



2004100427

OFFICIAL RECORDS OF  
SONOMA COUNTY  
EVEE T. LEWIS

GOVERNMENT AGENCY  
06/30/2004 12:25 NTC  
RECORDING FEE: 0.00  
PAID

2

PGS



Recording requested by LAFCO  
After recording, return to LAFCO Office  
via Courier Mail

### CERTIFICATE OF COMPLETION

I, Steven J. Sharpe, Executive Officer of the Local Agency Formation Commission of the County of Sonoma, hereby certify that the attached map complies with the Commission's Resolution number 2433, dated September 10, 2003.

The LAFCO file number and title of the proceeding is: File 96-25: Graton Community Services District/Forestville Water District Reorganization

The name of each district or city involved in this change of organization or reorganization and the kind or type of change of organization ordered for each city or district are as follows:

Affected City/District

Type of Change

Graton Sanitation Zone of the Sonoma County Water Agency  
Graton Community Services District

Dissolution  
Formation

The name of the county in which the affected agencies are located is: County of Sonoma.

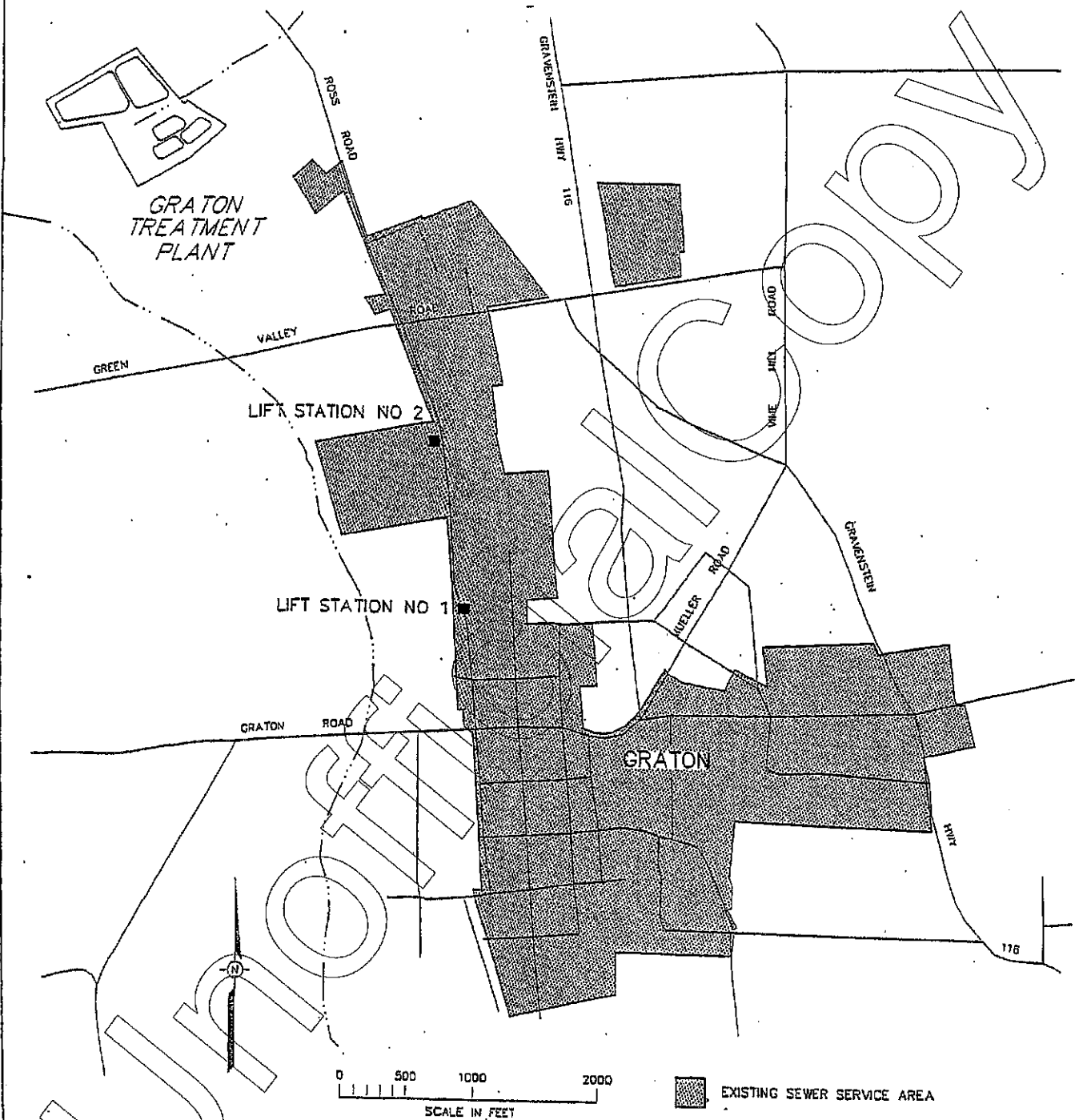
The legal description of the affected territory is attached. The territory is inhabited.

The terms and conditions are described in LAFCO Resolution No. 2433.

The proposal was ordered with an election.

6/30/04  
Date

Steven J. Sharpe, Executive Officer



GRATON SANITATION ZONE

Proposed Graton Community Services District

Resolution No. 2428  
575 Administration Drive  
Santa Rosa, CA 95403  
August 6, 2003

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION, APPROVING A REORGANIZATION CONSISTING OF DISSOLUTION OF THE GRATON SANITATION ZONE OF THE SONOMA COUNTY WATER AGENCY, FORMATION OF THE GRATON COMMUNITY SERVICES DISTRICT, AND DESIGNATION OF THE GRATON COMMUNITY SERVICES DISTRICT AS THE SUCCESSOR IN INTEREST TO THE GRATON SANITATION ZONE OF THE SONOMA COUNTY WATER AGENCY, AND ESTABLISHING A SPHERE OF INFLUENCE FOR THE GRATON COMMUNITY SERVICES DISTRICT**

**RESOLVED**, that the Local Agency Formation Commission of the County of Sonoma ("the Commission") hereby finds and determines as follows:

**I. Proposal.**

1.1 On December 10, 2002, the Board of Directors of the Sonoma County Water Agency ("the Water Agency") and the Board of Supervisors of the County of Sonoma ("the County") unanimously adopted a concurrent resolution of the two agencies, Resolution No. 1308, proposing a reorganization pursuant to the Cortese-Knox-Hertzberg Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5 of the Government Code ("the Cortese-Knox-Hertzberg Act") consisting of dissolution of the Graton Sanitation Zone of the Sonoma County Water Agency ("the Graton Sanitation Zone"), formation of the Graton Community Services District ("the Graton Community Services District"), and designation of the Graton Community Services District as the successor in interest to the Graton Sanitation Zone (collectively "the Proposal"). Thereafter, the Water Agency and the County filed Resolution No. 1308 with the Executive Officer of the Commission ("the Executive Officer"), thereby initiating proceedings for the Proposal.

**II. Procedural History.**

2.1 In December 1996, the Graton Citizens for Local Sewer Control submitted a petition and application to the Commission to form the Graton Community Services District and to dissolve the Graton Sanitation Zone. In January 1997, the Executive Officer determined that the petition and application were incomplete and requested additional information regarding formation of the Graton Community Services District. In February 1997, the Commission referred the petition and application to a reorganization committee for review and recommendation to the Commission. Between February 1997 and December 2002, the reorganization committee met approximately 20 times to consider interests and to recommend the most suitable organizational structure for the provision of public sewer service to the community of Graton. While the reorganization committee took no formal action on the Proposal, it supported the Proposal in concept.

2.2 In December 2002, as discussed in paragraph 1.1 of this resolution, the Water Agency and the County initiated proceedings for the Proposal.

2.3 On May 30, 2003, the Executive Officer issued a negative declaration for Proposal ("the Negative Declaration") pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines. The Executive Officer prepared the Negative Declaration, gave notice of the intent to adopt the Negative Declaration, and circulated the Negative Declaration for public review, as provided in CEQA and the State CEQA Guidelines.

2.4 On May 30, 2003, the Executive Officer set the Proposal for hearing and gave published notice thereof, as provided in the Cortese-Knox-Hertzberg Act.

2.5 On July 1, 2003, the Executive Officer issued a report analyzing and recommending approval of Proposal ("the Executive Officer's Report"). The Executive Officer furnished copies of the Executive Officer's Report to all persons entitled to copies under the Cortese-Knox-Hertzberg Act.

2.6 On July 9, 2003, the Commission conducted a public hearing on the Proposal, as set and noticed by the Executive Officer. At the hearing, all interested persons were given the opportunity to hear and be heard on the Negative Declaration and the Proposal, and all oral and written testimony and evidence presented or filed was received and considered by the Commission. At the conclusion of public testimony, the Commission closed the hearing, considered the Negative Declaration and the Proposal, and, on a 6-0-1 straw vote, determined to adopt the Negative Declaration and approve the Proposal with the addition of public recreation as a district purpose ("the Modified

Proposal"). The Commission directed counsel for the Commission to return to the Commission on August 6, 2003, with a resolution reflecting the consideration and actions of the Commission.

2.7 On August 6, 2003, the Commission reviewed this resolution and found that it accurately set forth the intentions of the Commission with respect to the Negative Declaration and the Modified Proposal.

### **III. CEQA Compliance.**

3.1 The Negative Declaration was prepared, noticed, and circulated for public review in accordance with the requirements of CEQA and the State CEQA Guidelines. The Commission finds that the Negative Declaration identifies and evaluates all of the potential environmental effects of the Modified Proposal. The Commission further finds, therefore, that the Negative Declaration is an adequate informational document that has provided the Commission and members of the public with a full and fair disclosure of the potential environmental effects of the Modified Proposal. The Commission further finds that the Negative Declaration reflects the independent judgment and analysis of the Commission. The Commission certifies that it has reviewed and considered the Negative Declaration, together with all comments received during the public review process, prior to making its decision on the Modified Proposal.

3.2 The Negative Declaration determined that the Modified Proposal would not have a significant effect on the environment. The Commission concurs with that determination and finds, in light of the whole record before it, that there is no substantial evidence that the Modified Proposal may have a significant effect on the environment. Because there is no substantial evidence in the record necessitating the preparation of an environmental impact report for the Modified Proposal, the Commission further finds that adoption of the Negative Declaration is required by CEQA.

3.3 The Commission finds, in light of the whole record before it, that there is no evidence that the Modified Proposal has any potential for an adverse effect on wildlife resources or habitat. The Commission declares, therefore, that it has, on the basis of substantial evidence, rebutted the presumption of adverse effect set forth in California Code of Regulations, title 14, section 753.5, subsection (d), for the Modified Proposal. The Commission further finds that the Modified Proposal is exempt from the environmental document filing fee otherwise required by the California Department of Fish and Game under California Code of Regulations, title 14, section 753.5.

#### IV. CORTESE-KNOX-HERTZBERG ACT COMPLIANCE.

4.1 The Modified Proposal is consistent with the intent of the Cortese-Knox-Hertzberg Act and the purposes of the Commission, as expressed in Government Code sections 56001 and 56301. The Commission finds that existing agencies would be unable to provide the services to be provided by the Graton Community Services District in a more efficient and accountable manner than the district. The Commission further finds that reorganization with other local agencies providing related services would not be feasible.

4.2 There is a present and future need for public sewer and public recreation services in the community of Graton. The public recreation function of the Graton Community Services District would be ancillary to the district's public sewer function. The public recreation function would enable the Graton Community Services District to possibly provide recreational opportunities on district-owned property. The Modified Proposal is consistent with the Sonoma County General Plan and the spheres of influence of affected local agencies.

4.3 The Commission has reviewed and concurs with the plan for public services submitted for the Modified Proposal.

4.4 The Water Agency is currently responsible for providing public sewer service to the community of Graton through the operation of the Graton Sanitation Zone's wastewater treatment plant and collection system. The Water Agency is also currently responsible for providing public sewer service to the communities of Forestville and Mirabel Heights through the operation of the Forestville County Sanitation District's wastewater treatment plant and the collection systems of the Forestville County Sanitation District and the Mirabel Heights Zone of Benefit. In evaluating ways to increase its operating efficiency, the Water Agency has determined that it is not able to operate smaller wastewater treatment and collection systems such as those in Graton, Forestville, and Mirabel Heights in an efficient manner. The Water Agency and the County initiated proceedings for the Proposal as a result of that determination. Also as a result of that determination, the Forestville Water District, the Forestville County Sanitation District, and the County initiated proceedings for a reorganization consisting of dissolution of the Forestville County Sanitation District and the Mirabel Heights Zone of

Benefit of County Service Area No. 41 (Multi-Services) ("Mirabel Heights Zone of Benefit"), approval for the Forestville Water District to exercise its latent sewer service powers, and designation of the Forestville Water District as the successor in interest to the Forestville County Sanitation District and the Mirabel Heights Zone of Benefit ("the Concurrent Proposal"). The Water Agency believes that both the Modified Proposal and the Concurrent Proposal must take place in order for it to achieve its desired operational efficiencies. The Commission finds, therefore, that it is appropriate to make the Modified Proposal contingent upon the conduct and completion of the Concurrent Proposal.

4.5 The territory included in the Modified Proposal is inhabited territory, as defined in Government Code section 56046.

4.6 In determining the sphere of influence of the Graton Community Services District, the Commission makes the following determinations with respect to each of the following:

(a) The present and planned land uses in the area, including agricultural and open space lands: The Graton Community Services District sphere of influence, as established herein, is coterminous with the current sphere of influence of the Graton Sanitation Zone. The Sonoma County General Plan and the Sonoma County Zoning Ordinance govern land uses in the community of Graton. There are no agricultural or open-space lands within the Graton Community Services District sphere of influence, as established herein.

(b) The present and probable need for public facilities and services in the area: The Graton Community Services District sphere of influence, as established herein, is coterminous with the district's boundary and the current boundary of the Graton Sanitation Zone.

(c) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide: The Graton wastewater system currently has the capacity for the territory it is authorized to serve.

(d) The existence of any social or economic communities of interest in the area: The Graton Community Services District will provide public services to the community of Graton. The Graton Community Services District will provide direct representation of ratepayers and registered voters in the district via an elected board of directors. In addition, the Graton Community Services District will allow of local responsibility in determining quality of services and capital improvements to the Graton

wastewater treatment and collection systems.

4.7 Based on the findings in paragraphs 3.1 through 3.6, above, and the record of these proceedings, the Commission finds that it is appropriate to approve the Modified Proposal, subject to the terms and conditions specified herein.

**NOW, THEREFORE**, based on the foregoing findings and determinations and the record of these proceedings, the Commission hereby finds, determines, declares, resolves, and orders as follows:

1. The foregoing findings and determinations are true and correct, are supported by substantial evidence in the record, and are adopted as hereinabove set forth.

2. The Negative Declaration is adopted. The Executive Officer is directed to file a notice of determination in accordance with the provisions of CEQA and the State CEQA guidelines. The Executive Officer is further directed to execute a certificate of fee exemption for the California Department of Fish and Game environmental document filing fee.

3. The Modified Proposal is approved, subject to the following terms and conditions:

(a) The name of the district shall be the Graton Community Services District.

(b) The Graton Community Services District shall be organized, exist, and operate under the provisions of the Community Services District Law, Division 3 (commencing with Section 61000) of Title 6 of the Government Code, and shall be authorized to exercise its powers for the purposes of:

(1) The collection, treatment, or disposal of sewage, waste, and storm water of the district and its inhabitants; and

(2) Public recreation.

(c) The Graton Community Services District shall be governed by a five member board of directors, all of whom shall be registered voters residing within the boundaries of the district and all of whom shall be elected at large, with the exception of the initial board. The initial board of directors shall be appointed by the Board of



Supervisors upon formation of the district. The initial board of directors shall meet as soon as practicable after appointment and classify themselves by lot into two classes, one class consisting of two directors and one class consisting of three directors. The class of two directors shall hold office until their successors are elected and qualified following the first general district election conducted pursuant to Part 4 (commencing with Section 10500) of Division 10 of the Elections Code ("the Uniform District Election Law") that is held at least 125 days after July 1, 2004. The class of three directors shall hold office until their successors are elected and qualified following the second general district election conducted pursuant to the Uniform District Election Law that is held at least 125 days after July 1, 2004. Except for the initial board of directors, the term of office of directors shall be four years or until their successors are elected and qualified.

(d) The Graton Community Services District shall be the successor in interest to all functions of the Graton Sanitation Zone.

(e) The Graton Community Services District shall be the successor in interest to all rights, duties, and obligations of the Graton Sanitation Zone, including, but not limited to, all rights, duties, and obligations respecting enforcement, performance, or payment of outstanding bonds or other contracts and obligations of the Graton Sanitation Zone.

(f) Any and all moneys and funds, including cash on hand and moneys due but uncollected, any and all liabilities and obligations, any and all property, real or personal, any and all records, and any and all other resources of the Graton Sanitation Zone shall be transferred to Graton Community Services District.

(g) The Modified Proposal shall be contingent upon the Sonoma County Water Agency completing construction of a pipeline to facilitate transfers of secondary-treated wastewater between the Graton Sanitation Zone treatment plant and the Forestville County Sanitation District treatment plant prior to July 1, 2004.

(h) The Modified Proposal shall be contingent upon the initiation, conduct, and completion of the Concurrent Proposal.

(i) The election on the Modified Proposal shall be conducted by all-mailed ballot.

(j) The effective date for the Modified Proposal shall be July 1, 2004.

4. The sphere of influence of the Graton Community Services District shall be coterminous with the boundaries of the district.

5. The Modified Proposal is assigned the following short-form designation: Graton Reorganization No. 96-1.

6. The Commission shall initiate and conduct protest proceedings for the Modified Proposal in compliance with this resolution and the provisions of the Cortese-Knox-Hertzberg Act.

7. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by law.

8. The Clerk of the Commission is designated as the custodian of the documents and other materials that constitute the record of the proceedings upon which the Commission's decision herein is based. These documents may be found at the office of the Clerk of the Commission, 575 Administration Drive, Room 100A, Santa Rosa, CA, 95403.

**THE FOREGOING RESOLUTION** was introduced at a regular meeting of the Commission on the 6th day of August, 2003, and ordered adopted by the following vote:

**COMMISSIONERS:**

**FUDGE AYE SCHAFFNER AYE KELLEY AYE KERNS AYE**

**BRUNTON AYE MASSEY AYE BOYETT AYE**

**AYES 7 NOES 0 ABSTAIN 0 ABSENT 0**

**WHEREUPON**, the Chair declared the foregoing resolution adopted and

**SO ORDERED.**

ATTEST:



\_\_\_\_\_  
Steven J. Sharpe, Executive Officer

The within instrument is a true and correct copy of the original on file in this office.

ATTEST     AUG 29 2003    

BY:     *S. Brunley*