

Resolution No. 16-17-10
of the
Local Agency Formation Commission of Mendocino County

Approving the
Anderson Valley Community Services District
Activation of Latent Powers for Ambulance Services

WHEREAS, on June 15, 2016, the Anderson Valley Community Services District, hereinafter referred to as "AVCSD" or the "District", held a public hearing and adopted Resolution No. 2016-05 requesting the Local Agency Formation Commission, hereinafter referred to as the "Commission", to take proceedings for a reorganization consisting of the annexation of territory currently served by the District and the activation of latent powers to provide ambulance services; and

WHEREAS, On April 19, 2017, the District Board, at a regularly scheduled meeting authorized the Chair of the Board Directors to sign a letter to LAFCo requesting a change in the scope of their application to remove the annexation/detachment component of the proposal and proceed with the activation of latent powers for ambulance services. The reason for the revised application was that it was determined by the District Board that it is currently infeasible to reach a satisfactory agreement between AVCSD and the County regarding an exchange of ad valorem property tax within the originally proposed annexation area; and

WHEREAS, on April 24, 2017, the Executive Officer accepted the revised District application as complete and issued a Certificate of Filing; and

WHEREAS, the Executive Officer gave sufficient notice of a public hearing to be conducted by the Commission in the form and manner prescribed by law; and

WHEREAS, the Executive Officer's report and recommendations on the AVCSD proposal to activate latent powers for ambulance services were presented to the Commission in the manner prescribed by law; and

WHEREAS, the Commission heard and fully considered all the evidence presented at a public hearing held on the AVCSD proposal to activate latent powers for ambulance services on May 1, 2017; and

WHEREAS, the Commission considered all the factors required under California Government Code Sections 56653 and 56824.12 before rendering a decision.

NOW, THEREFORE, the Mendocino Local Agency Formation Commission does hereby RESOLVE, DETERMINE, and ORDER as follows:

1. The Commission, as Lead Agency, finds the AVCSD proposal to activate latent powers for ambulance services is categorically exempt from further review under the California Environmental Quality Act pursuant to CEQA Guidelines Class 20 (CCR Section 15320) and authorizes the Executive Officer to record the Notice of Exemption (Exhibit A) attached hereto and incorporated herein by reference. Class 20 involves a change in the organization of a local governmental agency where the change does not alter the geographical area in which previously exercised powers are exercised.

2. This application is assigned the following distinctive short-term designation: "AVCSD Activation of Latent Powers for Ambulance Services"
3. The Commission approves AVCSD Activation of Latent Powers for Ambulance Services (LAFCo File No. L-2016-01) authorized by California Government Code Section 61100(d) as detailed in the Plan for Services prepared by AVCSD (Exhibit B), attached hereto and incorporated herein by reference, excepting therefrom any reference to annexation since it is no longer a component of the current project scope, and making the following findings:
 - A. The District's activation of latent powers for ambulance services will not result in a conflict or divestiture of another government entity's power to provide similar services within the same area; and
 - B. The District proposal, as presented and reviewed, appears to generate sufficient revenues to carry out the proposed new service.
4. The affected territory meets the definition of "inhabited territory" as defined in Government Code section 56046. All property owners within the affected territory have not consented in writing to the proposal. In accordance with Government Code Section 57000 and Section 57075, Conducting Authority proceedings are therefore required. The Commission hereby authorizes the Executive Officer to schedule the required protest proceedings for this application.
5. The applicant shall defend at its sole expense any action brought against LAFCo, the Commission and its staff, because of the approval of this application. The applicants will reimburse LAFCo for any court costs and attorneys' fees which may be required by a court to pay as a result of such action. LAFCo may, at its discretion, after consultation with the applicants, participate in the defense of any such action; but such participation shall not relieve applicants of their obligations under this condition. The obligation on the part of the applicants to indemnify LAFCo is effective upon the adoption of this resolution and does not require any further action.

The foregoing Resolution was passed and duly adopted at a regular meeting of the Mendocino Local Agency Formation Commission held on this 1st day of May, 2017, by the following vote:

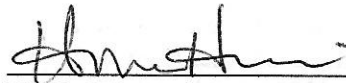
AYES: (7) Brown, Doble, Gonzalez, Hamburg, McNerlin, Orth Silver, and Ward

NOES: none

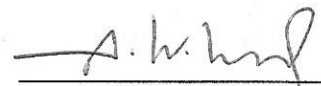
ABSTAIN: none

ABSENT: none

ATTEST:



 UMA HINMAN, Executive Officer



 GERALD WARD, Chair