

1 BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

2 RESOLUTION NO. 2018-156

3 RESOLUTION ESTABLISHING A PROTOCOL FOR THE APPOINTMENT OF
4 DIRECTORS TO THE LAKEPORT FIRE PROTECTION DISTRICT BOARD

5 WHEREAS, the Lakeport Fire Protection District, an independent special district, was
6 originally created in or about 1955; and

7 WHEREAS, a resolution authorizing the Lakeport Fire Protection District to annex the
8 City of Lakeport, an incorporated city, was adopted in 1999; and

9 WHEREAS, to the extent such an annexation resulted in the creation of a new board of
10 directors for the Lakeport Fire Protection District, Health and Safety Code section 13837
11 provides that the district board for that District may be either elected or appointed by the county
12 board of supervisors and the city councils in which the District is located; and

13 WHEREAS, Health and Safety Code section 13837 further provides that if a fire
14 protection district board is to be appointed, the board of supervisors and the city council or
15 councils shall appoint directors to that board according to the proportionate share of the
16 population of that portion of the county and each city within the district, provided that the board of
17 supervisors and each city council shall appoint at least one director; and

18 WHEREAS, the determination of whether the directors of a fire protection district shall be
19 elected or appointed is made by a fire protection district at the time of district formation and, the
20 Lakeport Fire Protection District has not determined to change from an appointed board to an
21 elected board as authorized by Health and Safety Code section 13848; and

22 WHEREAS, in a 2004 agreement executed by the Lakeport Fire Protection District and
23 the City of Lakeport, those two entities agreed that the Board of Supervisors would appoint all the
24 members of the Lakeport Fire Protection District Board as follows: Two persons residing within
25 the city limits of Lakeport would be nominated by the city; Two members residing in the
26 unincorporated area of the District would be appointed by the Board of Supervisors, and a fifth
27 member would be nominated by the four District Board members; and

28 WHEREAS, the Board of Supervisors wishes to establish a protocol for appointment of

1 the board members of the Lakeport Fire Protection District which is consistent with the mandates
2 of state law while still compatible with the desires of the City of Lakeport and the Lakeport Fire
3 Protection District as expressed in the above-referenced 2004 agreement between those two
4 parties.

5 NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors, County of Lake,
6 State of California, that it finds, determines and hereby declares that:

- 7 1. That the Recitals hereinabove are adopted as true and correct.
- 8 2. That the protocols adopted by this Resolution shall not take effect unless and until the City
9 Council for the City of Lakeport agrees to the appointment of directors to the Lake
10 County Fire Protection District by the Board of Supervisors and by the Lakeport City
11 Council according to the proportionate share described hereinbelow.
- 12 3. That the Lake County Board of Supervisors shall appoint three (3) members to a five (5)
13 member board of directors for the Lakeport Fire Protection District and the remaining two
14 (2) members shall be appointed by the City Council for the City of Lakeport. Any then-
15 existing board of directors for the Lakeport Fire Protection District may make
16 recommendations for member appointments to either or both the County Board of
17 Supervisors and/or the Lakeport City Council. Said recommendations shall be
18 considered by the Lake County Board of Supervisors in making its appointments, but
19 shall not be determinative. The appointments to be made by the County and the City have
20 been determined according to each entity's proportionate share of population with the
21 Lakeport Fire Protection District based upon the 2010 census and redistricting data
22 presently available. When updated census data or other reliable population information
23 becomes available in the future, each entity's proportionate share of population may
24 change; in such case, the County and the City shall meet and confer in good faith to
25 determine whether such change necessitates a change in the proportionate number of
26 appointments to be made by each entity,
- 27 4. That the appointments of three (3) of the five (5) Lakeport Fire Protection District board
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1 members by the Board of Supervisors shall follow the standard practice of the County to
2 advertise and seek applications from interested members of the public who are eligible to
3 serve.

4 5. That, pursuant to Health and Safety Code section 13841, each member of the Lakeport
5 Fire Protection District board shall be a resident of the District.

6 6. That, pursuant to Health and Safety Code section 13843, the term of office of each
7 member of the Lakeport Fire Protection District board shall be four (4) years and the
8 terms shall be staggered. Initially, appointments shall be made as follows: There will be
9 two vacancies on the District Board as of January 1, 2019, one of which will be filled by
10 an appointment made by the County and one of which will be filled by an appointment
11 made by the City. The remaining three District Board members shall continue on the
12 District Board until January 1, 2020, at which time their terms shall expire. The County
13 shall then appoint two District Board members and the City shall then appoint one District
14 Board member to begin service at that time. Recommendations may be made by the
15 District Board for any and all of the appointments to be made both initially and as to future
16 terms.

17 THIS RESOLUTION was passed by the Board of Supervisors of the County of Lake at
18 a regular meeting thereof on the 20th day of November, 2018, by the following vote:

19 AYES: Supervisors Simon, Smith, Scott, Brown and Steele

20 NOES: None

21 ABSENT OR NOT VOTING: None

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24 CHAIR, Board of Supervisors

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1 ATTEST: Carol J. Huchingson
2 Clerk to the Board

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5 By: 

APPROVED AS TO FORM:
Anita L. Grant
County Counsel

By: 