

Resolution 2022-0007

Of the

Local Agency Formation Commission of

Plumas County

A Resolution Granting New and Different Powers (latent powers) to the Graeagle CSD enabling the district to provide Transportation Services for territory within its district boundaries.

WHEREAS, the Graeagle Community Services District was created in 1974 and was previously authorized to perform powers authorized by the Community Services District law at that time including transportation services.

WHEREAS, the Graeagle Community Services District never performed transportation services, including road maintenance services such as bridge construction, which have been provided entirely by the County of Plumas. The District desires to perform said services in addition to financing of park and recreation capital projects and street lighting, which it currently provides.

WHEREAS, in 2001, the California Legislature amended the LAFCO Act to require independent special districts to obtain approval from LAFCO prior to providing new or different service.

WHEREAS, furthermore in 2005, the California Legislature added Section 61106 of the Government Code (The updated Community Services District law) requiring a community services district to first receive the approval of the Local Agency Formation Commission, pursuant to Article 1.5 (commencing with Section 56824.10) of chapter 5 of Part 3 of Division 3 prior to providing an additional service.

WHEREAS, the Graeagle Community Services District does not currently provide the requested service to the community of Graeagle and new services may be authorized in accordance with Section 61100-61107 of the Government Code only after approval is granted by the Local Agency Commission of the affected County.

WHEREAS, on September 7, 2022, in compliance with Government Code Section 56824.12, the Graeagle Community Services District adopted Resolution 2022-01 requesting LAFCo to initiate proceedings to authorize the District to activate a new or different service consisting of transportation services.

NOW THEREFORE, The Plumas Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The foregoing recitals are true and correct.
2. The territory to be served is entirely within the district boundaries.
3. This change of organization is assigned the following distinctive short-form designation:

**Gaeagle CSD Activation of Latent Powers
(Plumas LAFCo File No. 2022-0005)**

4. This proposal will not adversely affect adjacent unincorporated territory or any other service provider.
5. Any costs associated with and incurred or costs to be incurred by all parties to this authorization will be the sole responsibility of the District, including but not limited to State Board of Equalization Fees (if applicable) and administrative charges. Further, all State of California, County of Plumas, and Plumas LAFCo fees will be paid in full prior to the filing of the Certificate of Completion.
6. Approval of this change of organization is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Plumas 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 Plumas 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.
7. Should written protest be received by LAFCO by landowners and (or) registered voters who reside within the territory prior to the conclusion of this public hearing, then a protest hearing will be required to be conducted according to Government Code section 56824.14 (a)2 and noticed pursuant to Government Code Sections 57075 and 56150 *et seq.*
8. The Commission hereby affirms the Graeagle CSD's application for authorization for Transportation Services is not subject to Section 99 (b) of the Revenue and Taxation code requiring a property tax exchange agreement.
9. In reviewing this application, the Commission finds that transportation services to be provided by Graeagle Community Services District are beneficial to the community and that there will not be a duplication of other powers provided by any other special district or the County of Plumas.
10. The Graeagle CSD service plan envisions transportation services are to be funded through the funds already accumulated by the District for the one time capital outlay. All on-going cost of maintenance will be paid by Graeagle Land and Water.
11. The Commission adopts the determinations regarding consistency with LAFCo Policies contained in the staff report for this project and incorporates them by reference herein.
12. This proposal is consistent with the sphere of influence as amended by LAFCo Resolution 2003-0008.
13. The Effective Date shall be the date of recordation of the Certificate of Completion.
14. 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 unless a request is made to the LAFCo Executive Officer for an extension of time.

15. Graeagle CSD is hereby authorized to perform transportation services including the power to "Acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works" subject to the terms and conditions herein.

PASSED AND ADOPTED by this Local Agency Formation Commission of the County of Plumas, on the 17th day of October 2022, by the following vote:

AYES: COOLEY, POWERS, GOSS, THRALL, HAESCHE

NOES: \emptyset

ABSENT: \emptyset

ABSTAINS: \emptyset

Signed and approved by me after its passage this 17th day of October 2022.

Tom Cooley

Tom Cooley, Chair –
Plumas Local Agency Formation Commission

Attest:

Jennifer Stephenson
Jennifer Stephenson, Executive Officer