



LAKE SHASTINA COMMUNITY SERVICES DISTRICT

RESOLUTION 1-04

A RESOLUTION APPROVING ANNEXATION AGREEMENT BETWEEN DISTRICT, (herein, “District”) AND COUNTY OF SISKIYOU (herein, “County”).

WHEREAS, This is a Resolution approving the Agreement between County and District, dated January 6, 2004, regarding distribution of taxes upon annexation of real property to the District for residential annexations.

WHEREAS, The District is pursuing annexation in order to provide for orderly growth; and,

WHEREAS, the District and County have interests in promoting orderly growth and economic development; and

WHEREAS, In order to promote these ends, the District and the County wish to memorialize an Agreement on the distribution of property taxes as required in Section 99 of the California Revenue and Taxation Code.

WHEREAS, The District maintains that multiple entities providing like services is not beneficial to the community at large; and

WHEREAS, In regards to the annexed property described herein, The District approved Resolution 5-03 approving an Agreement with developer of this property, Semih Sabankaya, doing business as, Emerald Crescent Estates to provide the services of fire, sewer, police and water to this property described herein.

NOW THEREFORE BE IT RESOLVED:

1. This Resolution shall be applicable to the 13.1 acres described in parcels 1 and 2, of the attached signed Agreement.
2. Effective the date of this Resolution and Agreement, all general and special purpose property tax revenue available to the County and the District from property annexed shall be divided as follows:
 - a. All property taxes received at the time of annexation will continue to be allocated to the County.
 - b. Growth in property taxes after the effective date of the annexation above, shall be allocated as follows:

County Share:	50%
District Share:	50%

RESOLUTION 1-04

3. This Resolution will remain in force except as provided below:
 - a. In no event will the Agreement be canceled while any annexation or detachment is under consideration by the Local Agency Formation Commission.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by the Board of Directors of the Lake Shastina Community Services District, Siskiyou County, California, at a meeting thereof duly held on the 21st day of January, 2004 by the following vote:

Ayes: Brezinsky, Dean, Dilley and Roths
Noes: None
Abstain: None
Absent: Negro

Lake Shastina Community Services District



Craig Dilley, President

ATTEST:



L. JAMES LEA, District Secretary

BEFORE THE BOARD OF SUPERVISORS

RECEIVED
FEB 10 2004

COUNTY OF SISKIYOU, STATE OF CALIFORNIA

BY: _____

January 6, 2004

PRESENT: Supervisors Bill Overman, Bill Hoy, LaVada Erickson, Joan T. Smith and Marcia H. Armstrong.
Chair Overman presiding.

ABSENT: None

ADMINISTRATOR: Howard Moody

DEPUTY COUNTY CLERK: Shellee Mittan

COUNTY COUNSEL: Frank J. DeMarco

PURPOSE OF MEETING: Regular

COUNTY ADMINISTRATOR - Approve agreement with Lake Shastina Community Services District (CSD) regarding distribution of taxes upon annexation of real property to the District for residential annexations.

County Administrator Howard Moody provided an overview of the agreement and suggested the removal of item 3a and answered questions from the board regarding the benefits to the county of annexation.

Auditor Leanna Dancer provided an overview regarding distribution of taxes for residential annexations.

Discussion followed between members of the board, staff and Lake Shastina CSD representatives Jamie Lea and Craig Dilley regarding the benefits of annexation versus incorporation and of Lake Shastina's self sufficiency.

MOTION: Hoy/Smith
AYES: Overman, Hoy,
Smith, Erickson and
Armstrong.

Approve agreement 2807, with removal of paragraph 3a, with Lake Shastina Community Services District (CSD) regarding distribution of taxes upon annexation of real property to the District for residential annexations.

STATE OF CALIFORNIA)
) ss
COUNTY OF SISKIYOU)

I, COLLEEN BAKER, County Clerk and Ex-Officio Clerk of the Board of Supervisors, do hereby certify the foregoing to be a full, true and correct copy of the minute order of said Board of Supervisors passed on January 6, 2004.

c: File

Witness my hand and seal this

_____ day of _____, 20 _____

COLLEEN BAKER, County Clerk and ex-Officio Clerk of
the Board of Supervisors of Siskiyou County, California

By: _____
Deputy Clerk

**AGREEMENT BETWEEN THE COUNTY OF SISKIYOU
AND THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT REGARDING
DISTRIBUTION OF TAXES UPON ANNEXATION
OF REAL PROPERTY TO THE DISTRICT FOR RESIDENTIAL ANNEXATIONS**

THIS IS AN AGREEMENT, made by and between the COUNTY OF SISKIYOU (County) and the Lake Shastina Community Services District (District) on the 6th day of January, 2004.

WHEREAS, the District is pursuing annexation in order to provide for orderly growth; and,

WHEREAS, the District and the County have interests in promoting orderly growth and economic development; and

WHEREAS, in order to promote these ends, the District and the County wish to memorialize an agreement on the distribution of property taxes as required in Section 99 of the California Revenue and Taxation Code.

NOW, THEREFORE, the District and the County agree as follows:

1. This agreement shall be applicable to the 13.1 acres described in parcels 1 and 2 attached.
2. Effective the date of this agreement, all general and special purpose property tax revenue available to the County and the District from property annexed shall be divided as follows:
 - a. All property taxes received at the time of annexation will continue to be allocated to the County.
 - b. Growth in property taxes after the effective date of the annexation above, shall be allocated as follows:

County Share - 50%

District Share - 50%

3. This agreement will remain in force except as provided below:
 - a. In no event will the agreement be canceled while any annexation or detachment is under consideration by the Local Agency Formation Commission.

This instrument is a correct copy of the original on file in this office.

ATTEST:


COLLEEN BAKER Page 1 of 2

County Clerk and ex-officio Clerk of
the Board of Supervisors in and for the
County of Siskiyou

By Shellee Mittan Deputy


In witness hereof, District and County have authorized the execution of this Agreement and authorized the District Board President and Board Chair, respectively, to sign.

County of Siskiyou

By 
~~Chair, Board of Supervisors~~

ATTEST:

Colleen Baker, County Clerk

By 
Deputy

Lake Shastina Community Services District

By 
President

ATTEST:


By 
General Manager

EXHIBIT ONE

All that real property situate in the State of California, County of Siskiyou, described as follows:

Parcel 1:

The East half of the Southwest quarter of Section 35, Township 43 North, Range 5 West, M.D.M.

Excepting therefrom all that portion lying within the exterior boundaries of Lake Shastina Unit 1000-9-2, according to the map on file in the Siskiyou County Recorder's Office in Town Map Book 5, pages 111 to 118, inclusive.

Also excepting therefrom that land know as Dwinnell Reservoir and described generally as all land which would be submerged at any time if the water of said reservoir reached a point on Owner's Dam designated as Dwinnell Dam and located in Section 25, Township 43 North, Range 5 West, M.D.M., which is 2809 feet above sea level, U.S.G.S. datum, and further excepting any and all existing works, structures and appurtenances of Owner in connection with the operation of Dwinnell Reservoir and Dwinnell Dam which may lie or be situate above the said elevation, including, but not by way of limitation, the dam, power facilities, if any, pumping stations, pumping sites and other such works, structures and appurtenances.

Parcel 2:

Together with access rights over roads in Lake Shastina Subdivision, Tracts 1000-9-1 and 1000-9-2 and over and across that certain easement for future road purposes on Lots 170 and 171 of said Tracts 1000-9-2 including the rights to build a road over said Lots 170 and 171.

Item 9. **OLD BUSINESS:**

- ✓ A. **Status Report of Emerald Crescent Estates (ECE) – Received and Filed:** Pres. Dilley reported that the Annexation Agreement with the County of Siskiyou will result in the District receiving 50% of the ECE improved property tax. Dir. Brezinsky stated that, presently, the District receives a small amount of property tax revenue for the Police and Fire Departments and this agreement is a foot in the door as far as the District receiving additional property tax revenue.
1. **Approval of Annexation Agreement**

Motion by Dir. Roths second by Dir. Brezinsky to adopt Resolution 1-04 to approve Annexation Agreement between District and County of Siskiyou.

Ayes: Dirs. Brezinsky, Dean, Dilley and Roths

Noes: None

Absent: Dir. Negro

Motion by Dir. Roths second by Dir. Dean to authorize District President and District Secretary to sign Annexation Agreement between District and County of Siskiyou per Resolution 1-04.

Ayes: Dirs. Brezinsky, Dean, Dilley and Roths

Noes: None

Absent: Dir. Negro

- B. **Status of LSMWC Contribution/Donation to LSCSD:** GM Lea reported that staff is working with legal counsel and CPA to finalize the Water Company dissolution.
- C. **Status of Medical Clinic:** GM Lea reported that paperwork has been filed with the County to address wording on legal description, the property is being surveyed, Public Works has a work order to remove all lumber and any man made structures (gates), an engineer is addressing drainage and the District is waiting for a response from the County regarding the dust control plan.
- D. **Fire Department – Received and Filed:**
1. **Appointment of Fire Chief**

Motion by Dir. Dean second by Dir. Brezinsky to appoint Interim Fire Chief Mike Montreuil as Fire Chief.

Ayes: Dirs. Brezinsky, Dean, Dilley and Roths

Noes: None

Absent: Dir. Negro

FC Montreuil was sworn in by GM Lea.

2. **Recognition of Acting Fire Chief:** Pres. Dilley read a letter written to Mike Murphy, on behalf of the District, recognizing Mike's efforts in filling the position of Acting Fire Chief for Lake Shastina. His dedication and assistance is appreciated.
 3. **Fireworks Display Permits:** Pres. Dilley directed FC Montreuil to proceed with determining specific requirements for a permit process that will allow a fireworks display within the District; presently, District Ordinance 3-92 prohibits fireworks within the District.
- E. **Renew Contract – General Manager:** Item moved to Item 14.
- F. **Status of Shasta View Golf Village:** request for Board's general opinion – **Received and Filed:** Dir. Brezinsky reported that developers out of Chico CA are in escrow to purchase and develop the 18-acre project known Shasta View Golf Village. The developers want to stay with the original plan of 56 duplexes (112 units). Dir. Brezinsky, Dir. Roths, GM Lea and Myron Everhart have met with the developers and have met separately as a Committee. The Committee will continue to meet with developers to discuss items such as total impact fees due and the responsibility of the water and sewer systems within the development.