

**EXECUTIVE OFFICER'S AGENDA REPORT  
JULY 22, 2009**

**TO: LAFCO Commissioners**

**FROM: Sara Lytle-Pinhey, Assistant Executive Officer**

**SUBJECT: MSR No. 09-02, SOI Update 2009-02: Municipal Service Review and Sphere of Influence Update for the Knights Ferry Community Services District**

**INTRODUCTION**

This proposal was initiated by the Local Agency Formation Commission in response to State mandates, which require the Commission to conduct Municipal Service Reviews and Sphere of Influence Updates for all cities and special districts at least once every five years. The current review covers the Knights Ferry Community Services District. The previous update for the District was adopted April 28, 2004.

The Knights Ferry Community Services District (CSD) was organized under §61000 et. seq. of the Government Code to provide domestic water service to the residents in the unincorporated historic community of Knights Ferry. The District is considered a "registered voter district" as board members are elected by the registered voters residing in the District's boundaries.

**DISCUSSION**

The Municipal Service Review and Sphere of Influence Update process provides an opportunity for the District to share accurate and current data, accomplishments and information regarding the services it provides. LAFCO Staff sent the previously approved Municipal Service Review and Sphere of Influence document to the CSD for their comments, revisions and updated information. Once this data was collected, a revised Municipal Service Review and Sphere of Influence Update was drafted. During this process, Staff also created new, electronic versions of the District's Sphere of Influence on the County's Geographical Information Systems (GIS).

The proposed Municipal Service Review and Sphere of Influence document is attached to this report as Exhibit 1. The relevant factors and determinations as put forth by the Cortese-Knox-Hertzberg Act are discussed for the CSD. No changes are being proposed for the District's Sphere of Influence.

**ENVIRONMENTAL REVIEW RECOMMENDATIONS**

The California Environmental Quality Act requires that an environmental review be undertaken and completed for the Sphere of Influence study. The Municipal Service Review and Sphere of Influence Updates qualify for a General Exemption from further CEQA review based upon CEQA Regulation §15061(b)(3), which states:

*The activity is covered by the general rule that CEQA applies only to projects which 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.*

Since there are no land use changes or environmental impacts, as no suggested boundary changes are associated with this document, a Notice of Exemption is the appropriate environmental document.

**ALTERNATIVES FOR COMMISSION ACTION**

After consideration of this report and any testimony or additional materials that are submitted, the Commission should consider choosing one of the following options:

- Option 1:** APPROVE the Municipal Service Review and Sphere of Influence Update for the Knights Ferry Community Services District.
- Option 2:** DENY the update.
- Option 3:** If the Commission needs more information, it should CONTINUE this matter to a future meeting (maximum 70 days).

**RECOMMENDED ACTION**

**Approve Option 1.** Based on the information presented, Staff recommends approval of the Municipal Service Review and Sphere of Influence Update for the Knights Ferry Community Services District. Therefore, Staff recommends that the Commission adopt Resolution No. 2009-12, which:

1. Determines that the Municipal Service Review and Sphere of Influence Update qualifies for a General Exemption from further California Environmental Quality Act (CEQA) review based on CEQA Regulation §15061(b)(3);
2. Makes determinations related to the Municipal Service Review as required by Government Code §56430; and,
3. Determines that the Sphere of Influence for the Knights Ferry Community Services District should be affirmed as it currently exists.

*Attachments:*

*Exhibit 1* - Municipal Service Review and Sphere of Influence Update for the Knights Ferry Community Services District

*Exhibit 2* - Resolution No. 2009-12 (Knights Ferry Community Services District)

**EXHIBIT 1:**

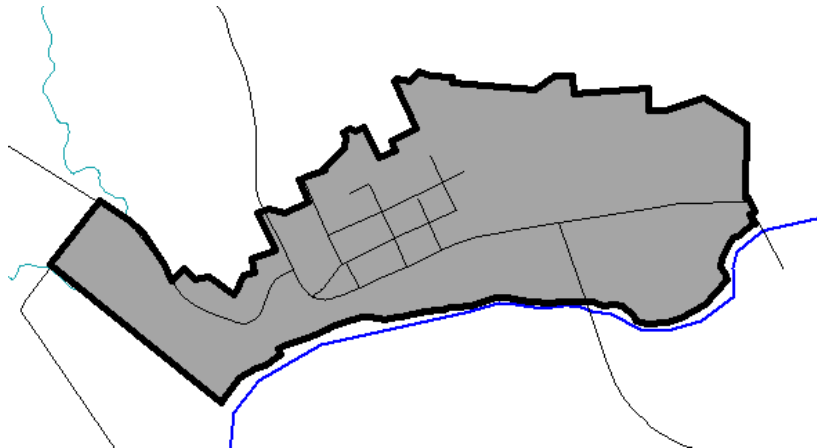
**MUNICIPAL SERVICE REVIEW AND  
SPHERE OF INFLUENCE UPDATE**

**KNIGHTS FERRY  
COMMUNITY SERVICES DISTRICT**

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**MUNICIPAL SERVICE REVIEW AND  
SPHERE OF INFLUENCE UPDATE FOR THE:**

**KNIGHTS FERRY  
COMMUNITY SERVICES DISTRICT**



*Prepared By:*

**Stanislaus Local Agency Formation Commission  
1010 Tenth Street, Third Floor  
Modesto, CA 95354  
Phone: (209) 525-7660**

*Adopted: \_\_\_\_\_, 2009*

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# **STANISLAUS**

## **LOCAL AGENCY FORMATION COMMISSION**

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Jim DeMartini, Vice Chair, County Member

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### **STAFF**

Marjorie Blom, Executive Officer

Sara Lytle-Pinhey, Assistant Executive Officer

Dean Wright, Commission Counsel

Debbie Hamilton, Commission Clerk

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## TABLE OF CONTENTS

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<b>Introduction .....</b>	<b>1</b>
Service Review Factors and Sphere of Influence Update Process .....	1
Background .....	2
Authority .....	2
Purpose .....	2
Classification of Services .....	2
<b>Municipal Service Review.....</b>	<b>3</b>
Formation .....	3
Location and Size.....	3
Sphere of Influence .....	3
Governance.....	3
Personnel .....	3
Services .....	3
Support Agencies.....	3
Funding Sources .....	3
<b>Municipal Service Review Determinations .....</b>	<b>3</b>
Growth and Population Projections .....	4
Present and Planned Capacity of Public Facilities, Adequacy of Public Services .....	4
Financial Ability of Agencies to Provide Services .....	4
Status of, and Opportunities for, Shared Facilities .....	4
Accountability for Community Service Needs .....	4
Any Other Matter Related to Effective or Efficient Service Delivery .....	4
<b>Sphere of Influence Update.....</b>	<b>5</b>
<b>Sphere Determinations .....</b>	<b>5</b>
Present and Planned Land Uses .....	5
Present and Probable Need for Public Facilities and Services .....	5
Present Capacity of Public Facilities and Adequacy of Public Services.....	5
Communities of Interest in the Area.....	5
Appendix A: Knights Ferry Community Services District Summary Profile.....	6
<b>Map 1: Knights Ferry Community Services District Boundary &amp; SOI.....</b>	<b>7</b>
<b>Map 2: Knights Ferry Community Plan.....</b>	<b>8</b>
Appendix B: Environmental Review .....	9
Appendix C: References .....	10

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# **Municipal Service Review and Sphere of Influence Update For the Knights Ferry Community Services District**

## **Introduction**

The Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 Act (CKH Act) requires the Local Agency Formation Commission (LAFCO) to update the Spheres of Influence (SOI) for all applicable jurisdictions in the County. A Sphere of Influence is defined by Government Code 56076 as "...a plan for the probable physical boundary and service area of a local agency, as determined by the Commission." The Act further requires that a Municipal Service Review (MSR) be conducted prior to or, in conjunction with, the update of a Sphere of Influence (SOI).

The legislative authority for conducting Service Reviews is provided in Government Code Section 56430 of the CKH Act. The Act states, that "in order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area..." A Service Review must have written determinations that address the following factors:

## **Service Review Factors to be Addressed**

1. Growth and Population Projections for the Affected Area
2. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies
3. Financial Ability of Agencies to Provide Services
4. Status of, and Opportunities for, Shared Facilities
5. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies
6. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy

State Guidelines and Commission policies encourage cooperation among a variety of stakeholders involved in the preparation of a Service Review. This Service Review will analyze the existing and future services for the Knights Ferry Community Services District. The Service Review will also provide a basis for the District and LAFCO to evaluate, and if appropriate, make changes to the Sphere of Influence.

## **Sphere of Influence Update Process**

A special district is a government agency that is required to have an adopted and updated Sphere of Influence. Section 56425(g) of the CKH Act calls for Spheres of Influence to be reviewed and updated every five years, as necessary. Stanislaus LAFCO processes the Service Review and Sphere of Influence Updates concurrently to ensure efficient use of resources. For rural special districts, which do not have the typical municipal level services to review, this Service Review will be used to determine what type of services each district is

expected to provide and the extent to which they are actually able to do so. For these special districts, the spheres will delineate the service capability and expansion capacity of the agency, if applicable.

### **Background**

Special districts are local governments that are separate from cities and counties, yet provide public services such as fire protection, sewers, water, and street lighting. California has over 3,400 special districts, which provide over 30 different types of services. There are 54 major types of special districts ranging from airports to fire protection to mosquito abatement to water conservation. To date, there are 318 Community Services Districts (CSDs) in California.

### **Authority**

This review will cover the Knights Ferry Community Services District, which was organized under Section 61000 et. seq. of the Government Code. In addition, the District is considered a “registered voter district”, as the board members are elected by the registered voters residing within the district’s boundaries.

### **Purpose**

Community Services Districts may be formed to provide water, sewer, garbage services, fire protection, public recreation, street lighting, mosquito abatement, police services, library services, street improvements, conversion of overhead electric and communication facilities to underground locations, ambulance services, airport facilities, flood control and transportation services.

### **Classification of Services**

As part of this service review, the District has provided a listing of the services provided within their boundaries. The District is authorized to provide the functions or classes of services (e.g. domestic water) as identified in this report. Due to recent changes in the Cortese-Knox-Hertzberg Act, the District would have to seek LAFCO approval to exercise other latent powers not currently provided.

## **Service Review – Knights Ferry Community Services District**

### **Formation**

The Knights Ferry Community Services District (CSD) was formed on August 5, 1970. The District was originally formed to supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection and recreation.

### **Services**

The District provides domestic water service connections to 64 customers, which include residential units, several businesses, and the Knights Ferry Elementary School District.

### **Location and Size**

The District is located in the historic unincorporated community of Knights Ferry, in northeast Stanislaus County, and encompasses approximately 92 acres.

### **Sphere of Influence**

The District's Sphere of Influence is coterminous with its current boundaries.

### **Governance**

Five Board members, elected by the registered voters within the District boundaries, govern the District. Meetings are held on the first Monday of each month at 6:30 p.m., at the District Office in Knights Ferry.

### **Personnel**

The District employs three part-time persons: secretary, water operator and maintenance manager. In addition, the District contracts for financial (auditing) and engineering services.

### **Support Agencies**

The District maintains collaborative relationships with other agencies, as necessary. These agencies include: Stanislaus County (Department of Environmental Resources, Public Works and Chief Executive Office); Knights Ferry Municipal Advisory Council; Stanislaus Economic Development and Workforce Alliance; State Economic Development Bank; State Department of Health Services (DHS); and the Regional Water Quality Control Board.

### **Funding Sources**

The District derives its revenue from monthly user and connection fees, overuse penalties, as well as a very small portion of the shared property tax revenues from Stanislaus County.

### **Service Review Determinations:**

The following provides an analysis of the six categories or components required by Section 56430 for a Service Review for the Knights Ferry Community Services District:

## **1. Growth and Population Projections for the Affected Area**

The District serves the unincorporated historic community of Knights Ferry. The entire area is designated as “Historical” in the Stanislaus County General Plan. However, due to limited service capacity, it is not expected that any significant population growth will occur within the District boundaries in the near future. The District currently serves 64 customers with domestic water.

## **2. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies**

In partnership with Stanislaus Alliance, the County’s Chief Executive Office and Department of Environmental Resources, the District recently received a loan of \$83,450 from the State Economic Development Bank for engineering and construction funding to upgrade the surface water treatment facility. The project will be done in phases in order to bring the facility into compliance with the State Regional Water Quality Control Board and to allow for the continued delivery of safe drinking water to the community. In addition, District representatives indicate that additional infrastructure needs include replacement of the original tank and replacing chlorine treatment with ozone.

## **3. Financial Ability of Agencies to Provide Services**

The District recently received a loan in the amount of up to \$83,450 from the Economic Development Bank for system upgrades. The District is required to make payments to the County Auditor-Controller at the rate of \$278.00 per month. The loan must be paid back on or before December 21, 2028. Loan payments received from the District will be reimbursed to the Economic Development Bank.

In April 2002, the District increased water rates, connection fees and overuse penalties in an effort to generate increased revenues for the effective long-term operation of the water system. The new rate structure puts the District as having one of the highest water rates of any comparable water district in the surrounding area. There is no overlapping or duplication of services within the District boundaries.

## **4. Status of, and Opportunities for, Shared Facilities**

The District does not share any facilities with any other District or agency.

## **5. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies**

A five member Board of Directors, elected by the registered voters, governs the District. The District conforms to the provisions of the Brown Act requiring open meetings. The District has a very small, yet adequate part-time staff to provide the necessary services to its customers. The District also contracts out for financial (auditing) and engineering services.

## **6. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy**

It is reasonable to conclude that the District can adequately serve the areas under its jurisdiction.

## **Sphere of Influence Update for the Knights Ferry Community Services District**

In determining the Sphere of Influence (SOI) of each local agency, the Commission shall consider and prepare determinations with respect to each of the following factors:

1. The present and planned land uses in the area, including agricultural and open space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the Commission determines they are relevant to the agency.

This document proposes no changes to the District's existing Sphere of Influence. Rather, it serves to reaffirm the existing SOI boundaries. As part of this process, Staff researched the history of the establishment of the District's SOI. The sphere and boundary map has since been converted to electronic format and is attached to this document.

The following determinations for the Knights Ferry Community Services District SOI update and are made in conformance with Government Code §56425 and Commission policy.

### **Determinations:**

#### **1. Present and Planned Land Uses in the Area**

The District's Sphere of Influence (SOI) encompasses a land area of approximately 92 acres. Territory within the District boundaries consists of historically designated residential and commercial land uses. These uses are not expected to change. In addition, the District does not have the authority to make land use decisions, nor does it have authority over present or planned land uses within its boundaries. The responsibility for land use decisions within the District boundaries is retained by the County.

#### **2. Present and Probable Need for Public Facilities and Services in the Area**

The most critical need for the District at this time is complete the upgrade of the surface water treatment plant.

#### **3. Present Capacity of Public Facilities and Adequacy of Public Services Provided**

The District currently has sufficient capacity to meet existing demands for domestic water services within its sphere of influence. However, based on current infrastructure, the District has indicated limitations on providing new connections for water services.

#### **4. Communities of Interest in the Area**

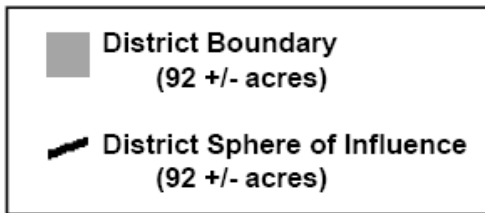
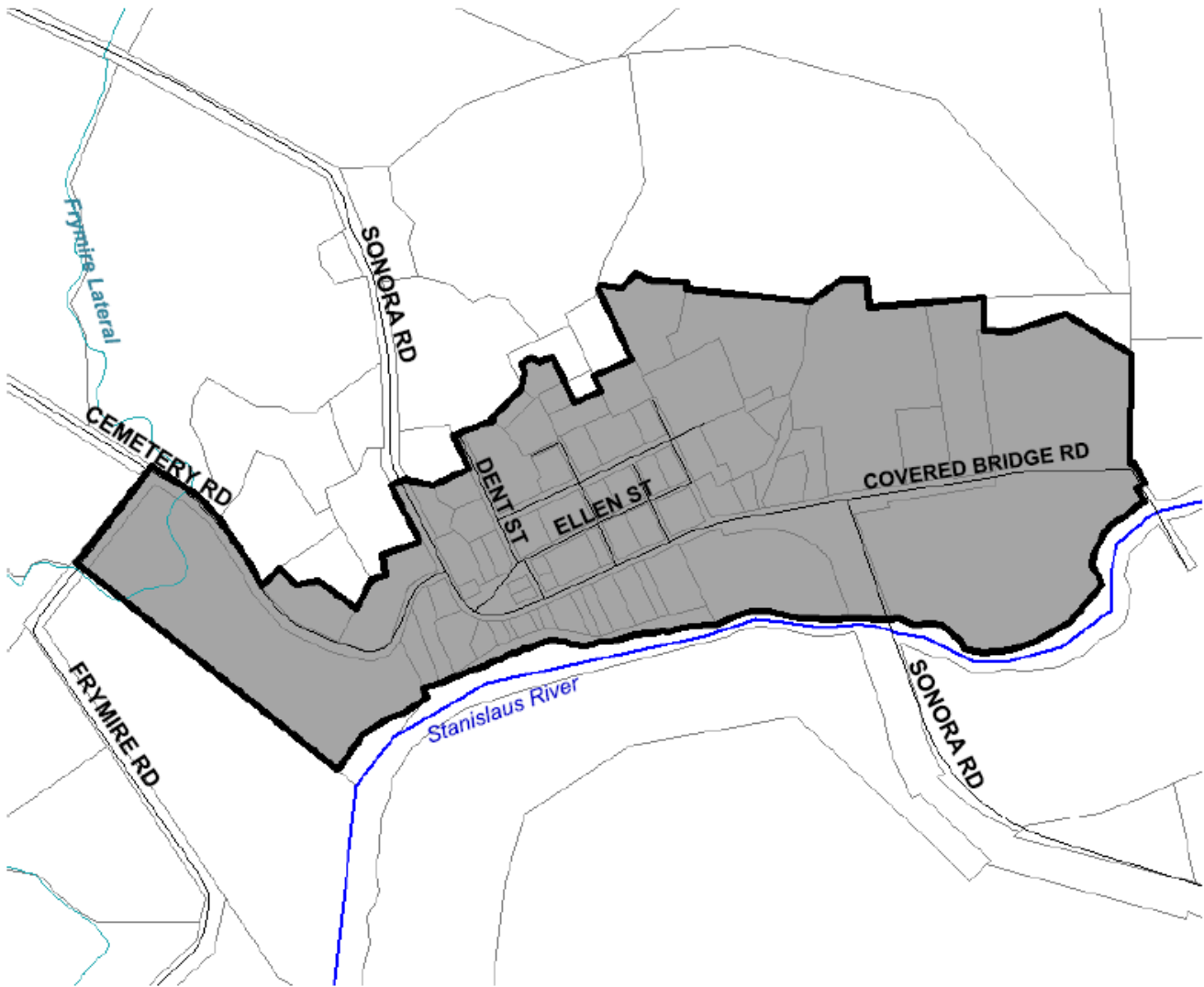
The unincorporated historic community of Knights Ferry is considered a community of interest within the District boundaries.

**APPENDIX “A”  
DISTRICT SUMMARY PROFILE**

District:	<b>KNIGHTS FERRY COMMUNITY SERVICES DISTRICT</b>
Location:	Unincorporated historic community of Knights Ferry, northeast Stanislaus County
Service Area:	Approximately 92 acres
Population*:	92 persons
Land Use:	Residential and commercial, designated as historical on the Keyes Community Plan
Date of Formation:	August 5, 1970
Enabling Act:	California Government Code, Section 61000, et. seq.
Governing Body:	Five Member Board of Directors, elected by the registered voters within the District
Administration:	3 Part-time employees – Secretary, Maintenance Manager and Water Operator
District Services:	Domestic Water
Total Revenues:	\$64,129 (Fiscal year 2006-2007)
Revenue Sources:	Service and connection fees, overuse penalties, and a very small share of county property tax revenues

*\*Source: 2000 Census*

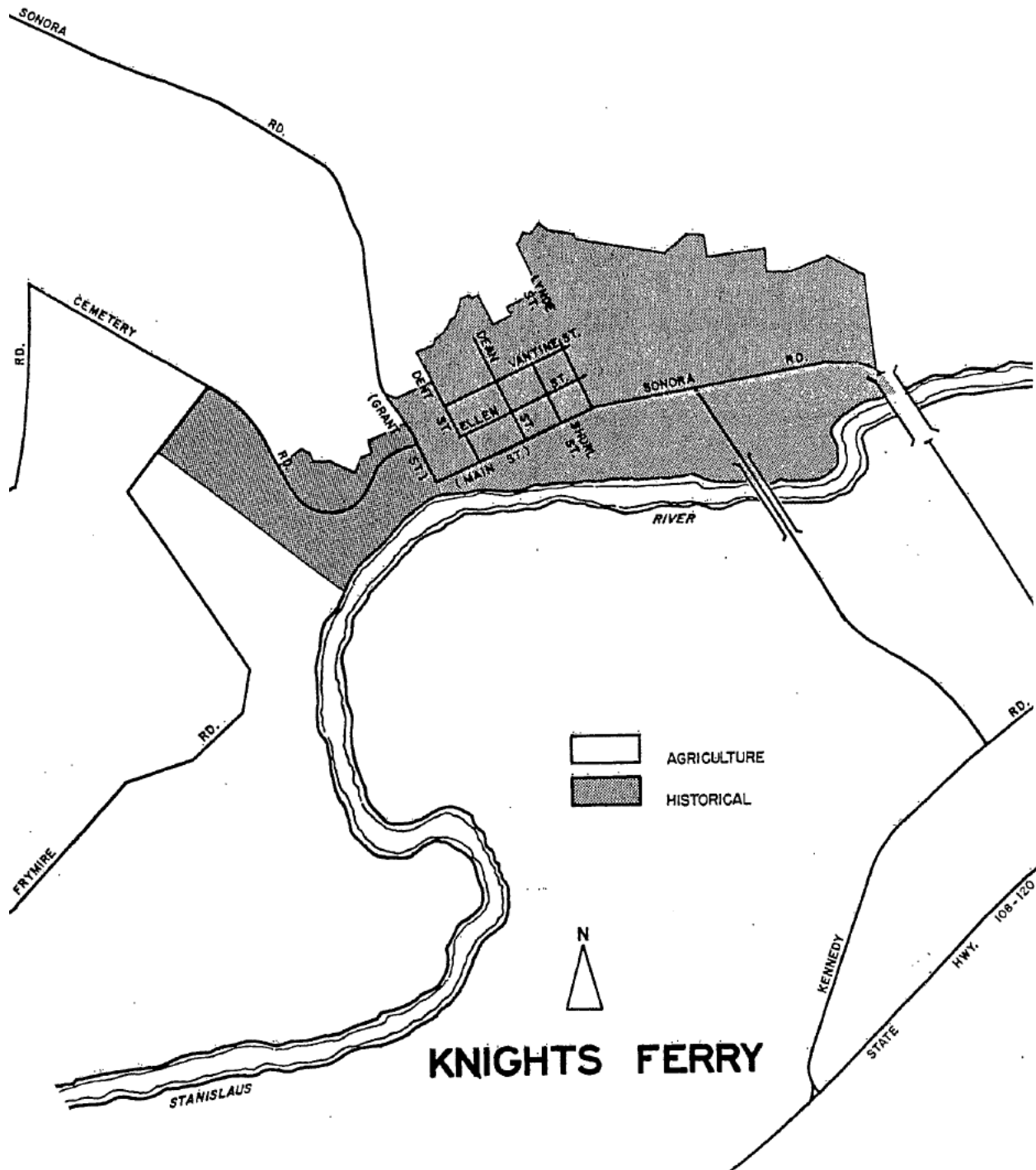
**MAP 1:  
KNIGHTS FERRY COMMUNITY SERVICES DISTRICT  
BOUNDARIES AND SPHERE OF INFLUENCE**



Source -- LAFCO files  
Date: April 2009



**MAP 2:  
KNIGHTS FERRY COMMUNITY PLAN**



Source: Stanislaus County General Plan  
 For Illustrative Purposes Only. Check with  
 County Planning to Verify Designations

**APPENDIX "B"**  
**NOTICE OF EXEMPTION**

**TO:** Lee Lundrigan – County Clerk-Recorder  
1021 "I" Street  
Modesto, CA 95354

**FROM:** Stanislaus LAFCO  
1010 Tenth Street, 3<sup>rd</sup> Floor  
Modesto, CA 95354  
(209) 525-7660

**Title:** Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Knights Ferry Community Services District

**Description:** The Stanislaus Local Agency Formation Commission has prepared a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Knights Ferry Community Services Districts. The District is legally authorized to provide domestic water service and as a special district, it is required to have an adopted and updated SOI. The Cortese-Knox-Hertzberg Act of 2000 calls for the Service Review to be completed prior to or concurrent with the SOI Update. The Service Review evaluates the public services provided by the District and provides the information base for updating the District's Sphere of Influence. It is recommended that the SOI boundary for the District remain unchanged.

**Public Agency Approving Project:** The Stanislaus Local Agency Formation Commission (LAFCO). The date of the LAFCO hearing on this proposal is scheduled for July 22, 2009  
Contact Person: Sara Lytle-Pinhey, Assistant Executive Officer, (209) 525-7660.

**Environmental Determination:** The purpose of the environmental review process is to provide information about the environmental effects of the actions and decisions made by LAFCO and to comply with the California Environmental Quality Act (CEQA). In this case it has been determined that this project is exempt from CEQA pursuant to Section 15061 (b)(3) of the State Guidelines. The Stanislaus Local Agency Formation Commission will file this Notice of Exemption upon approval of the MSR and SOI Updates for the District.

**Reasons for Exemption:** It has been determined with certainty that there is no possibility that the project may have a significant effect on the environment and therefore it is found to be exempt from CEQA pursuant to Section 15061(b)(3) of the State Guidelines. The proposed Sphere of Influence Update and Municipal Services Review does not involve, authorize or permit the siting or construction of any facilities associated with the District. No changes to the Sphere of Influence of the District is recommended.

Signature: *Sara Lytle-Pinhey*

Date: 6/12/09

Name & Title: Sara Lytle-Pinhey  
Assistant Executive Officer

## APPENDIX “C”

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### REFERENCES

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1. Newspaper Articles from The Oakdale Leader, dated November 20, 2003 and June 8, 2003, regarding funding approved for the Knights Ferry Community Services District for improvements to its water treatment plant.
2. Copy of the executed Economic Development “Bank” project agreement between Stanislaus County and the Knights Ferry Community Services District.
3. U.S. Environmental Protection Agency website ([www.epa.gov/safewater](http://www.epa.gov/safewater)).
4. State of California Legislative Analyst’s Office Report – “Water Special Districts: A Look at Governance and Public Participation, March 2002”.
5. Stanislaus County Department of Planning and Community Development, Initial Study for Vesting Tentative Subdivision Map No. 2006-06 & Exception No. 2008-02, Dated April 30, 2008.
6. California State Controller’s Office, “Special Districts Annual Report, October 30, 2008”.
7. Previous MSR/SOI Update for the Knights Ferry Community Services District, Adopted April 28, 2004.

**EXHIBIT 2:**

**LAFCO RESOLUTION NO. 2009-12  
KNIGHTS FERRY COMMUNITY  
SERVICES DISTRICT**

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**DRAFT**

**STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION**

**RESOLUTION**

**DATE:** July 22, 2009

**NO.** 2009-12

**SUBJECT:** MSR No. 09-02 and SOI Update No. 2009-02 – Making Written Determinations and Approving the Service Review and Sphere of Influence Update for the Knights Ferry Community Services District

On the motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and approved by the following vote:

Ayes: Commissioners:  
Noes: Commissioners:  
Absent: Commissioners:  
Ineligible: Commissioners:  
Disqualified: Commissioners:

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**WHEREAS**, a Service Review mandated by California Government Code Section 56430 and a Sphere of Influence Update mandated by California Government Code Section 56425, has been conducted for the Knights Ferry Community Services District, in accordance with the Cortese-Knox-Hertzberg Reorganization Act of 2000;

**WHEREAS**, at the time and in the form and manner provided by law, the Executive Officer has given notice of the July 22, 2009 public hearing by this Commission on this matter;

**WHEREAS**, the subject document is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines;

**WHEREAS**, Staff has reviewed all existing and available information from the District and has prepared a report including recommendations thereon, and related information as presented to and considered by this Commission;

**WHEREAS**, at the hearing, all persons present were given an opportunity to hear and be heard in respect to any matter in relation to the review, in evidence presented at the hearing;

**WHEREAS**, the following determinations are made in conformance with Government Code Section 56430 and local Commission policy:

- 1. Growth and Population Projections for the Affected Area: The District serves the unincorporated historic community of Knights Ferry. The entire area is designated as "Historical" in the Stanislaus County General Plan. However, due to limited service capacity, it is not expected that any significant population growth will occur within the

District boundaries in the near future. The District currently serves 64 customers with domestic water.

2. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies: In partnership with Stanislaus Alliance, the County's Chief Executive Office and Department of Environmental Resources, the District recently received a loan of \$83,450 from the State Economic Development Bank for engineering and construction funding to upgrade the surface water treatment facility. The project will be done in phases in order to bring the facility into compliance with the State Regional Water Quality Control Board and to allow for the continued delivery of safe drinking water to the community. In addition, District representatives indicate that additional infrastructure needs include replacement of the original tank and replacing chlorine treatment with ozone.
3. Financial Ability of Agencies to Provide Services: The District recently received a loan in the amount of up to \$83,450 from the Economic Development Bank for system upgrades. The District is required to make payments to the County Auditor-Controller at the rate of \$278.00 per month. The loan must be paid back on or before December 21, 2028. Loan payments received from the District will be reimbursed to the Economic Development Bank. In April 2002, the District increased water rates, connection fees and overuse penalties in an effort to generate increased revenues for the effective long-term operation of the water system. The new rate structure puts the District as having one of the highest water rates of any comparable water district in the surrounding area. There is no overlapping or duplication of services within the District boundaries.
4. Status of, and Opportunities for, Shared Facilities: The District does not share any facilities with any other District or agency.
5. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies: A five member Board of Directors, elected by the registered voters, governs the District. The District conforms to the provisions of the Brown Act requiring open meetings. The District has a very small, yet adequate part-time staff to provide the necessary services to its customers. The District also contracts out for financial (auditing) and engineering services.
6. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy: It is reasonable to conclude that the District can adequately serve the areas under its jurisdiction.

**WHEREAS**, the following determinations are made in conformance with Government Code Section 56425 and local Commission policy in determining a sphere of influence for the Knights Ferry Community Services District:

1. Present and Planned Land Uses: The District's Sphere of Influence (SOI) encompasses a land area of approximately 92 acres. Territory within the District boundaries consists of historically designated residential and commercial land uses. These uses are not expected to change. In addition, the District does not have the authority to make land use decisions, nor does it have authority over present or planned land uses within its boundaries. The responsibility for land use decisions within the District boundaries is retained by the County.

2. Present and Probable Need for Public Facilities and Services in the Area: The most critical need for the District at this time is complete the upgrade of the surface water treatment plant.
3. Present Capacity of Public Facilities and Adequacy of Public Services Provided: The District currently has sufficient capacity to meet existing demands for domestic water services within its sphere of influence. However, based on current infrastructure, the District has indicated limitations on providing new connections for water services.
4. Communities of Interest in the Area: The unincorporated historic community of Knights Ferry is considered a community of interest within the District boundaries.

**WHEREAS**, the Knights Ferry Community Services District was established to provide domestic water services within its boundaries;

**WHEREAS**, pursuant to Government Code Section 56425(h), the range of services provided by the Knights Ferry Community Services District are limited to those as identified above, and such range of services shall not be changed unless approved by this Commission; and

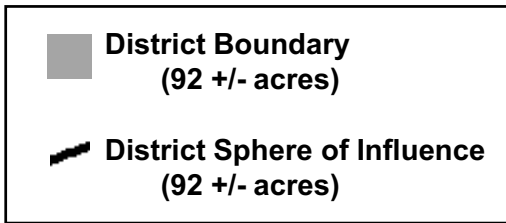
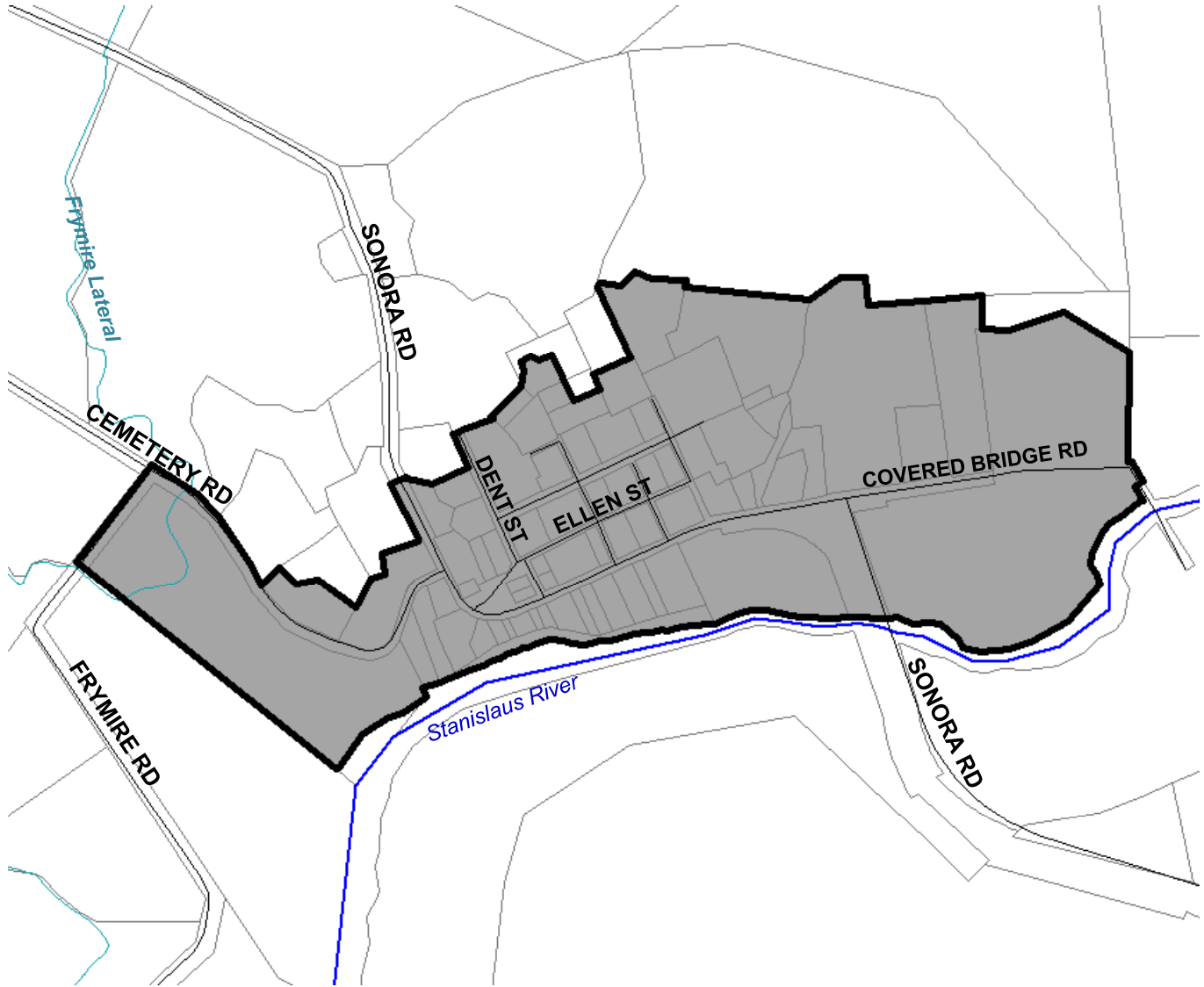
**WHEREAS**, no changes to the District's Sphere of Influence are proposed or contemplated through this review.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission:

1. Certifies that the project is statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.
2. Approves the Service Review prepared in compliance with State law for the review and update of the Knights Ferry Community Services District Sphere of Influence, and written determinations prepared by the Staff and contained herein.
3. Determines that except as otherwise stated, no new or different function or class of services shall be provided by the District, unless approved by the Commission.
4. Determines, based on presently existing evidence, facts, and circumstances filed and considered by the Commission, that the Sphere of Influence for the Knights Ferry Community Services District should be affirmed as it currently exists, as more specifically described on the map contained within the Service Review document.
5. Directs the Executive Officer to circulate this resolution depicting the adopted Sphere of Influence Update to all affected agencies, including the Knights Ferry Community Services District.

**ATTEST:** \_\_\_\_\_  
Marjorie Blom  
Executive Officer

# Knights Ferry Community Services District Boundary & Sphere of Influence



Source -- LAFCO files  
Date: April 2009

