

Resolution 2017-0006 of the

**Colusa Local Agency Formation Commission
Colusa County, California**

A Resolution Making Determinations and Approving the Annexation of 1,607.39-acres more or less to the Colusa County Water District and Detachment of 4,998.56-acres more or less from the Colusa County Water District

WHEREAS, a Resolution of Application for Annexation of 1,607.39-acres more or less and Detachment of 4,998.56-acres more or less to and from the Colusa County Water District has been filed with the Executive Officer of the Colusa Local Agency Formation Commission; and said application complied with all the requirements of law and the Commission; and,

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

WHEREAS, no public hearing by the Commission for this application is required since there is 100% landowner consent, it is consistent with the Sphere of Influence and the territory is uninhabited; and

WHEREAS, the Executive Officer has reviewed the application and has prepared a 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, at a meeting on November 2nd 2017, December 7, 2017, January 4, 2018 and March 1, 2018 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 meeting.

NOW THEREFORE, the Colusa Local Agency Formation Commission does hereby resolve and order the following:

1. The foregoing recitals are true and correct.
2. The territory comprises an annexation of 1,607.39-acres more or less and a Detachment of 4,998.56-acres more or less
3. The change of organization is assigned the following distinctive short-term designation:
LAFCO 2017-0001 - Colusa County Water District Cleanup Reorganization
4. The proposal is consistent with the sphere of influence of the Colusa County Water District. The Commission has considered the factors

determined by the Commission to be relevant to this proposal, including, but not limited to, Sphere of Influence and General Plan consistency, and other factors specified in Government Code Section 56668 and as described in the staff report dated November 2, 2017.

5. The Commission adopts the determinations regarding consistency with LAFCO Policies contained in the staff report for this project and incorporates them by reference herein.
6. The purpose of this reorganization is place territory receiving district water into the district and remove territory not receiving water outside the district.
7. In reviewing this application, the Commission finds that irrigation water services to be provided by Colusa County Water District are necessary and that there will not be a duplication of other powers provided by any other special district.
8. In reviewing this application, this Commission has considered each of the factors required by Government Code Section 56668 and LAFCO's adopted policies.
9. The LAFCO Executive Officer's Staff Report including attachments and recommendation for approval of the proposal is hereby incorporated by reference and hereby adopted.
10. The map and boundary descriptions shall comply with the requirements of the County Surveyor. The boundary description and map, if rejected by the County Surveyor or amended by LAFCO, will be revised at the expense of the applicant. The applicant shall be responsible for any associated costs. The boundary description and map, if amended by action of the Commission, will be revised and checked by the Colusa County Surveyor at the expense of the applicant, prior to filing of the Certificate of Completion.
11. The boundaries, as set forth in the proposal and amended by action of the Commission, are hereby approved as submitted and subject to approval of the County Surveyor and must include the following language "Colusa LAFCo File 2017-0001 Colusa County Water District Cleanup Reorganization" and are as described in Exhibits "A1- A-8" Annexation Boundary Descriptions and "B1 - B-8" Annexation Maps attached and "C1 - C17" Detachment Boundary Descriptions and "D1 - D17" Detachment Maps hereto and by this reference incorporated herein subject to the terms and conditions included.

12. As stated in the LAFCO Staff Report dated November 2, 2017, the amount of base property tax and tax increment transferred shall be in accordance with Colusa County Resolution 00-47 attached hereto as Exhibit "E".
13. Said reorganization territory is found to be uninhabited.
14. All Colusa County, LAFCO and State of California fees must be paid in full prior to filing the Certificate of Completion. LAFCO will forward invoices and (or) a list of required fees prior to filing the Certificate of Completion for direct payment to the agency by project proponent.
15. Further protest proceedings are waived and the Commission orders the Annexation of 1,607.39 acres more or less and Detachment of 4,998.56 acres more or less to the Colusa County Water District, pursuant to Part 4 commencing with Section 57000. Satisfactory proof has been given that the subject territory is uninhabited, that all landowners within the affected territory have given their written consent to the proposal and all affected agencies have not objected in writing to the waiver of conducting authority proceedings (Section 56663 of Government Code). Therefore, The Commission does hereby approve and authorize the conducting authority to annex the territory described in Exhibits "A1- A-8" Annexation Boundary Descriptions and "B1 - B-8" Annexation Maps attached and "C1 - C17" Detachment Boundary Descriptions and "D1 - D17" Detachment Maps to the Colusa County Water District without notice and election.
16. The Commission hereby finds that the Reorganization is exempt from environmental review pursuant to Categorical Exemption 15319 in that all properties involved are fully developed as farms and that there are no unusual circumstances that would prevent the exemption from being utilized. The properties being detached were not receiving district water before the detachment and that will not change after detachment. In addition the impact of the detachment on future groundwater determinations whether under SGMA or by groundwater adjudication are too speculative to allow environmental evaluation at this time.
17. All Colusa County Water District previously authorized assessments; taxes, fees and charges shall apply to any annexed territory upon recordation of the Certificate of Completion. All annexed property shall comply with the terms and conditions contained in the written policies of the Colusa County Water District.
18. This reorganization shall be subject to all terms and conditions as set forth in Colusa County Water District Resolution 2017-4 adopted on June 14, 2017 and attached to the Executive Officer's report dated November 2, 2017.

19. The District shall send to LAFCo a letter affirming territory subject to payment of any fairly attributable outstanding fees and an appropriate buy-out of CCWD's Bureau of Reclamation contract obligations and (or) debt have paid prior to the filing of the Certificate of Completion. Likewise a letter shall state lands requesting detachment will not be further assessed by the district and other landowners shall not be financial responsible for any additional payments prior to the filing of the Certificate of Completion.
20. The District shall send LAFCo a letter affirming that all territory in which annexation is requested must pay off any prior obligations not found to have been paid prior to filing the Certificate of Completion.
21. The CCWD shall forward to LAFCo an updated Bureau of Reclamation Map reflecting the new District service area prior to filing the Certificate of Completion.
- 21A Prior to filing the certificate of completion, all owners wishing to detach shall sign and record a brief Notice of Waiver of Benefits and Claims of Credits for Groundwater Recharge and Groundwater Storage Arising from the Deliveries of and Use of Reclamation Water within the Colusa County Water District. The form to be prepared by LAFCo Counsel working with counsel for the Water District.
22. An electronic copy of Exhibits A and B in PDF format, two large copies (18 x 24) and two 8 1/2 x 11 reductions of all maps along with two copies of the final LAFCO approved boundary description shall be submitted to LAFCO prior to recordation of the Certificate of Completion.
23. Approval of this change of organization is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Colusa 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 reorganization. The Colusa 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.
24. The Executive Officer of this Commission is instructed to mail a certified copy of this resolution to those persons so indicated on the application and as required by Government Code Section 56882.

25. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings.
26. 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 the LAFCo Commission grants an extension.

PASSED AND ADOPTED by this Local Agency Formation Commission of the County of Colusa, on the 1st day of March 2018, by the following vote:

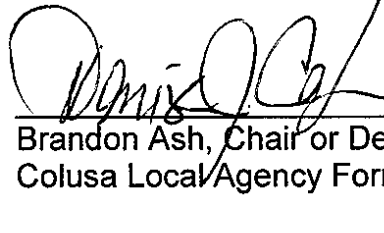
AYES: Loudon, Reische, Carter, Sellers and Ash

NOES: -

ABSENT: -

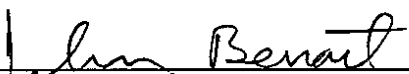
ABSTENTIONS: -

Signed and approved by me after its passage this 1st day of March 2018



Brandon Ash, Chair or Denise Carter, Vice-Chair
Colusa Local Agency Formation Commission

Attest:



John Benoit, Executive Officer
Colusa Local Agency Formation Commission