

EL DORADO LAFCO
LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NUMBER L-2020-15

Update to the County Service Area 9 Sphere of Influence
LAFCO Project No. 2018-04

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the organization and reorganization of cities and special districts by local agency formation commissions established in each county, as defined and specified in Government Code §56000 et seq. (unless otherwise indicated all statutory references are to the Government Code); and

WHEREAS, §56425 et seq. provides that the local agency formation commission in each county shall develop and determine the sphere of influence of each local governmental agency within the county, and enact policies designed to promote the logical and orderly development of areas within the spheres of influence, as more fully specified in §56425 et seq.; and

WHEREAS, §56430 requires that local agency formation commissions conduct a municipal service review (MSR) prior to, or in conjunction with, consideration of actions to establish or update a sphere of influence (SOI) in accordance with §56076 and §56425; and

WHEREAS, pursuant to §56430, in order to prepare and update the sphere of influence, the Commission conducted a municipal service review of County Service Area #9 and adopted a written statement of determinations in conjunction with this sphere of influence update on December 2, 2020; and

WHEREAS, the Executive Officer reviewed the sphere of influence update pursuant to the California Environmental Quality Act (CEQA), and recommended that the project is exempt from CEQA under §15061(b)(3) because it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA, and, based thereon, the Executive Officer prepared a Notice of Exemption; and

WHEREAS, the Executive Officer set a public hearing for December 2, 2020 for consideration of the environmental review and the sphere of influence update for County Service Area #9 and caused notice thereof to be posted, published and mailed at the times and in the manner required by law at least twenty-one (21) days in advance of the date; and

WHEREAS, on December 2, 2020 the sphere of influence update came on regularly for hearing before LAFCO, at the time and place specified in the Notice; and

WHEREAS, at said hearing, LAFCO reviewed and considered the sphere of influence, and the Executive Officer's Report and Recommendations; each of the policies, priorities and factors set forth in Government Code §56425 et seq.; LAFCO's Policies and Guidelines related to spheres of influence, starting with Policy 4.0; and all other matters presented as prescribed by law; and

WHEREAS, at that time, an opportunity was given to all interested persons, organizations, and agencies to present oral or written testimony and other information concerning the proposal and all related matters; and

WHEREAS, the Commission received, heard, discussed, and considered all oral and written testimony related to the sphere update, including but not limited to protests and objections, the Executive Officer's report and recommendation, the environmental document and determinations and the service review; and

WHEREAS, on February 27, 2008, at the time of its last review, the Commission established the functions and classes of services provided by County Service Area #9 as follows: road maintenance, drainage, including landscaping and wetlands maintenance, street and highway lighting and public cemetery services; and

WHEREAS, the Commission does hereby make the following determinations regarding the proposal pursuant to Government Code §56425(e):

1. *The present and planned land uses in the area, including agricultural and open space lands.*

Present land uses within the CSA 9 include residential, commercial, industrial, institutional, and open space. Planned land uses are defined in the County's general plan land use designations. CSA 9 does not extend services outside its designated zones of benefit.

2. *The present and probable need for public facilities and services in the area.*

Present needs for public facilities and services are being met. Needs for public facilities and services are expected to remain the same within the designated zones of benefit. There may be two services with areas for growth for CSA 9:

Cemetery Services: Should the voters approve a special tax to support the proposed Western Slope Cemetery Zone of Benefit, the County would be responsible for the maintenance and upkeep of numerous cemeteries under the umbrella of CSA 9 (as opposed to the current situation of maintaining them under general services with financial support from the General Fund).

Roadway Services:

- CSA 2: Because roadways services are provided by CSAs 2 and 9 by the same staff and CSA 9's service territory includes that of CSA 2 (though there is no overlap in services because CSA 9 only provides services within its roadway maintenance zones of benefit), then dissolving CSA 2 and turning over its zones of benefit to CSA 9 is logical from a governmental structure perspective. It is unknown whether there will be internal administrative savings to County personnel, although it is conceivable that there will be some given that both CSAs require financial and operational tracking given that they are separate legal entities.
- Road Maintenance CSDs: For the several CSDs that have been struggling with governance and operations, it would be orderly to have CSA 9 absorb those districts and take over the road maintenance functions. Reluctance on the part of Department of Transportation staff (over service impacts and the increase in service demand) and on the part of these CSD's Board of Directors (loss of local control) prevent these reorganizations from occurring.

3. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.*

The present capacity of public facilities provided is adequate for the current level of service demanded, although desired levels of service in some zones of benefit are not presently met due to financial limitations.

4. *The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.*

There are many communities within the western slope of El Dorado County, however; given the diversity in size and location of the ZoBs, there are no social or economic communities of particular relevance to CSA 9.

5. *For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.*

Although CSA 9's service area encompasses many disadvantaged communities, none of the services provided by CSA 9 are applicable to this section.

NOW, THEREFORE BE IT HEREBY RESOLVED, DETERMINED, ORDERED AND FOUND:

Section 1. Each of the foregoing recitals is true and correct.

Section 2. The Notice of Exemption prepared by the Executive Officer is approved as the appropriate environmental document for this project.

Section 3. Pursuant to Government Code §56425(i)(2), the Commission does hereby establish the functions and classes of services provided by County Service Area #9 as follows: road maintenance, drainage, including landscaping and wetlands maintenance, street and highway lighting and public cemetery services.

Section 4. The update to the County Service Area #9 sphere of influence to affirm the current sphere is orderly, logical and justifiable.

Section 5. The Executive Officer is directed to file a Notice of Exemption under §15061(b)(3) in compliance with the California Environmental Quality Act and local ordinances implementing the same.

Section 6. The County Service Area #9 sphere of influence is updated to affirm its current sphere as shown on the attached map, marked Exhibit A, attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED by the El Dorado Local Agency Formation Commission at a regular meeting of said Commission, held December 2, 2020 by the following vote of said Commission.

| | AYE | NO | ABSTAIN | ABSENT | NOT VOTING |
|----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Commissioner Acuna | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Commissioner Bass | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Commissioner Frentzen | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Commissioner Hidahl | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Commissioner Morrison | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Commissioner Palmer | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Commissioner Powell | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Alt. Commissioner Anderly | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Alt. Commissioner Saunders | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Alt. Commissioner Taylor | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Alt. Commissioner Veerkamp | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ATTEST:

 Executive Officer

 Chairperson