

## Item 4.1 Attachment 1

Resolution No. \_\_\_\_\_

111 Santa Rosa Ave. Ste. 240  
Santa Rosa, CA 95404

July 3, 2019

**Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Finding Insufficient Protest and Confirming and Ordering Without An Election A Change of Organization Consisting of Detachment from the Palm Drive Health Care District of All Territory Within the Boundaries of the Bodega Bay Fire Protection District (File No. 2019-01)**

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

**I. Procedural History.**

1.1 Elizabeth Martin and Martin Garza (“the Applicants”) filed Application No. 2019-01 with the Executive Officer of the Commission (“the Executive Officer”) requesting 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 (“the Proposal”), generally located in unincorporated western Sonoma County (“the Affected Territory”).

1.2 At its meeting on May 1, 2019, the Commission approved the Proposal and adopted Resolution No. 2706, a copy of which is attached hereto as Appendix “A” and incorporated herein by this reference. Resolution No. 2706 directed that the Commission, or by delegation, the Executive Officer, initiate and conduct protest proceedings for the Proposal in compliance with Resolution No. 2706 and the Cortese-Knox-Hertzberg Act.

1.3 The Commission conducted the duly noticed protest proceedings on the Proposal on July 3, 2019. At the hearing, the Commission’s resolution making determinations was summarized. The Commission heard and received all relevant oral and written protests, objections, and evidence presented or filed. All interested persons were given the opportunity to hear and be heard. At the conclusion of public testimony, the Commission closed the hearing, determined the value of written protests filed against the Proposal and not withdrawn prior to the conclusion of the hearing, and voted to order the Proposal without an election, as set forth herein.

1.6 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 Acting as the lead agency for the Proposal, pursuant to the California Environmental Quality Act (“CEQA”), the Commission, as part of Resolution No. 2706 found and determined, prior to reaching its decision on the Proposal, that the Proposal was exempt from the provisions of CEQA, under State CEQA Guidelines Section 15061(b)(3).

2.2 The Commission finds that it fully discharged its responsibilities under CEQA for the Proposal by its actions in Resolution No. 2706.

## **3. Cortese-Knox-Hertzberg Act Compliance.**

3.1 The actions herein on the Proposal are being taken pursuant to the Cortese-Knox-Hertzberg Act.

3.2 The Proposal consists of a change of organization consisting of detachment from the Palm Drive Health Care District of all territory in the Bodega Bay Fire Protection District. The Affected Territory is generally located in unincorporated western Sonoma County.

3.3 The exterior boundaries of the Affected Territory included in the Proposal are shown in Exhibit “A” of Resolution No. 2706.

3.4 The terms and conditions upon the Proposal shall be the terms and conditions specified in Resolution No.2706.

3.5 The reason for the change of organization is concerns regarding the financial management of the District, existing and potential new debt obligations, and cessation of emergency services.

3.6 The short-form designation for the Proposal is: “File No. 19-01 Palm Drive Health Care District Detachment No. 2019-01 (Martin/Garza).”

3.10 The value of written protests filed and not withdrawn is less than 25 percent of the registered voters residing within the Affected Territory or less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of land within the Affected Territory. In such cases, pursuant to Section 57075(a), the Cortese-Knox-Hertzberg Act directs the Commission to order the change of organization without an election.

**NOW, THEREFORE**, based on the foregoing findings and determinations and the record of these proceedings, 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 value of written protests filed and not withdrawn is insufficient to terminate proceedings or order the change of organization subject to a confirmation election, and the Proposal is therefore ordered without an election.

3. Subject to receipt of all charges assessed and fees due to the Commission and the State Board of Equalization, the Executive Officer is directed to prepare and execute a certificate of completion for the Proposal and to record a certified copy thereof with the Sonoma County Recorder. If the certificate of completion is not filed within one year after the Commission's approval of the Proposal, the proceeding will be deemed terminated unless the Commission authorizes an extension of time for that completion.

4. The Executive Officer is directed to mail certified copies of this resolution as provided by law.

5. 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 Ave., Ste. 240, Santa Rosa, CA 95404.

**THE FOREGOING RESOLUTION** was introduced at a regular meeting of the Commission on the 3rd day of July 2019 and ordered adopted by the following vote:

Commissioners:

Ayes:

Noes:

Absent or not voting:

WHEREUPON, the Chairman declared the foregoing resolution adopted, and

SO ORDERED

ATTEST:

BY:

\_\_\_\_\_  
Mark Bramfitt, Executive Officer

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

ATTEST:

BY:

\_\_\_\_\_  
Clerk