

**EXECUTIVE OFFICER'S AGENDA REPORT
DECEMBER 7, 2011**

TO: LAFCO Commissioners

FROM: Marjorie Blom, Executive Officer

SUBJECT: MSR No. 11-04, SOI Update 2011-07: Municipal Service Review and Sphere of Influence Update for the Riverdale Park Tract 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 every five years. The current review covers the Riverdale Park Tract Community Services District.

The Riverdale Park Tract Community Services District (CSD) was organized under §61000 et. seq. of the Government Code to provide domestic water service to the residents in the Riverdale Park Tract, an unincorporated community. 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 previous MSR/SOI Update for the Riverdale Park Tract Community Services District was adopted by the Commission on March 23, 2005. The update identified that the District's system was in good condition; however, the sole water source is from one groundwater well that has to be continually monitored to meet state regulations. The District continues to rely on the Central Valley Water Quality Control Board and the County Department of Environmental Resources to monitor the groundwater quality from the nearby Bonzi Landfill.

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 in the attached document. 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 Riverdale Park Tract 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 Riverdale Park Tract Community Services District.

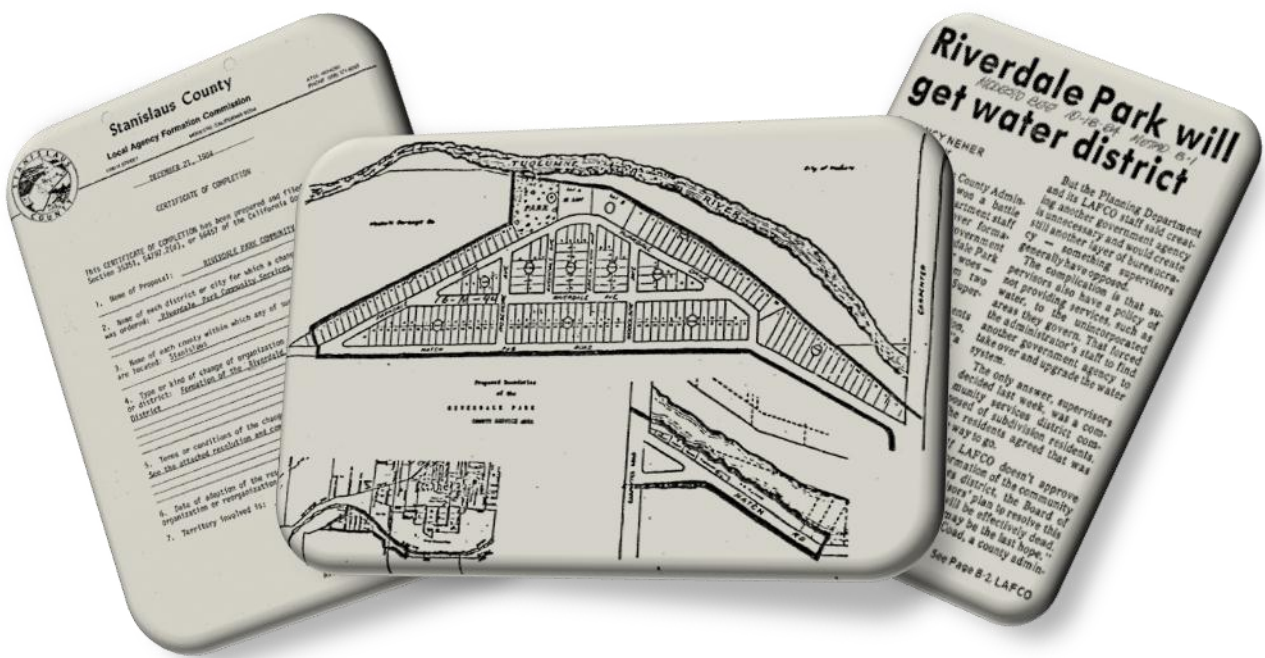
Therefore, Staff recommends that the Commission adopt Resolution No. 2011-14, which:

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 Riverdale Park Tract Community Services District should be affirmed as it currently exists.

Attachments:

- Exhibit 1* - Municipal Service Review and Sphere of Influence Update for the Riverdale Park Tract Community Services District
- Exhibit 2* - Resolution No. 2011-14

MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE:



RIVERDALE PARK TRACT COMMUNITY SERVICES DISTRICT

Prepared By:

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

Adopted: _____

STANISLAUS

LOCAL AGENCY FORMATION COMMISSION

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Marjorie Blom, Executive Officer

Sara Lytle-Pinhey, Assistant Executive Officer

Dean Wright, Commission Counsel

Debbie Hamilton, Commission Clerk

TABLE OF CONTENTS

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

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Municipal Service Review and Sphere of Influence Update for the Riverdale Park Tract 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 Riverdale Park Tract 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, a Service Review will be used to determine what type of services the district is expected

to provide and the extent to which it is actually able to do so. The Sphere of Influence 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 325 Community Services Districts (CSDs) in California.

Authority

The Riverdale Park Tract Community Services District 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 – Riverdale Park Tract Community Services District

Formation

The Riverdale Park Tract Community Services District (CSD) was formed on December 18, 1984. The District was formed to replace County Service Area (CSA) No. 3. Although formed, CSA No. 3 has been inactive since its inception, as the Riverdale Park Tract CSD was formed for the same purposes and County staff has never initiated its dissolution as required by Board of Supervisors Resolution No. 84-1893, dated December 18, 1984.

Services

The District was formed for the purpose of providing domestic water services to the residents of the unincorporated Riverdale Park Tract community. The District operates one groundwater well and storage tanks, with emergency back-up provisions from the City of Modesto.

Location and Size

The District is located in rural Stanislaus County, southwest of the City of Modesto and is defined by the Tuolumne River on the north, Parkdale Drive on the west, Hatch Road on the south and Carpenter Road on the east. The District encompasses an area of approximately 58 acres.

Sphere of Influence

The District's Sphere of Influence is coterminous with its current boundaries. The entire District's boundaries are within the City of Modesto's Sphere of Influence. Thus, if land is concurrently annexed to the City and detached from the District, when the entire sphere is annexed, the District would disappear. In the interim, if City annexations of District territory are piecemeal, operational problems could result for both the District and the City.

The City of Modesto adopted the Modesto Urban Area General Plan includes the Riverdale Community Services District, and designates the area for residential land uses, which is consistent with the County's General Plan designations.

Recent discussions with City Planning staff indicate that the City has no plans, in the foreseeable future, to annex the Riverdale Park Tract Community Services District territory situated west of Carpenter Road.

Prior to the consideration of any annexation proposal to the City, the City of Modesto should determine their intention for the future of the District. If and when the District territory is entirely annexed to the City, the District may be dissolved and merged with the City or established as a subsidiary district, in which the City Council is designated and empowered to act as, ex-officio Board of Directors.

Governance

Five Board members, elected by the registered voters within the District boundaries, govern the District. Meetings are held on the first Sunday of the month (holidays excluded) at the Church of the Firstborn on the corner of Riverdale and Greenlawn, Modesto.

Personnel

The District employs on part-time person who performs several duties including water operations manager and recording secretary. The District also contracts for legal, accounting and auditing services.

Support Agencies

The District maintains collaborative relationships with other agencies, as necessary. These agencies include: City of Modesto, Stanislaus County (Department of Environmental Resources), and Habitat for Humanity.

Funding Sources

The District's main source of revenue is derived from monthly service charges and connection fees. Currently, the District's adopted a monthly water service rate is \$25.00.

Service Review Determinations:

The following provides an analysis of the six categories or components required by state law:

1. Growth and Population Projections for the Affected Area

The District serves a small, rural residential subdivision known as the Riverdale Park Tract. The area is designated as Rural Residential in the Stanislaus County General Plan. The County's recently adopted 2009-2014 Housing Element states that no significant population growth is expected within the District in the near future. The District currently serves approximately 175 residential water service connections.

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

The District's water distribution system is in good condition, as the system was completely upgraded in 1987, with all new PVC piping. However, the District's water source is from one groundwater well that has to be continually monitored in order to meet state regulations. The District does have a back-up system looped with the City of Modesto, which has been used in the past. However, when the District has to shut down its system, the cost to use the City's water is very costly to the District.

In addition, the District relies on the Central Valley Water Quality Control Board and Stanislaus County Department of Environmental Resources to monitor the groundwater quality from the nearby Bonzi Landfill Water Reclamation System.

3. Financial Ability of Agencies to Provide Services

At present time, the District appears to have limited financial resources to operate the domestic water system. Of note, the 2010-2011 Stanislaus County Civil Grand Jury (Case #11-32GJ) reviewed 36 special districts that are required to file an annual audit in accordance with Government Code Section 26909. In their findings, the Grand Jury found that the Riverdale Park Tract was in the process of completing their audit.

4. Status of, and Opportunities for, Shared Facilities

The District does not currently share any facilities with other districts or agencies. However, as mentioned previously, the District's water system has an emergency connection with the City of Modesto as a back-up measure.

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

The District's governing body consists of a five-member Board of Directors, elected by the registered voters within the District. Currently, there are four filled director positions and one vacant director position.

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

None.

Sphere of Influence Update for the Riverdale Park Tract 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 boundary. As part of this process, Staff researched the history of the establishment of the District's SOI. A map of the current District boundary and Sphere of Influence is attached in Appendix "A". The following determinations for the District's Sphere of Influence Update, 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 58 acres and is coterminous with its boundaries. Territory within the District consists of rural residential land uses, which are not expected to change. In addition, the District does not have the authority to make land use decisions, nor does it have the authority over present and planned land uses within its boundaries. The responsibility for land use decisions within the District boundaries is retained by the County, which consults with the City of Modesto, as the area lies within the boundary of the City's Sphere of Influence.

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

The present and probable need for this service is not expected to change, as the District was formed to provide water service within its boundary.

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

The District currently has sufficient capacity to provide domestic water services within its existing sphere of influence. However, for the past several years, higher nitrate levels are beginning to show up within the District's water supply. Additionally, groundwater in the area must continually be monitored to meet State regulations.

4. Communities of Interest in the Area

The Riverdale Park Tract, was created by a county-approved subdivision map in 1947 and is the only community within the boundaries of the District. The District's boundaries are also fully within the City of Modesto's Sphere of Influence.

**APPENDIX “A”
DISTRICT SUMMARY PROFILE**

District: **RIVERDALE PARK TRACT COMMUNITY SERVICES DISTRICT**

Location: Southwest of the City of Modesto, south of the Tuolumne River

Service Area: 58 acres

Population*: 651 persons (estimate)

Land Use: Rural residential

Date of Formation: December 18, 1984

Enabling Act: California Government Code, §61000, et. seq.

Governing Body: Five Member Board of Directors, elected by the registered voters within the District

Administration: 1 part-time employee

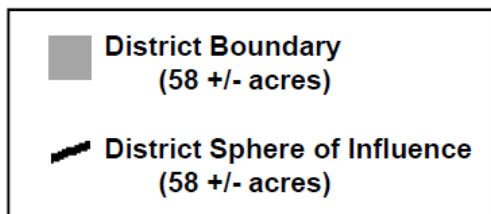
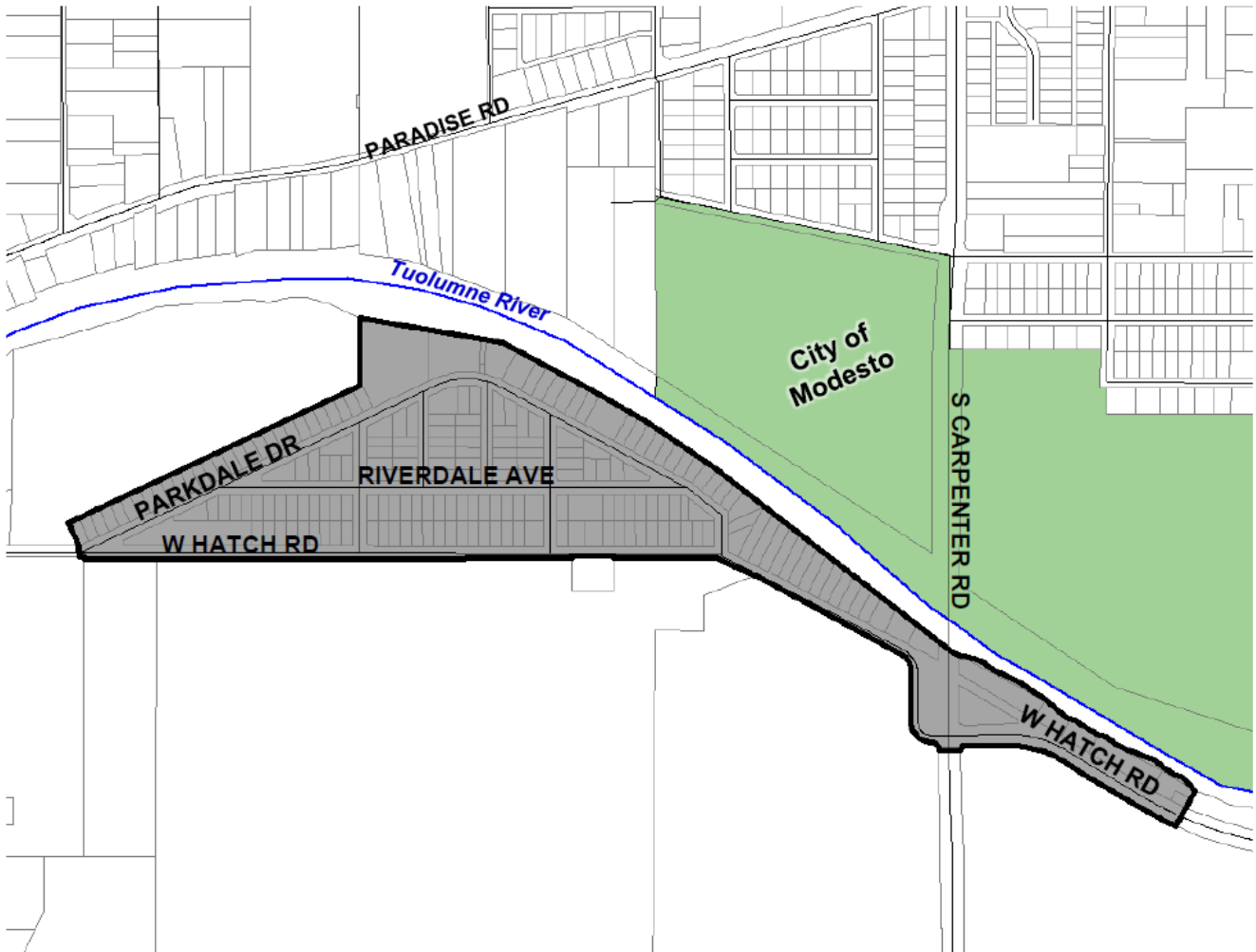
District Services: Domestic water to the residents of the Riverdale Park Tract Community

Budget: Fiscal Year 2010-2011
Revenues: \$45,000 Capital Improvements: \$3,000
Expenses: \$30,000 Reserves: \$99,000

Revenue Sources: Monthly service fees and connection fees

**Source: 2010 Census*

**MAP 1:
RIVERDALE PARK TRACT COMMUNITY SERVICES DISTRICT
BOUNDARIES AND SPHERE OF INFLUENCE**



Source -- LAFCO files
Date: April 2009



APPENDIX "B"
NOTICE OF EXEMPTION

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

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

Title: Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Riverdale Park Tract 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 Riverdale Park Tract Community Services District. 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 tentatively scheduled for December 7, 2011. Contact Person: Marjorie Blom, 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 are recommended.

Signature: Marjorie Blom
Name & Title: Marjorie Blom, Executive Officer

Date: September 16, 2011

APPENDIX “C”

REFERENCES

1. Previous MSR/SOI Update for the Riverdale Park Tract Community Services District, Adopted by LAFCO on March 23, 2005.
2. California State Controller’s Office, “Special Districts Annual Report”, April 26, 2011.
3. 2010-2011 Stanislaus County Civil Grand Jury Report – Special District Audit Requirement, Case #11-32GJ.
4. “Central Valley continues marathon fight for clean water”, Sacramento Bee article, August 19, 2009.
5. “Isolated Stanislaus County enclave struggles with search for clean water”, Modesto Bee article, January 18, 2010.
6. Stanislaus County adopted 2009-2014 Housing Element.
7. Stanislaus County Civil Grand Jury Special District Audit Requirement, Case #11-32GJ.
8. Auditor-Controller Response to the 2010-2011 Stanislaus County Civil Grand Jury Final Report, dated June 23, 2011.
9. U.S. Environmental Protection Agency website (www.epa.gov/safewater).

STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION

DRAFT

RESOLUTION

DATE: December 7, 2011

NO. 2011-14

SUBJECT: MSR No. 11-04 and SOI Update No. 2011-07 – Making Written Determinations and Approving the Municipal Service Review and Sphere of Influence Update for the Riverdale Park Tract 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:

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, a Municipal Service Review mandated by California Government Code §56430 and a Sphere of Influence Update mandated by California Government Code §56425, has been conducted for the Riverdale Park Tract 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 December 7, 2011 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 §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 §56430 and local Commission policy:

1. Growth and Population Projections for the Affected Area: The District serves a small, rural residential subdivision known as the Riverdale Park Tract. The area is designated as Rural Residential in the Stanislaus County General Plan. The County's recently adopted 2009-2014 Housing Element states that no significant population growth is expected within the District in the near future. The District currently serves approximately 175 residential water service connections.
2. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies: The District's water distribution system is

in good condition, as the system was completely upgraded in 1987, with all new PVC piping. However, the District's water source is from one groundwater well that has to be continually monitored in order to meet state regulations. The District does have a back-up system looped with the City of Modesto, which has been used in the past. However, when the District has to shut down its system, the cost to use the City's water is very costly to the District. In addition, the District relies on the Central Valley Water Quality Control Board and Stanislaus County Department of Environmental Resources to monitor the groundwater quality from the nearby Bonzi Landfill Water Reclamation System.

3. Financial Ability of Agencies to Provide Services: At present time, the District appears to have limited financial resources to operate the domestic water system. Of note, the 2010-2011 Stanislaus County Civil Grand Jury (Case #11-32GJ) reviewed 36 special districts that are required to file an annual audit in accordance with Government Code Section 26909. In their findings, the Grand Jury found that the Riverdale Park Tract was in the process of completing their audit.
4. Status of, and Opportunities for, Shared Facilities: The District does not currently share any facilities with other districts or agencies. However, as mentioned previously, the District's water system has an emergency connection with the City of Modesto as a back-up measure.
5. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies: The District's governing body consists of a five-member Board of Directors, elected by the registered voters within the District. Currently there are four filled director positions and one vacant director position.
6. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy: None.

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 Riverdale Park Tract Community Services District:

1. Present and Planned Land Uses: The District's Sphere of Influence (SOI) encompasses a land area of approximately 58 acres and is coterminous with its boundaries. Territory within the District consists of rural residential land uses, which are not expected to change. In addition, the District does not have the authority to make land use decisions, nor does it have the authority over present and planned land uses within its boundaries. The responsibility for land use decisions within the District boundaries is retained by the County, which consults with the City of Modesto, as the area lies within the boundary of the City's Sphere of Influence.
2. Present and Probable Need for Public Facilities and Services in the Area: The present and probable need for this service is not expected to change, as the District was formed to provide water service within its boundary.



3. Present Capacity of Public Facilities and Adequacy of Public Services Provided: The District currently has sufficient capacity to provide domestic water services within its existing sphere of influence. However, for the past several years, higher nitrate levels are beginning to show up within the District's water supply. Additionally, groundwater in the area must continually be monitored to meet State regulations.
4. Communities of Interest in the Area: The Riverdale Park Tract was created by a county-approved subdivision map in 1947 and is the only community within the boundaries of the District. The District's boundaries are also fully within the City of Modesto's Sphere of Influence.

WHEREAS, the Riverdale Park Tract 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 Riverdale Park Tract 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 Riverdale Park Tract Community Services District's Sphere of Influence are proposed or contemplated through this review.

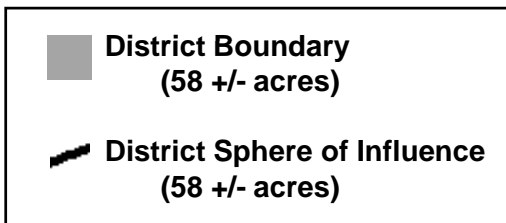
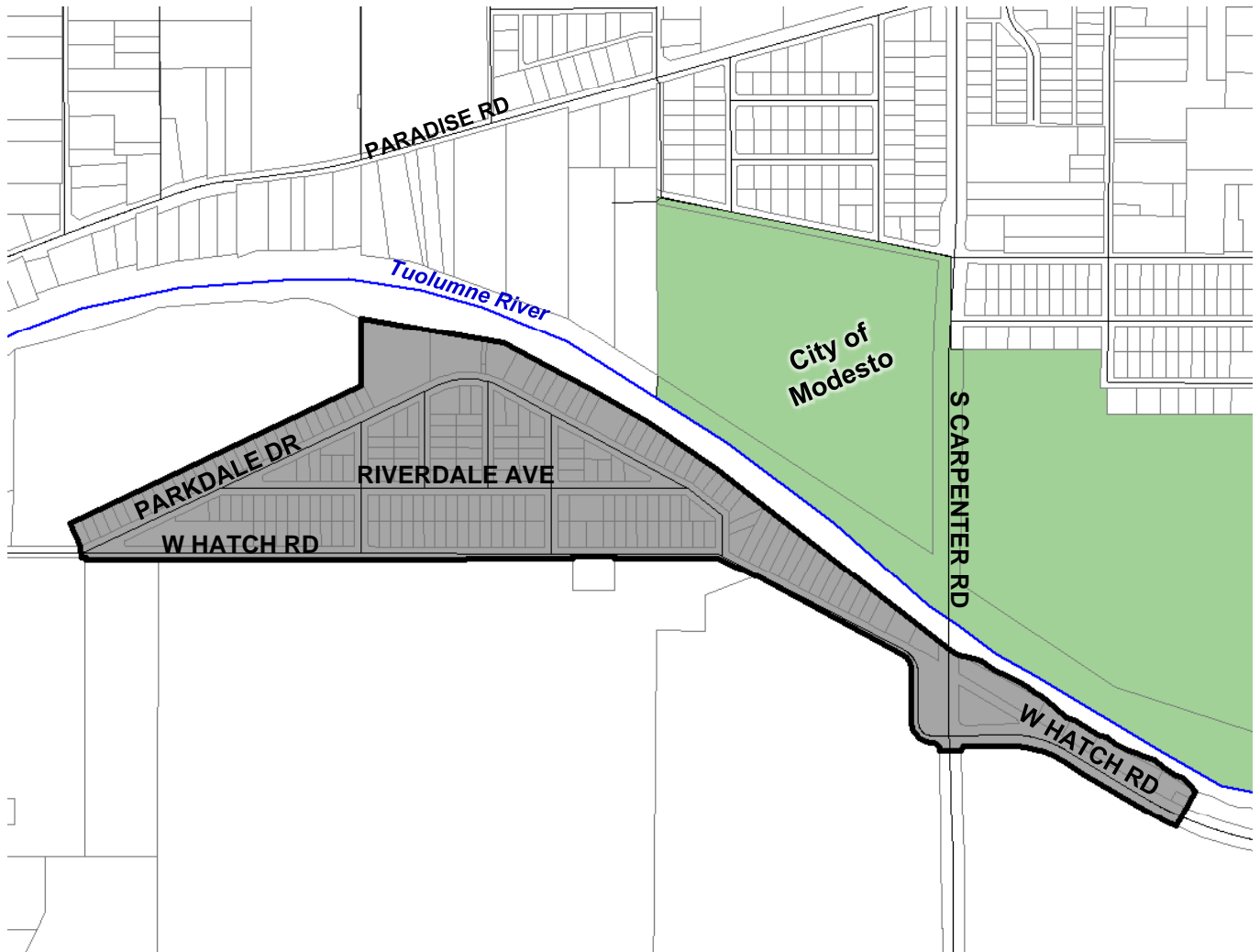
NOW, THEREFORE, BE IT RESOLVED by the Commission:

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 Municipal Service Review prepared in compliance with State law for the review and update of the Riverdale Park Tract 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 Riverdale Park Tract Community Services 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 Riverdale Park Tract Community Services District should be affirmed as it currently exists, as more specifically described on the attached map.
5. Directs the Executive Officer to circulate this resolution depicting the adopted Sphere of Influence Update to all affected agencies, including the Riverdale Park Tract Community Services District.

ATTEST: _____
Marjorie Blom, Executive Officer

Attachment: Riverdale Park Tract Community Services District Boundary & Sphere of Influence Map

Riverdale Park Tract Community Services District Boundary & Sphere of Influence



Source -- LAFCO files
Date: April 2009

