

Requested by and when recorded mail to:
LASSEN LOCAL AGENCY FORMATION COMMISSION
C/O JOHN BENOIT, Executive Officer P.O. Box 2694
Granite Bay, CA 95746

2008-00810
Recorded at the request of
LASSEN LOCAL AGENCY FORMATION
COMMISSION
02/14/2008 11:37A
Fee: 0.00 No of Pages: 13

OFFICIAL RECORDS
Julie Bustamante, County
Clerk-Recorder
Lassen County, CA

CERTIFICATE OF COMPLETION

I, JOHN BENOIT, the Executive Officer of the LASSEN Local Agency Formation Commission, hereby certify that the **Herlong Public Utility District** has completed a change of organization (FORMATION) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as follows:

The short title, if any, of the above-mentioned proceeding is:

Herlong Public Utility District - Formation (LAFCo File # 2007-0001)

The names of the agencies involved are:

Herlong Public Utility District

Formation consists of 7,619 acres within unincorporated territory in the Herlong Area of Lassen County

The name of the County or Counties in which the entire Reorganization is located is:

Lassen County

The change of organization completed is:

Inhabited

Uninhabited

The resolution (LAFCO Resolution 2007-0009) including the legal description and Map of Territory ordering the change of organization for which this Certificate is being written is set forth in the attached Exhibit "A".

The change of organization was:

Ordered without an election and the Resolution ordering the change of organization (Resolution 2007-0009) was adopted by the Local Agency Formation Commission on December 10, 2007.

Confirmed by the voters and the resolution confirming the change of organization after confirmation by the voters was adopted by the governing Board of the _____ on _____.

Local Agency Formation Commission

Dated: Feb 14, 2008

By: John Benoit
John Benoit, Executive Officer

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**Resolution 2007-0009 of the
Local Agency Formation Commission
of Lassen County, California**

*Making Determinations and Approving the Proposed Formation of the Herlong Public
Utility District*

WHEREAS, a Petition of Application for the formation of the Herlong Public Utility District, as defined in the California Public Utilities Code Section 15501 *et seq.*, has been certified by the Lassen County Clerk and filed with the Executive Officer of the Local Agency Formation Commission of Lassen County, California, by the Lassen County Board of Supervisors; and said application complied with all the requirements of law and the Commission; and,

WHEREAS, the proceedings for this formation are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act, Section 56000 *et seq.* of the Government Code; and

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission upon said application; and

WHEREAS, the Executive Officer has reviewed the application and has prepared a report including staff recommendations thereon within the time required by law and has furnished copies of said report to the Commission and to all other persons required by law to receive it; and

WHEREAS, at hearings held November 12, 2007 and December 10, 2007, the Commission considered the proposal and the report of the Executive Officer; the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and all other relevant evidence and information presented at said hearing, including the comments of all interested parties desiring to be heard;

NOW, THEREFORE, the Lassen County Local Agency Formation Commission determines, resolves and orders the following:

1. The territory comprises approximately 7,619 acres more or less and is found to be inhabited.
2. The change of organization is assigned the following distinctive short-term designation:

Herlong Public Utility District—Formation

3. The Commission hereby affirms that this application is exempt from the California Environmental Quality Act pursuant to Section 15320 of the CEQA Guidelines (Class 20) as the proposal would not result in any change in services previously provided since the HUI already serves the area and CEQA Guideline Section 15061 b (3) whereby this 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. Since this proposal is only converting an existing function from a private non-profit cooperative to a public entity, there is no possibility that this activity may have a significant effect on the environment and the original



function has been previously analyzed in an Environmental Impact Report and no conditions have changes nor could have changed since the certification of that Environmental Impact Report.

4. The proposal is consistent with the spheres of influence of all affected agencies. No duplication of services shall occur between the West Patton Village CSD and the Herlong Public Utility District, as proposed.
5. The Commission adopts the determinations regarding consistency with LAFCO Policies contained in the staff report for this project and incorporates them by reference herein.
6. The proposal includes all the parcels within the boundaries as shown in Exhibit "A" Proposed Herlong Public Utility District Map and Exhibit "B" Boundary Description for the Herlong Public Utility District.
7. Pursuant to Government Code Section 57025 (e) notice has been given to each landowner and registered voter with respect to the extension of any previously authorized special tax (and) or benefit assessment to the affected territory. Government Code Section 56886 (t) provides for the extension or continuation of any previously authorized charge, fee, assessment, or tax by the local agency or a successor local agency in the affected territory. Approval of this change of organization is conditioned upon the applicant's obligation to comply with the requirements of Proposition 218 to the extent required. Prior to issuance of a Certificate of Completion, the applicants shall provide LAFCO with written documentation that extending the previously authorized charge, fee, assessment or tax from the HUI to the new PUD complies with the requirements of Proposition 218, with an opinion of legal counsel for the HUI that the requirements of Proposition 218 have been met for this change of organization and is in agreement binding the HUI and (or) newly formed Public Utility District to defend, indemnify and hold harmless LAFCO and its officers, agents and employees from any and all liability arising from the failure to comply with the provisions of Proposition 218 with respect to this change of organization. In the event it is determined this proposal is subject to Proposition 218 affirmative confirmation by the applicable voters and (or) landowners shall be required prior to issuance of the Certificate of Completion.
8. The effective date of formation shall be upon the recordation of the Certificate of Completion and after the completion of all proceedings.
9. The district shall be governed by a three-member Board of Directors elected at-large by the registered voters residing within the affected territory. The first 3-member Board shall be appointed by the Board of Supervisors with initial terms to be determined pursuant to the Uniform District Elections Law. Subsequent Boards of Directors shall be elected pursuant to the Uniform District Elections Law including authorization by the voters to increase the Board of Directors to five.
10. The boundaries of the district, as set forth in the proposal, are hereby approved as described in Exhibits A and B attached hereto and by this reference incorporated herein. Modification of Exhibits A and B shall be required in the event lines of assessment are split. The assessor's office shall verify no lines of assessment are split prior to issuance of the Certificate of Completion.



11. The district shall provide potable water including the operation of water wells, treatment, conveyance and storage and wastewater collection, treatment and reclamation. Other services provided by the Herlong Public Utility District shall be considered a latent power and provided by the district after LAFCO has authorized the district to provide that service.
12. LAFCO shall adopt a sphere of influence for the district following completion of a Municipal Services Review for the services to be provided by the Herlong Utilities Cooperative and prior to any district annexations. LAFCO hereby adopts a provisional Sphere of Influence contiguous with the district's boundaries.
13. As stated in the LAFCO Staff Report of November 12, 2007 the amount of base and Incremental property tax transferred to the new district from the County General Fund pursuant to Section 56842 of the California Government Code shall be zero.
14. As stated in the LAFCO Staff Report of November 12, 2007, the provisional appropriations limit for the new district required by Article XIII B of the California Constitution shall be zero for the first full fiscal year since the district receives no tax revenue.
15. Approval of this formation is conditioned upon the proponent's obligation to defend, indemnify, and hold harmless the Lassen Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this annexation. The Local Agency Formation Commission of the County of Lassen shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.
16. The district shall confer with the Lassen County Auditor during its budgeting process and its expenditure of funds as a public agency.
17. All LAFCO, Lassen County and State of California fees and (or) expenses must be paid in full prior to filing the Certificate of Completion. LAFCO will forward invoices and (or) a list of required fees/deposits and (or) expenses to the agency prior to filing the Certificate of Completion for direct payment by the project proponent.
18. Three reproducible copies, ten 24 by 36 inch copies and two 8 1/2 reductions of all final maps along with 5 copies of the final metes and bounds description shall be submitted to LAFCO prior to the recordation of the Certificate of Completion.
19. The boundary description, fees and maps shall meet the requirements in 54902 and 54902.5 of the Government Code and as stated in the State Board of Equalization Change of Jurisdictional Boundary Requirements for Statements, Boundary Description, Maps and Schedule of Processing Fees. If rejected by the State Board of Equalization, Maps and Legal Descriptions will be revised at the expense of the proponents prior to recordation of the Certificate of Completion.



20. Unless written protest or objections in opposition to this formation is submitted prior to the conclusion of the Public Hearing, further protest proceedings are waived and the Commission orders the 7,619-acre formation of the Herlong Public Utility District pursuant to Part 4 of Division 3 of the California Government Code, commencing with Section 57000.
21. If written protest or objection in opposition to this formation is received by LAFCO prior to the conclusion of the public hearing for this formation, the Local Agency Formation Commission hereby requests the Board of Supervisors to order and call an election by the registered voters residing in the proposed territory confirming the formation of this district and an election of the district's 5-member board of directors to be elected at large at the earliest time possible.
22. The Executive Officer is hereby directed to transmit a certified copy of this resolution to each affected agency, as provided in G.C. Section 56853 including the Lassen County Clerk and Lassen Co. Board of Supervisors.
23. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings.

The foregoing resolution was duly passed by the Local Agency Formation Commission of Lassen County at a regular meeting held on December 10th 2007, by the following roll call vote:

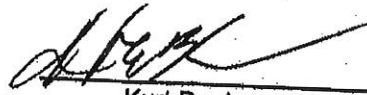
Ayes: Hanson, Eld, Keefer, Templeton and Bonham

Noes:

Abstains:

Absent:

Signed and approved by me after its passage this 10th day of December, 2007.



Kurt Bonham, Chair
Lassen County LAFCO

Approved as to Form:



J. S. Kenly, LAFCO Counsel



**HERLONG UTILITIES
PUBLIC UTILITY DISTRICT BOUNDARY
GEOGRAPHIC DESCRIPTION**

All that certain real property situate within Section 30 and 31, Township 27 North, Range 17 East, Sections 25, 26, 27, 28, 33, 34, 35 and 36, Township 27 North, Range 16 East, a portion of Sections 1, 2, 3 and 4, Township 26 North, Range 16 East, Mount Diablo Meridian, in the County of Lassen, State of California, being more particularly described as follows:

Beginning at the Northwest Corner of Section 28, Township 27 North, Range 16 East Mount Diablo Meridian thence along the North line of said Section 28 South $89^{\circ}00'00''$ East a distance of 5276.04 feet to the Northwest Corner of Section 27, Township 27 North, Range 16 East, Mount Diablo Meridian; thence along the North line of said Section 27 North $88^{\circ}49'00''$ East a distance of 5249.64 feet to the Northwest Corner of Section 26, Township 27 North, Range 16 East, Mount Diablo Meridian; thence along the North line of said Section 26 South $89^{\circ}15'00''$ East a distance of 5324.88 feet to the Northwest Corner of Section 25, Township 27 North, Range 16 East, Mount Diablo Meridian; thence along the North line of said Section 25 South $89^{\circ}49'00''$ East a distance of 5305.08 feet to the Northwest Corner of Section 30, Township 27 North, Range 17 East, Mount Diablo Meridian; thence along the North line of said Section 30 South $89^{\circ}08'00''$ East a distance of 5316.30 feet to the Northeast Corner of Section 30, Township 27 North, Range 17 East, Mount Diablo Meridian; thence along the East line of said Section 30 South $00^{\circ}36'00''$ West a distance of 5297.16 feet to the Northeast Corner of Section 31 Township 27 North, Range 17 East, Mount Diablo Meridian; thence along the East line of said Section 31 South $00^{\circ}53'00''$ West a distance of 5304.47 feet to the Southeast Corner of said Section 31; thence along the South line of said Section 31 North $89^{\circ}16'00''$ West a distance of 2612.94 feet to the South One-quarter Corner of said Section 31; thence continuing along the South line of said Section 31 North $89^{\circ}19'00''$ West a distance of 2752.86 feet to the Southeast Corner of Section 36, Township 27 North, Range 16 East, Mount Diablo Meridian; thence along the South line of said Section 36 North $89^{\circ}38'00''$ West a distance of 428.55 feet to the point of intersection of the South line of said Section 36 and the Northerly Right-of-Way line of the Western Pacific Rail Road; thence departing the South line of said Section 36 along the Northerly Right-of-Way line of the Western Pacific Rail Road over and across a portion of Sections 1 and 2, Township 26 North, Range 16 East, Mount Diablo Meridian South $69^{\circ}02'00''$ West a distance of 4052.60 feet to a point of curvature; thence along a tangent curve to the left having a radius of 5829.58 feet, a central angle of $52^{\circ}07'09''$ an arc length of 5302.89 feet to the point of intersection of the Northerly Right-of-Way of the Western Pacific Rail Road and the Southerly line of Section 2, Township 26 North, Range 16 East, Mount Diablo Meridian; thence departing the said Northerly Right-of-Way along the South line of said Section 2 South $89^{\circ}50'00''$ West a distance of 2879.66 feet to the Southwest Corner of said Section 2; thence along the West line of said Section 2 North $00^{\circ}14'00''$ West a distance of 2640.00 feet to the West One-quarter Corner of said Section 2; thence departing the West line of said Section 2 along the South line of the North One-half of Section 3, Township 26 North, Range 16 East, Mount Diablo Meridian North $89^{\circ}17'21''$ West a distance of 5283.83 feet to the West One-quarter Corner of said Section 3; thence along the West line of said Section 3 North $00^{\circ}27'27''$ East a distance of 337.59 feet to the Northeast Corner of Parcel 3 per Record of Survey, Book 17, Page 22 of the Official Records of Lassen County; thence departing the West line of said Section 3 along the Northerly lines of Parcels 1, 2 and 3 of said Record of Survey, Book 17, Page 22 South $87^{\circ}10'52''$ West a distance of 624.76 feet



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Herlong Utilities Public Utility District Boundary
Geographic Description
Continued

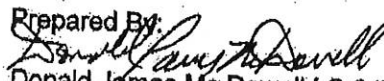
to the Northwest Corner of said Parcel 1; thence along the Easterly line of Lot 27 of the HERLONG-HONEY LAKE SUBDIVISION, Recorded in Book 6, Page 76 of the Official Records of Lassen County, California North $00^{\circ}48'41''$ East a distance of 561.59 feet; thence departing said Easterly line along the Northerly line of said Lot 27 South $80^{\circ}10'53''$ West a distance of 98.82 feet to a point on the Easterly line of the Herlong Airport property as show on Record of Survey Number 42-12-80 of the Official Records of Lassen County, California; thence along the Easterly and Northerly lines of said Herlong Airport property North $09^{\circ}49'07''$ West a distance of 250.00 feet; thence South $80^{\circ}10'53''$ West a distance of 3300.00 feet to a point on the Easterly line of Lot 11 of said HERLONG-HONEY LAKE SUBDIVISION; thence along the Easterly line of said Lot 11 North $24^{\circ}34'23''$ West a distance of 97.73 feet to a point on the Northerly line of said Lot 11; thence along the Northerly lines of Lots 6, 7, 8, 9, 10 and 11 of said HERLONG-HONEY LAKE SUBDIVISION South $83^{\circ}43'17''$ West a distance of 1014.45 feet to the Northeast Corner of said Lot 6; thence along the Easterly line of Lot 5 of said HERLONG-HONEY LAKE SUBDIVISION North $00^{\circ}34'47''$ East a distance of 400.92 feet to the Northeast Corner of said Lot 5; thence along the Northerly line of said Lot 5 extended South $77^{\circ}04'08''$ West a distance of 250.64 feet to the West line of the Northwest One-quarter of Section 4, Township 26 North, Range 16 East, Mount Diablo Meridian; thence along said West line of the Northwest One-quarter of Section 4 North $01^{\circ}06'48''$ East a distance of 1810.98 feet to the Northwest Corner of said Section 4; thence along the West line of Section 33, Township 27 North, Range 16 East, Mount Diablo Meridian North $00^{\circ}58'04''$ East a distance of 5235.37 feet to the Northwest Corner of said Section 33; thence along the West line of Section 28, Township 27 North, Range 16 East Mount Diablo Meridian North $00^{\circ}54'00''$ East a distance of 5280.00 feet more or less to the True Point of Beginning.

Containing 7,619 acres of land more or less.

The basis of bearings for this description being the same as that shown on the Official General Land Office Township Plat of Township 27 North, Range 17 East, Mount Diablo Meridian, dated November 4, 1942.

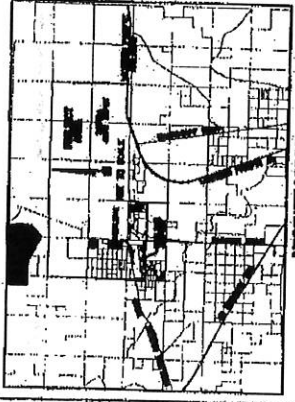
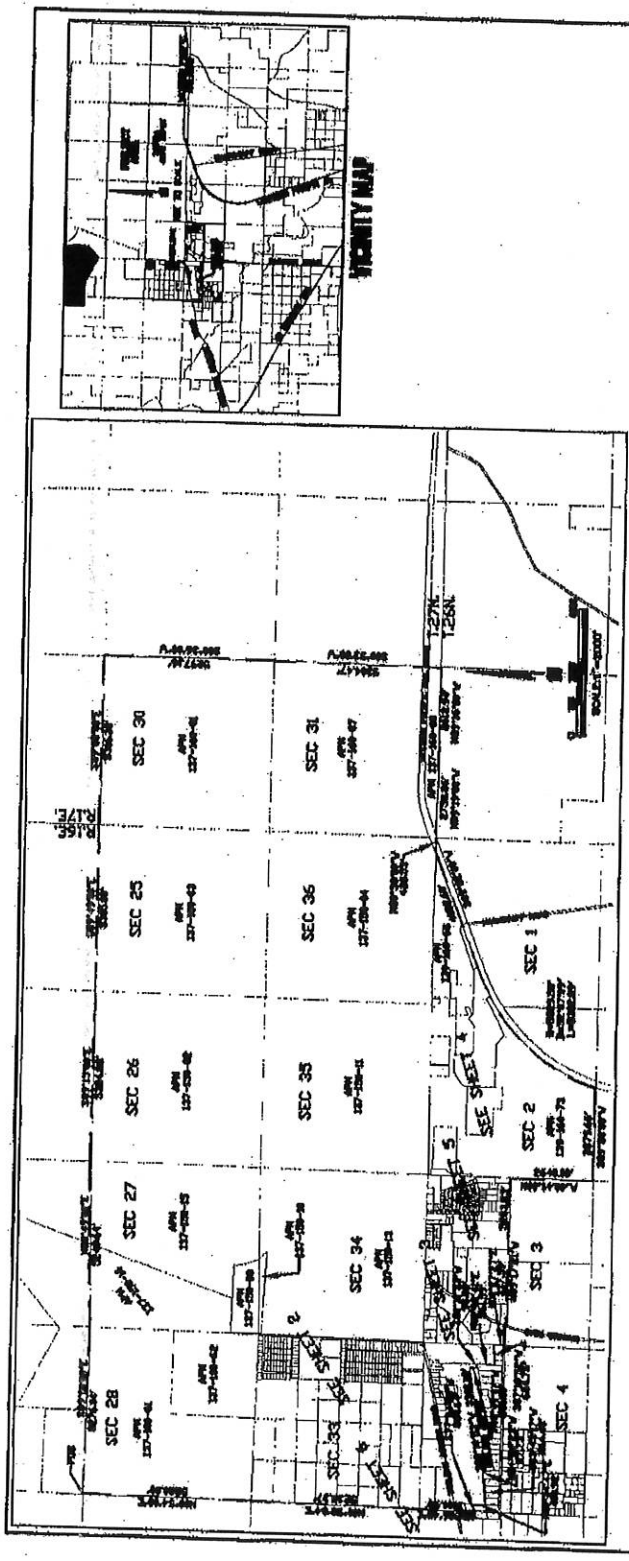
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the lands described.

This legal description was prepared from record mapping information and does not represent a field survey.

Prepared By:

Donald James Mc Dowell LS 6473
Bigby and Associates, Inc.
960 Matley Lane, #4
Reno, Nevada 89502
Ph: (775) 851-0432



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LAFCO FILE NO. 2007-001

BEALING UTILITIES AND BOUNDARY
 BEALING UTILITIES AND BOUNDARY
 10000 W. 100TH ST., SUITE 200, WESTLAND, MI 48090
 BEALING UTILITIES AND BOUNDARY
 BEALING UTILITIES AND BOUNDARY

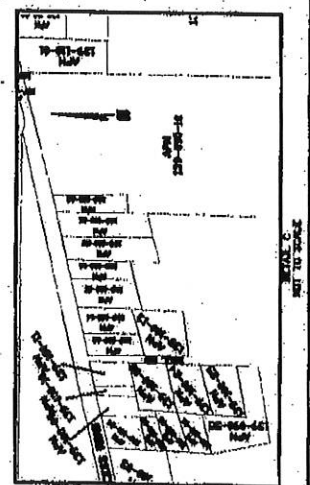
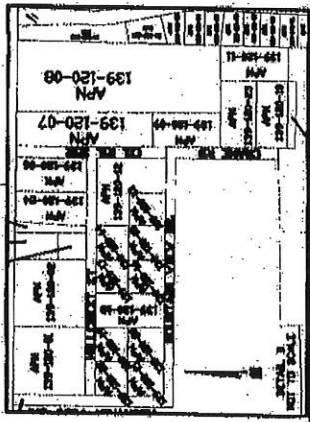
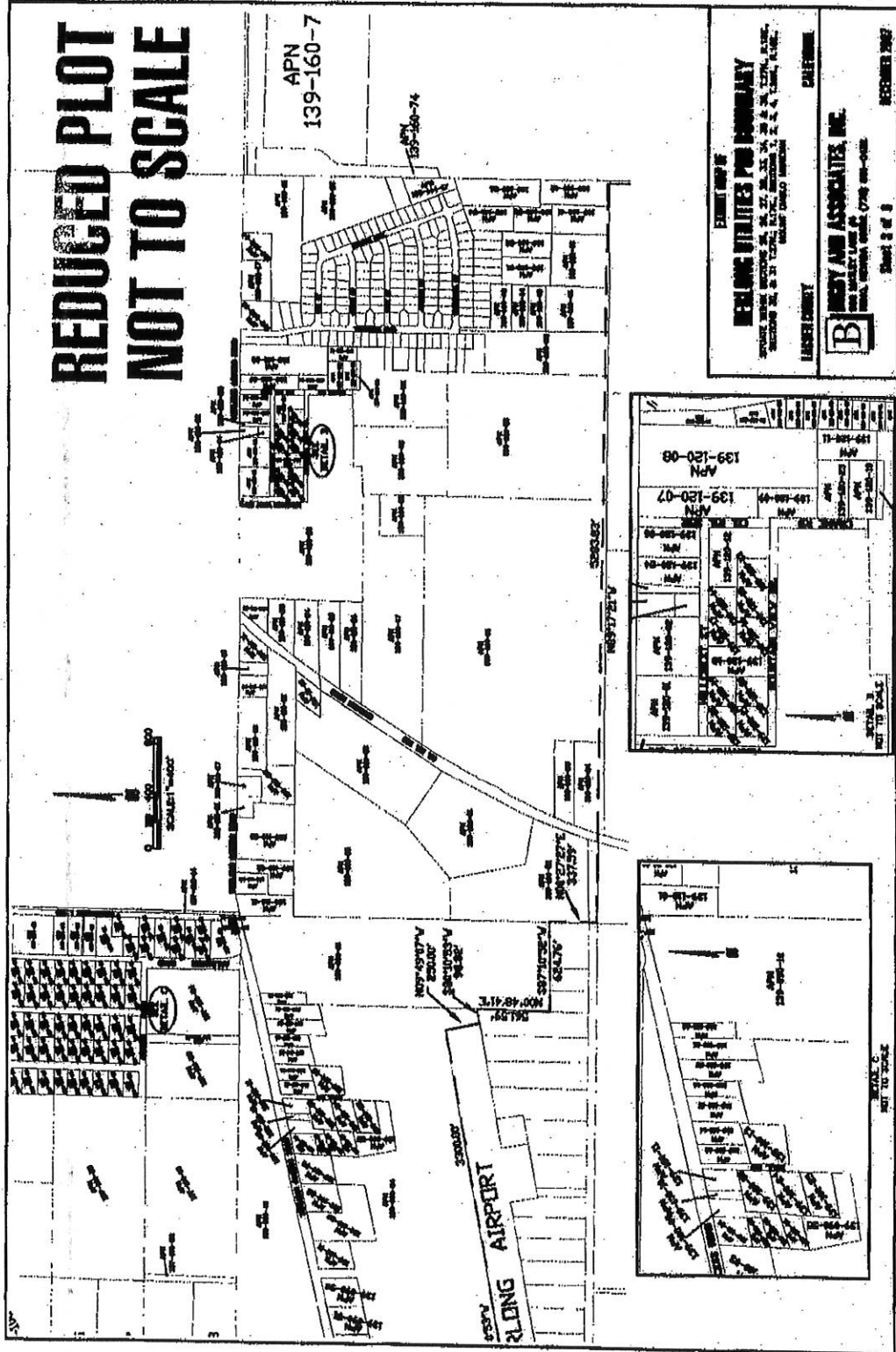
B BEALING AND ASSOCIATES, INC.
 10000 W. 100TH ST., SUITE 200, WESTLAND, MI 48090
 BEALING AND ASSOCIATES, INC.
 BEALING AND ASSOCIATES, INC.

Sheet 1 of 8

**REDUCED PLOT
NOT TO SCALE**

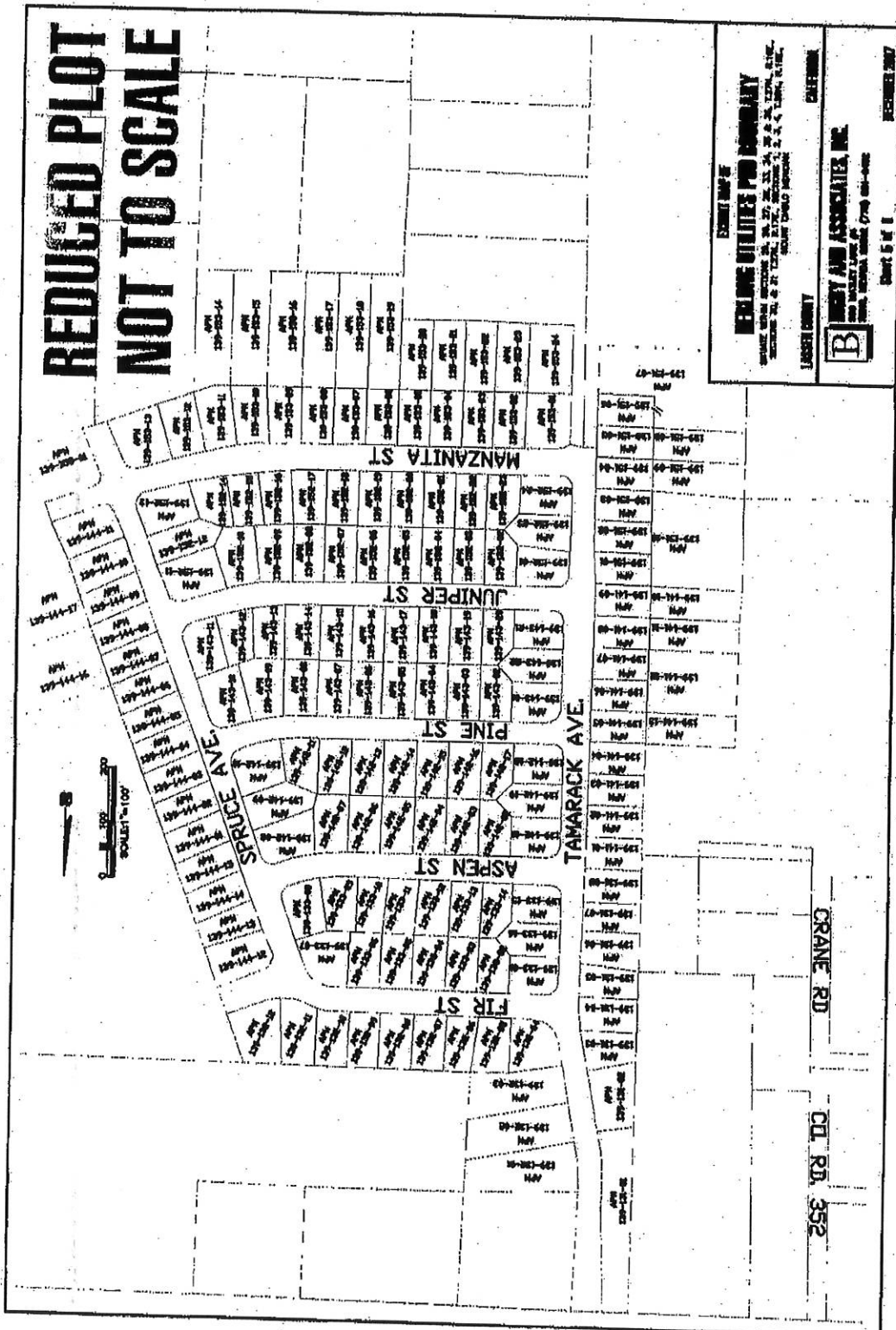
APN
139-160-7

139-160-74



FIELD UNIT #
FIELD UNITIES FOR BOUNDARY
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LAKE COUNTY
CALENDAR
BERNARD AND ASSOCIATES, INC.
 1000 W. 10th Street, Suite 1000, Chico, CA 95926
 (530) 894-1111
Sheet 2 of 8
REVISION 2008

**REDUCED PLOT
NOT TO SCALE**



**EXISTING MAP OF
RESIDING UTILITIES AND BOUNDARY**
 DRAWN BY: [Signature]
 DATE: [Date]
 SCALE: [Scale]

LEGEND

BERRY AND ASSOCIATES, INC.
 1000 W. 10TH ST., SUITE 100
 DENVER, CO 80202
 PHONE: (303) 733-1100
 FAX: (303) 733-1101
 WWW: WWW.BERRYANDASSOCIATES.COM

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REDUCED PLOT NOT TO SCALE

ENGINE UTILITIES FOR AIRPORT
 HERLING AIRPORT
 LACKEY COUNTY
BENNETT AND ASSOCIATES, INC.
 1000 W. 10th Street, Suite 100
 Oklahoma City, Oklahoma 73106
 PHONE: (405) 241-1111
 FAX: (405) 241-1112
 SHEET 3 OF 8
 REVISION 2007

