

RESOLUTION NO. 90-1A

RESOLUTION OF THE MENDOCINO COUNTY LOCAL AGENCY FORMATION
COMMISSION AMENDING ITS RESOLUTION 90-1 AND
APPROVING 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 October 9, 1989 with the Mendocino County Local Agency Formation Commission (hereafter COMMISSION), together with supporting documents required by rules of the COMMISSION, which application was based on a petition signed by in excess of 80% of the registered voters of the proposed district; and,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer of the COMMISSION has given notice of public hearing by the COMMISSION upon said application, and prepared a report thereon, including recommendations; and,

WHEREAS, said application and report and recommendations have been presented to and considered by the COMMISSION; and,

WHEREAS, the public hearing by the COMMISSION was held January 8, 1990 as specified in said Notice of Public Hearing and,

WHEREAS, at such hearing the COMMISSION heard and received oral and written protests, objections and evidence presented or filed, gave all persons present the opportunity to be heard, and then directed the Board of Supervisors as the Conducting Authority to conduct its hearing; and,

WHEREAS, the Board of Supervisors by Resolution No. 90-071, adopted April 3, 1990, declared the Elk Community Services District duly organized contingent upon proponents of the district formation conducting a benefit assessment hearing within 60 days of adoption of the above resolution and prior to final processing of the district formation with the State Board of Equalization; and,

WHEREAS, said Resolution No. 90-071 required automatic dissolution of the district in the event of failure of the benefit assessment; and,

WHEREAS, the above referenced benefit assessment hearing was held May 22, 1990 by the Elk Community Services District Board of Directors; and,

WHEREAS, the Board of Supervisors by Resolution No. 90-113 adopted June 5, 1990, requested County Counsel to review the validity of such benefit assessment hearing held under the purported authority of Government Code Section 57051; and,

WHEREAS, County Counsel advised by written opinion issued June 12, 1990, that the benefit assessment hearing held May 22, 1990 was improper and invalid; and,

WHEREAS, the Executive Officer of the COMMISSION has presented new information from the proponents of the district formation requesting formation of the district not contingent on funding, which district formation is now proposed for the purpose of providing fire protection services; and,

WHEREAS, the COMMISSION has determined to reconsider and amend its Resolution No. 90-1;

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

1. The Negative Declaration is accepted as submitted and will be filed with the County Clerk.
2. a) the District may consider a benefit assessment imposed upon residential, commercial and miscellaneous structures based on square footage or other appropriate and lawful unit of assessment,

b) the Prop 4 limit is to be set at \$35,000 and shall be placed on the next election ballot whenever any members of the District Board of Directors are first required to stand for election, with the District to pay the cost of such election

c) any ambulance service provided by the District will not be funded by benefit assessment proceeds.
3. The Mendocino County Board of Supervisors is designated as the conducting authority for further proceedings.
4. All other findings of Resolution 90-1 remain in full effect.

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

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

- AYES: Commissioners Alfano, Schneiter, Wasserman, deVall and Redding
- NOES: NONE
- ABSENT: NONE
- ABSTAINING: NONE

the foregoing resolution is hereby adopted.

Richard 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
Mary Spangler