

**Resolution 2023-0002 of the
Local Agency Formation Commission
Modoc County, California**

A resolution making determinations and approving the formation of a County Service Area (CSA No. 2 in unincorporated Modoc County for Countywide extended or enhanced Pest and Weed Abatement services.

WHEREAS, on May 23, 2023, the Modoc County Board of Supervisors adopted a Resolution of Application (County Resolution No. 2023-26) requesting the Modoc Local Agency Formation Commission take proceedings for the formation of a countywide County Service Area for enhanced Pest and Weed Abatement Services as described in Exhibit "C" (*Plan for Services*) attached hereto and incorporated herein as referenced. The application was filed with the Executive Officer of the Modoc County Local Agency Formation Commission pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the California Government Code); and

WHEREAS, there is a need for extended or enhanced Pest and Weed Abatement services because there are areas in the unincorporated area of the County needing said services. A plan for services has been prepared and is attached hereto as Exhibit "C" and there is no other entity is available to provide these extended services without significant expense; and,

WHEREAS, the proceedings for this formation are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act, Section 56000 et seq. of the Government Code; and,

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission upon said application; and,

WHEREAS, the Executive Officer has reviewed the initiating resolution and has prepared an Executive Officer's Report including staff recommendations thereon within the time required by law and has furnished copies of said report to the Commission and to all other persons required by law to receive it; and,

WHEREAS, the City Council of the City of Alturas has not adopted a resolution consenting to inclusion in the countywide CSA for Pest and Weed Abatement Services (CSA No. 2); and,

WHEREAS, at a public hearing on June 13, 2023, the Commission considered the proposal and the report of the Executive Officer; the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and all other relevant evidence and information presented at said hearing, including the comments of all interested parties desiring to be heard; and

WHEREAS, it is desired that the proposed County Service Area formation be subject to terms and conditions as follows:

1. Applicant shall agree to defend, indemnify, and hold harmless the Modoc Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees, including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this formation. The Modoc Local Agency Formation Commission shall promptly notify applicant of any such claim, action, or proceeding, shall be represented by its Counsel of its choosing and shall cooperate fully in the defense of said claim, action or proceeding.

2. With the exception of existing Pest Abatement Districts, this formation shall be subject to the condition that all property owners and (or) registered voters, whichever the case, will be required to consent to an annual assessment, fee and (or) special tax or other method as established by the Modoc County Board of Supervisors prior to the formation of a zone of benefit and provision of extended Pest and Weed Abatement services.

3. This formation shall be subject to the exclusion of the area described as the City of Alturas.

4. County Service Area No. 2 is authorized to provide extended services, which include all the following extended or enhanced Pest and Weed Abatement Services and the surveillance, prevention, abatement, and control of pests, vectors and vector borne diseases and abatement of weeds and rubbish and is located within the unincorporated area of the County of Modoc hereinafter referred to Pest and Weed Abatement Services.

NOW, THEREFORE, the Modoc Local Agency Formation Commission **determines** the following:

1. The territory comprises the unincorporated area within Modoc County, which is found to be inhabited.
2. Services provided within CSA No. 2 shall be limited to Extended or Enhanced Pest and Weed Abatement Services as specified in Modoc County Resolution No. 2023-26, and any additional services shall not be provided without the approval of the Local Agency Formation Commission.
3. The change of organization is assigned the following distinctive short-term designation:

CSA No. 2 Extended Pest and Weed Abatement Services —Formation

4. The Commission hereby affirms that this application is Exempt from the California Environmental Quality Act pursuant to the CEQA Guidelines (Classes 1 and 20), as the proposal would not result in any change in services since Modoc County already serves the territory.

5. The proposal is consistent with the spheres of influence of all affected agencies and no overlapping services have been identified.
6. The Commission adopts the determinations regarding consistency with LAFCO Policies contained in the Executive Officer's Report for this formation and incorporates them by reference herein.

NOW THEREFORE, the Local Agency Formation Commission of Modoc County does hereby **resolve and order** the following:

1. The proposal includes all the parcels within the boundaries shown in Exhibit "A" Proposed CSA No. 2 Boundary Description and Exhibit "B" location map for CSA No. 2. The boundaries of the CSA, as set forth in the proposal, are hereby approved as described in Exhibits A and B attached hereto and by this reference incorporated herein.
2. The proposal shall be subject to the term and condition that all costs incurred to complete the formation and State Board of Equalization Fees shall be paid by the County of Modoc, as applicable.
3. The effective date of formation shall be upon the recordation of the Certificate of Completion including the completion of all proceedings.
4. The CSA shall be funded by special taxes and (or) assessments through "zones of benefit" or any other method acceptable and determined to the Board of Supervisors. The Plan for Services (Attached as Exhibit C to this resolution) is hereby approved.
5. The Modoc County Board of Supervisors shall govern the CSA.
6. The CSA shall provide for extended or enhanced Pest and Weed Abatement services in the unincorporated territory within zones of benefit in Modoc County.
7. LAFCO shall adopt a sphere of influence for CSA No. 2 following completion of a Municipal Services Review for Pest and Weed Abatement Services for Modoc County and hereby adopts a provisional Sphere of Influence contiguous with the district's boundaries.
8. There shall be no property tax either base or increment transferred to the CSA or any special taxes unless approved by resolution of the Board of Supervisors.
9. LAFCO is the conducting authority for this formation. Further protest proceedings are not waived and the Commission orders the Formation of County Service Area No. 2 along with a Dissolution of the Lookout Pest Abatement District.
10. Two 8 1/2 reductions of all Maps and descriptions shall be submitted to LAFCO prior to the recordation of the Certificate of Completion.
11. At the discretion of the County, future benefit zones may require compliance with 54902 and 54902.5 of the Government Code and as stated in the State Board of Equalization Change of Jurisdictional Boundary Requirements for Statements, Boundary Descriptions, Maps and Schedule of Processing Fees.
12. Modoc County is authorized to collect funds on behalf of Benefit Zones for pest and weed abatement services

13. The boundaries, as set forth in the proposal or as amended by action of the Commission, are hereby approved as submitted and are as described in Exhibit "A" Boundary Description and "B" Map attached hereto and by this reference incorporated herein subject to the following terms and conditions:
 - A. Applicant shall agree to defend, indemnify, and hold harmless the Modoc Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees, including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this formation. The Local Agency Formation Commission of Modoc County shall promptly notify Modoc County of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action or proceeding and be entitled to use the Counsel of its choosing.
 - B. This formation with the exception of existing Pest Abatement Districts shall be subject to the condition that all property owners and (or) registered voters, whichever the case, will be required to consent to an annual assessment and or special tax or other method established by the Modoc County Board of Supervisors prior to the formation of a zone of benefit and provision of extended Pest and Weed Abatement services.
 - C. This formation shall be subject to the exclusion of the area described as the City of Alturas.
 - D. County Service Area No. 2 is authorized to provide extended services, which include Extended, or Enhanced Pest and Weed Abatement Services and the surveillance, prevention, abatement, and control of pests, vectors and vector borne diseases and abatement of weeds and rubbish and is located within the unincorporated area of the County of Modoc.
14. The Executive Officer is hereby directed to transmit a certified copy of this resolution to each affected agency, as provided in Government Code Section 56882.
15. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings and compliance with the terms and conditions herein.
16. Completion of proceedings shall be concluded within one year after adoption of this resolution. If the proceedings are not concluded within one year after passage of this resolution, all proceedings shall be terminated.

The foregoing resolution was duly passed by the Local Agency Formation Commission of Modoc County at a regular meeting held on June 13, 2023, by the following roll call vote:

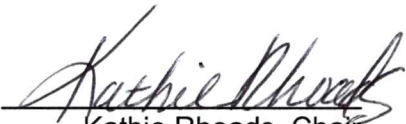
Ayes: Coe, Nelson, Minchella & Rhoads

Noes:

Abstains:

Absent:

Signed and approved by me after its passage this 13th day of June , 2023.


Kathie Rhoads, Chair
LAFCO of Modoc County

Attest:


John Benoit, Executive Officer

Exhibit A

Legal Description

for the

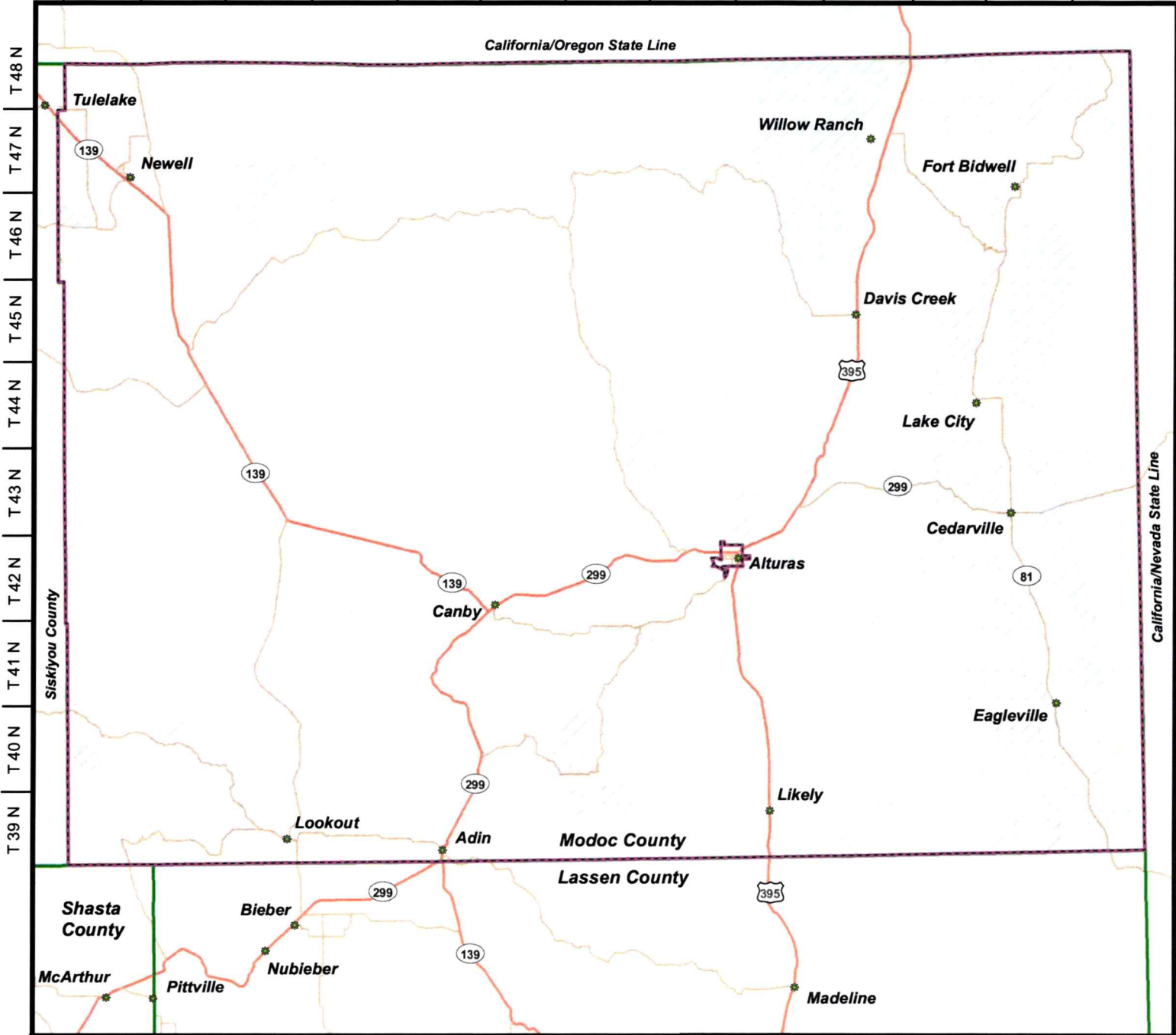
Countywide County Service Area 2 for Pest Abatement

"The Countywide Service Area for Pest Abatement shall include all that real property lying within the exterior boundaries of Modoc County, California Excepting therefrom all those portions thereto lying within the boundaries of the incorporated City of Alturas, Modoc County, California"

MODOC COUNTY COUNTY WIDE

COUNTY SERVICE AREA PEST ABATEMENT DISTRICT

R 05 E | R 06 E | R 07 E | R 08 E | R 09 E | R 10 E | R 11 E | R 12 E | R 13 E | R 14 E | R 15 E | R 16 E



Legend

- Communities
- Highways
- Roads
- Parcels
- Water Bodies

- County Boundaries
- Modoc County Boundary
- Modoc County (County Wide) County Service Area Pest Abatement District Excluding the City of Alturas

