

Item 4.1 Attachment 4

Resolution No. _____

111 Santa Rosa Avenue, Suite 240
Santa Rosa, CA 95404

May 1, 2019

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Making Findings and Determinations, Determining Exemption from the California Environmental Quality Act, Approving a Change of Organization Consisting of Detachment from the Palm Drive Health Care District of Territory Within the Boundaries of the Bodega Bay Fire Protection District, and Ordering Initiation of Protest Proceedings for the Proposal (File No. 19-01)

RESOLVED, that the Local Agency Formation Commission of the County of Sonoma (“the Commission”) hereby finds and determines as follows:

1. Proposal and Procedural History

1.1 Elisabeth Martin and Arnold Garza, Jr. (“the Applicants”) filed Application No. 19-01 (“the Application”) with the Executive Officer of the Commission (“the Executive Officer”), pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code section 56000 et seq. (“the Cortese-Knox-Hertzberg Act”). The Applicants request a change of organization consisting of detachment from the Palm Drive Health Care District (“the District”) of all territory within the boundaries of the Bodega Bay Fire Protection District, in unincorporated Sonoma County (“the Affected Territory”). The Application included signatures representing more than 25 percent of the registered voters residing within the Affected Territory.

1.2 The Application was submitted to the Executive Officer pursuant to the Cortese-Knox-Hertzberg Act. The Executive Officer accepted the Application for filing, set the Proposal for hearing by the Commission, and provided notice thereof as provided in the Cortese-Knox-Hertzberg Act.

1.3 The Executive Officer determined that the Commission has principal responsibility for approving the Proposal and would act as the lead agency in its consideration of the Proposal, pursuant to the California Environmental Quality Act (“CEQA”). The Executive Officer determined that the Proposal is exempt from CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (General Rule Exemption).

1.4 To inform the deliberations of the Commission with respect to the Proposal, the Executive Officer prepared an addendum to a Municipal Service Review and Sphere of Influence study that was adopted by the Commission in 2016. The Commission conducted a duly noticed public hearing on May 1, 2019, to hear and receive all oral and written comments on the Addendum to the Municipal Service Review.

1.5 The Executive Officer prepared a report analyzing the Proposal (“the Executive Officer’s Report”) and recommended that the Commission deliberate on the merits of the Proposal.

1.6 Upon completion, the Executive Officer furnished copies of the Executive Officer’s Report to all persons entitled to copies under the Cortese-Knox-Hertzberg Act.

1.7 The Commission conducted a duly noticed public hearing on the Proposal at its meeting of May 1, 2019. At the hearing, the Commission heard and received all relevant oral and written testimony and evidence presented or filed and considered the Executive Officer’s Report and the Proposal. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission closed the public hearing and discussed the Proposal, information in the Addendum to the Municipal Service Review, and the environmental effects of the Proposal.

1.8 The Commission has reviewed and considered this resolution and hereby finds that it accurately sets forth the intentions of the Commission with respect to the Proposal.

2. CEQA Compliance

2.1 The Commission concurs with the Executive Officer’s CEQA determination for the Proposal and finds and determines that the Commission has principal responsibility for approving the Proposal. Pursuant to Section 15367 of the State CEQA Guidelines, the Commission is the lead agency for the Proposal.

2.2 The Commission finds and determines that the Proposal is exempt from CEQA under State CEQA Guidelines Section 15061(b)(3), which exempts an activity from the provisions of CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. The facts and circumstances supporting the Commission’s conclusion are set forth below.

2.3 The Proposal details that establish the Proposal’s eligibility for exemption under State CEQA Guidelines section 15061(b)(3) are as follows:

- a. The Affected Territory includes the territory of a Fire Protection District.
- b. Property owners within the Affected Territory would continue to pay a portion of a parcel tax to the District to fund existing debt obligations; this amount would gradually be reduced to no payment when existing debts are fully discharged.
- c. No physical changes to the environment are anticipated, planned, or reasonably foreseeable as a result of the Proposal.

- d. Residents of the Affected Territory will continue to have the option of using the District's facility with the same economic consideration as those within the District.
- e. Detachment of the Affected Territory may reflect current healthcare utilization patterns in the area while doing nothing to alter them.

2.4 The Commission has reviewed and considered the potential environmental effects of the Proposal prior to reaching its decision on the Proposal. The Commission finds that, in doing so, it has fully discharged its responsibilities under CEQA for the Proposal.

3. Cortese-Knox-Hertzberg Act Compliance

3.1 The Commission makes the following findings and determinations with respect to the Proposal:

- a. The purpose of the Proposal is to detach the Affected Territory from the District due to registered voter sentiment, and concerns regarding the financial management of the District.
- b. Detachment of the Affected Territory from the District will not affect land uses or open space and will not conflict with Sonoma County General Plan policies related to the provision of public services.
- c. The parcel tax currently levied by the District on parcels within the Affected Territory will continue but will be proportionally adjusted annually to reflect payment for existing District debt obligations only.

3.2 The Commission determines that the Affected Territory is inhabited.

3.3 The Commission finds and determines that the Proposal is exempt from the California Environmental Quality Act, pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

3.4 The Commission finds and determines that, pursuant to the Cortese-Knox-Hertzberg Act, property owners and registered voters within the Affected Territory have the right to protest detachment from the District.

3.5 Based on the foregoing findings and determinations and the record of these proceedings, the Commission finds and determines that the Proposal is consistent with the intent of the Cortese-Knox-Hertzberg Act and the purposes of the Commission, as expressed in Government Code §56001 and §56301. The Commission further finds, therefore, that approval of the Proposal is appropriate.

4. Evidence in the Record

4.1 The findings and determinations set forth in Sections 1 through 3 of this resolution are based upon the entire record before the Commission. References to specific reports or documents in a finding or determination are not intended to identify those sources as the exclusive bases for the finding or determination. Headings are inserted for convenience only, and the location of a finding or determination under a specific heading is not intended to limit the role of that finding or determination to that particular heading.

NOW, THEREFORE, based on the foregoing findings and determinations and the record of these proceedings, and pursuant to the Cortese-Knox-Hertzberg Act, the Commission hereby declares and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.

2. The Proposal is exempt from the provisions of CEQA, under Section 15061(b)(3) of the State CEQA Guidelines. The Executive Officer is directed to file a notice of exemption in accordance with the provisions of CEQA and the State CEQA Guidelines.

3. The Proposal is approved, subject to the following terms and conditions:

a. The boundaries of the Affected Territory shall be defined as the boundaries of the Bodega Bay Fire Protection District as of the date of this resolution.

b. The parcel tax levied by the District shall henceforth be proportionally adjusted on an annual basis to reflect, for parcels in the Affected Territory, payment for existing District debt obligations only.

4. The Proposal is assigned the following short-form designation: "File No. 19-01: Palm Drive Health Care District Detachment No. 2019-01 (Martin/Garza)."

5. The Commission shall, or may delegate to the Executive Officer to, initiate and conduct protest proceedings for the Proposal in compliance with this resolution and the provisions of the Cortese-Knox-Hertzberg Act.

6. The effective date of the detachment shall be the date of the filing of the certificate of completion for the Proposal. The certificate of completion shall not be filed until all charges assessed and fees due to the Commission have been paid by the Applicants and all materials required by the Commission for final processing of the Proposal have been submitted.

7. The regular county assessment roll shall be utilized for the Proposal.
8. The Affected Territory shall be taxed for existing bonded indebtedness and contractual obligations.
9. The Executive Officer is authorized and directed to mail certified copies of this resolution in the manner provided by law.
10. The Clerk of the Commission is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Commission's decision herein is based. These documents may be found at the office of the Clerk of the Commission, 111 Santa Rosa Avenue, Suite 240, Santa Rosa, CA 95404.

THE FOREGOING RESOLUTION was introduced at a regular meeting of the Commission on the 1st day of May 2019 and ordered adopted by the following vote:

COMMISSIONERS:

Barrett: _____ Holmer: _____ Gorin: _____ Kapolchok: _____
 Loveless: _____ Stafford: _____ Hopkins: _____

Ayes: _____ Noes: _____ Absent or not voting: _____

WHEREUPON, the Chair declared the foregoing resolution adopted and

SO ORDERED.

 Mark Bramfitt, Executive Officer

The within instrument is a true and correct copy of the original on file in this office.

ATTEST:

BY: _____
 Clerk