

RESOLUTION NO. 2004-_____

RESOLUTION OF THE SUTTER COUNTY LOCAL AGENCY, FORMATION COMMISSION, ACTING AS THE CONDUCTING AUTHORITY, MAKING DETERMINATIONS ON THE VALUE OF WRITTEN PROTEST FOR THE CHANGE OF ORGANIZATION DESIGNATED AS THE SOUTH SUTTER RECREATION AND PARK DISTRICT FORMATION

RECITALS

1. On March 25, 2004, the Sutter County Local Agency Formation Commission (LAFCO) conducted a public hearing to consider a change of organization to form the South Sutter Recreation and Park District in southern Sutter County.
2. After conducting a public hearing and considering all evidence, both written and oral, LAFCO adopted Resolution No. 200-09, approving the change of organization.
3. On May 5, 2004, the Executive Officer of the commission provided notice of the conducting authority proceedings in accordance with Government Code Section 57025(a).
3. On May 27, 2004, LAFCO, acting as the conducting authority, held a protest hearing and received and considered any written protests filed against the change of organization.

THEREFORE, THE SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION RESOLVES THAT:

1. Valid written protests to the reorganization in accordance with Government Code Section 57075(a) (2) (A) and (B) were not filed. An election is not required.
2. Consistent with Government Code Section 57100(a), this action is taken pursuant to division 3, title 5 (commencing with section 56000) of the Government Code, known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
3. The change of organization forms the South Sutter Recreation and Park District.
4. The terms and conditions of the change of organization are set forth in LAFCO Resolution No. 2004-09, and are attached as Exhibit "A".
5. The change of organization is subject to approval by the registered voters of the district.
6. The question to be submitted to the voters for formation of the district shall be as follows:

"Shall the order adopted on March 25, 2004, by the Local Agency Formation Commission of Sutter County ordering the formation of the South Sutter Recreation and Parks District in the territory described, be approved subject to the terms and conditions specified in the order?"
7. The question to be submitted to the voters establishing the funding mechanism for the district shall be as follows:

“Shall the order adopted on March 25, 2004, by the Local Agency Formation Commission of Sutter County establishing a special tax of \$45.00 per parcel that is developed with a residence for the South Sutter Recreation and Parks District, subject to increase by the District Board by an annual amount no greater than the percentage increase of the Consumer Price Index-U (CPI-U) from the prior year, be approved?”

8. Consistent with Government Code Section 57115(d), the vote required for confirmation of the change of organization shall be a simple majority vote by the registered voters within the boundaries of the district.
9. The vote required for confirmation of the proposed tax to fund the district shall be a two-thirds vote by the registered voters within the boundaries of the district.
10. The boundaries of the district are delineated in Resolution 2004-09, and attached as Exhibit “A”.
11. The reasons for the change of organization are those set forth in the statement of reasons included in the LAFCO Executive Officer’s staff report for the meeting of March 25, 2004 and are hereby incorporated by reference.
12. The regular Sutter County assessment roll will be utilized in connection with this change of organization.
13. The election to be held to approve of the formation of the district and special tax shall be held within the territory of the South Sutter Recreation and Park District whose boundaries are reflected in Exhibit “A”.
14. The district shall be governed by a board of directors that shall be independently elected from the district pursuant to Public Resources Code 5783.11 and shall be elected at large from the district.
15. The board of directors for the district shall consist of five members. The initial and all subsequent board of directors shall be elected to a fixed term of four years, pursuant to Public Resources Code sections 5784(b) and 5784.3.
16. No person shall be a candidate for the board of directors unless she or he is a registered voter living within the proposed district.
17. The Executive Officer is directed to forward this Resolution to the Sutter County Board of Supervisors requesting that the Supervisors call an election for the following:
 - a. Formation of the South Sutter Recreation and Park District.
 - b. Approval for the special tax proposed to fund the district.
 - c. The election of the board of directors who will govern the district’s activities.
18. Resolution 2004-09, attached as Exhibit “A” specifies the vote required in order to approve of both the district’s formation and the special tax.
19. The district shall not have the power of eminent domain.

20. All proper expenses incurred in conducting the election for this change of organization shall be paid by the South Sutter Recreation and Park District if the district is formed in accordance with the terms and conditions specified in Resolution 2004-09, pursuant to Government Code Section 57150(b). If the district is not formed, the costs of the election will be paid for by the County of Sutter.

PASSED AND ADOPTED this 27th day of May 2004, by the following vote:

AYE:

NO:

ABSTAIN:

CHAIRPERSON

ATTEST:

LARRY T. COMBS
EXECUTIVE OFFICER