

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 11/15/2019

TIME: 11:00:00 AM

DEPT: C-70

JUDICIAL OFFICER PRESIDING: Randa Trapp

CLERK: Anthony Shirley

REPORTER/ERM: Brianna Haro CSR# 13121

BAILIFF/COURT ATTENDANT: S. Parriott

CASE NO: **37-2019-00018076-CU-MC-CTL** CASE INIT.DATE: 04/08/2019

CASE TITLE: **Julian-Cuyamaca Fire Protection District vs San Diego County Local Agency
Formation Commission [IMAGED]**

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Misc Complaints - Other

EVENT TYPE: Motion Hearing (Civil)

APPEARANCES

Cory J Briggs, counsel, present for Plaintiff,Appellant(s).

Joshua M Heinlein, self represented Attorney, present.

Craig A Sherman, counsel, present for Defendant,Interested Party(s).

Carmen A Brock, counsel, present for Defendant(s).

All parties submit(s) on the Court's tentative ruling.

The Court CONFIRMS the tentative ruling as follows:

MOTION TO INVALIDATE DISSOLUTION by plaintiffs Julian-Cuyamaca Fire Protection District and Brian Kramer is DENIED.

Request for Judicial Notice is granted.

Defendant's objection to the late filed brief [titled as a Trial Brief in Support of Validation Judgment] by interested parties Lori Foss, Julian Volunteer Fire Company Association and Brian Crouch is overruled.

Plaintiffs seek a determination that the purported dissolution of plaintiff Julian-Cuyamaca Fire Protection District [District] is invalid because it was the product of a void that it cured prior to completion of the dissolution process. The initial decision by the District's governing board to commence dissolution proceeding violated the Brown Act, but was later rescinded. Thus defendant San Diego Local Agency Formation Commission [LAFCO] had no authority to continue with a proceeding that was started illegally and thus its final dissolution order has no effect.

The court notes that it previously determined this issue against the District in a related case, Case No. 37-2018-00020015, Julian Volunteer Fire Company Association v. Julian Cuyamaca Fire Protection

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District, although that case is on appeal.

The court has not been persuaded by any new authority or evidence to find in favor of plaintiffs on this same issue now raised in this case.

On April 6, 2019, the District adopted a resolution to cure and correct the alleged Brown Act violations by rescinding actions taken on February 13, 2018, March 13, 2018 and April 10, 2018, including Resolution 2018-03 to dissolve the District. However, the District still has not shown that it complied with the Brown Act by noticing the hearing and posting the agenda for the hearing to cure and correct. (See, Gov. Code §§ 54954(a), 54952(a)(1), 54960.1(b); *Boyle v. City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1117)

Once the District adopted the resolution to dissolve the District on April 10, 2018, the next day it submitted to LAFCO an application to dissolve the District and filed the related case to revoke the resolution on April 23, 2018, but did not name either the County of San Diego nor LAFCO. Thereafter on May 15, 2018, the County adopted a resolution to apply to LAFCO to expand the latent powers of County Service Area No. 135 to cover the territory precisely covered by the District. On July 18, 2018, LAFCO issued a certificate of filing to the District proclaiming the application was complete. As of that date, the District could not withdraw its application to dissolve. Only LAFCO had the authority to dissolve the District. (See, Gov. Code §§56100(a), 56028, 5635(a)91, 56651, 56658(b)(1) and (f), 56666(a); *Southcott v. Julian-Cuyamaca Fire Protection Dist.* (2019) 32 Cal.App.5th 1020, 1029-1030)

Plaintiffs have not shown there were any errors in this process. As LAFCO apparently complied with statutory requirements in approving the dissolution of the District, the Certification of Completion issued by LAFCO and the dissolution of the district is valid. Plaintiffs' actions a year after the District voted for dissolution and started the process for dissolution is ineffective for the reasons stated above. The request to find the final dissolution order invalid is denied.

Defendant shall submit a judgment by December 2, 2019.

IT IS SO ORDERED.



Judge Randa Trapp