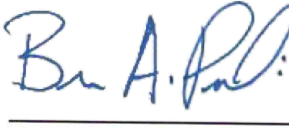
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Rob Fitzroy

Date

LAFCO Executive Officer

APPROVED AS TO FORM AND LEGAL EFFECT:

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October 17, 2024

Brian Pierik

Date

LAFCO Legal Counsel