

Resolution # 2023-0003

MODOC LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving the Dissolution of the Lookout Pest Abatement District

WHEREAS, Board of Supervisors requested LAFCo initiate the formation of a County Service Area (CSA 2) to provide pest and weed abatement Services; and

WHEREAS A Resolution of application (Resolution 2023-26) initiating the Formation of a Countywide CSA for Pest and Weed abatement services in the unincorporated territory within Modoc county and implicit in the Resolution was the concurrent dissolution of the Lookout Pest Abatement District was adopted by the Board of Supervisors on May 23, 2023 and was filed with the Executive Officer of the Modoc Local Agency Formation Commission pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 *et seq* of the Government Code); and

WHEREAS, The Board of Supervisors and the Lookout Pest Abatement District Board both support the dissolution of the Lookout Pest Abatement District and the formation of CSA 2 subject to terms and conditions; and

WHEREAS, the Executive Officer has provided notice of this hearing as described under Government Code Sections 56151 through 56159; and

WHEREAS, the Executive Officer reviewed the application and determined its completeness within 30 days of their submission and prepared and filed his report with this Commission at least five-days prior to the regularly scheduled meeting during which this application is to be considered; and

WHEREAS, this Commission has considered the application, the report of the Executive Officer, the applicable General Plan, and each of the factors required by Government Code Section 56668 to be considered in the review of a proposal; and

WHEREAS, it is desired that the proposed dissolution of the Lookout Pest Abatement District be subject to terms and conditions as follows:

1. The Lookout Pest Abatement District and Modoc County 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 change of organization. The Modoc Local Agency Formation Commission shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.

WHEREAS, all interested parties, the public and proponents of the proposal were heard at a

public hearing held on June 13, 2023.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Modoc Local Agency Formation Commission as follows:

1. The foregoing recitals are true and correct.
2. Said change of organization territory is found to be inhabited.
3. Further protest proceedings are not waived and the Commission orders the 18,832-acre more or less dissolution of the Lookout Pest Abatement District pursuant to Part 4 of Division 3 of the California Government Code commencing with Section 57000 subject to LAFCo's conducting authority proceedings along with the Formation of CSA 2 as a reorganization. No affected agency has objected in writing to the waiver of conducting authority proceedings.
4. In reviewing this application, the Commission finds that all of the services provided by Lookout Pest Abatement District will be provided by CSA #2 as the successor agency upon completion of the LAFCo proceedings.
5. CSA 2 shall be formed prior to this dissolution and shall be the successor agency to all matters pertaining to the Lookout Pest Abatement District.
6. In reviewing this application, this Commission has considered each of the factors required by Government Code Section 56668 and LAFCO's policies.
7. The Commission hereby adopts the Notice of Exemption included as part of the Executive Officer's report for this dissolution.
8. The subject proposal is assigned the following short form designation: Dissolution of the Lookout Pest Abatement District (LAFCo File 2023-0001).
9. The Executive Officer of this Commission is instructed to mail or email a certified copy of this resolution to those persons so indicated on the application and as required by Government Code Section 56882.
10. The application for the Dissolution of the Lookout Pest Abatement District (LAFCO 2023-0001) as shown in Exhibit A is hereby approved subject to the terms and conditions herein.
11. Upon the effective date of this dissolution control of all assets, all monies or funds including cash on hand and monies due but uncollected, and all property, real and personal, of the dissolved district is vested with CSA 2 as provided for in Government Code section 57457.
12. This dissolution shall not take effect until all conditions included in LAFCo Resolution 2023-0002 (Formation of CSA #2) have been satisfied and a Certificate of Completion has been recorded by LAFCo.

13. This dissolution shall not take effect until the Board of Supervisors approves formation of a Lookout Pest and Weed Abatement benefit zone and funding source has been identified and approved.
14. This dissolution shall not take effect until the Board of Supervisors approve a resolution transferring the existing property tax (base and increment) from the Lookout Pest Abatement District to the Lookout Pest and Weed Abatement Benefit Zone and funds collected by the County on behalf of the benefit zone. Alternatively, The Board of Supervisors may determine a funding source sufficient to operate the benefit zone.
13. The authority of the Lookout Pest Abatement District to provide Pest and Weed abatement services is hereby transferred and vested to CSA #2 entirely, and CSA #2 is hereby designated as the "successor agency" to the Lookout Pest Abatement District with respect to services provided and shall manage its affairs and transition to a Benefit Zone. The County of Modoc shall succeed to all licenses, permits and authorities and all obligations and responsibilities of the pest and weed abatement services within the Lookout Pest Abatement district as well as the Lookout Pest and Weed abatement benefit zone, once established.
14. 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 in this resolution as well as Resolution 2023-0002, the formation of CSA #2.
15. Completion of proceedings shall be concluded within one year after adoption date of this resolution. If the proceedings are not concluded within one year after passage of this resolution, all proceedings shall be terminated unless extended by the LAFCo Commission.

PASSED AND ADOPTED at a regular meeting of the Local Agency Formation Commission of the County of Modoc, State of California, on the 13th day of June 2023 by the following vote:

AYES: Coe, Minchella, Nelson & Rhoads

NOES:

ABSTAINS:

ABSENT:


 Kathie Rhoads, CHAIR
 MODOC LOCAL AGENCY
 FORMATION COMMISSION

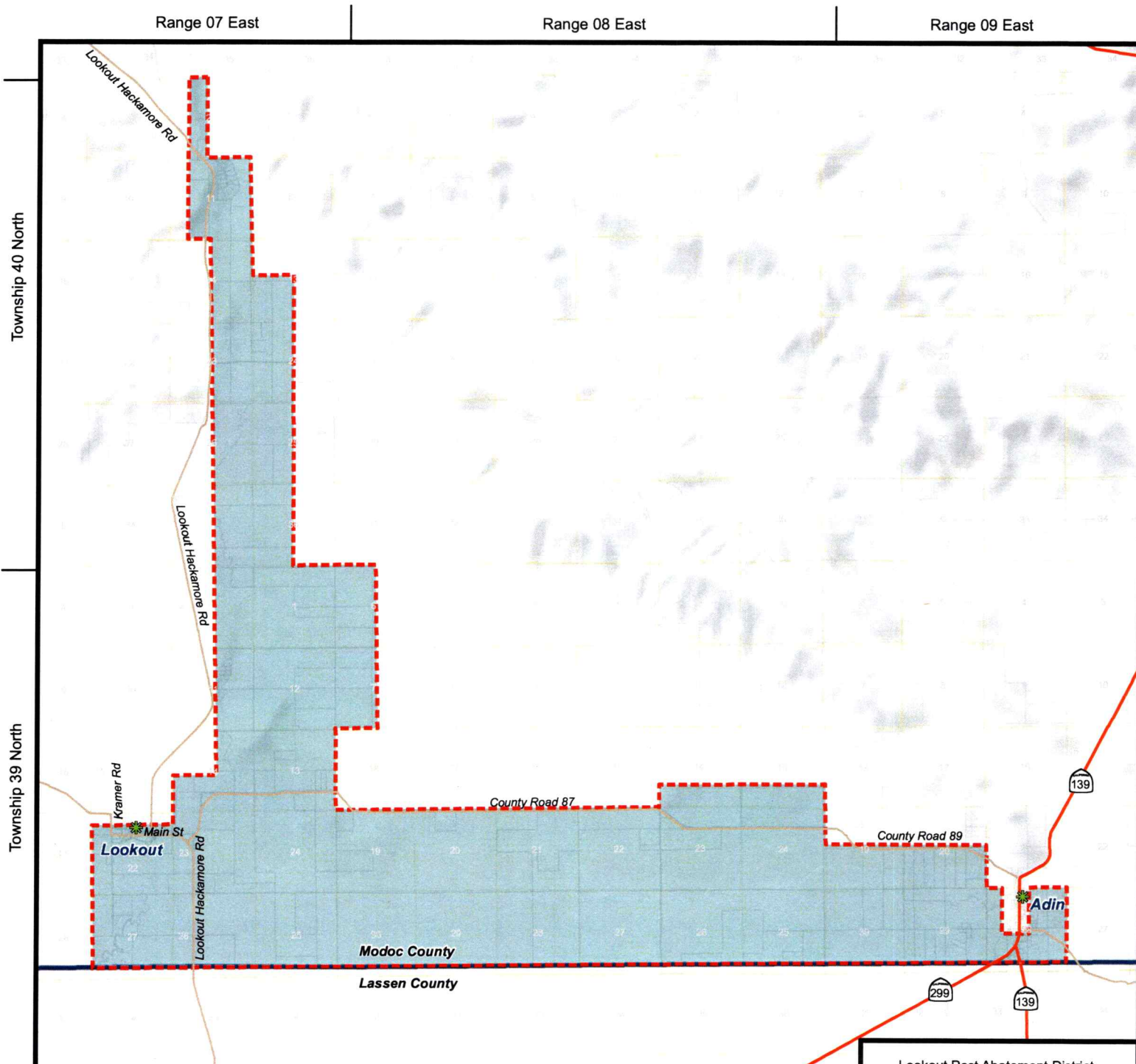
ATTEST:









 JOHN BENOIT
 Executive Officer


Resolution 2023-0003
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 June 13, 2023

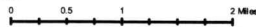
LOCAL AGENCY FORMATION COMMISSION LOOKOUT PEST ABATEMENT DISTRICT SPHERE OF INFLUENCE



Legend

-  Communities
-  County Boundary
-  Highways
-  Roads
-  Parcels
-  Sectional Grid (MDB&M)

-  Lookout Pest Abatement District
-  Lookout Pest Abatement District Sphere of Influence



Lookout Pest Abatement District Sphere of Influence

LAFCo Resolution:
Adopted:
Modoc LAFCo

Map Created 6/3/2019

