

MARIPOSA COUNTY RESOLUTION NO. 88-99

A RESOLUTION OF APPLICATION BY THE MARIPOSA COUNTY BOARD OF SUPERVISORS REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE FORMATION OF COUNTYWIDE COUNTY SERVICE AREA NO. 1.

BE IT RESOLVED by the Board of Supervisors of the County of Mariposa as follows:

WHEREAS, the County of Mariposa desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code as amended, and Chapter 2.2, Part 2, Division 2, of Title 3 of the Government Code, for the formation of a Countywide County Service Area; and

WHEREAS, the territory to be included is inhabited, and the boundaries of the territory are to be coterminous with the boundaries of Mariposa County, a political entity of the State of California; and

WHEREAS, this proposal includes a request to establish a sphere of influence boundary coterminous with the boundaries of the service area; and

WHEREAS, the terms, conditions and reasons for this proposal are expressed in the policy statement which is attached hereto as Exhibit "A" and adopted as a part of this proposal;

NOW, THEREFORE, this Resolution of Application is hereby adopted and approved by the Board of Supervisors of the County of Mariposa and the Local Agency Formation Commission of Mariposa County is hereby requested to take proceedings for the proposed formation, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.


PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 15th day of March , 1988 by the following vote:

AYES: BAGGETT, ERICKSON, RADANOVICH, TABER

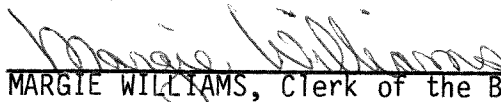
NOES: DALTON

ABSTAINED: NONE

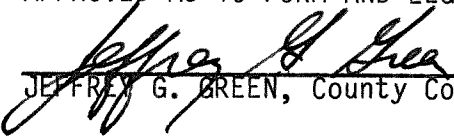
EXCUSED: NONE

  
\_\_\_\_\_  
ERIC J. ERICKSON, Chairman  
Mariposa County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
\_\_\_\_\_  
JEFFREY G. GREEN, County Counsel

## EXHIBIT "A"

### STATEMENT OF INTENT AND POLICY, PROPOSED COUNTYWIDE COUNTY SERVICE AREA

#### Background

The Mariposa County Board of Supervisors, by this Resolution, has initiated proceedings to create a Countywide County Service Area and has submitted a proposal to the Local Agency Formation Commission for consideration. A Countywide County Service Area is needed to serve areas of the County where there is interest in benefitting from extended services not now provided by the County and where there is a willingness to pay for such services locally. A Countywide County Service Area will also give the County greater latitude in serving the present needs of its citizens by providing a mechanism for establishing subsequent zones of benefit and/or improvement districts.

It is the purpose of this document to clarify the Board's intent with reference to a Countywide County Service Area. However, not all of the issues and concerns can be dealt with at this time since the formation of a Countywide County Service Area is a first step. Specific questions as to financing costs, and apportionments, etc. will have to be answered on a case-by-case basis as projects are proposed and benefit zones or improvement districts are created.

#### Description

A Countywide County Service Area, governed by the Board of Supervisors, will include all unincorporated territory of the County. This approach has been taken to avoid the necessity of creating separate County Service Areas with the attendant delays and administrative overhead each time a new problem is identified which needs attention. Inclusion of property within a Countywide County Service Area places no additional financial obligation on that property unless and until a benefit zone or improvement district is formed. Such zones will not be formed without public hearings and only then with the concurrence of a majority of the members of the Board of Supervisors.

This Board sees no conflict between the Countywide County Service Area concept and existing County plans and policies since no improvements will be proposed by the Countywide County Service Area that are not consistent with the County General Plan. It is also not the intention of this Board to compete with existing special districts in provision of services. If special districts are capable of providing a service, this Board considers that the preferred alternative, however, situations will arise when existing service providers are not able to meet all the demands within their area of interest or may not be empowered to meet those demands. In such instances, it is the intent of this Board of Supervisors to work cooperatively with such special districts to meet that service need.

Formation of a Countywide County Service Area will not replace existing special districts nor impede the formation or expansion of special districts should local communities choose to provide services in that fashion. In addition, it will not interfere with a district's ability to annex territory.

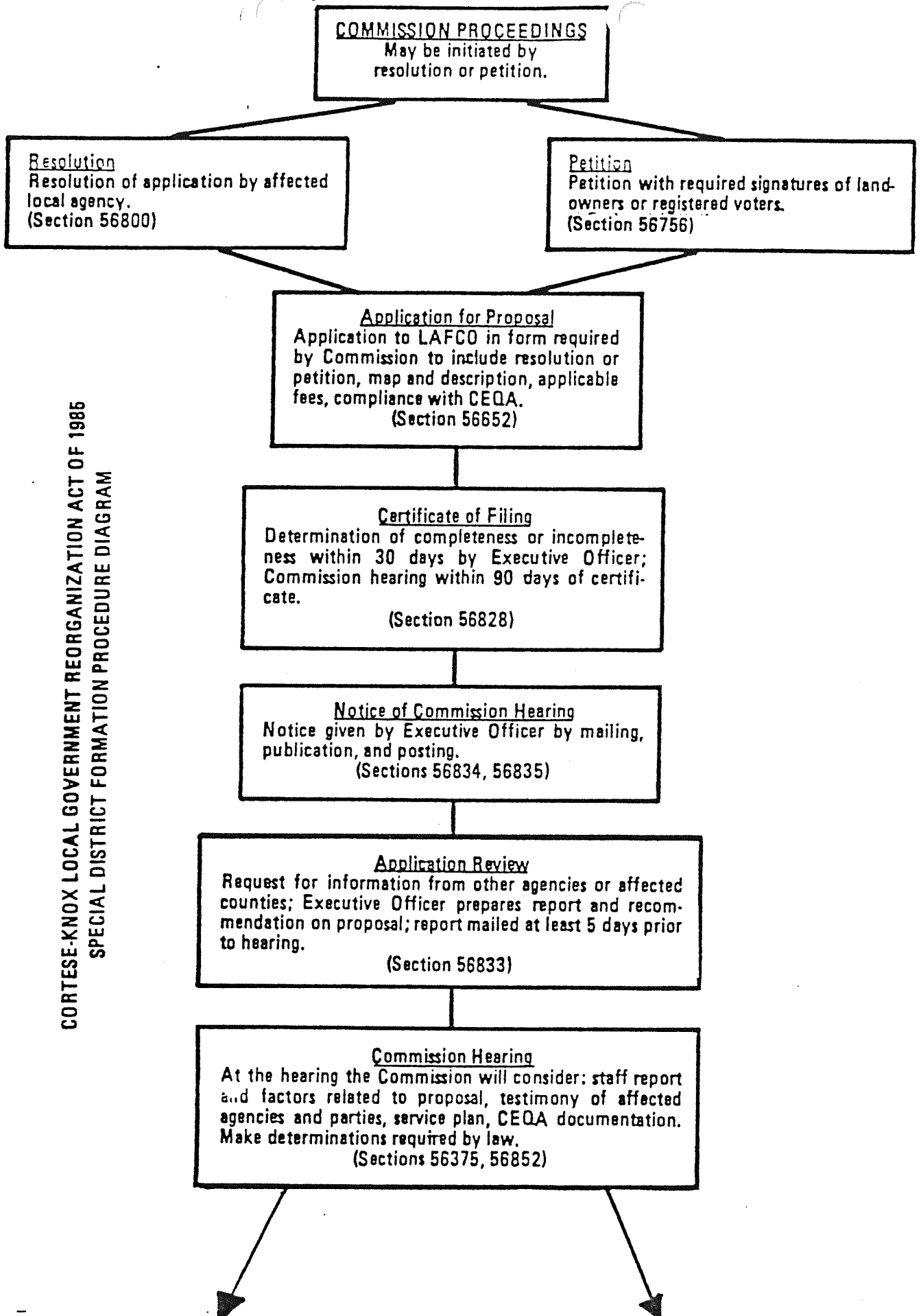
The services to be provided by the Countywide County Service Area are all those described by Government Code Section 25210.4 and 25210.4a including but not limited to the following: water service, sewer service, fire protection, street and highway sweeping, street and highway lighting, refuse collection, garbage collection, ambulance service, area planning, soil conservation and drainage control, animal control, transportation services, cemeteries, and geologic hazard abatement.

The described services are of such scope and nature that residents anywhere within the unincorporated area may benefit from such services. It is this Board's intention, however, to concentrate on basic services in areas of existing unmet need.

Policy:

It shall be the policy of the Mariposa County Board of Supervisors to support formation of a Countywide County Service Area and subsequent zones of benefit in order to provide needed services with a minimum amount of administrative overhead and delay. A Countywide County Service Area will not replace or duplicate the effort of special districts which are capable and willing to provide services the Countywide County Service Area may be empowered to provide. All actions undertaken by the Countywide County Service Area shall be consistent with the County General Plan and other established plans and policies. The Countywide County Service Area shall focus on benefiting those areas with critical need which have found themselves without an adequate mechanism for dealing with identified health and safety concerns and shall not detract from the ability of existing service providers to carry out their responsibilities.

CORTESE-KNOX LOCAL GOVERNMENT REORGANIZATION ACT OF 1986  
SPECIAL DISTRICT FORMATION PROCEDURE DIAGRAM



**Commission Denies Proposal**

If denied, no similar proposal may be made within one year.  
(Section 56855)

**Commission Approves Proposal**

May be approved with revisions or conditions; Commission designates conducting authority for further proceedings; approval expires within one year if not completed; Commission resolution mailed to conducting authority.  
(Sections 56852, 56853)

**CONDUCTING AUTHORITY PROCEEDINGS**

Special district formation proceedings conducted as set forth in the principal act of the district to be formed, unless a part of a reorganization (Sec. 57007). Proceedings may require public hearing and election.

**COMPLETION OF PROCEEDINGS**

The conducting authority clerk shall send to the Commission office a certified copy of the conducting authority resolution and State fees (Section 54902.5). The Executive Officer shall determine compliance with the Commission resolution. If in compliance a certificate of completion is issued and recorded with County Recorder. If no other effective date is named, the recording date is effective date. Executive Officer issues statement of boundary change and sends to State Board of Equalization, County Assessor and Auditor. Statement sent to Secretary of State for city annexation. (Section 57200)

COUNTYWIDE SERVICE AREA  
FORMATION PROCESS

**SERVICE AREA**

Board of Supervisors adopts a resolution to file an application requesting LAFCo to take proceedings

**LAFco ACTION**  
(5-6 wks)

Application submitted to LAFCo (includes Resolution of Application and Plan for Services) (Reorganization Act (R.A.) Sections 56652-3, 56700)

LAFCo Executive Officer (E.O.) determines within 30 days whether application is complete or incomplete (R.A. Sec. 56828)

If application is complete and acceptable for filing, E.O. issues a Certificate of Filing (R.A. Sec. 56828)

E. O. sets a LAFCo hearing date for the proposal. Date of hearing is to be stated on the Certificate of Filing, and the hearing must be held within 90 days after issuance of certificate (R.A. 56828)

Staff review → ENVIRONMENTAL REVIEW

← LAFCo hearing

Within 35 days after conclusion of hearing, Commission must adopt resolution making determinations approving or disapproving the proposal (R.A. Sec. 56851)

If LAFCo approves proposal, formation proceedings are forwarded to the conducting authority (i.e. the B of S)

**B of S ACTION**  
(6-8 wks)

B of S adopts a resolution of intention to establish area. The resolution fixes the time and place for the public hearing. Hearing must be held not less than 30 days nor more than 60 days after adoption of resolution (Govt. Code 25210.5)

↓

B of S hearing; hearing may be continued but must be completed within 30 days (G.C. 25210.18)

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If 50% or more of registered voters or owners of 1/2 or more of value of land and improvements file written protests, the B of S must abandon or modify the proposal (G.C. 25210.17A)

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If there is not sufficient written protest, B of S may declare area established or B of S may establish area subject to confirmation of voters (G.C. 25210.18)

↘ ELECTION

↓

If a petition protesting against adoption of resolution is presented to B of S within 60 days after adoption of resolution, the resolution is suspended and must be reconsidered by B of S (G.C. 25210.21) Petition must be signed by at least 10% of registered voters within area.

↓

If B of S does not rescind resolution, the resolution must be submitted to voters at regular or special election. Resolution has no effect until majority of votes are cast in favor (G.C. 25210.27)

↘ ELECTION

↓

If a petition is not presented, the proposal goes back to LAFCo

**LAFCO ACTION**  
(3-4 wks)

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E. O. reviews proposal for compliance w/LAFCo (R.A. 57200)

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If proposal is in compliance, E.O. prepares and executes a Certificate of Compliance (R. A. 57200)

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Effective date of proposal is the date the certificate is recorded with the County Recorder unless the resolution approving the proposal sets an effective date which falls on or after the date of

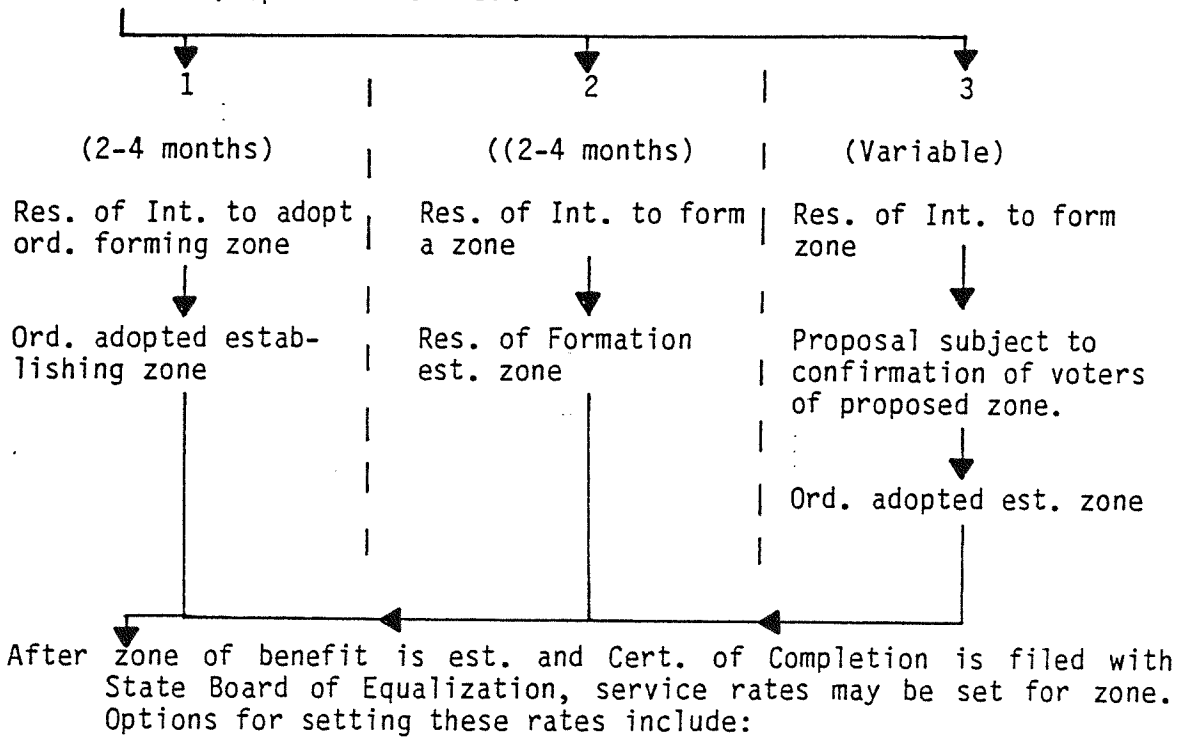


execution of the Certificate of Compliance. The certificate is also to be filed with the State Board of Equalization, County Auditor and Tax Collector (R.A. 57202)

**ZONES OF BENEFIT**

**B of S ACTION**  
(Variable Times)

After Certificate is filed with the state Board of Equalization, B of S may begin proceedings for establishment of zones of benefit (G.C. 25210.8) Options include:



At the time the B of S adopts the final County budget, the B of S may determine the nature, extent, and cost of services to be provided. The B of S would then fix, levy and collect taxes within the area in the same manner and at the same time as other County

The B of S may on or before April 1st, by res., determine the nature, and extent of services for the next year (G.C. 25200.72)

On or before August 31st, an estimate of the cost of providing

The B of S may adopt an ordinance which provides a procedure for collecting service charges on the tax roll in the same manner and at the same time as general property taxes are collected (G.C. 25210.77A)

taxes (G.C. 25210.72A) | services must be filed  
w/ the B of S (G.C.  
25210.73)



| The B of S must adopt  
| the estimate or a re-  
| vised estimate fixing  
| the amount of money  
| required for providing  
| services the next year  
| (G.C. 2520.74)



| At the time the B of S  
| fixes and levies taxes  
| for County purposes,  
| it must also fix the  
| rates of the CSA (G.C.  
| 25210.75)

## ENVIRONMENTAL REVIEW

Application submitted; staff must determine whether application is complete or incomplete within 30 days



Application is determined to be complete



Initial Study prepared

State Clearinghouse Review  
(30 days)



Negative Declaration prepared



Public Review Period (15 days minimum)



Formal public hearing, if requested; noticing shall be provided to public within a reasonable period of time



Consideration and approval of ND by decision-making body



Notice of determination

TIME ESTIMATE

<u>Action</u>	<u>Time Frame</u>	<u>Estimate</u>
LAFCo review of Application completeness	1-30 days	1 wk.
Staff review and LAFCo hearing * See Env. Review	15-90 days	4 wks.
LAFCo res. making determinations and approving/disapproving proposal	0-35 days	2 wks.
LAFCo forwards proposal to B of S and Board adopts Res. of Int.		2 wks.
Staff review and B of S hearing	30-60 days	4 wks.
B of S hearing continued	0-30 days	2 wks.
Election, if called for		
LAFCo review for compliance, issuance of Cert. of Compl., filed w/ Co. Recorder, Board of Eqlyztn.		3 wks.
Est. of zones of benefit		
(1) Res. of Int.      Ord.		2-3 Mths.
(2) Res. of Int.      Res. of Form.		2-3 Mths.
(3) Res. of Int.      Election		Variable
Ord.		
Staff work in issuance of Cert of Compl. and filing w/ State Board of Equalization		3 wks.

ENVIRONMENTAL REVIEW

Staff review of application completeness	1-30 days	} 6 wks.
Preparation of Initial Study/ND		
Public Review Period	15 days	
Public hearing, if requested Approval of ND/Notice of Determ.		