

RESOLUTION NO. 90-1

RESOLUTION OF THE MENDOCINO COUNTY LOCAL AGENCY FORMATION
COMMISSION APPROVING/~~DENYING~~ FORMATION OF
ELK COMMUNITY SERVICES DISTRICT

WHEREAS, an application for formation of a special district to be known as Elk Community Services District was duly filed with the Mendocino County Local Agency Formation Commission, together with supporting documents required by rules of said Commission on October 9, 1989; and,

WHEREAS, said application has been processed pursuant to the provisions of Division 3, Title 5 commencing with Section 56000 of the Government Code of the State of California; and,

WHEREAS, at the times and in the form and manner provided by law, said Executive Officer has given notice of public hearing by this Commission upon said application and prepared a report, including his recommendations thereon, said application and report having been presented to and considered by this Commission; and,

WHEREAS, the public hearing by this Commission was held upon January 8, 1990 as specified in said Notice of Public Hearing and in any subsequent hearings; and,

WHEREAS, at such hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said application and report.

NOW, THEREFORE, BE IT RESOLVED, that the formation of a special district to be known as Elk Community Services District being identified in the files of the Mendocino County Local Agency Formation Commission as File No. 89-8 be and the same is hereby approved/denied by the Mendocino County Local Agency Formation Commission, subject to the following conditions and terms:

See attached page

BE IT FURTHER RESOLVED AND ORDERED that the Executive Officer of said Commission is hereby authorized and directed to mail copies of this Resolution in the manner as provided by law.

Upon motion of Commissioner Wasserman, seconded by Commissioner Schneiter, and on the following roll call vote to-wit:

AYES: Commissioners Alfano, Schneiter, Wasserman and Redding

NOES: None

ABSENT: Commissioner de Vall

ABSTAINING: None

the foregoing resolution is hereby adopted.

Nelson Redding
Chairman

MARY SPANGLER Executive Officer

STATE OF CALIFORNIA)
County of Mendocino)

By Mary Spangler Executive Officer, Local Agency Formation Commission in and for the County of Mendocino, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Local Agency Formation Commission as the same appears spread upon their minute book.

Mary Spangler
Executive Officer

THE FOLLOWING ARE THE TERMS AND CONDITIONS OF RESOLUTION #90-1
ELK COMMUNITY SERVICES DISTRICT

1. The Commission should declare the public hearing was properly noticed and is properly before the Commission.
2. The Commission should approve the proposal as submitted and accept the Negative Declaration, and file with the County Clerk.
3. Legal description and map changes to be corrected to the satisfaction of the County Assessor and Surveyor, prior to action by the conducting authority.
4. The Sphere of Influence map as submitted shall be approved and accepted by the LAFCO Commission as the Sphere of Influence for Elk Community Services District.
5. The Proponents conduct their Benefit Assessment hearing within 60 days following action by the conducting authority and prior to final processing with the State Board of Equalization. If the Benefit Assessment fails, LAFCO Staff will file an automatic dissolution, notify the conducting authority and not process with the State Board of Equalization and it would not be filed with the County Clerk. Application would be dead.
6. If the Benefit Assessment is successful, the Prop 4 Limit shall be established by the District Board of Directors and put on the first ballot brought before the voters for the Board Members election.
7. The commission should designate the Board of Supervisors of Mendocino county as the conducting authority for further proceedings.
8. Proponent shall apply for a General Plan Amendment through the County Planning Department to address the new Sphere of Influence and plan to upgrade their equipment.