

**Draft Resolution**

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

**October 7, 2020**

Resolution of the Local Agency Formation Commission of the County of Sonoma, State of California, Making Findings and Determinations Related to Information Contained in the Municipal Service Review and Sphere of Influence Study for the Timber Cove Water District, Adopting the Determinations of the Municipal Service Review and Sphere of Influence study.

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

**1. Procedural History**

- 1.1 The Commission enjoined staff to prepare a Municipal Service Review of the Timber Cove Water District (“District” or “TCWD”) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code section 56000 et seq. (“the Cortese-Knox-Hertzberg Act”).
- 1.2 The Executive Officer commissioned a municipal service review and sphere of influence study (“the MSR/SOI Study”).
- 1.3 Following the preparation of the MSR/SOI Study, the Executive Officer set an item whereby the Commission would review the MSR/SOI Study, and provided notice thereof as provided in the Cortese-Knox-Hertzberg Act.
- 1.4 The Executive Officer considered written comments received on the MSR/SOI Study and prepared a staff report which included a recommendation for making determinations for the MSR and for retaining the District Sphere of Influence. (“the Executive Officer’s Report”). The Executive Officer furnished copies of the Executive Officer’s Report to all persons entitled to copies under the Cortese-Knox-Hertzberg Act
- 1.5 The Commission conducted a hearing to consider the MSR/SOI Study on October 7, 2020. 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, the District’s Request, and the MSR/SOI Study. 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 adopted the determinations in the MSR/SOI Study.

- 1.6 The Commission has reviewed and considered this resolution and hereby finds that it accurately sets forth the intentions of the Commission regarding the determinations in the MSR/SOI Study.

## 2. **CEQA Compliance**

- 2.1 The Commission concurs with the Executive Officer and finds that the Commission is the lead agency for the preparation of the MSR/SOI Study, pursuant to CEQA and the state CEQA Guidelines.
- 2.2 The Commission finds and determines that adoption of the MSR/SOI Study determinations is exempt from CEQA pursuant to Section 15061 (b)(3) of the State CEQA Guidelines, which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is not a possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
- 2.3 The Commission has considered the potential environmental effects of the MSR/SOI Study prior to reaching its decision. The Commission finds that, in doing so, it has fully discharged its responsibilities under CEQA.

## 3. **Cortese-Knox-Hertzberg Act Compliance – Municipal Service Review**

- 3.1 The Cortese-Knox-Hertzberg Act directs LAFCOs to review and update agencies' spheres of influence, as necessary, every five years and further to conduct municipal service reviews prior to, or in conjunction with such updates. With regard to the MSR/SOI Study of the Timber Cove Water District, the Commission makes the following determinations:

- 3.2 *Growth and population projections for the affected area:*

TCCWD will continue to see some development and population growth associated with the subdivision buildout, however, this growth is not expected to be the primary driver for increased service needs.

- 3.3 *The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence:*

There are no neighboring areas within or adjacent to Timber Cove's Sphere of Influence that could be considered a disadvantaged unincorporated community.

3.4 *The present and planned capacity of public facilities adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence:*

The system is aging but is in overall good condition. The treatment and distribution system needs upgrades to comply with updated state standards regarding disinfectant byproducts. It is recommended that the District continue with planned Water Treatment improvements as outlined in this MSR, to ensure continued compliant treatment levels.

3.5 *Financial ability of agencies to provide services:*

The District does not have audits available for FY2015-2020. However, the District is working to remedy this by hiring a new CPA firm to complete the remaining audits and get the District up to date. The District has adequate reserves in place to fund necessary capital improvements. The District is looking into a rate restructure to possibly lower costs for customers as they have the highest rates for the region, according to the water rate comparison analysis provided in Appendix B.

3.6 *Status of, and opportunities for, shared facilities:*

The District currently supplies water to the Timber Cove Inn, a registered public utility. There are no other neighboring areas in or adjacent to Timber Cove's Sphere of Influence that could be considered as shared facilities opportunities not currently being utilized.

3.7 *Accountability for community service needs, including governmental structure and operational efficiencies:*

The District is governed in a manner so as to comply with the Brown Act and members of the Board of Directors were elected appropriately through Sonoma County Elections. However, the District is behind on annual audits as noted previously. It is recommended that the District work towards completion of all audits and develop protocols to ensure timely completion of future audits.

3.8 *Any other matter related to effective service delivery, as required by Commission policy:*

There is a continued need for services, however, it is not necessary to change the SOI to meet current and future needs. The District should update the Commission on their financial status in two years' time once audits through FY2020/21 have been completed.

**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 Commission has reviewed and considered the information contained in the final MSR/SOI Study for the Timber Cove Water District.
3. The Commission adopts the determinations made in the MSR/SOI Study for the Timber Cove Water District.
4. The Executive Officer is directed to file a Notice of Exemption, in accordance with CEQA and the State CEQA Guidelines.
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, 575 Administration Drive, Room 104A, Santa Rosa, CA, 95403.

**THE FOREGOING RESOLUTION** was introduced at a regular meeting of the Commission on the 7<sup>th</sup> day of October 2020 and ordered adopted by the following vote:

Commissioners:

AYES:

NOES:

ABSENT:

**WHEREUPON**, the Chair declared the foregoing resolution adopted and

**SO ORDERED.**

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Mark Bramfitt, Executive Officer

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

ATTEST:

BY: \_\_\_\_\_  
Clerk