

LAFCO RESOLUTION 2020-07

RESOLUTION OF THE SHASTA LOCAL AGENCY FORMATION COMMISSION MAKING DETERMINATIONS AND APPROVING THE ANDERSON-COTTONWOOD CEMETERY DISTRICT CONSOLIDATION, ANNEXATION TO THE CONSOLIDATED DISTRICT, ADOPTING A SPHERE OF INFLUENCE FOR THE CONSOLIDATED DISTRICT AND WAIVER OF PROTEST PROCEEDINGS.

WHEREAS, Concurrent Resolutions of Applications from the Anderson and Cottonwood Cemetery Districts for consolidation into the Anderson- Cottonwood Cemetery District, as defined in the California Health and Safety Code Division 8 Section 9000 – 9093, Public Cemetery District Law, have been filed with the Executive Officer of the Shasta Local Agency Formation Commission (LAFCO) and said application complied with all the requirements of law and the Commission; and,

WHEREAS, the Anderson and Cottonwood Cemetery Districts both circulated notices to agencies and interested parties including LAFCO and have adopted resolutions initiating LAFCO proceedings and have conducted public meetings based on their notification, and have received and considered comments presented at the public hearings; and

WHEREAS, proceedings for the district consolidation are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 as amended, Section 56000 et seq. of the Government Code; and

WHEREAS, it is the desire of the Anderson and Cottonwood Cemetery District Boards that the territory currently served and within these two districts, be included into the consolidated Cemetery District; and

WHEREAS, the annexation of parcels along the common boundary, and not included in the two districts is included, to avoid unserved parcels within the consolidated District; and

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

WHEREAS, the Shasta LAFCO has adopted a Sphere of Influence for the consolidated Anderson- Cottonwood Cemetery District, that is the same as the District boundary and the same as for the exterior boundary of the two Districts as shown in the 2017 Cemetery Districts Municipal Services Review approved by the Commission; and

WHEREAS, the Executive Officer has reviewed the application and prepared a report including staff recommendations thereon within the time required by law and has furnished copies of said report to the Commission and all other persons required by law to receive it; and

WHEREAS, at a hearing on September 3 2020, 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, LAFCO, on behalf of the two districts, prepared and certified as the Lead Agency a Notice of Exemption for the affected territory pursuant to the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

WHEREAS, the Shasta County Board of Supervisor's adopted Resolution 20-071, that formally documents that Anderson and Cottonwood Cemetery District property taxes allocations and allocations for annexed parcels, be transferred to the Anderson-Cottonwood Cemetery District, in order to meet requirements of California Revenue & Taxation Code Section 99.

NOW, THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED as follows:

The foregoing recitals are true and correct.

1. The territory comprises approximately 52,196 acres more or less and is inhabited.
2. The change of organization is assigned the following distinctive short-term designation:
Anderson-Cottonwood Cemetery District Consolidation.
3. The Commission has reviewed and considered the information contained in the Notice of Exemption prepared for the Anderson and Cottonwood Cemetery Districts for this change of organization and makes a specific determination that this environmental determination adequately addresses this change of organization. The Commission hereby affirms and incorporates by reference the decision as part of the findings for this resolution.
4. The Commission adopts and affirms the Notice of Exemption prepared by Shasta LAFCO and directs the Executive Officer to file a Notice of Exemption as provided under the California Environmental Quality Act. Applicant shall be responsible for payment of any documentary handling fees required by the Shasta County Clerk or filing office.
5. The proposed Anderson-Cottonwood Cemetery District is consistent with the existing Districts, with annexation and does not conflict with any other agency providing similar services.
6. The Commission adopts the determinations regarding consistency with LAFCO policies contained in the staff report for this project and incorporates them by reference herein.
7. The Anderson and Cottonwood Cemetery Districts formed pursuant to California Health and Safety Code Division 8 Section 9000 et. seq. are hereby consolidated and the Anderson Cemetery District dissolved. The successor district shall be the Anderson-Cottonwood Cemetery District.
8. This change of organization includes all the territory shown in Exhibit "A" Consolidated Anderson- Cottonwood Cemetery District. The district boundaries and coterminous Sphere of Influence, as set forth in the proposal, are hereby approved as shown in Exhibit "A" attached hereto and by this reference incorporated herein.
9. The effective date of formation shall be upon the Certificate of Completion recordation and after the completion of all proceedings.
10. The Anderson -Cottonwood Cemetery District shall be the successor agency to all rights, responsibilities, properties, contracts, assets, liabilities, and functions of the Anderson and Cottonwood Cemetery Districts. Any professional service agreements, individual employments contracts and pension liabilities will be evaluated consistent with the following:

Any full- or part-time Anderson and Cottonwood Cemetery District employees shall become full-time or part-time employees of the successor agency. Contract employees and professional service agreements will be evaluated, at the sole and exclusive discretion of the governing body of the consolidated Anderson-Cottonwood Cemetery District, to determine whether they are essential to the ongoing District operation.

This consolidation is subject to the following conditions:

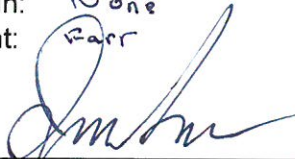
1. The successor agency shall function under and carry out all authorized duties and responsibilities as outlined in Public Cemetery District Law and other applicable laws.
2. As applicable, all income from taxes, assessments or any other source, which has been a continuing right to tax distribution, or historical distribution or allocation of funds to each of the Districts, and the annexed area, shall continue to be distributed to the Anderson-Cottonwood Cemetery District.
3. The provisional appropriation limits of the Anderson and Cottonwood Cemetery Districts shall be set in the first full fiscal year. This amount is to be set from the proceeds of taxes currently received by the Anderson and Cottonwood Districts. As stated in Government Code Section 56811, the permanent appropriations limit of the district shall be set at the first district election that is held following the first full fiscal year of operation.
4. All Assets, unrestricted, restricted or fiduciary, held by the Anderson and Cottonwood Cemetery Districts, shall be transferred to and become assets of the Anderson-Cottonwood Cemetery District. The consolidated District shall be the successor agency. The assets include, but are not limited to vehicles, infrastructure, structures, land, office equipment, maintenance equipment and cash assets.
5. Any previously authorized charges, fees, assessments, and/or taxes currently in effect, now levied or collected by each district, including improvement or assessment districts thereof, shall continue to be levied and collected by successor Cemetery District.
6. All liabilities of the Districts shall be transferred to and become liabilities of the consolidated Anderson-Cottonwood Cemetery District.
7. Reorganization of these two (2) districts shall not change the rights of the lands in the respective district as they existed immediately prior to the consolidation.
8. Pursuant to Health and Safety Code Sections 9020 et. seq. the Board of Trustees for the Consolidated Anderson-Cottonwood Cemetery District shall be five (5) members and all Directors shall be appointed to serve four-year terms and all directors shall be residents within the Anderson-Cottonwood Cemetery District Boundaries.
9. The district shall provide the range of services authorized by the Cemetery District Law, commencing at Section 9040 et. seq. of the California Health and Safety Code. The Board of Trustees of the Anderson-Cottonwood Cemetery District shall authorize an annual work plan for services throughout the consolidated District.
10. The Sphere of Influence hereby adopted by Shasta LAFCO (Resolution 2020-07) on September 3, 2020 shall guide the Anderson-Cottonwood Cemetery District and any Sphere of Influence Updates shall meet requirements of Government Code 56425 (g).
11. LAFCO is the conducting authority for this consolidation. In accordance with the provisions of Government Code Section 56000 et. seq. and Shasta LAFCO Policies, if the Commission does not receive written objections prior to the close of the public hearing on September 3, 2020, the protest-hearing requirement pursuant to Government Code Section 57000 et seq. shall be waived and the change of organization is ordered complete. If written protests are received at the public hearing, the proposal shall be subject to protest proceeding thresholds in Government Code Section 57077.2. As necessary the Commission hereby directs the Executive Officer to schedule a protest hearing for this matter after the expiration of the reconsideration period specified by Section 56895; to conduct the hearing for this reorganization; and, upon completion of the hearing, to take

action as appropriate in accordance with LAFCO Policies and the requirements.

12. Approval of this consolidation is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Shasta 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 annexation. Shasta LAFCO shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.
13. Unless otherwise waived, all LAFCO, Shasta County and State of California fees must be paid in full prior to Certificate of Completion filing. LAFCO will forward invoices and (or) a list of estimated required fees or deposits prior to Certificate of Completion filing.
14. The Executive Officer is hereby directed to transmit a certified copy of this resolution to each affected agency, as provided in G.C. Section 56882.
15. The Completion of the 30-day reconsideration period provided under G.C. § 56895.
16. Submittal of a final map and geographic description of the affected territory conforming to applicable State Board of Equalization requirements prior to the recordation of the Certificate of Completion.
17. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings.
18. 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 an extension is approved.

Adopted on September 3 2020 by the following Vote:

For: Baugh, Chimenti, Fust, Waynes, Neutze, Russell
Against: None
Abstain: None
Absent: Parr



Irwin Fust, Chair Shasta LAFCO

Attest:



George Williamson Executive Director

Attachments Exhibit A- Boundary & SOI Map
Shasta County BOS Tax Revenue Sharing Resolution 2020-071