

# EL DORADO LAFCO

---

LOCAL AGENCY FORMATION COMMISSION

## **RESOLUTION NUMBER L-2010-15**

Diamond Springs-El Dorado Fire Protection District Detachment of the  
Shingle Springs Rancheria  
LAFCO Project No. 2010-05

**WHEREAS**, on April 28, 2010, the Diamond Springs-El Dorado Fire Protection District (“DSP”) submitted District Resolution 2010-02 (“petition”) requesting the detachment of APN 319-100-37, commonly known as the Shingle Springs Rancheria; and

**WHEREAS**, the petition appointed Fire Chief Todd Cunningham as the authorized agent for this proceeding; and

**WHEREAS**, the detachment proposal (hereinafter referred to as the “Detachment”) was assigned LAFCO Project No. 2010-05 and is referred to as the “Diamond Springs-El Dorado Fire Protection District Detachment of the Shingle Springs Rancheria”; and

**WHEREAS**, the Detachment consists of approximately 159.25 acres, shown in “Exhibit A” (hereinafter referred to as the “subject territory”); and

**WHEREAS**, the petition requests the Detachment of the subject territory from the DSP service area for fire protection services; and

**WHEREAS**, the petition is in conformance with Government Code §56650 et seq.; and

**WHEREAS**, Revenue and Taxation Code §99 requires an agreement for the exchange of property tax revenues in the event of a jurisdictional change of local agencies; and

**WHEREAS**, property tax exchange negotiations were completed and approved by the County of El Dorado (“the County”) on August 3, 2010 and by DSP on August 11, 2010; and

**WHEREAS**, DSP requested termination of the informational hearing proceedings pursuant to Government Code §56857(b); and

**WHEREAS**, pursuant to Government Code §56857(c) the Commission terminated the informational hearing proceedings; and

**WHEREAS**, the Executive Officer reviewed the Detachment for conformance under the California Environmental Quality Act (“CEQA”) and determined that the Detachment is not a “project” within the definition of the term set forth in State CEQA

Guidelines 15378 and is therefore not subject to the requirements of Public Resources Code section 21000 et seq.; and

**WHEREAS**, the Executive Officer has examined the petition, certified that it is adequate and has accepted the petition for filing on September 7, 2010; and

**WHEREAS**, the Executive Officer set a public hearing for October 27, 2010 for consideration of the petition and the environmental determination and caused Notice thereof to be posted, published and mailed at the times and in the manner required by law at least twenty-one (21) days in advance of that date; and

**WHEREAS**, said Notice stated that the Resolution and an environmental determination would be considered by this Commission at the hearing; and

**WHEREAS**, the Executive Officer, pursuant to Government Code §56665, has reviewed this petition and prepared and distributed a report, including recommendations, and has furnished a copy of this report to each person entitled to a copy at least five (5) days prior to the October 27, 2010 meeting during which the petition was considered; and

**WHEREAS**, on October 27, 2010, the matter came on regularly for hearing before this Commission, at the time and place specified in the Notice of the Public Hearing; and

**WHEREAS**, at said hearing, the petition, the environmental determination, and the Executive Officer's Report and Recommendations were reviewed and considered; and

**WHEREAS**, an opportunity was given to all interested persons, organizations, and agencies to present oral or written protests, objections, and any other information concerning the proposal and all related matters; and

**WHEREAS**, this Commission has received, heard, discussed and considered all oral and written testimony related to the petition, including, but not limited to, protests and objections, the Executive Officer's report and recommendations, the environmental determination, spheres of influence, applicable General and Specific Plans, each of the policies, priorities and functions set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, including those set forth in Government Code §§56377, 56668 and 56668.3, LAFCO's Policies and Guidelines and all other materials presented as prescribed by law.

**NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED, ORDERED AND FOUND** by the El Dorado Local Agency Formation Commission as follows:

1. Each of the foregoing recitals is true and correct.

2. The Detachment is not a “project” as defined by State CEQA Guidelines section 15378(a). The Detachment does not have the potential for resulting in either a direct, or reasonably foreseeable indirect, physical change in the environment. LAFCO’s approval of the Detachment simply results in a change in the legal mechanism by which fire protection services will be provided to Shingle Springs Rancheria. LAFCO’s approval does not make changes to the uses to which land might be put and does not represent a critical or conclusive step that would foreseeably result in environmental changes. Instead, the Detachment represents a reorganization which portends no particular action affecting the environment. Consequently, the Detachment is not a project and is not subject to the requirements of Public Resources Code section 21000 et seq.
3. This resolution making determinations is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, California Government Code §56000 et seq.
4. The following agencies and districts were notified concerning this petition: Bureau of Indian Affairs, Pacific Regional Office, Central California Division; El Dorado County Fire Protection District; Grassy Run Community Services District; El Dorado County CSAs 7, 9, 9 Mother Lode Recreation Tax, 10 and 10 Zone H; El Dorado County Pre-Hospital Joint Powers Authority; El Dorado Irrigation District; El Dorado County Water Agency; El Dorado County Resource Conservation District; El Dorado County Department of Agriculture; El Dorado County Chief Administrative Office; El Dorado County Office of Education; Mother Lode Union School District; El Dorado Union High School District; Los Rios Community College District; El Dorado County Planning Department; El Dorado County Surveyor’s Office; El Dorado County Elections Department; El Dorado County Sheriff’s Department; and the Farm Bureau.
5. There are no registered voters in the subject territory; therefore, the subject territory is considered uninhabited per Government Code §56046.
6. The Shingle Springs Band of Miwok Indians, as owner of 100% of the assessed value of the land within the subject territory, has not given written consent to the Detachment.
7. Written Notice of Commission proceedings was given to all registered voters and landowners within 300 feet of the subject territory and no written opposition from registered voters or landowners within the affected territory was received prior to the conclusion of the Commission meeting.
8. Pursuant to Government Code §57000 et seq. the Conducting Authority proceedings are necessary in conjunction with this application.

9. The subject territory is currently within the DSP service boundary and is contiguous to the adjacent El Dorado County Fire Protection District boundary, but not within its sphere of influence.
10. The subject territory is sovereign land, held in trust for the Shingle Springs Band of Miwok Indians, which is not subject to zoning and land use designations of the 2004 County General Plan.
11. The subject territory is currently developed land with approximately 40 single family residences, a library, church, tribal center, community center and Red Hawk Casino, which features approximately 2,000 slot machines, 75 table games, six restaurants, four bars, and lighted, covered parking.
12. The subject territory consists of a single tax rate area and is currently within TRA 078-100.
13. APN 319-100-37 is an inactive, non-taxable parcel with an assessed value of \$0.00.
14. The Detachment does not include any residential development and will not assist the County's ability to meet its Regional Housing Needs Assessment allocations as determined by the Sacramento Area Council of Governments for any income groups.
15. Upon completion of the Detachment proceedings, DSP shall no longer be the primary responder for fire protection services to the subject territory.
16. The petition meets the intent, policies, and priorities of this Commission, and the laws and policies within its jurisdiction and authority, including but not limited to the El Dorado LAFCO Policies and Guidelines.
17. The County Surveyor has agreed that the submitted legal description and maps are mathematically correct.
18. The Detachment will not result in negative impacts to the cost and adequacy of services otherwise provided in the area and it is in the best interests of the affected area and the total organization of local government agencies.
19. The area proposed for Detachment represents an orderly, logical and a justifiable contraction of the DSP boundaries.
20. The proposal is assigned the following short form designation:

Diamond Springs-El Dorado Fire Protection District  
Detachment of the Shingle Springs Rancheria  
LAFCO Project No. 2010-05

21. The Diamond Springs-El Dorado Fire Protection District Detachment of the Shingle Springs Rancheria, is hereby approved, subject to the following conditions:
  - (a) The subject territory shall no longer be liable for any authorized or existing taxes, fees, service charges, assessments and any bonded indebtedness of DSP.
  - (b) The applicant and the real party of interest, if different, shall agree to defend, indemnify, hold harmless and release the El Dorado Local Agency Formation Commission, its agents, officers, attorney and employees from any claim, action or proceeding brought against them or any of them, the purpose of which to attack, set aside, void, condition, challenge or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of, related to or in connection with the approval of this application, whether or not there is concurrent passive negligence of the part of the El Dorado Local Agency Formation Commission or its agents, officers, attorney or employees.
  - (c) Proponents shall complete all map and legal description requirements for final recording and filing, including documents required by the State Board of Equalization, within 180 days of October 27, 2010.
22. All subsequent proceedings in connection with this Detachment shall be conducted only in compliance with the approved boundaries and conditions set forth in the attachments and any terms and conditions specified in this resolution.
23. The Executive Officer is hereby authorized and directed to prepare, execute, and file with the Clerk of the County of El Dorado a Notice of Exemption within five (5) working days of the adoption of this Resolution.
24. The Executive Officer is hereby instructed to set the Conducting Authority proceeding for this Detachment for December 1, 2010.
25. All interested parties, including without limitation the Diamond Springs-El Dorado Fire Protection District, agree that LAFCO retains in perpetuity the authority to enforce, through legal action or otherwise, all of the terms and conditions of approval.

26. The documents and materials which constitute the record of proceedings on which these findings are based are located at 550 Main Street, Suite E, Placerville, CA 95667. The custodian of these records is the Executive Officer.

**PASSED AND ADOPTED** by the El Dorado Local Agency Formation Commission at a regular meeting of said Commission, held October 27, 2010 by the following vote of said Commission.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

---

Interim Clerk to the Commission

---

Chairperson