

CHAPTER 19

MARIPOSA COUNTY SPECIAL DISTRICTS

Sections:

19.010	Countywide County Service Area No. 1
19.020	County Service Area 1-M
19.030	County Service Area 2-W (Wawona)
19.040	County Service Area No. 3 Fire Protection
19.050	Lake Don Pedro Community Services District
19.060	Mariposa Public Utility District
19.070	Yosemite Alpine Community Services District
19.080	Countywide Districts

Maps for the districts discussed in the chapter are provided in Appendix 3 of this document.

19.010 Countywide County Service Area No. 1

- A. Area and Sphere of Influence:** This dependent district serves the County of Mariposa in its entirety, and the adopted Sphere of Influence (SOI) is conterminous with the district boundaries. The District was formed in April of 1988, and the SOI was also adopted at that time.
- B. Authorized Functions:** The Mariposa County Board of Supervisors manages this district. The district is authorized to provide all services for which a county service area is authorized to provide. These services are listed in Section 17.010(C)(1). The district presently provides road maintenance services only. The District may, by resolution or ordinance, do any of the following:
- (1) Establish user fees, rates, or other charges, provided that they are not property related fees and charges, for the services and facilities that are not property related that the county service area provides.
 - (2) Provide for the collection and enforcement of those user fees, rates, and other charges in the same manner that the county collects and enforces user fees, rates, and charges for the services and facilities that the county provides.

Whenever the board determines that it is in the public interest to provide different authorized services, provide different levels of service, provide different authorized facilities, or raise additional revenues within specific areas of a county service area, it

may form one or more zones, generally referred to as “zones of benefit” to provide these services or facilities.

The Board may also levy benefit assessments to finance facilities consistent with the requirements of Article XII D of the California Constitution including, but not limited to benefit assessments levied pursuant to any of the following:

- (1) The Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code).
- (2) The Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code).
- (3) The Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code).

C. Zones of Benefit: Since the creation of Countywide Service Area No. 1, several ZOBs have been created within the service area boundary. While Service Area No. 1 is itself subject to LAFCo regulations, the individual ZOBs created by the County within Service Area No. 1 are not subject to LAFCo regulations. Maps for the zones of benefit are included in Appendix 4 of this document.

D. Policy:

1. State law mandates that a municipal service review must be prepared prior to, or concurrently with, any proposed changes to a district’s sphere of influence. A municipal service review has not been prepared for County Services Area No. 1.
2. In adopting the sphere of influence for the district in 1988, the Commission established LAFCo policies and recommended future reorganization actions. These include, but are not limited to, the following:
 - (a) The Board of Supervisors should evaluate the appropriateness of existing dependent districts reorganizing and becoming zones of benefit with Countywide County Service Area No. 1.
 - (b) The Board of Supervisors should support formation of subsequent zones of benefit in order to provide needed services with a minimum amount of administrative overhead and delay.
3. Commission policy requires that a sphere of influence be updated every five (5) years as necessary, and LAFCo should consider a review and possible update to the district sphere of influence if circumstances require it. An analysis of the sphere of influence could be undertaken in the near future to delineate the relationship between Countywide County Service Area No. 1 and the other dependent districts in the County. Any such analysis should evaluate the appropriateness of reorganizing the existing dependent districts and providing

their services through a zone of benefit within Countywide County Service Area No. 1.

4. Until a municipal service review is prepared, the sphere of influence cannot be updated, if necessary. Any sphere of influence policy for the district which conflicts with these policies, procedures, and standards shall be null and void. The Commission should consider having an MSR prepared for the CSA.

19.020 County Service Area 1-M

- A. **Area and Sphere of Influence:** This dependent district consists of three (3) non-contiguous areas--Lake Don Pedro which serves the Lake Don Pedro subdivision in Mariposa County, Coulterville Sewer and Water which serves most of the Coulterville TPA, and Mariposa Pines which serves Unit 1A of the Mariposa Pines subdivision and adjacent areas to the west.

County Service Area 1-M was created in July of 1969 to provide sewer services for Unit 2-M of the Lake Don Pedro Subdivision. In January of 1970 the Coulterville Sewer District No. 1 was annexed to the district. In January of 1971 Unit 1A of the Mariposa Pines subdivision was annexed to the district. A sphere of influence has not been adopted for the district or its individual areas.

A Municipal Services Review (MSR) was prepared in May of 2008 that included the three non-contiguous areas. The MSR also recommended that a sphere of influence be adopted for the district.

- B. **Authorized Functions:** The district is authorized to provide all services for which a county service area is authorized to provide. These services are listed in Section 17.010(C)(1). The following services are presently provided--wastewater treatment to an area surrounding the Lake Don Pedro golf course, water service and wastewater treatment to the community of Coulterville, and wastewater treatment to Unit 1A of the Mariposa Pines subdivision.
- C. **Policy:** The Reorganization Act requires the Commission to adopt a sphere of influence for every district under its jurisdiction. A SOI has not yet been adopted for the district. Sphere of influence plan(s) or special study(ies) should be prepared for the district as soon as possible to establish clear policy and recommend future change of organization or reorganization actions for the district.

The County may want to consider abandoning CSA No.1-M and establishing a zone of benefit for these services under CSANo.1. This would eliminate the need for an MSR and the adoption of an SOI.

19.030 County Service Area 2-W (Wawona)

- A. Area and Sphere of Influence:** This dependent district serves the Wawona Town Planning Area in its entirety. The County Service Area 2-W was created in August of 1972. The sphere of influence was adopted in 1988 and is conterminous with the existing district boundaries, also referred to as Section 35 Township 4, Range 21 East.
- B. Authorized Functions:** The district is authorized to provide all services for which a county service area is authorized to provide. These services are listed in Section 17.010(C)(1). The district is presently inactive and does not provide any services.

C. Policy:

1. State law mandates that a municipal service review must be prepared prior to, or concurrently with, any proposed changes to a district's sphere of influence. A municipal service review has not been prepared for County Services Area 2-W.
2. In adopting the sphere of influence for the district in 1988, the Commission recommended that the Board of Supervisors develop a policy that will direct the district's actions in the future, with emphasis that the district should provide services for those demands that are not adequately met by the National Park Service or County.

A Memorandum of Understanding (MOU) was entered into between the County and the National Park Service in May of 1987. The MOU delineated services to be provided in the Wawona area, commonly referred to as Section 35, for both the County and the National Park Service (NPS). The MOU was approved for twenty years, with an automatic renewal for an additional 20 years if neither party proposed termination. There was no termination proposed in 2007, therefore the MOU is active until May of 2027. The County has provided additional services for pine needle removal. There are also agreements between the County and the NPS for reciprocal fire protection, library services, and the County Sheriff's Office.

3. At its formation, the Commission recommended that if a countywide service area was formed, that the district should be studied for dissolving the district and providing services through a zone of benefit. Based upon the County services provided as part of the MOU with the NPS, and the overall relationship regarding the working relationship with Section 35, a zone of benefit within CSANo.1 could be considered if there are unique services that are not provided as part of the MOU, and that can be adequately defined on an annual basis based upon benefits received.
4. Commission policy requires a sphere of influence to be updated every five (5) years as necessary. If the Commission were to determine that a sphere of

influence change is necessary, a municipal services review will need to be completed prior to or concurrently with any changes. When the SOI was adopted, it concluded that the NPS and County are providing adequate services to the district. LAFCo could consider whether other services should be provided to the district. At this time, a review of the SOI is not necessary. If circumstances change with regards to the MOU and the NPS, LAFCo should study the need to update the SOI.

19.040 County Service Area No. 3 Fire Protection

- A. **Area and Sphere of Influence:** This dependent district serves most of Mariposa County with the exception of those properties within the Mariposa Public Utility District. The District was created in May of 2008. The district provides structural fire protection for all properties with structures. A sphere of influence has not adopted for the district.
- B. **Authorized Functions:** The district is authorized to provide structural fire protection services.
- C. **Policy:**
1. State law mandates that a municipal service review must be prepared prior to, or concurrently with, any proposed changes to a district's sphere of influence. A municipal service review has not been prepared for County Services Area No. 3.
 2. A SOI needs to be established for the district.
 3. A MSR needs to be prepared for CSA No.3. Until a municipal service review is prepared, the sphere of influence cannot be updated, if necessary.

19.050 Lake Don Pedro Community Services District

- A. **Area and Sphere of Influence:** This independent district serves the Lake Don Pedro subdivision in both Mariposa and Tuolumne counties and some adjacent properties. The sphere of influence generally encompasses the properties between the Don Pedro Reservoir and Lake McClure. The district was formed in 1980, and the SOI was adopted in 1987.
- B. **Authorized Functions:** The district was authorized by the Commission to provide "sewer and water services" to the inhabitants of the district. Specifically, the district is authorized to provide the following services:

1. To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.
2. The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.

C. Policy:

1. State law mandates that a municipal service review must be prepared prior to, or concurrently with, and proposed changes to a district's sphere of influence. A municipal service review has not been prepared for the Lake Don Pedro Community Services District (LDPCSD).

In 2008, LAFCo staff did discuss the preparation of a municipal services review with the LDPCSD General Manager, with the intention of hiring a consultant to prepare the municipal service review and possible change to the sphere of influence. A draft request for proposals was prepared and submitted to the General Manager, but was never taken forward. Since that time the district's Board has not taken any action that would indicate that the sphere of influence should be changed.

2. Commission policy requires a sphere of influence to be updated every five (5) years as necessary. The current district sphere of influence was adopted in 1987. The sphere of influence cannot be changed until a municipal service review is completed prior to, or concurrently with, any changes.
3. At this time, a SOI update is not necessary for the district. Until such time as the district determines that a SOI update is necessary, LAFCo will not modify the SOI or require that a MSR be prepared for the district.
4. A MSR will need to be prepared prior to, or concurrently with, any update to the SOI.

D. Principal County:

1. The district is located in both Mariposa and Tuolumne counties, and Mariposa County was designated as the principal county for the formation of the district. The principal county is the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district. The assessed value of LDPCSD properties for FY 2010-2011 in Tuolumne County was \$127,690,000 and in Mariposa County \$197,400,000. Based on these figures, Mariposa County is the principal county, and with this designation, the Mariposa Local Agency Formation Commission assumed exclusive LAFCo jurisdiction for all proposals involving the district in accordance with Sections 56387 and 56388 of the

Reorganization Act. The assessed value of LDPCSD properties shall be updated periodically to confirm in subsequent years the principal county for LDPCSD matters.

2. For all proposals, including an update to the sphere of influence, which involves territory in Tuolumne County, the Commission shall request formal review of the proposal and a recommendation by the Tuolumne Local Agency Formation Commission. The Commission shall consider the comments and recommendations of the Tuolumne LAFCo in the Commission's consideration of the proposal and make necessary findings to address the Tuolumne LAFCo's comments and recommendations.

E. Wastewater Treatment Facilities:

1. The existing wastewater treatment facilities providing wastewater service to properties within the LDPCSD under County Service Area 1-M (CSA1-M) are outside of the District's boundary and its sphere of influence.

When CSA1-M was created, the wastewater treatment facilities were within the LDPCSD and the CSA1-M boundaries. Subsequent failure of the facilities required that the facility be constructed on land in close proximity to the old facility and the existing sewer main infrastructure be used for the new wastewater treatment plant. The only property available was outside of the district's boundary and its SOI.

2. While there are no legal mandates that these facilities be within the district's boundary or sphere of influence (SOI), when the boundary or SOI is changed for any other reason, these should both be changed so that the facility is in the boundary and the SOI.

F. Transfer of Don Pedro Sewer Zone No. 1:

1. The following condition of approval was attached by the Commission to the formation of the district:

"A zone of benefit shall be created within the Lake Don Pedro Community Services District ("LDPCSD") with boundaries coextensive with the present boundaries of the County sewer zone. The County shall transfer the assets and liabilities of the sewer zone to the LDPCSD, and the LDPCSD will accept same, subject to an agreement to be negotiated and executed between the County Sewer Zone and the LDPCSD in which the County will agree to subsidize the deficits of the LDPCSD's provision of sewer service within the zone of benefit, not to exceed the extent that such deficits result from the loss of property tax revenue that would have been available were this to remain a County sewer zone not to exceed the current amount of revenue. Such

agreement would further provide that the County's obligation to subsidize the providing of sewer service would be decreased pro rata by additional revenues generated by connection fees and service fees of users of the system. The County shall be relieved of all liability to subsidize the sewer system's operations at such time as the LDPCSD has either the legal ability to accept property tax revenues formerly received by the County Sewer Zone or the LDPCSD has the legal ability to impose sewer stand-by charges."

In 2007/2008, a new wastewater treatment plant was constructed in the service area. A municipal service review was prepared in 2008 that covered the wastewater service area.

To date, the sewer zone and its facilities and services have not been transferred to the Lake Don Pedro Community Services District in accordance with the established condition of approval.

2. It is the position of the Commission, but not the District, that the above condition is still applicable. The Board of Directors of the LDPCSD and the Mariposa County Board of Supervisors should meet and confer in good faith regarding the ownership and operation of the sewer zone. The terms of the condition may be amended by the Commission upon request from the LDPCSD Board of Directors and the Board of Supervisors.

19.060 Mariposa Public Utilities District

- A. **Area and Sphere of Influence:** This independent district serves most properties in the Town of Mariposa TPA except for the Fairgrounds area and the area north of John C. Fremont Hospital. In addition to the existing district, the adopted sphere of influence includes the area north of the hospital. The district was formed in 1947, and the SOI was adopted in February of 1980.
- B. **Authorized Functions:** The district is authorized to provide all services for which a public utilities district is authorized to provide. These services are listed in Section 18.030(C). The district presently provides water, wastewater treatment, and fire protection services.
- C. **Policy:**
 1. A municipal service review for the district was completed in 2008.
 2. The current SOI boundary was established so that it was co-terminus with the Mariposa Town Planning Area boundary that was in place at that time. In 2006, the Mariposa County General Plan was updated, and the current General Plan proposes possible expansion of the Mariposa Town Planning Area boundary.

While it may not be feasible for MPUD to provide services to all of the area within the proposed expanded Town boundaries, when the SOI is updated for MPUD, the proposed expansion of the Town Planning Area's boundaries should be analyzed.

3. Commission policy requires that a sphere of influence be updated every five (5) years, as necessary. The current MPUD sphere of influence was adopted in 1980, prior to expansion of the wastewater treatment system and the 1992 update to the Mariposa TPA Town Plan. The municipal service review noted that during the public review process, properties were identified that were outside of the Mariposa TPA that should be in its boundaries. If the TPA boundary is modified, the sphere of influence should also be changed.

An update to the sphere of influence is vitally necessary for the orderly and logical growth of the district. An update to the sphere of influence should be undertaken as soon as possible, and the Commission should not approve annexations to the district until an updated sphere of influence is adopted by the Commission.

4. Dissolution of the Mariposa Lighting District and provision of its services by MPUD should be addressed and discussed in the sphere of influence update.

D. Infrastructure Improvements:

1. The District has worked to reduce the amount of storm water infiltration into the sewer treatment plant, which has sufficient capacity to handle the full development of the current Mariposa Town Planning Area.
2. The Saxon Creek Water project was approved by the MPUD Board of Directors in 1991 and completed in 1997. Benefit assessments were applied in accordance with assessment district regulations.
3. The District has completed the construction and installation of a new water treatment plant that will correct out of range standards that were the result of water treatment processes. The new water treatment plant also increased capacity to handle the current Mariposa Town Planning Area based upon current treatment processes.

19.070 Yosemite Alpine Community Services District

- A. **Area and Sphere of Influence:** This independent district presently serves the Yosemite Alpine subdivision, a 48-lot residential subdivision in the Fish Camp Town

Planning Area, and some adjacent area. The district was created in 1969. The sphere of influence was adopted in 1988 and includes all of the town planning area excluding the “Yosemite Mountain Ranch” properties which are under a land preserve and not subject to further development.

B. Authorized Functions: The district is authorized to provide all services for which a community services district is authorized to provide. Water service, road maintenance, and snow removal are presently provided by the district.

C. Policy:

1. State law mandates that a municipal service review must be prepared prior to, or concurrently with, any proposed changes to a district’s sphere of influence. A municipal service review for water services was prepared for the Yosemite Alpine Community Services District in 2008.
2. In adopting the sphere of influence for the district in 1988, the Commission established LAFCo policy for the district and recommended future reorganization actions. These include, but are not limited to, the following:
 - (a) A feasibility study on consolidating existing private water systems and/or a study on the construction and operation of a community-wide wastewater treatment system should be required for a major annexation proposal.
 - (b) The formation of a new special district within the adopted sphere of influence is to be discouraged.
 - (c) When a community-wide wastewater treatment system is constructed, all property owners within the community should be required to connect to the system in a timely manner.
3. Commission policy requires a sphere of influence to be updated every five (5) years as necessary. While there are private water systems in the Fish Camp area, there are no other districts that could provide the water services provided by the YACSD. Therefore, until these circumstances change, a change to the SOI is not necessary.
4. The 1987 study concluded that annexation was not required of the private systems, but consolidation was encouraged. The study also established a policy to require any annexation to demonstrate that the annexation applicants, or the district, have adequate capacity to provide service for proper growth and services of the district.
5. The district also provides road maintenance and snow removal within the district’s boundaries. These services appear to be appropriately provided and

funded by the District. LAFCo could consider making these two services a ZOB within County Service Area No. 1 if they would be more cost effective and provided more efficient services to the properties within the District.

19.080 Countywide Districts

- A. Area and Sphere of Influence:** The countywide districts--John C. Fremont Hospital District, Mariposa County Water Agency, and Mariposa County Resource Conservation District encompass the County of Mariposa in its entirety. The adopted spheres are conterminous with the district boundaries.
- B. Authorized Functions:** The districts are authorized to provide the services identified in their respective principal district act. The Hospital District provides general hospital services; the Water Agency is authorized to conserve, develop, control, and use water for the public good and for the protection of life and property; and the Resource Conservation District develops and administers programs of soil, water, and other natural resource conservation.
- C. Policy:**
1. State law mandates that a municipal service review must be prepared prior to, or concurrently with, any proposed changes to a district's SOI. A municipal service review has not been prepared for these Countywide districts.
 2. Commission policy requires a sphere of influence to be updated every five (5) years as necessary. However, updates to the SOI are not necessary at this time since the spheres are conterminous with the district and County boundaries and the circumstances and characteristics of Mariposa County and the districts have not substantially changed in the past five (5) years to affect the provision of services by these districts.