

RESOLUTION NO. 2009-05

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE
COUNTY OF SUTTER MAKING DETERMINATIONS AND APPROVING A
MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR
NICOLAUS CEMETERY DISTRICT

Recitals

1. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires each Local Agency Formation Commission (LAFCO) in every County to update Spheres of Influence every five years pursuant to Section 56425(f).
2. The Act requires LAFCOs to conduct a Municipal Service Review prior to or concurrently with updating an agency's Sphere of Influence and at the same time make written statements of determination with respect to each of the following:
 - A. Growth and population projections for the affected area;
 - B. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies;
 - C. Financing ability of agencies to provide services;
 - D. Status of and, opportunities for, shared facilities;
 - E. Accountability for community service needs, including governmental structure and operational efficiencies;
 - F. Any other matter related to effective or efficient service delivery, as required by commission policy.
3. On May 22, 2008, the Sutter County Local Agency Formation Commission adopted Resolution No. 2008-03, initiating Municipal Service Review and Sphere of Influence Updates for all cemetery districts in Sutter County.
4. On May 28, 2009, the Commission reviewed and considered the Executive Officer's report, and the Rules of Procedure for the Sutter County Local Agency Formation Commission, as amended April 24, 2008, conducted a public meeting at which it heard and received all oral and written comments, evidence, and objections which were made, presented, or filed regarding the Municipal Service Review and Sphere of Influence Update. All persons present were given an opportunity to hear and be heard.

The LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SUTTER resolves, determines, orders, and finds as follows:

Section 1. The Commission has determined that the Municipal Service Review study is not a project subject to the California Environmental Quality Act (CEQA). To the extent that it may be so considered, it is not subject to CEQA by virtue of two applicable exemptions:

First, the Municipal Service Review and Sphere of Influence Update is Categorical Exempt from CEQA pursuant to Section 15306 of the Guidelines which exempts basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. This exemption may be used strictly for information gathering purposes or as part of a study leading to an action which a public agency (LAFCO) has not yet approved, adopted or funded. The information gathered for the Municipal Service Review will not have an effect upon an environmental resource. The Sphere of Influence Update will validate the boundaries of an existing Sphere and no changes to that Sphere of Influence will occur. Therefore, no environmental impacts will result and the Executive Officer is directed to file a Categorical Exemption for this proposal.

Second, the Commission has determined that the Municipal Service Review and Sphere of Influence Update is also covered by the general rule of CEQA, Section 15061b(3) of the CEQA Guidelines that states that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Sutter Cemetery District's Municipal Service Review evaluates the District's current operations and does not propose any changes of organization or reorganization. In addition, the District's Sphere of Influence will remain unchanged. As a result, the Municipal Service Review and Sphere of Influence Update will not have any impact upon the environment and therefore is not subject to CEQA.

Section 2. The Commission adopts and incorporates by reference the Executive Officer's Report, and its attachments and appendices, as its Statement of Reasons for the Municipal Service Review and Sphere of Influence Update.

Section 3. In accordance with Government Code Section 56430, LAFCO makes the following written determinations for the Municipal Service Review for the Nicolaus Cemetery District:

- A. Growth and population projections for the affected area-** The District's service needs are forecast based upon using census data, past burial rates and the sale of pre-need grave sites. The District has estimated that it has capacity in its existing cemetery to serve the area for another 70 years based on the historic burial rate of four per year.
- B. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies-** Nicolaus Cemetery District's infrastructure is adequate to serve its area. The District does not appear to have any deficiencies that would prevent it from providing burial services to its service area. The District has estimated that it has capacity in its existing cemetery to serve the area for another 70 years based on the historic burial rate of four per year.
- C. Financial ability of the agency to provide services-** Nicolaus Cemetery District's revenues are adequate to provide burial services for their service area. There were no financing constraints identified in conducting the District's Municipal Service

Review and there were no revenue opportunities discovered for the District through the conduct of the Municipal Service Review.

- D. Status of and opportunities for shared facilities-** Nicolaus Cemetery District, like all cemetery districts in the County, owns and maintains its cemetery facilities and utilizes its own equipment or contracts with private parties for use of equipment. Limited opportunities exist for sharing facilities.
- E. Accountability for community service needs, including governmental structure and operational efficiencies-** The structure of Nicolaus Cemetery District's Board appears to function properly for the district. The County Board of Supervisors appoints the Cemetery District's three person Board of Trustees. There has been no interest expressed by Nicolaus Cemetery District to merge with any other cemetery district or alter the governmental structure currently in affect. All District meetings are conducted in public in accordance with the Brown Act.
- F. Any other matter related to effective or efficient service delivery, as required by commission policy-** There are no further matters regarding the Nicolaus Cemetery District that have not been discussed in this Municipal Service Review.

Section 4. In accordance with Government Code Section 56425(e), LAFCO makes the following written determinations with regard to the Sphere of Influence for Pleasant Grove Cemetery District:

- A. The present and planned land uses in the area, including agricultural and open space lands.**

Within the boundaries of the Nicolaus Cemetery District one will find mostly agricultural activities occurring along with scattered residential, industrial and commercial uses. The majority of the district is comprised of a rural landscape used for growing orchard crops, row crops and rice; however, the rural community of Nicolaus is located within the district's boundaries. Scattered residential uses are also located throughout the area. The planned land uses in the district can be determined by reviewing the County's General Plan; however, the planned land uses closely match what exists in the area today.

- B. The present and probable need for public facilities and services in the area.**

Burial services and cemetery operation and maintenance services will be required as long as the human population continues to exist.

- C. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

The Nicolaus Cemetery District estimates that their cemetery has approximately 70 additional years of capacity based upon past usage rate of four burials per year.

D. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

There are no known social and economic communities of interest (pertaining to cemetery districts) located within the boundaries of the Nicolaus Cemetery District.

Section 5. The Commission determines that the existing boundaries of the Nicolaus Cemetery District Sphere of Influence are adequate to serve the district's needs and, therefore, re-adopts the existing Sphere of Influence boundary as shown in **Attachment A** of the Executive Officer's Staff Report and by reference, included herein.

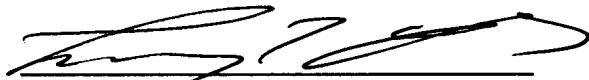
Passed and adopted this 28th day of May, 2009, by the following vote:

AYES: Commissioners Montna, Gallagher, Maan, Klotz, and White

NOES: None

ABSTAIN: None

ATTEST:



LARRY T. COMBS
EXECUTIVE OFFICER


CHAIRPERSON