DEPARTMENT: Administration

RECOMMENDED ACTION AND JUSTIFICATION:
Adopt a Resolution approving an application to the Local Agency Formation Commission (LAFCO) for the proposed formation of County Service Area 3 for County Fire Protection. Funding is needed to purchase and/or lease fire engines and for extensive capital improvements to county fire stations. Forming a county service area and assessing parcels a specific amount is one method of obtaining sufficient funding for this purpose. Government Code Section 25210.3a requires that approval from LAFCO be secured before any formation proceedings may be conducted.

There are many steps necessary for the formation of the proposed county service area and this resolution initiates the process of obtaining LAFCO approval. The owners of the parcels in the proposed county service area will ultimately have the final decision.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On January 15, 2008, the Board of Supervisors gave direction to the County Administrative Office to initiate the process of forming a county service area in order to provide funding for the purchase and/or lease of fire engines and for extensive capital improvements on county fire stations.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not adopt the Resolution. Without LAFCO approval the county service area formation proceedings cannot be conducted.
MARIPOSA COUNTY RESOLUTION NUMBER 08- 103

PROPOSED RESOLUTION OF APPLICATION TO LAFCO;
PROPOSED FORMATION OF COUNTY SERVICE AREA NO. 3;
COUNTY FIRE PROTECTION

WHEREAS, the Mariposa County Board of Supervisors desires the formation of a county service area in order to provide for structural fire protection to a portion of Mariposa County described hereafter; and

WHEREAS, the Public Works Department has evaluated the possible environmental impacts of this action and concluded that it can be seen with certainty there is no possibility the proposed action may have a significant effect on the environment pursuant to the provisions of Section 15061(b)(3) of the California Environmental Quality Act (CEQA) of 1970 Guidelines and the possible environmental impacts of the assessments are recommended to be found statutorily exempt from the requirements for preparation of environmental documents pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines for which reason no environmental evaluations or documents are recommended by the Department; and

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code 56000 et seq.) as amended prescribes the procedure for formation of an area into a county service area and empowers (Government Code 56800) this Board to initiate such a formation by adopting a resolution of application.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mariposa County, State of California, as follows:
1. Pursuant to Division 3 of Title 6 of the Government Code of the State of California, application is made for the formation of the area described hereinafter as County Service Area No. 3.
2. Other affected counties, cities and districts are:
   (a) Counties: NONE
   (b) Cities: NONE
   (c) Districts: County Service Area No. 1
                  County Service Area 1-M
                  County Service Area 2-W
                  Lake Don Pedro Community Services District
                  Yosemite Alpine Community Services District
                  Coulterville Lighting District
                  Mariposa Lighting District
                  Hornitos Lighting District
                  Yosemite West Maintenance District
                  Mariposa County Unified School District
                  Merced Irrigation District
                  John C. Fremont Healthcare District
                  Wawona Service Area
                  Mariposa Pines Sewer
3. The territory proposed for formation is inhabited. The exterior boundaries of said territory are all within the County of Mariposa and are more particularly described in Exhibit “A” and on a map showing said are marked as Exhibit “B” both of which are attached to this Resolution and incorporated herein by this reference.
4. The Board of Supervisors requests the Local Agency Formation Commission (LAFCO) to approve and authorize the conducting authority to conduct proceedings for the change of organization or reorganization.
5. The proposal is made in order to provide the following service to the area proposed for formation:
   Structural Fire Protection: Lease and purchase of fire fighting equipment.
   Major maintenance and capital improvements to fire stations.
6. In accordance with the foregoing, it is requested that proceedings be undertaken (Government Code 56700) to accomplish the change of organization proposed herein, i.e., formation of County Service Area No. 3 to provide structural fire protection as defined in Government Code Section 25210.5.
7. This proposed change of organization should be made subject to the following condition:
Formation of this County Service Area is subject to the adoption and implementation of an ordinance to establish service charges on each parcel of property within such county service area to provide the services outlined in its formation. In the absence of such adoption of service charges, the establishment of the county service area shall be null and void.

8. Determination is hereby made that there will be no transfers of service responsibilities to proposed County Service Area No. 3 from local agencies currently deriving general property tax revenues from the area of the proposed formation. Pursuant to Revenue and Taxation Code Section 99, there will be no transfer of property tax revenues within the tax rate comprising the proposed formation because the proposed district is funded by special assessments, not by ad valorem property taxes and because there is no transfer of services.

9. This Board finds and determines that the action being taken is exempt from the requirements of the California Environmental Quality Act (CEQA) of 1970, pursuant to Section 15061(b)(3) and the assessments are statutorily exempt pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA guidelines, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, for which reason no environmental evaluations or documents will be required other than the Notice of Exemption which the Department will file with the Clerk of the Board of Supervisors.

10. Direct the Clerk of the Board to file a Notice of Exemption, pursuant to CEQA and said guidelines, with the County Clerk, if requested.

11. The County Administrative Officer is authorized and directed to:
   (a) File an application for change of organization with the Local Agency Formations Commission (Government Code 56652); and
   (b) File a plan for providing services within the affected territory with the Local Agency Formation Commission (Government Code 56653); and
   (c) Do all other things necessary to accomplish the purpose of this Resolution.

12. Chief petitioners: All County correspondence and transmittals pertaining to this matter should be directed to this Department and LAFCO:

   1. Mariposa County Administrative Office
      Post Office Box 784, 5100 Bullion Street, 2nd Floor
      Mariposa, CA 95338
   2. Local Agency Formation Commission
      c/o Mariposa County Planning Department
      Post Office Box 2039, 5100 Bullion Street, 1st Floor
      Mariposa, CA 95338

13. The Clerk of the Board shall forward copies of this Resolution to the following:
   (a) Public Works Department
   (b) County Counsel

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 18th day of March 2008, by the following vote:

AYES: ABORN, TURPIN, BIBBY, FRITZ, PICKARD
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

[Signature]
LYLE TURPIN, Chair
Board of Supervisors

ATTEST:

[Signature]
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM:

[Signature]
THOMAS P. GUARINO, County Counsel
COUNTY of MARIPOSA
P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

LYLE TURPIN, CHAIR
DIANNE A. FRITZ, VICE CHAIR
BRAD ABORN
JANET BIBBY
BOB PICKARD

DISTRICT II
DISTRICT IV
DISTRICT I
DISTRICT III
DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS
MINUTE ORDER

TO: RICHARD J. BENSON, CAO
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Adopt a Resolution Approving an Application to the Local Agency Formation Commission (LAFCO) for the Proposed Formation of County Service Area 3 for County Fire Protection

RESOLUTION: 08-103

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on March 18, 2008

ACTION AND VOTE:

Richard J. Benson, County Administrative Officer/Personnel/Risk Manager;
Adopt a Resolution Approving an Application to the Local Agency Formation Commission (LAFCO) for the Proposed Formation of County Service Area 3 for County Fire Protection

BOARD ACTION: Discussion was held with Rick Benson relative to the request. Supervisor Bibby questioned whether the boundary description reflects the recent change with Tuolumne County for the South Shore project. Supervisor Pickard asked for clarification that there is no conflict with the Board taking action on this as three members of the Board serve on LAFCo; and County Counsel advised that there is no conflict. Supervisor Pickard asked whether LAFCo could meet to consider this before its next regularly scheduled meeting. Supervisor Turpin asked that the assessment line issues between Mariposa and Tuolumne County be reviewed with this. Rick Benson advised that he will follow-up on the issues that were raised.

Input from the public was provided by the following:
Paul Chapman stated he does not feel the legal description for the County’s boundary is correct.
(M)Pickard, (S)Fritz, Res. 08-103 was adopted approving the application, with direction to the County Administrative Officer to try to expedite the meeting with LAFCo. The motion was amended, agreeable with the maker and second, to include direction for the County Administrative Officer to make any corrections to the description of the boundary of the service area that are needed to address the issues that were raised/Ayes: Unanimous.

Cc: Thomas P. Guarino, County Counsel
   Kris Schenk, Planning Director
   Dana Hertfelder, Public Works Director
   Jim Wilson, Fire Chief
   File
EXHIBIT A

Beginning on the boundary line of Madera County, where the Stockton road to Millerton crosses the Chowchilla Creek, known as Newton’s crossing; thence north, 46 degrees E., to the southwest corner of Sec. 11, and the northwest corner of Sec. 14, in T. 6 S., R. 20 E., M. D. B. & M.; thence east to the northwest corner of Sec. 14, in T. 6 S., R. 21 E.; thence north to the northwest corner of Sec. 35, T. 5 S., R. 21 E.; thence east to the southwest corner of Sec. 30, in T. 5 S., R. 22 E.; thence north to the southwest corner of the Mariposa Big Tree Grant; thence east, along the line of said grant to the southeast corner of said grant; thence north, along line of said grant to the northeast corner of the same; thence north to the original boundary line between Mariposa and Fresno; thence northeasterly along said line to the boundary line of Tuolumne; thence westerly, by the southerly boundary of Tuolumne, to the southwest corner thereof, being the common corner of Stanislaus, Merced, Tuolumne, and Mariposa; thence southeasterly, on the eastern line of Merced, to the place of beginning.

TOGETHER WITH all that certain real property lying outside the above boundary as described in Mariposa County Ordinance Number 1031, dated the 12th day of December, 2006.

EXCEPTING THEREFROM all that certain land lying between the above boundary and the line as described in Mariposa County Ordinance Number 1031, dated the 12th day of December, 2006.

ALSO EXCEPTING THEREFROM all that property described in CERTIFICATE OF COMPLETION, recorded November 15, 1983 in Volume 254 at Page 243, Mariposa County Official Records.

ALSO EXCEPTING THEREFROM all that property described in ANNEXATION NO. 98-1, recorded November 30, 2001, as Document Number 2015683, Mariposa County Official Records.

Prepared by:

Jerome S. Freeman
L.S. No. 4079

Dated:

March 11, 2008
25210.1. The Legislature hereby finds and declares that unprecedented growth in the unincorporated areas of a great many counties of California, particularly since 1940, has created many new and difficult problems of government. As a result of large population growth and intensive residential, commercial and industrial development in such areas, extended governmental services are needed in such areas.

The Legislature recognizes the duty of counties as instrumentalities of State Government to adequately meet the needs of such areas for extended governmental services and also recognizes that such areas should pay for the extended services which are provided.

The residents and property owners of such areas are entitled to have made available to them reasonable alternative methods of providing or securing the extended services they require and to choose among the alternatives a method best suited to their local circumstances.

It is the purpose of this chapter to provide an additional alternative method for the furnishing of extended governmental services within such areas adequate to meet the needs of such areas and to provide for the levy of taxes within such areas in an amount sufficient to pay for extended services provided or additional extended services to be provided.

25210.1a. Land devoted primarily to agricultural, timber, or livestock uses and being used for the commercial production of agricultural, timber, or livestock products may be included in a county service area only if that land is contiguous to other land which is included within the described exterior boundaries of the county service area, and only if the board of supervisors finds that the land will be benefited by any of the types of services proposed to be provided within the area. That land may, however, be included in the county service area, if the owner requests its inclusion.

25210.2. This chapter shall be known and may be cited as the "County Service Area Law."

25210.3. This chapter provides an alternative method for providing governmental services by counties within unincorporated areas. This chapter shall not affect or limit any other provisions of law authorizing or providing for the furnishing of governmental services within unincorporated areas.

When any proceedings are commenced under this chapter, for the establishment of a county service area or for providing additional types of services within an established county service area, this chapter and no other provisions shall apply to the proceedings. Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of
Title 5 of the Government Code shall apply to all of these proceedings and the term "district" as used in that Chapter 8 shall be deemed to include a county service area for the purposes of that chapter only.

25210.3a. No proceedings for the establishment of a county service area may be instituted until the approval of the local agency formation commission is first obtained pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5.

25210.3b. Territory may be annexed to, or detached from, a county service area and a county service area may be dissolved, consolidated, or reorganized. All proceedings therefor shall be taken under and pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5.

25210.3c. A county service area may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6.

25210.4. A county service area may be established under this chapter to provide any one or more of the following types of extended service within such area:
   (a) Extended police protection.
   (b) Structural fire protection.
   (c) Local park, recreation or parkway facilities and services.
   (d) Any other governmental services, hereinafter referred to as miscellaneous extended services, which the county is authorized by law to perform and which the county does not also perform to the same extent on a countywide basis both within and without cities, if:
      (1) The board of supervisors determines that such services should be provided on an extended basis within a county service area; or
      (2) Such services are specified in a request or a petition for the initiation of proceedings for the formation of a county service area or in a request or a petition for the initiation of proceedings for the furnishing of additional types of services within a county service area.
   (e) Extended library facilities and services.
   (f) Television translator station facilities and services, if:
      (1) The number of station facilities to be erected by the service area will not exceed six.
      (2) The number of television channels provided by the service area will not exceed 10.
   (g) Low-power television services.
   At the time of the adoption of the resolution of intention to establish a county service area the board of supervisors shall specify the type or types of services which are proposed to be provided within the area pursuant to this chapter.
MARIPOSA COUNTY
NOTICE OF EXEMPTION

TO: County Clerk, County of Mariposa
P.O. Box 247
Mariposa, CA 95338

FROM: Mariposa County
Board of Supervisors
P.O. Box 784
Mariposa, CA 95338

Project Title: Formation of County Service Area #3

Project Location: Mariposa County

Project Parcels: n/a

Description of Project: Formation of a county service area to provide funding for new fire engines and capital improvements to existing fire stations.

Name of Public Agency Approving Project: Mariposa County Board of Supervisors

Name of Person (Applicant) Carrying Out Project: Richard J. Benson
County Administrative Officer

Exempt Status: General Rule Sec. 15061(b)(3) and Statutory Exemption Section #: 15273 Rates, Tolls, Fares & Charges

Reason Why Project Is Exempt: The county service area will be formed to collect charges in order to provide funding for new fire equipment and capital improvements to existing fire stations. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Lead Agency Contact Person: Richard J. Benson

Phone Number: 209-966-3222

Mariposa County Board of Supervisors by:

Lyle Turpin
Chairman

Date: 4-23-08
February 27, 2007

Supervisor Turpin
P.O. Box 784
Mariposa, CA 95338

RE: Fire Protection Service

Dear Supervisor Turpin,

On February 20, 2007, the Lake Don Pedro Community Services District Board Meeting was held. The question of whether the District should provide Fire Protection Service was on the meeting’s Agenda.

After deliberation, the Board concluded (unanimously) the District is not interested in providing Fire Protection Service at this time. Thank you.

Sincerely,

Connie Holley
Secretary
LDPCSD Board
STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

Lead Agency: **Mariposa County Board of Supervisors** 4/23/2008

County/State Agency of Filing: **Mariposa**

Project Title: **Formation of County Service Area #3**

Project Applicant Name: **Mariposa County Board of Supervisors**

Project Applicant Address: **PO Box 784**

City: **Mariposa**  State: **CA**  Zip Code: **95338**  Phone Number: **209-966-3222**

Project Applicant (check appropriate box):

☑ Local Public Agency  ☐ School District  ☐ Other Special District  ☐ State Agency  ☐ Private Entity

Check Applicable Fees:

☐ Environmental Impact Report $2006.75

☐ Negative Declaration $1876.75

☐ Application Fee Water Diversion (State Water Resources Control Board Only) $886.25

☐ Projects Subject to Certified Regulatory Programs $886.25

☐ County Administrative Fee $50.00

☒ Project that is exempt from fees

☐ Notice of Exemption

☐ DFG No Effect Determination (Form Attached)

TOTAL RECEIVED $ [Signatures]

Signature and title of person receiving payment: **[Signatures]**

WHITE-PROJECT APPLICANT  YELLOW-DFGB  PINK-LEAD AGENCY  GOLDENROD-COUNTY QUEST

DFG 753.5a (Rev. 11/07)
NOTICE OF EXEMPTION

To: County Clerk
P. O. Box 247
Mariposa, CA 95338

County of Mariposa

From: Mariposa County Dept. Public Works
4639 Ben Hur Road
Mariposa, CA 95338

Project Title: County Service Area No. 3

Project Location-Specific: Mariposa County and Lake Don Pedro

Project Location-City: Mariposa Project Location-County: Mariposa

Description of Project: County Fire Protection Agreement.

Name of Public Agency Approving Project: COUNTY OF MARIPOSA

Name of Person or Agency Carrying Out Project: Mariposa Co. Dept. of Public Works

Exempt Status:
☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☑ Categorical Exemption. State type and section number: Section 15301.
☐ Statutory Exemptions. State code number:

Reasons why project is exempt: Operation of mechanical equipment.

Lead Agency
Contact Person: Dana Hertfelder Area Code/Telephone/Extension: (209) 966-5356

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project: Yes No

Signed by Lead Agency:

Signature: Dana S. Hertfelder Title: Director of Public Works Date: 11-20-08
Dana S. Hertfelder P.E.

Signed by Applicant:

Date received for filing at OPR: 