

# **Bond Case Briefs**

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## **FIRE PROTECTION DISTRICT - CALIFORNIA**

### **Southcott v. Julian-Cuyamaca Fire Protection District**

**Court of Appeal, Fourth District, Division 1, California - March 7, 2019 - Cal.Rptr.3d - 2019 WL 1075256 - 19 Cal. Daily Op. Serv. 2217**

After board of directors of fire protection district passed resolution to apply to local agency formation commission to dissolve district and failed to act on residents' subsequent referendum petition seeking to prevent district's dissolution, residents filed petition for writ of mandate seeking either to compel district to rescind resolution or to set an election on resolution.

The Superior Court denied petition. Residents appealed.

The Court of Appeal held that district's resolution was not subject to referendum process.

Cortese-Knox-Hertzberg Local Government Reorganization Act provides the exclusive method for dissolving a fire protection district; Fire Protection District Law, which authorizes the formation of fire protection districts to provide for fire protection services on a local level, does not contain any specific provisions covering dissolutions of fire protection districts, except to mandate compliance with Reorganization Act.

Fire protection district's resolution to apply to local agency formation commission to dissolve district, which proposed a plan of dissolution for commission to consider, was not subject to referendum process; resolution was not a legislative act, Cortese-Knox-Hertzberg Local Government Reorganization Act contained detailed provisions regarding method of protesting a proposed dissolution of a district and when elections were required and provided the sole and exclusive method for challenging proposed dissolution, and resolution of application was administrative in nature under Reorganization Act as a prerequisite to obtaining a decision from the commission, which held power to approve or disapprove proposed dissolution.