POLICIES, PROCEDURES, AND STANDARDS

May 28, 2014

Adopted by LAFCo Resolution No. 2014-4 and LAFCo Resolution 2014-5

MARIPOSA COUNTY
LOCAL AGENCY FORMATION COMMISSION
(LAFCo)

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CHAPTER 1

INTRODUCTION TO SPECIAL DISTRICTS
AND LOCAL AGENCY FORMATION COMMISSIONS

Sections:

1.010 Purpose and Role of Special Districts
1.020 Types of Special Districts
1.030 Funding of Special Districts
1.040 History of Special Districts and LAFCos

1.010 Purpose and Role of Special Districts

State law defines a special district as "any agency of the state for the local performance of governmental or proprietary functions within limited boundaries" (Section 1627[d] California Government Code (CGC)). In plain language, a special district is a separate local governmental agency formed to provide special services within a limited area. Inadequate tax bases and competing demands for existing tax revenue make it hard for cities and counties to provide all the services their citizens’ desire. When residents or landowners want new services or higher levels of existing services, they can form a district to pay for them. Fire districts, irrigation districts, and lighting districts exist today because taxpayers were willing to pay for public services they wanted. Special districts localize the costs and benefits of public services. Special districts allow local citizens to obtain the services they want, at a price they are willing to pay.

Special districts deliver highly diverse and specialized services including water, mosquito abatement, road maintenance, and fire protection. Some special districts can serve just a single purpose, such as wastewater treatment. Others address a multiplicity of needs, as in the case of community services districts, which can offer over 15 different services. District service areas can range from a single city block to vast areas which cross city and county lines. For example, Vehicle Parking District No. 1 (in Mariposa and not subject to LAFCo regulations) serves approximately 35 properties in the downtown area of the community of Mariposa; while the Lake Don Pedro Community Services District, which is subject to LAFCo regulation, serves over 3,000 properties in both Mariposa and Tuolumne counties.

Special districts have the same governing powers as other local governments. They can enter into contracts, employ workers, and acquire real property. They can also issue debt and many
can charge fees for their services. A political scientist would say that special districts have corporate powers but rarely police powers. "Corporate power" is the ability to "do things", like construct roads and sewers, to deliver recreation programs and garbage collection, and to tax and raise money in other ways to pay for these projects and services. The "police power" is different; it is the ability to regulate actions. Governments that make rules and enforce them are using their police powers: zoning property, setting speed limits, or inspecting building construction. Special districts rarely have police powers. Instead, they usually build public facilities and provide services. When special districts do have police powers, they are usually related to some corporate powers, for example, a park district banning alcohol from picnic areas.

The relationship of special districts with the State and city and county governments is sometimes confusing. Special districts are not a part of the State government but are local agencies that provide public services to specific communities. Special districts are autonomous government entities and are accountable to the voters or landowners they serve. Special districts are, however, overseen by the State in several ways. For example, special districts must submit annual financial reports to the State Controller. Also, districts must comply with the State law, which authorizes the formation and administration of the district, and with other state laws pertaining to public health, bonded indebtedness, property tax assessments, and elections.

Special districts are also not part of city or county governments. Cities and counties are general purpose governments and must perform a broad array of services to protect the health, safety, and welfare of their citizens. Special districts are limited purpose local governments and provide only those services their citizens’ desire. Certain types of special districts, however, require that the city council or county serve as the governing body of the district.

Special districts should not be confused with school districts or "Mello-Roos" or benefit assessment districts. School districts exist through the state and provide one service only—education. They are financed primarily by the State whereas special districts rely primarily on local revenues. "Mello-Roos" or benefit assessment districts are solely a financing mechanism and do not deliver services while special districts use financing mechanism to provide public services.

**1.020 Types of Special Districts**

Special districts are as diverse as the communities they serve. One way of understanding districts is to look at their various contrasting features:

- **Single function versus multi-function**
- **Enterprise versus non-enterprise services**
- **Dependent versus independent**

Single function districts provide only one service such as water, wastewater treatment, or fire protection. While not subject to LAFCo regulations, the Hornitos Lighting District is an example of a single function district. Multi-function districts provide two or more services. County
service areas (CSAs), for example, provide a variety of services such as water, wastewater treatment, road maintenance of non-county roads, and extended fire protection. A CSA may provide any service which a county is authorized to provide and which the county does not also perform to the same extent on a countywide basis. These are called extended services because the county service area provides an extended or greater level of service than the county as a whole. Most multi-function districts only offer a few of their authorized services.

For example, the Mariposa Public Utility District, which is subject to LAFCo regulations, is authorized to provide a multitude of services and yet it offers only water, wastewater treatment, and fire protection. The powers which a district is authorized to use but does not currently employ are called latent powers.

Enterprise and non-enterprise services are distinguished from each other by whom the services serve and how the services are funded. Enterprise services are run like a business enterprise and are received by specific beneficiaries. For example, domestic water supply generally benefit residents who need domestic water service, and water rates and user fees are charged to these customers for that service. On the other hand, non-enterprise services do not easily lend themselves to fees and user fees are usually not charged for these services. Services such as street lighting and parks benefit the entire community and not just individual citizens. The direct cost/benefit relationship for non-enterprise services is difficult to determine, and non-enterprise districts rely overwhelmingly on property taxes for their operational expenses. Because of the continuing reduction in property tax revenues, more and more districts are beginning to charge user fees for services which were typically considered non-enterprise services. It should be noted that a district may provide both enterprise and non-enterprise services, such as a county service area providing wastewater treatment and street lighting.

Dependent districts are governed by existing legislative bodies of a city council or county board of supervisors. City or county personnel are often utilized to administer and operate the dependent districts with the city or county reimbursed by the district for their costs. Independent districts are governed by a separate board of directors elected by the districts' own voters or landowners. The governing boards of independent district vary with the size and nature of the district. Many independent districts have a professional manager, similar to a city manager or county administrative officer, to assist the elected board members with the technical aspects of their duties. Approximately two-thirds of the districts in California are independent districts.

1.030 Funding of Special Districts

Special districts generate revenue from several sources. Some collect fees to fund their activities, while others rely on property tax revenues. Districts which provide enterprise services rely primarily on non-tax revenues, such as user and stand-by fees, and since these costs are directly related to the services provided, it is straightforward for these districts to recoup their costs by collecting fees.
Districts which provide non-enterprise services usually do not bill the beneficiaries of their services. These districts rely primarily on property taxes to pay for operation and maintenance costs. Tax revenues used for non-enterprise services come through regular property tax allocations and through the Special District Augmentation Fund.

The Special District Augmentation Fund (SDAF) was created in 1979 to alleviate the severe limitations that Proposition 13 placed on property tax revenues. With the tax generating ability of local government curtailed, many special districts were left with deficits. Prior to Proposition 13 (1977-78), special districts received $945 million from property taxes; in 1978-79, their property tax funds were cut to $532 million. Responding to this financial hardship, the Legislature formed the SDAF to provide a supplemental income for special districts. The money in the SDAF is appropriated to counties based on a formula outlined in State. The County Board of Supervisors, in turn, allocates the SDAF money to districts within their county. The County supervisors have complete discretion over the allocation of their SDAF, but usually base their decisions on the priority of the service provided and financial need.

Both enterprise and non-enterprise districts can issue general obligation bonds to pay for capital improvements. These bonds can pay for a new wastewater treatment system or purchase a new library building. Special district general obligation bonds are secured by property taxes and require two-thirds voter approval. Special districts can also use revenue bonds, paid from user fees. Revenue bonds do not necessarily need voter approval. The revenue generated by general obligation bonds for enterprise and non-enterprise districts in 1988-89 totaled over $14 billion.

1.040 History of Special Districts and LAFCos

Special districts first arose in California to meet the water needs of farmers in the San Joaquin Valley. Frustrated by the inconsistent water supply and widely varying prices, farmers in Stanislaus County organized themselves and established the Turlock Irrigation District under the Wright Act of 1887. The Wright Act allowed a majority of residents in an area to form a public entity for water delivery, and finance its operation through bond sales. The Turlock Irrigation District enabled San Joaquin Valley farmers to intensify and diversify their agricultural activities.

Following the development of districts such as the Turlock Irrigation District, new water district formation shifted away from rural, agricultural lands, towards water deficient communities in urban areas. In the early 1900s, water districts were primarily located in northern and central California. After 1950, they spread to southern California to satisfy a growing demand for urbanization.

The Municipal Utility District Act of 1921 allowed special districts to diversify and address multiple needs ranging from water, power, transportation, and telephone service, as well as "all things necessary and convenient" (Public Utility Code Sec. 12801). There are currently over 3,400 special districts in California.
In response to the proliferation of special districts and the expansion of cities, the State legislature enacted three laws in the 1960s and 1970s to govern the creation and changes in the boundaries of cities and special districts. These laws were the Knox-Nisbet Act of 1963, the District Reorganization Act of 1965, and the Municipal Organization Act of 1977.

These three laws contained many parallel and duplicative provisions. However, similar procedures varied slightly from one law to another, and the procedures necessary for one type of boundary change were found in widely separated sections of the three laws. To consolidate the three major laws used by California's local governments for boundary changes into a single, unified law, the State legislature enacted the "Cortese-Knox Local Government Reorganization Act of 1985", which became operative on January 1, 1986. The State legislature further modified the Reorganization Act of 1985 with the adoption of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, which became law in January, 2001. The Reorganization Act had further modifications in 2009. This law is now the primary regulatory law governing local agency formation commissions and the creation and changes in boundaries for cities and special districts.

Local agency formation commissions are regional government bodies for each county that are responsible for reviewing and approving the incorporation of new cities, the formation of new special districts, and boundary changes for cities and districts. The legislature established the composition of the commissions so they reflect the interests of the county, cities in the county, the general public, and where desired, the special districts in the county. In essence, local agency formation commissions have become regional planning bodies for their respective counties to promote orderly growth and development and the logical formation and determination of local agency boundaries and to discourage urban sprawl, the proliferation and overlapping of cities and special districts, and the conversion of prime agricultural and open space lands. Generally, LAFCos are empowered and mandated by the Reorganization Act of 2000 to review and act upon proposals called changes of organizations, or Reorganizations, which propose to create or change the boundaries of cities and special districts and to plan for the provision of services through spheres of influence and special studies. A sphere of influence is a plan that establishes the probable ultimate, physical boundaries and service area of a city or special district. It must be noted however that the Reorganization Act prohibits LAFCos from directly regulating land use, property development, and subdivision requirements through their review and planning authorities.
CHAPTER 2

COMMISSION POWERS, DUTIES, AND RESPONSIBILITIES

Sections:

2.010 Purpose of Policies, Procedures, and Standards
2.020 Authority
2.030 Definitions of Terms
2.040 Powers, Duties, and Responsibilities
2.050 Changes of Organization and Reorganizations
2.060 Districts Subject to LAFCo
2.070 Other Districts

2.010 Purpose of Policies, Procedures, and Standards

The primary purpose of these policies, procedures, and standards is to implement the requirements and provisions of the Cortese-Knox-Hetzberg Local Government Reorganization Act of 2000 (Sections 56000-57550, California Government Code) which will enable the Mariposa Local Agency Formation Commission to apply the Reorganization Act more efficiently to special district and city incorporation proposals in the county. These policies, procedures, and standards are supplemental to the Reorganization Act and address the special characteristics of Mariposa County and its special districts as they relate to the organization of local agencies. The policies, procedures, and standards will provide applicants guidance as to the information and procedures the Commission will require in order to make appropriate determinations concerning their applications. They will also provide guidance to applicants and other interested parties as to the criteria the Commission will utilize in approving, modifying, conditionally approving, or disapproving applications. The policies, procedures, and standards have also been written as an informational manual which translates the Reorganization Act and its requirements into more understandable language. They are intended for Commissioners, staff, applicants, special district administrators, and the general public. The manual:

* Provides background information on the purpose of the Act and its individual requirements;
* Groups similar procedures, requirements, and policies together; and
* Clearly and understandably specifies the requirements and provisions of the Act.
Background information on special districts in Mariposa County and the State laws which govern them is included in Chapters 17 and 18.

2.020 Authority

These policies, procedures, and standards are supplemental to and shall be administered in conjunction with the provisions of the Reorganization Act. Nothing contained within these policies, procedures, and standards is intended to supersede or otherwise avoid the intent or express letter of applicable State law. When a stated policy or procedure is found to be inconsistent with a mandatory provision of the Reorganization Act, the Reorganization Act shall govern. A proponent is responsible for knowing the requirements of the Reorganization Act and the principal district act as they relate to their proposal.

In addition to the other powers and duties enumerated in Section 56375 of the Act, the Commission is required to adopt written procedures for the evaluation of proposals, policy and standards for the review of proposals, and regulations for the conduct of hearings. These policies, procedures, and standards are adopted pursuant to the authority contained in the Reorganization Act for the Mariposa Local Agency Formation Commission to carry out its responsibilities and duties as specified in the Reorganization Act.

These policies, procedures, and standards may be amended at any time by a majority vote of the Commission subject to the agenda requirements of Section 15.030.

[REFERENCE: Sec. 56375 CGC]

2.030 Definitions of Terms

A. All terms and phrases utilized within these policies, procedures, and standards shall be defined in accordance with the Reorganization Act except as modified by Chapter 19.

B. The following words are used to indicate whether a particular subject in these policies, procedures, and standards is mandatory, advisory, or permissive:

1. "Must" or "shall" identifies a mandatory element which the Commission and Executive Officer are obligated to follow except as it may be modified or overturned in accordance with Section 7.070 of these policies, procedures, and standards.

2. "Should" or "will" identifies an advisory element which the Commission and Executive Officer should follow in the absence of compelling, countervailing considerations.

3. "May" identifies a permissive element which is left fully to the discretion of the Commission and Executive Officer.
2.040 Powers, Duties, and Responsibilities

A. The Local Agency Formation Commission of each county is authorized and mandated by the Reorganization Act to promote the orderly formation and development of local agencies based upon local conditions and circumstances. The powers, duties, and responsibilities available to the Commission to comply with this mandate may be grouped into two types:

1. To review and act upon change of organization and reorganization proposals; and
2. To plan for the provision of services through sphere of influence plans, special studies, and reorganization plans.

B. The review and approval of changes of organization or reorganizations involving local agencies is the primary tool of the Commission's authority. In most cases changes of organization or reorganizations must be approved by the Commission, and proceedings for changes of organization or reorganizations which are disapproved or denied by the Commission are terminated. For example, if the Commission denies an annexation of territory to a community services district, then that territory cannot be annexed to the district and the proponents must wait one (1) year before resubmitting their proposal to the Commission for review. Furthermore, any terms or conditions attached to an approval by the Commission must be adhered to wholly by the conducting authority or electorate if the proposal is ultimately approved. The conducting authority or electorate cannot change the Commission's terms or conditions. For example, if the Commission requires that sewer mains be extended to the territory to be annexed and that the property owners of the annexed territory pay for the costs of the sewer mains, then the condition must be complied with before the annexation can take place.

C. Specifically, the powers, duties, and responsibilities of the Commission shall be:

1. Review and approve, modify, conditionally approve, or disapprove changes of organization or reorganizations to local agencies under the jurisdiction of LAFCo. [REFERENCE: Sec. 56375(a) CGC]
2. Determine property tax revenue to be exchanged by the affected local government agencies when a district is formed. [REFERENCE: Sec. 56375(o) CGC]
3. Initiate and make studies of existing governmental agencies. [REFERENCE: Sec. 56378 CGC]
4. Determine the sphere of influence of each district. [REFERENCE: Sec. 56425 CGC]
5. Review and approve the provision of new or extended services outside the jurisdictional boundaries of a district. [REFERENCE: Sec. 56133 CGC]
6. Initiate proposals for consolidation of districts, dissolution of districts, merger of districts, establishment of a subsidiary district, or a reorganization that includes any of these changes of organization. [REFERENCE: Sec. 56375(a) CGC]
7. All other powers and duties conferred to the Commission by the Reorganization Act.

D. The following standards shall apply to the provision of new or additional services by a district, these new or additional services known as "latent powers" of the district:

1. The Commission may adopt regulations affecting the functions and services of special districts on a countywide basis. These regulations may require Commission approval of the provision of new or additional services by a district. However, these regulations will not apply to any service that is currently being provided by the special district or to the extension or enlargement of current services within the boundaries of the district. If the Commission wishes to regulate the latent powers of a district under this authority, the independent special districts shall be represented on the Commission.

2. The Commission may regulate the latent powers of a district without complying with the requirements of Section 56451(d) of the Reorganization Act if the Commission, as part of the district's formation approval, limited the functions of the district and conditioned the future provision of new services upon Commission approval.

3. It is the intent of the Commission not to regulate the functions and services of special districts on a countywide basis except as specified in Subsection 4. However, the special district must still comply with the provisions of the principal district act on the provision of new or additional services.

4. The Commission shall review and approve the provision of new services that a district is not authorized to provide if the Commission, as part of the district's formation approval, limited the functions of the district and conditioned the future provision of new services upon Commission approval.

[REFERENCE: Sec. 56425(i) CGC]

2.050 Changes of Organization and Reorganizations

A. A change of organization is an organizational change in a district's legal framework which authorizes the district to provide services or a boundary change in the service area of the district. These changes may include such things as shrinking or enlarging the service area of the district, creating a district, eliminating a district, or merging two districts into a single district.

B. A reorganization is two or more changes of organization initiated in a single proposal. A change of organization, as defined by the Reorganization Act and these policies, procedures, and standards, means any of the following:
1. The formation of a district;
2. The dissolution of a district;
3. Annexation of territory to a district;
4. Detachment of territory from a district;
5. The consolidation of districts;
6. The merger or establishment of a subsidiary district;
7. The incorporation of a city.

C. Special district actions which do not come under the definition of a change of organization are not subject to Commission review and approval. Actions which are exempt from Commission approval include, but are not limited to, the creation or modification of zones of benefit for the provision of services within the existing service area of the district.

2.060 Districts Subject to LAFCo

A. Special districts subject to the jurisdiction of the Commission are defined in Section 53036 of the Reorganization Act.

B. For the purposes of these policies, procedures, and standards, the following Mariposa County special districts are subject to the jurisdiction of the Mariposa Local Agency Formation Commission and the provisions of these policies, procedures, and standards and the Reorganization Act:

1. County Service Area 1-M
2. County Service Area 2-W
3. Countywide County Service Area No. 1
4. County Service Area No. 3
5. John C. Fremont Hospital District
6. Lake Don Pedro Community Services District
7. Mariposa County Resource Conservation District
8. Mariposa County Water Agency
9. Mariposa Public Utility District
10. Yosemite Alpine Community Services District

[REFERENCE: Sec. 56036(a) CGC]

2.070 Other Districts

A. Several types of special entities are not considered districts for the purposes of the Reorganization Act. Specific exclusions are provided in the Act specifying those types of districts which are exempt from the provisions of the Reorganization Act. These
include State agencies, school districts, special assessment districts, air pollution control districts, and improvement districts.

B. The Commission finds that the following districts are not subject to the jurisdiction of the Mariposa Local Agency Formation Commission, the provisions of the Reorganization Act, and these policies, procedures, and standards:

1. Coulterville Lighting District
2. Hornitos Lighting District
3. Mariposa County Air Pollution Control District
4. Mariposa County Unified School District
5. Mariposa Lighting District
6. Vehicle Parking District No. 1 (Mariposa)
7. Yosemite West Maintenance District

The lighting districts, Vehicle Parking District No. 1, and the Yosemite West Maintenance District are exempt because they are determined to be special assessment districts as defined by the Reorganization Act. The Air Pollution Control District and the Unified School District are specifically exempted from the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

[REFERENCE: Secs. 56036, 56075 CGC]

Although these districts are not subject to the provisions of the Reorganization Act, the services provided by some of these districts (e.g. lighting districts) should be analyzed in special studies and sphere of influence plans since the districts provide services which may be more advantageously provided by existing or new special districts subject to the jurisdiction of LAFCo. Consolidation or reorganization of these districts into a single, multi-purpose type of special district organization may result in the more efficient delivery of services. Special studies, sphere of influence plans, and reorganization plans of districts which overlap the service responsibilities of these districts may recommend change of organization or reorganization proposals to the Mariposa County Board of Supervisors on future consolidation or reorganization of these districts.
CHAPTER 3

COMMISSION MEMBERSHIP

Sections:

3.010 Background
3.020 Membership and Appointment
3.030 Officers
3.040 Reimbursement
3.050 Executive Officer
3.060 Legal Counsel

3.010 Background

Local agency formation commissions are organized in such a manner so that the county, cities, and the general public are represented on the commission. The county is represented by members of the Board of Supervisors of the county while cities are represented by city council members selected by a committee composed of representatives from each city in the county. The public members are generally appointed by the county and city members on the commission. In addition, a commission may include members representing the independent special districts in the county subject to special provisions. A commission includes several alternate members to represent the county, city, and general public who serve and vote in place of any like member who is absent or who disqualifies themselves from voting. For example, the alternate member representing the county may vote in place of any county member who is absent or disqualifies themselves.

The actual composition of a commission varies from county to county with the number of cities in a county being the most important variable in determining the number of county, city, and public members. Mariposa County is one of only three counties in California with no incorporated cities, and as such, there is no city representation on the commission. The Mariposa Local Agency Formation Commission consists of three members of the Board of Supervisors who represent the County and two general public members. A fourth Board of Supervisors member is the alternate County member. An alternate public member may be appointed by the three County members of the Commission.

The commission may appoint and assign an Executive Officer and staff personnel to carry out and affect the functions of the commission and to conduct and carry out the regular business of the commission. The executive officer and staff for a commission may be entirely independent of the county government, or the executive officer and staff may be county personnel who are
assigned local agency formation commission functions as part of their job duties. The Mariposa Local Agency Formation Commission does not have its own employees, but instead the Executive Officer and other staff are employed by the County and are available to the Commission by virtue of the adopted budget and provisions of the Reorganization Act. The Mariposa County Planning Director is the appointed Executive Officer with staff of that Department providing staff support for the Commission.

### 3.020 Membership and Appointment

**A. Commission Membership and Alternates:** The Commission shall consist of five (5) commissioners: three (3) commissioners representing the County, designated as County commissioners, and two (2) commissioners representing the general public, designated as public commissioners. A public member shall not be an officer or employee of the County or any district within the County. An alternate commissioner shall be chosen for the commissioners representing the County, and an alternate commissioner may be chosen for the commissioners representing the general public. Alternate commissioners shall serve and vote in place of a like commissioner who is absent or disqualifies themselves from voting. [REFERENCE: Secs. 56329, 56331 CGC]

**B. County Commissioners and Appointment:** The three (3) commissioners representing the County shall be appointed by the Board of Supervisors from their own membership. An alternate commissioner shall also be appointed by the Board from their own membership. [REFERENCE: Sec. 56329 CGC]

**C. General Public Commissioners and Appointment:** The two (2) commissioners representing the general public shall be appointed by the three (3) County commissioners. An alternate public commissioner may be appointed by the three (3) County commissioners at their own discretion. The process for appointing a public commissioner shall be as set forth in Section 3.020(E). [REFERENCE: Sec. 56329 CGC]

**D. Term of Office:**

1. The term of office for each commissioner shall be four years and until the appointment and qualification of their successor. The expiration date of the term for all commissioners shall be the first Monday in January in the year in which the term of the commissioner expires, pursuant to the provisions of Government Code Section 56334. Any vacancy on the Commission shall be filled for the unexpired term by appointment by the Board of Supervisors. The term of a commissioner who has been appointed to fill the office of a commissioner whose term has expired shall be for a full term of four (4) years.

2. A County commissioner serves as a commission member only while holding office with the County. If the office of a regular County commissioner becomes vacant, the alternate County commissioner may serve and vote in place of the
former regular commissioner until appointment and qualification of a regular County commissioner to fill the vacancy.

3. Any commissioner may be removed from the Commission at any time and without cause by the body appointing that commissioner.

[REFERENCE: Secs. 56329, 56334, 56337 CGC]

E. **Appointment of Public Commissioner:** The following procedures shall govern the selection and appointment of public commissioners. The Executive Officer shall be responsible for administration of these procedures.

1. A notice shall be published in a newspaper of general circulation in the county stating that a public commissioner position on the Commission is or will be vacant. This notice shall be published for at least 15 days prior to the end of the recruitment period. The notice shall also be distributed and posted as required by law. Application forms and a description of duties and responsibilities shall be made available.

2. Applications shall be filed on an approved form and may be accompanied by a more detailed resume. Applications must be received within a designated recruitment period of. The designated recruitment period and closing date for accepting applications may be extended by the Executive Officer. A roster of all applicants and their submittals shall be made available to the County commissioners at least five (5) days prior to the meeting to appoint the public commissioner.

3. Applicants for the public commissioner shall be one of the following:
   - A owner of property within the County
   - A business owner within the County
   - A resident of the County
   - A registered voter within the County

3. At the end of the recruitment period, a meeting will be scheduled for the purpose of making an appointment. The County commissioners may invite the applicants for an interview at the meeting.

4. Appointment of the public commissioners shall be by the three (3) County commissioners. Appointment of a commissioner shall be by a majority vote of two (2) County commissioners. If a majority vote cannot be made for an applicant, the existing public commissioner shall continue to serve another term, if an alternate candidate for consideration is not available. If the existing public commissioner is not a candidate, the new public commissioner shall be selected by drawing lots by the Chairman for the candidates who have received a vote from a County commissioner.
5. The new public commissioner shall begin the term immediately.

3.030 Officers

A. Chairman: The members of the Commission shall elect a chairman by majority vote at the first meeting of the Commission of each year who shall serve for a period of one year or until a successor is selected. The chairman, when present, shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed herein. The chairman shall preserve order and decorum and shall decide all questions of order subject to the action of a majority of the Commission. The Chairman shall vote on all questions and on roll call his name shall be called last. The Chairman shall sign all resolutions, directives, and contracts approved by the Commission.

B. Vice-Chairman: The members of the Commission shall elect a vice-chairman by majority vote at the first meeting of the Commission of each year whose term shall coincide with that of the Chairman. The vice-chairman, in the absence of the chairman, shall perform all the functions and duties of the chairman. In the absence of both the chairman and the vice-chairman, the members present shall select one of the members present as temporary chairman for the meeting or until the chairman or vice-chairman is present.

3.040 Reimbursement

The members of the Commission shall be reimbursed for their actual and necessary expenses incurred in connection with attendance at meetings and in connection with other official Commissioner business, including a per diem for each day in attendance at meetings of the Commission, as follows:

A. County Commissioners: For all expenses incurred in performing the duties of a commissioner, a County Commissioner shall be reimbursed from the county budget as though he or she is performing the duties and business of a member of the Board of Supervisors. A County Commissioner shall not receive a per diem for attending commission meetings.

B. Public Commissioners: Reimbursement and per diem shall be at the rates and subject to the conditions established by the Mariposa County Board of Supervisors for members of the Mariposa County Planning Commission. Claims for reimbursement shall be submitted to the Executive Officer who shall process such claims for payment by the County Auditor.

[REFERENCE: Sec. 56334 CGC]
3.050 Executive Officer

A. Selection: The Executive Officer shall serve at the pleasure of the Commission. The Director of the Mariposa County Planning Department, as appointed by the Mariposa County Board of Supervisors, shall act as the executive officer for the Commission unless the Commission appoints a different executive officer. The Commission may choose a new Executive Officer when a vacancy occurs or at any time the services of the incumbent are not deemed satisfactory. [REFERENCE: Sec. 56384(a) CGC]

B. Duties: The Executive Officer shall conduct and perform the regular business of the Commission, manage the Commission office, and represent the Commission. Duties in addition to those specified in these policies, procedures, and standards and the Reorganization Act shall be:

1. Scheduling the first Commission meeting of each year;
2. Recording of minutes for Commission meetings;
3. Signing routine correspondence, communications, or certifications;
4. Keeping a record of Commission resolutions, transactions, findings, and determinations.

3.060 Legal Counsel

Legal counsel shall serve at the pleasure of the Commission. The Mariposa County Counsel, as appointed by the Mariposa County Board of Supervisors, shall act as legal counsel to the Commission unless the Commission appoints a different legal counsel to advise the Commission of legal matters. In those cases where the County Counsel may be subject to a conflict of interest in performing his duties for the Commission, the Commission shall appoint a different legal counsel to advise it. [REFERENCE: Sec. 56384(b) CGC]
CHAPTER 4

GENERAL PROCEDURES FOR PROCESSING

Sections:

4.010  Background
4.020  Preliminary Steps
4.030  Commission Proceedings
4.040  Conducting Authority Proceedings
4.050  Election
4.060  Completion and Effective Date
4.070  Appeals of Executive Officer Determinations

4.010  Background

The Reorganization Act and the individual principal district acts for each district set up an extensive process for the review and approval of changes of organization which is augmented by the environmental review requirements of the California Environmental Quality Act (CEQA). Changes of organization are defined as a project by CEQA and are subject to the provisions of CEQA. Most LAFCo decisions for a change of organization will require the adoption of a Negative Declaration, a mitigated Negative Declaration, or certification of an Environmental Impact Report. The process may be further extended if the change of organization is part of a larger project that requires land use approvals by the County Board of Supervisors, such as a planned residential development or pre-zoning. In these cases the County will be the lead agency for environmental review of the project.

Except in limited situations, a change of organization or reorganization proposal may only be initiated by the landowners or registered voters of the affected territory through the petition process or by the County or an affected special district through the resolution of application process. The Commission is authorized to initiate on its own reorganization proposals involving the consolidation of districts, the merger of districts, the dissolution of districts, and the establishment of subsidiary districts. Landowners and registered voters are also involved in the review process of the proposal through public hearings and written protests. Except when there is unanimous consent by the affected registered voters and landowners for an annexation, detachment, or county service area formation, a public hearing must be held by the Commission.
and the conducting authority. In all cases, the registered voters and/or landowners of the affected territory have the final authority to disapprove a change of organization or reorganization proposal through the written protest and election provisions provided in the Reorganization Act.

Before a change of organization or reorganization can become effective, it must be approved by the Commission, the decision-making body of the conducting authority, and possibly the landowners or registered voters of the affected territory. If a change of organization is not approved by the Commission, all proceedings for the change are terminated at that point.

The conducting authority is the legislative body of an affected special district or the Mariposa County Board of Supervisors, which is authorized by the Commission to conduct final proceedings for a change of organization or reorganization. The actions of the conducting authority are generally based on written protests of the affected landowners or registered voters, and the conducting authority may only approve a change of organization if there is not a sufficient written protest or the approval is confirmed by an election.

Procedural requirements for reviewing and approving a change of organization vary for each type of district and change of organization, and only general procedures may be established for the processing, review, and approval of all types of changes of organization. Nonetheless, the following general procedures will apply to all changes of organization proposals except in those specific instances where the general procedures are modified by specific procedures established by the principal district act and/or Chapter 5 of these policies, procedures, and standards.

### 4.020 Preliminary Steps

Prior to submittal of an application, a preliminary application meeting shall be held between the proponent and the Executive Officer. The proponent shall bring all application forms and information to the meeting. The Executive Officer will review procedure, application requirements, and fees with the proponent and inform the proponent if the application is sufficient for submittal.

### 4.030 Commission Proceedings

The following general procedures shall be followed by the Commission and staff in considering proposed changes in local government organization or reorganizations. Commission proceedings and resolutions for changes of organization may vary from the general procedures described below in accordance with the applicable sections of the principal district law for the district and Chapter 5 of these policies, procedures, and standards.

**A. Receipt and Acceptance of Application:** The proponent shall submit to the Executive Officer a complete application with a petition or a certified copy of resolution of application, application fees, and other information required by the Commission as described in Chapter 6 of these policies, procedures, and standards. An application
which does not have all required information shall not be accepted by the Executive Officer. Any waivers to application requirements shall be approved by the Commission or Executive Officer prior to final acceptance of the application.

B. **Review of Petition or Resolution of Application:**

1. Within 30 days of receipt of the application, the Executive Officer shall examine the petition or resolution of application for sufficiency and prepare a certificate of sufficiency indicating the Executive Officer's findings. The petition or resolution shall comply with all requirements set forth in Sections 6.040 and 6.050.

2. If the petition or resolution of application is insufficient, the Executive Officer shall immediately notify by certified mail the chief petitioners or local agency of the insufficiency. Notwithstanding the time limits for securing signatures as set forth in Section 6.040(E), a supplemental petition bearing additional signatures may be filed with the Executive Officer within 15 days after the date the notice is received by the chief petitioners. Within 10 days after the date of the filing of a supplemental petition, the Executive Officer shall examine the supplemental petition and certify in writing the results of the examination.

3. The Executive Officer shall sign the certificate of sufficiency with findings and mail the certificate to the chief petitioners or local agency. All petitions and resolutions of application submitted after signature of the certificate of sufficiency shall be treated as new petitions and resolutions and shall comply with the procedural requirements of this section and the content and time limit requirements set forth in Sections 6.040 and 6.050.

4. The Executive Officer shall determine the number of landowners and/or registered voters of the affected territory in accordance with Sections 56046 and 56048 of the Reorganization Act after conferring with the County Auditor, County Clerk, and County Assessor. The number of landowners in the affected territory shall be determined as shown on the latest equalized assessment roll. The number of registered voters in the affected territory shall be determined as of the date the petition is accepted for filing and a certificate of filing is issued by the Executive Officer.

[REFERENCE: Secs. 56046, 56048, 56706 CGC]

C. **Review of Application:** The Executive Officer shall review the application proposal for completeness and within 30 days of submittal:

1. Determine if the petition or the resolution of application is sufficient in accordance with Section 4.030. If the petition or resolution is insufficient, the application proposal shall be determined to be not complete for filing.
2. Determine if all information required by Chapter 6 is provided with the application and is complete and accurate. If all information is not provided, the application proposal shall be determined to be not complete for filing.

3. Determine if all application fees have been paid.

4. Determine if additional information pertaining to any of the matters or factors which may be considered by the Commission is required in order for the Executive Officer and the Commission to properly review and consider the proposal. If additional information is required, the application proposal shall be determined to be not complete for filing.

[REFERENCE: Sec. 56706 CGC]

D. Environmental Review: Before an application proposal may be considered complete for filing, the Commission must comply with the provisions of the California Environmental Quality Act (CEQA). One of the following actions must occur before the application proposal is considered complete for filing and a certificate of filing is issued:

1. If the Commission is not the lead agency for the proposal, the lead agency determines the proposal is exempt from the provisions of CEQA, adopts a Negative Declaration or Mitigated Negative Declaration for the proposal, or certifies an Environmental Impact Report for the proposal.

2. If the Commission is the lead agency for the proposal, one of the following occurs in accordance with Chapter 8:
   a. The Executive Officer determines that the proposal is exempt from the provisions of CEQA and prepares a Notice of Exemption.
   b. The Executive Officer prepares an Initial Study with a recommendation for adoption of a Negative Declaration or a Mitigated Negative Declaration.
   c. The Commission directs the Executive Officer to prepare a Final Environmental Impact Report after public review of the draft Environmental Impact Report.

In so much as possible, the Executive Officer shall commence review of the proposal concurrently with the environmental review.

[REFERENCE: Sec. 21000 et seq. PRC]
E. Application Referral: Upon receipt of an application proposal, the Executive Officer shall:

1. Forward a notice to the County Assessor and County Auditor requesting property tax information if an incorporation or formation is proposed.

2. Forward a notice to each interested and affected local agency, State agency, and County department stating that an application has been submitted and that the Commission is soliciting comments on the proposal and requests for additional information. A notice shall be forwarded to the Executive Officer of the Tuolumne Local Agency Formation Commission for applications involving the Lake Don Pedro Community Services District. This notice may be deferred if the application proposal is substantially incomplete, but in no case, shall the notice be forwarded less than 20 days before issuance of a certificate of filing unless the affected local agency has already given notice or the proposal will be considered by the Commission without notice and hearing.

[REFERENCE: Secs. 56658 CGC]

F. Determination of Completeness:

1. Except when the Commission is the lead agency for the proposal pursuant to Section 4.030(D), the Executive Officer within 30 days of submittal of the application proposal or supplemental materials shall either:

   (a) Determine the application is complete for filing, issue a certificate of filing, and schedule the Commission hearing. The Commission hearing shall be held within 90 days after issuance of the certificate of filing or after the application is deemed to be complete for filing, whichever is earlier; or

   (b) Determine the application is not complete for filing and notify the proponent, specifying those portions of the application which are incomplete and the manner in which they can be made complete.

2. If the appropriate fees have been paid, the requirements of Chapter 6 have been met, and no formal determination has been made by the Executive Officer within the 30 day period, the application shall be deemed complete for filing and the Executive Officer shall immediately issue a certificate of filing.

3. The Executive Officer may close an application from further processing and refund unused application fees if the Executive Officer determines that substantial progress is not being made by the proponent to further the processing of the proposal. The Executive Office may close an application if there has been no activity on the application for six (6) months.
G. **Informational Meeting:** The Executive Officer may hold a meeting with affected residents or landowners to present information on the proposal and to receive comments on the proposal.

H. **Notice of Hearing:**

1. The Executive Officer, at least 21 days prior to the date set for hearing, shall give notice of the hearing by:
   
   (a) Publication in a newspaper of general circulation within the county;
   
   (b) Posting near the door of the hearing room or upon any official bulletin board used for the purpose of posting public notices by, or pertaining to, the legislative body or commission;
   
   (c) Mailed notices shall be sent to all affected property owners within the affected territory.
   
   (d) Mailed notices shall be sent to property owners in proximity to the affected territory in accordance with the requirements of Section 17.132.020.A of Chapter 17.132 of Title 17 Zoning.
   
   (e) Mailing to each affected agency which contains territory or whose sphere of influence contains territory within the proposal, the chief petitioner(s), persons requesting notice, and the County Administrative Officer.

2. Some Commission actions, such as annexations and detachments, may be made without notice and a hearing with written consent of all landowners and the affected local agency. Notice and opportunity to request a public hearing must be given to local agencies whose boundaries are affected. If no hearing is requested by an affected local agency, the Executive Officer shall forward the application and Executive Officer Report to the Commission for their consideration at a Commission meeting. If the Commission desires to provide notice and hearing prior to making a determination on the proposal, the Commission may order a public hearing on the proposal and set a date, time, and place for the hearing. The hearing shall be held no more than 90 days after the date of the order.

[REFERENCE: Secs. 56658 CGC]
I. **Executive Officer Report:**

1. The Executive Officer shall review the application proposal and any comments received and prepare the written report and recommendation. The report shall include the information required by Section 7.020(B) of these policies, procedures, and standards.

2. At least five (5) days prior to the hearing or meeting, the Executive Officer shall mail the report to each Commissioner, the chief petitioners, each affected local agency requesting a report, each agency whose boundaries or sphere of influence will be affected, the County Administrative Officer, and the Executive Officer of the LAFCo of any other affected county.

[REFERENCE: Sec. 56665 CGC]

J. **Commission Hearing:** The Commission shall hear the proposal on the noticed date and time. The hearing may be continued for up to 70 days. [REFERENCE: Sec. 56666 CGC]

K. **Commission Resolution:** Within 30 days of the conclusion of the hearing, the Commission shall adopt a resolution of determination taking action on the proposal in accordance with Sections 7.030(A)(3) or 7.030(A)(4).

L. **Notification of Action:** The Executive Officer shall send by certified mail the Commission’s resolution to the chief petitioners if any, each agency whose boundaries will be affected, and the conducting authority. The Executive Officer shall send all written protests received by the Commission to the conducting authority.

M. **Notice of Determination:** The Executive Officer shall file a Notice of Determination with the Mariposa County Clerk and with the California State Clearinghouse describing the environmental document and action taken by the Commission pursuant to the California Environmental Quality Act.

### 4.040 Conducting Authority Proceedings

The conducting authority, in considering proposed changes in local government organization or reorganizations, shall follow the following general procedures. These procedures shall be modified as necessary to comply with any applicable sections of the principal district law for the conducting authority and Chapter 5 of these policies, procedures, and standards.

A. The proceedings of the conducting authority shall comply with the resolution of approval adopted by the Commission.
B. The conducting authority may establish a schedule of processing fees and require the deposit of such fees before further action is taken on the proposal.

C. **Hearing Date:**

1. The clerk of the conducting authority shall set the proposal for hearing within 35 days of the Commission's resolution date of adoption. The date of the hearing shall not be less than 15 or more than 60 days after the notice is given.

2. The Commission may authorize the conducting authority to continue the hearing to a date extending beyond the dates specified in the Reorganization Act.

3. The Commission may authorize the conducting authority to take action without notice and a hearing if authorized by the Reorganization Act and principal district act.

[REFERENCE: Secs. 57002(a)(b) CGC]

D. At least 21 days prior to the hearing, the clerk of the conducting authority shall give notice of the hearing by:

1. Publication in a newspaper of general circulation;

2. Posting near the door of the hearing room;

3. Mailing to all affected property owners within the affected territory and within 600 feet of the boundaries of the affected territory. The Commission may waive this requirement for proposals with over 500 affected property owners if notice of the hearing is posted in public places within the affected territory. The number and location of public notices shall be determined by the Executive Officer.

4. Mailing to each affected agency which contains territory or whose sphere of influence contains territory within the proposal, chief petitioner(s), persons requesting notice, and the County Administrative Officer.

[REFERENCE: Secs. 57002, 57025 CGC]

E. The conducting authority shall hear the proposal at the noticed time and date. The hearing may be continued for up to 60 days. Any written protests shall be filed with the clerk prior to the conclusion of the hearing and must be signed, have the signature date, and address or location of the property. The value of written protests shall be determined by the conducting authority. [REFERENCE: Secs. 57050, 57052 CGC]

F. Within 30 days of the conclusion of the hearing, the conducting authority shall adopt a resolution taking one of the following actions:
1. In cases of district annexations only, disapprove the change of organization and terminate proceedings.

2. Terminate proceedings if a majority written protest is received. If a proposal is terminated, the same proposal cannot be submitted to the Commission before one year from the date of adoption of the conducting authority resolution, or two years if a city incorporation was included.

3. Order the change of organization or reorganization if a sufficient written protest is not received or the Commission authorizes the conducting authority to conduct proceedings without an election.

4. Order the change of organization or reorganization subject to confirmation by the voters and call for an election if a sufficient written protest is received. A resolution calling for an election on the question shall be adopted and forwarded to the Elections Clerk and Executive Officer.

[REFERENCE: Secs. 57075 CGC]

G. The resolution shall include a finding of the value of written protests filed and not withdrawn on the proposal, all other findings required for the action, and those items set forth in Section 57082 of the Reorganization Act. [REFERENCE: Sec. 57075 CGC]

H. A resolution ordering a change of organization or reorganization subject to confirmation by the voters shall address the factors set forth in Section 57100 of the Reorganization Act.

I. The clerk of the conducting authority shall transmit to the Executive Officer by certified mail a certified copy of the resolution confirming the change of organization or reorganization subject to confirmation by the voters or terminating proceedings within five (5) days after adoption of the resolution. [REFERENCE: Sec. 57144 CGC]

J. If the conducting authority does not take action on the proposal within the time frames established by the Commission and the Reorganization Act, the Commission may authorize the Board of Supervisors to assume jurisdiction to conduct and complete any proceedings in accordance with Sections 57005 and 57006 of the Reorganization Act.

4.050 Election

A. If the conducting authority calls for an election, the election shall be conducted in accordance with Sections 57100 to 57179 of the Reorganization Act and the applicable provisions of the Elections Code.
B. The Commission shall prepare an impartial analysis of the election question in accordance with Section 7.080.

C. For the purposes of this section, all references to "clerk" of the conducting authority in which the Mariposa County Board of Supervisors is the conducting authority shall mean the Mariposa County Clerk.

D. After counting the returns of the election(s), the legislative body of the conducting authority shall:

1. Declare by resolution the total number of votes cast in the election(s) and the total number of votes cast for and against the change of organization or reorganization.

2. Adopt a resolution taking one of the following actions:

   (a) Confirming the change of organization or reorganization if the majority of the votes cast upon the question are in favor of the change of organization or reorganization based on the criteria set forth in Section 57176 of the Reorganization Act.

   (b) Terminating proceedings if the majority of the votes cast upon the question are against the change of organization or reorganization.

[REFERENCE: Secs. 57100 to 57179 CGC]

4.060 Completion and Effective Date

A. Proceedings for a change of organization or reorganization proposal shall be completed within one (1) year of the date of the Commission's resolution. [REFERENCE: Sec. 57001 CGC]

B. The clerk of the conducting authority shall transmit to the Executive Officer by certified mail a certified copy of the resolution confirming the change of organization or reorganization or terminating proceedings within five (5) days after adoption of the resolution. [REFERENCE: Sec. 57144 CGC]

C. The Executive Officer shall determine compliance of the conducting authority resolution with the Commission resolution. If it is in compliance, the Executive Officer shall issue a certificate of completion that completes the proceedings. If it is not in compliance, the resolution shall be returned to the conducting authority for correction. [REFERENCE: Sec. 57200 CGC]
D. The Executive Officer shall record the certificate of completion with the County Recorder. If no effective date is specified in the Commission resolution, the recordation date shall be the effective date. [REFERENCE: Sec. 57200 CGC]

E. The Executive Officer shall issue a statement of boundary change or creation and file the statement and appropriate fees with the State Board of Equalization and the County Assessor. Property tax resolutions, if any, shall be forwarded to the County Auditor for property tax transfer. [REFERENCE: Sec. 57200 CGC]

F. The Executive Officer shall forward the certificate of completion, statement of boundary change, and effective date to the conducting authority, agencies whose boundaries are affected, County Surveyor, County Administrative Officer, and other affected County departments. [REFERENCE: Secs. 57203, 57204 CGC]

**4.070 Appeals of Executive Officer Determinations**

All written determinations of the Executive Officer may be appealed to the Commission upon filing of a Notice of Appeal with the Executive Officer. All appeals shall be processed in accordance with the Mariposa County Appeals Procedure, as adopted by resolution by the Board of Supervisors, except as modified by these policies, procedures, and standards.
CHAPTER 5

SPECIFIC PROCEDURES FOR PROCESSING

Sections:

5.010 Background
5.020 Incorporation
5.030 Merger and Establishment of Subsidiary District
5.040 District Formation
5.050 District Dissolution
5.060 Consolidation of Districts
5.070 Annexation and Detachment
5.080 Reorganization

5.010 Background

As discussed in Chapter 4, procedural requirements for reviewing and approving a change of organization proposal may vary for each type of district and change of organization. These specific procedural requirements generally address such items as minimum petition signatures required to initiate a proposal, minimum written protest signatures required to terminate a proposal or require confirmation by the voters of the district, and the options available to the conducting authority in considering a change of organization. The following specific procedural requirements take precedence over and modify the general procedures identified in Chapter 4. In order to determine the correct procedural requirements for the change of organization proposal, these procedural requirements should be carefully reviewed as to the type of change of organization proposed and by the type of district involved.

5.020 Incorporation

The specific procedural requirements for an incorporation proposal are contained in Chapter 11.

5.030 Merger and Establishment of Subsidiary District

A. Only districts of limited powers as defined by Section 56037 of the Reorganization Act may be merged or established as a subsidiary district. [REFERENCE: Secs. 56056, 56078 CGC]
B. **Petition Requirements for Registered Voter District:** The petition shall be signed by either of the following:

1. Not less than 10% of the registered voters of the district; or

2. Not less than 10% of the registered voters residing within the territory of the city located outside the boundaries of the district.

C. **Petition Requirements for Landowner Voter District:** The petition shall be signed by either of the following:

1. Not less than 10% of the number of landowners within the district who also own not less than 5% of the assessed value of land within the district; or

2. Not less than 10% of the registered voters residing within the territory of the city located outside the boundaries of the district.

D. **Commission Proceedings for Establishment of Subsidiary District:**

1. Within 10 days after receiving a proposal to form a subsidiary district, the Executive Officer shall notify by certified mail the district or districts that are the subject of the proposal.

2. Within 35 days after receiving notice from the Executive Officer, the board of directors of the affected district(s) may either:

   (a) Adopt a resolution consenting to the subsidiary district proposal, with or without requesting additional terms and conditions; or

   (b) Adopt a resolution of intention to file an alternative proposal to the subsidiary district proposal.

3. If a district files a resolution of intent to file an alternative proposal, the Executive Officer shall take no further action on the original proposal for 70 days. During this period the district shall prepare and submit a completed application for the alternative proposal.

4. A district which has filed a resolution of intention but has not filed a completed application within the prescribed time, shall be deemed to have consented to the original subsidiary district proposal.

5. After receiving an alternative proposal, the Executive Officer shall analyze and report on both the original and alternative proposal concurrently and schedule the proposals for a simultaneous public hearing.
6. Within 35 days following the conclusion of the hearing on an original and an alternative proposal to form a subsidiary district, the Commission shall adopt its resolution of determination, which shall do one of the following:

(a) Deny both the original proposal and the alternative proposal;
(b) Approve both the original proposal and the alternative proposal; or
(c) Approve one proposal and deny the other.

7. If the Commission approves both proposals, it shall adopt an order directing the Board of Supervisors, as conducting authority, to consider both proposals at a single hearing and to do one of the following:

(a) Deny both the original proposal and the alternative proposal;
(b) Approve both the original proposal and the alternative proposal; or
(c) Approve one proposal and deny the other.

E. **Conducting Authority Proceedings:** The conducting authority shall take one of the following actions:

1. Terminate or abandon proceedings if a majority protest exists.

2. Order the merger and/or establishment of the subsidiary district subject to confirmation of the voters. An election shall be held upon the question of merger or the establishment of a subsidiary district only within the district to be merged or established as a subsidiary district. An election shall be held upon the question of merger or the establishment of a subsidiary district if either of the following occurs:

   a. The legislative body of the city or the board of directors of the district does not consent by resolution to the merger or the establishment of the subsidiary district.

   b. The conducting authority certifies either of the following:

      1. In the case of a registered voter district, a petition requesting that the proposal be submitted to confirmation by the voters has been signed by not less than 10% of the registered voters of the district; or

      2. In the case of a landowner voter district, a petition requesting that the proposal be submitted to confirmation by the voters has been signed by not less than 10% of the number of landowners within the district who also own not less than 10% of the assessed value of land within the district.
3. Order the merger or establishment of the subsidiary district without election if the legislative body of the city and the board of directors of the district have by resolution consented to the merger or the establishment of the subsidiary district.

[REFERENCES: Secs. 57077, 57087, 57087.5 CGC]

F. **Election:** After declaring the total number of votes cast in the election for and against the question of merger or establishment of a subsidiary district, the conducting authority shall adopt a resolution taking one of the following actions:

1. Confirm the merger or establishment of a subsidiary district in accordance with the criteria set forth in Section 57177 of the Reorganization Act if the majority of the votes cast upon the question are in favor; or

2. Terminate proceedings in accordance with the criteria set forth in Section 57177 of the Reorganization Act if the majority of the votes cast upon the question are against.

[REFERENCES: Secs. 57141, 57143, 57177 CGC]

5.040 **District Formation**

A. **Petition Requirements:** Signature requirements and the content of the petition shall be as set forth in the principal district act.

B. **Commission Proceedings:** If the formation is part of a reorganization to consolidate all or any part of two or more districts into a single local agency and a majority of the members of each of the legislative bodies of the affected districts adopt substantially similar resolutions of application for the consolidation, the Commission shall approve or conditionally approve the formation.

C. **Commission Proceedings for County Service Area:**

1. The Commission may approve or disapprove the formation without notice and a hearing if a petition for the formation of a County Service Area is signed by all landowners within the territory to be included in the district or a resolution of application is accompanied by satisfactory proof that all landowners within the affected territory have given their written consent to the formation.

2. In those cases where the proposal is approved by the Commission without notice and a hearing, the Commission may also approve and authorize the conducting authority to conduct proceedings for the formation without notice and a hearing; without an election; or without notice, hearing, or an election.
Chapter 5  Specific Procedures for Processing

D. Conducting Authority Proceedings: Except when a district formation is part of a reorganization, formation proceedings for the conducting authority shall be as set forth in the principal district act and the provisions of Section 4.040 shall not apply. When a district formation is part of a reorganization, formation proceedings for the conducting authority shall be in accordance with these policies, procedures, and standards. If the formation is part of a reorganization to consolidate two or more districts into a single local agency, the conducting authority shall act in accordance with Section 57081 of the Reorganization Act.

E. Conducting Authority Written Protest Provisions and Actions for County Service Area: The conducting authority shall take one of the following actions:

1. For inhabited territory, terminate proceedings if a majority protest exists.

2. For inhabited territory, order the formation subject to confirmation by the registered voters within the affected territory if written protests have been filed and not withdrawn by (1) at least 25%, but less than 50%, of the registered voters residing in the affected territory, OR (2) at least 25% of the number of landowners who also own at least 25% of the assessed value of land within the affected territory.

3. For inhabited territory, order the formation without an election if written protests have been filed and not withdrawn by (1) less than 25% of the registered voters residing in the affected territory, and (2) less than 25% of the number of landowners who own less than 25% of the assessed value of land within the affected territory.

4. For uninhabited territory, terminate proceedings if a majority protest exists.

5. For uninhabited territory, order the formation if written protests have been filed and not withdrawn by landowners who own less than 50% of the total assessed value of land within the affected territory.

[REFERENCE: Sec. 57075 CGC]

5.050 District Dissolution

A. Petition Requirements for Registered Voter District: The petition shall be signed by either of the following:

1. Not less than 5% of the registered voters within the district; or
2. Not less than 5% of the number of landowners within the district who also own not less than 5% of the assessed value of land within the district.

B. Petition Requirements for Landowner Voter District: The petition shall be signed by not less than 5% of the number of landowners within the district who also own not less than 5% of the assessed value of land within the district.

C. Petition for Non-Use of Corporate Powers: A change of organization proposing the dissolution of a district for the "non-use of corporate powers" may be initiated by a petition signed by three or more registered voters within the district for a registered voter district or three or more landowners for a landowner district provided the corporation powers of the district have not been used and one or more of the following conditions have existed or now exist:

1. That during the three-year period preceding the date of the first signature on the petition, one or more of the following events has not occurred:
   
   (a) There has not been a duly selected and acting quorum of the board of directors of the district;
   
   (b) The board of directors has not furnished or provided services or facilities of substantial benefits to residents, landowners, or property within the district; or
   
   (c) The board of directors has not levied or fixed and collected any taxes, assessments, service to residents, landowners, or property within the district.

2. That during the one-year period preceding the date of the first signature upon the petition, a quorum of the duly selected and acting board of directors has not met for the purpose of transacting business.

3. That upon the date of the first signature upon the petition, the district had no assets, other than money in the form of cash, investments, or deposits.

[REFERENCE: Sec. 56759 CGC]

D. Commission Actions: In addition to other actions required by the Reorganization Act and these policies, procedures, and standards, the Commission shall designate a successor agency that shall be responsible for finishing and completing the affairs of the district upon its dissolution. The successor agency shall have the powers and duties set forth in Sections 57450 to 57463 of the Reorganization Act. [REFERENCE: Sec. 57451 CGC]

E. Conducting Authority Actions: The conducting authority shall take one of the following actions:
1. Terminate proceedings if a majority protest exists.

2. Order the dissolution subject to confirmation of the voters, or in the case of a landowner voter district, subject to confirmation by the landowners, unless other provisions are stated in the principal district act.

3. Order the dissolution without election except for the dissolution of hospital districts which require an election.

[REFERENCE: Secs. 57077 CGC]

F. Conducting Authority Findings: In any resolution ordering a dissolution, the conducting authority shall make findings on one or more of the conditions specified in Section 5.050(C). [REFERENCE: Sec. 57077 CGC]

5.060 Consolidation of Districts

A. All of the districts to be consolidated shall have been formed pursuant to the same principal district act. [REFERENCE: Sec. 56030 CGC]

B. Petition Requirements for Registered Voter District: The petition shall be signed by not less than 5% of the registered voters within each district.

C. Petition Requirements for Landowner Voter District: The petition shall be signed by not less than 5% of the number of landowners within each district who also own not less than 5% of the assessed value of land within each district.

D. Commission Proceedings: If the consolidation is part of a reorganization to consolidate all or any part of two or more districts into a single local agency and a majority of the members of each of the legislative bodies of the affected districts adopt substantially similar resolutions of application for the consolidation, the Commission shall approve or conditionally approve the consolidation.

E. Conducting Authority Actions: The conducting authority shall take one of the following actions:

1. Terminate proceedings if a majority protest exists.

2. Order the consolidation subject to confirmation of the voters, or in the case of a landowner voter district, subject to confirmation by the landowners, unless other provisions are stated in the principal district act. An election shall be held only if the conducting authority finds either of the following:
(a) For inhabited territory, a petition requesting that the proposal be submitted to confirmation by the voters has been signed by (1) at least 25% of the number of landowners within the territory subject to the consolidation or reorganization who own at least 25% of the assessed value of land within the territory, OR (2) at least 25% of the voters entitled to vote as a result of residing within, or owning land within, the territory.

(b) For a landowner voter district, the territory is uninhabited and a petition requesting that the proposal be submitted to confirmation by the voters has been signed by at least 25% of the number of landowners within the territory subject to the consolidation or reorganization, owning at least 25% of the assessed value of land within the territory.

3. Order the consolidation without election.

F. **Election:** After declaring the total number of votes cast in the election for and against the consolidation or reorganization, the conducting authority shall adopt a resolution taking one of the following actions:

1. Confirm the consolidation if, within the territory of each district ordered to be consolidated, a majority of the votes cast on the question favored the consolidation; or

2. Terminate proceedings if, in one of the districts ordered to be consolidated, the votes cast in favor of consolidation did not constitute a majority.

[REFERENCE: Sec. 57177.5 CGC]

5.070 Annexation and Detachment

A. **Petition Requirements for Registered Voter District:** The petition shall be signed by either of the following:

1. Not less than 5% of the registered voters within the territory proposed for annexation or detachment; or

2. Not less than 5% of the number of landowners within the territory proposed for annexation or detachment who own not less than 5% of the assessed value of land within the territory.

B. **Petition Requirements for Landowner Voter District:** The petition shall be signed by not less than 5% of the number of landowners within the territory proposed for annexation or detachment who own not less than 5% of the assessed value of land within the territory.
C. **Commission Proceedings:**

1. The Commission may approve or disapprove the annexation or detachment without notice and a hearing if (a) a petition for an annexation or detachment is signed by all landowners within the territory to be annexed or detached, or a resolution of application is accompanied by satisfactory proof that all landowners within the affected territory have given their written consent to the annexation or detachment, AND (b) the affected district has not made a written demand for notice and/or a hearing of the proposal. The affected district shall be notified of the proposal by the Executive Officer and given the opportunity to respond in accordance with Section 56837(b) of the Reorganization Act.

2. In those cases where a proposal is approved by the Commission without notice and a hearing, the Commission may also authorize the conducting authority to conduct proceedings for the annexation or detachment without notice and a hearing; without an election; or without notice, hearing, or an election.

3. The Commission may waive the conducting authority proceedings entirely if the subject area is uninhabited, all landowners have consented in writing to the change of organization or reorganization, and all affected agencies have consented in writing to a waiver of conducting authority proceedings.

D. **Conducting Authority Written Protest Provisions and Actions for Registered Voter District:** The conducting authority shall take one of the following actions:

1. In cases of district annexations only (inhabited or uninhabited territory), disapprove the proposed annexation or order the proposed annexation subject to an election.

2. For inhabited territory, terminate proceedings if a majority protest exists.

3. For inhabited territory, order the annexation or detachment subject to confirmation by the registered voters within the affected territory if written protests have been filed and not withdrawn by (1) at least 25%, but less than 50%, of the registered voters residing in the affected territory, OR (2) at least 25% of the number of landowners who also own at least 25% of the assessed value of land within the affected territory.

4. For inhabited territory, order the annexation or detachment without an election if written protests have been filed and not withdrawn by (1) less than 25% of the registered voters residing in the affected territory, AND (2) less than 25% of the number of landowners owning less than 25% of the assessed value of land within the affected territory.
5. For uninhabited territory, terminate proceedings if a majority protest exists.

6. For uninhabited territory, order the annexation or detachment without an election if written protests have been filed and not withdrawn by landowners who own less than 50% of the total assessed value of land within the affected territory.

[REFERENCE: Sec. 57075, 57076 CGC]

E. **Conducting Authority Written Protest Provisions and Actions for Landowner Voter District:** The conducting authority shall take one of the following actions:

1. In cases of district annexations only (inhabited or uninhabited territory), disapprove the proposed annexation.

2. Terminate proceedings if a majority protest exists.

3. Order the annexation or detachment subject to an election within the affected territory if written protests have been filed and not withdrawn by (1) at least 25% or more of the landowners who also own at least 25% of the assessed value of land within the territory, OR (2) not less than 25% of the voting power of landowner voters entitled to vote as a result of owning property within the affected territory.

4. Order the annexation or detachment without an election if written protests have been filed and not withdrawn by less than 25% of the number of landowners who own less than 25% of the assessed value of land within the affected territory.

[REFERENCE: Sec. 57075, 57076 CGC]

5.080 **Reorganization**

A. **Petition Requirements:**

1. The petition shall be signed so as to comply with the applicable signature requirements for each of the various changes of organization proposed in the petition.

2. If the reorganization proposal includes a proposal for the formation of a district, the petition shall comply with the signature requirements, if any, for a petition for the formation of the district designated in the petition as set forth in the principal district act. If there are no such requirements, the petition shall comply with the signature requirements pertaining to dissolution as set forth in Sections 5.050(A) and 5.050(B).
3. If the reorganization proposal includes a proposal for the incorporation of a city, the petition shall comply with the signature requirements for incorporation as set forth in Section 11.010(A).

B. **Conducting Authority Written Protest Provisions and Proceedings:** If the component changes of organization for a reorganization proposal would not individually require a confirmation election, a confirmation election shall not be required to approve the reorganization. The proceedings of the conducting authority shall be conducted pursuant to Sections 57000 et seq. of the Reorganization Act. The conducting authority shall conduct and complete proceedings in compliance with the Commission resolution of approval.
CHAPTER 6

APPLICATION REQUIREMENTS

Sections:

6.010 Background
6.020 Application Requirements
6.030 Additional Data and Information
6.040 Petition Requirements
6.050 Resolution of Application Requirements
6.060 Maps and Legal Descriptions
6.070 Fees
6.080 Waiver of Application Requirements
6.090 Written Protests
6.100 Indemnification Requirements

6.010 Background

A petition or resolution of application is only one part of the application materials necessary to initiate a change of organization proposal. Although the petition or resolution of application includes substantial amounts of information as required by the Reorganization Act, the Commission needs additional information and materials in order to fully understand the proposal and make an informed decision. The applicant or proponent is responsible for preparing and submitting all application materials required for the proposal.

Section 56652 of the Reorganization Act establishes minimum requirements for submittal of an application and also authorizes the Commission to require from the proponent all information deemed necessary by the Commission to address Commission policies and the factors which must be considered by the Commission. This includes information necessary to analyze the environmental impacts of the proposal in accordance with the California Environmental Quality Act. Maps and legal descriptions of the area involved in the change of organization are required by the State Board of Equalization which keeps track of the boundaries of all cities and special districts in the State. The application requirements for submitting a change of organization proposal are set forth in this chapter, however the application form obtained from LAFCo provides a checklist to assist the public and special districts in submitting an application.

The Commission is authorized by Sections 56654 and 56655 of the Reorganization Act to establish fees for the processing of applications and other miscellaneous functions of the
Commission. These fees cannot exceed the estimated reasonable cost of providing the services which may include such things as staff salaries, supplies, equipment, and office space. The application fees for LAFCo do not cover all Commission expenses and consequently all applications are partially subsidize by funds provided by the County for the general operation of the Commission.

6.020 Application Requirements

Before an application shall be accepted for filing by the Executive Officer, the following items shall be submitted. It is the applicant's responsibility to ensure these items are completed and all information is true and correct. An application shall not be accepted for filing if any item is incomplete or any information is inaccurate.

A. LAFCo application form which includes the names and addresses of officers or persons, not to exceed three, who are to be furnished with copies of the Executive Officer report and given mailed notice of the hearing.

B. Certified affected property owners list and map.

C. Petition or certified copy of legislative resolution of application which complies with the criteria set forth in Sections 6.040 and 6.050.

D. Maps and legal descriptions of the affected territory for each proposed change of organization which complies with criteria set forth in Section 6.060.

E. If the Commission is not the lead agency, a copy of the Notice of Exemption, Initial Study/Negative Declaration, or certified Final Environmental Impact Report for the project. If the Commission is the lead agency, an environmental assessment form, included with the application form provided by LAFCo, must be submitted.

F. A service area plan for proposals initiated by resolutions which meets the requirements of Section 56653 of the Reorganization Act and Chapter 14 of these policies, procedures, and standards OR a service feasibility information form for proposals initiated by petitions. This requirement may be waived by the Executive Officer for minor proposals which will not affect the existing or future provision of services to the subject territory or to properties in the district.

G. If extension of infrastructure or services to currently undeveloped areas will occur, specific evidence of the need for services. Such evidence may include, but is not limited to, land use entitlements, building permits, articles of formation of an assessment district, or other indication of impending development requiring such services.

H. Application processing and petition checking fees unless such fees are waived or reduced by the Commission pursuant to Section 6.070(C).

[REFERENCE: Secs. 56652, 56653 CGC]
6.030  Additional Data and Information

The Executive Officer may require specific additional data or information from the applicant including, but not limited to, data or information which pertains to any applicable LAFCo adopted policy or standards or any of the matters or factors which may be considered by the Commission. The Executive Officer may also require from the applicant additional data or information necessary to comply with the provisions of the California Environmental Quality Act.

[REFERENCE: Section 56652(e) CGC, Section 15063(e) CAC]

6.040  Petition Requirements

A. A petition for initiation of a proposal shall be made on forms approved by the Commission or which are determined by the Executive Officer to be substantially similar and include the following:

1. State that the proposal is made pursuant to Part 3 of the Cortese-Knox Local Government Reorganization Act of 2000, commencing with Section 56650 of the California Government Code, and that proceedings for the proposal are requested pursuant thereto.

2. State the nature of and the reason(s) for the proposal.

3. List all changes of organization involved in the proposal.

4. Include a map or description of the boundaries of the affected territory which is sufficient to identify the territory affected by the proposal.

5. Set forth any proposed terms and conditions of the proposal or any changes of organization.

6. State whether the proposal is consistent with the sphere of influence of any affected district.

7. State whether the petition is signed by registered voters or owners of land.

8. Designate up to three people as chief petitioners, providing their names and mailing addresses. These people will receive all correspondence, reports, etc. associated with the processing of the proposal.

9. State that the signatory has read all information in the petition.

[REFERENCE: Sec. 56700 CGC]
B. The petition shall include the following information, if applicable:

1. For incorporations of new cities or formations of new districts, a name for the city or district.

2. For incorporations of new cities, provisions for appointment of a city manager and appointments of elective city officials, except city council members.

[REFERENCE: Secs. 56701, 56702 CGC]

C. A petition may consist of a single instrument or separate counterparts, a counterpart being a copy of the original petition document. All petitions, including counterparts and supplemental petitions, shall be filed with the Executive Officer and shall be filed at the same time. [REFERENCE: Sec. 56703 CGC]

D. All signatures on a petition shall comply with the following:

1. The name of the person signing the petition shall be typed or legibly printed.

2. The person signing the petition shall place the date of signature after his or her signature.

3. If the petition is signed by registered voters, each person signing the petition shall indicate the location of his or her residence, giving the street address, assessors parcel number, or other designation sufficient to enable the place of residence to be readily ascertained.

4. If the petition is signed by landowners, each person signing the petition shall indicate the location of his or her land, giving the assessors parcel number or other written legal description sufficient to identify the location of the land.

[REFERENCE: Sec. 56704 CGC]

E. The signatures on a petition and submittal of a petition to the Executive Officer shall comply with the following time frames:

1. All signatures on the petition shall be secured within six (6) months of the date on which the first signature was affixed. If the elapsed time between the affixed dates of the first and last signatures exceeds six (6) months, the petition shall not be accepted for filing by the Executive Officer.

2. The petition shall be submitted to the Executive Officer for filing within 60 calendar days after the last signature is affixed. If the elapsed time between the affixed date of the last signature and the date on which the petition is submitted
for filing exceeds 60 calendar days, the Executive Officer shall accept the petition and shall certify that the petition is insufficient, without prejudice to the filing of a new petition.

[REFERENCE: Secs. 56705, 56709 CGC]

6.050 Resolution of Application Requirements

A. A resolution of application shall:

1. State that the proposal is made pursuant to Part 3 of the Cortese-Knox Local Government Reorganization Act of 2000, commencing with Section 56650 of the California Government Code, and that proceedings for the proposal are requested pursuant thereto.

2. State the nature of and the reason(s) for the proposal.

3. List all changes of organization involved in the proposal.

4. Include a map and description of the boundaries of the affected territory which are sufficient to identify the territory affected by the proposal.

5. Set forth any proposed terms and conditions of the proposal or any changes of organization.

6. State whether the proposal is consistent with the sphere of influence of any affected district.

7. Include a service area plan which complies with the requirements of Section 56653 of the Reorganization Act and Sections 14.020 and 14.030 of these policies, procedures, and standards.

[REFERENCE: Sec. 56653, 56654, 56700 CGC]

6.060 Maps and Legal Descriptions

Ten (10) maps and three (3) original legal descriptions of the affected territory of the proposal shall be submitted with the application.

A. Map Requirements:

Maps submitted as part of the application for a jurisdictional boundary change filing shall conform to the following specifications:
1. All maps shall be professionally and accurately drawn or copied. Rough sketches or pictorial drawings will not be accepted. Assessor's parcel maps will not be accepted as a substitute for the project map.

2. The map shall have a minimum size of 11x17" and a maximum size of 24"x36". If the original map provided is larger than 11x17", three (3) reduced copies of the map shall be provided that are 11x17".

3. The scale shall be as large as possible.

4. The map shall show the following:
   (a) The north arrow, scale, and a legend explaining use of various lines or symbols on the map.
   (b) The existing boundaries and service area of special districts in the area.
   (c) The existing general plan land use(s) and zoning district(s) for the affected territory and adjacent properties.
   (d) All streets, highways, streams, 100 year floodplains, and other important physical features.
   (e) All major structures (e.g. residence) located on the affected territory and adjacent properties.
   (f) Existing drainage, utility, road, and other easements.
   (g) The exterior boundaries of any and all proposed changes of organization, clearly shown and delineated on the map to distinguish the proposed boundary line from the existing boundary line of districts.

5. A vicinity map shall be included. The vicinity map shall show the location of the project area in relationship to a larger geographic area that includes major streets and highways or other physical features.

6. Any portion of an existing district boundary in close proximity to the project area shall be shown and identified.

7. Every map must clearly show all existing streets, roads and highways with their current names that are within and adjacent to the project area. Additionally, every map shall indicate each township and range, section lines and numbers, or ranchos that are in proximity of the project area.

8. Every map shall bear a scale and a north arrow. The **point of beginning** shall be clearly shown and match the written geographic (legal) description.

9. The boundaries of the project area shall be distinctly delineated on each map without masking any essential geographic or political features. The boundaries of the project area must be the most predominant line on the map. The use of graphic tape or broad tip marking pens to delineate the boundary is not acceptable.

10. If the project area has an interior island(s) of exclusion or the boundary has a peninsula of exclusion (or inclusion), that area(s) should be shown in an enlarged drawing.

11. When it is necessary to use more than one map sheet to show the boundaries of the project area, the sheet size should be uniform. A small key map giving the relationship of the several sheets shall be furnished. Match lines between adjoining sheets must be used. While the geography on adjoining sheets may overlap, the project boundaries must stop at the match lines.
The applicant for a change of boundary shall also be responsible for complying with the current map and legal description requirements of the State Board of Equalization for submittal of the Certificate of Completion. It is strongly recommended that all maps submitted to the State Board of Equalization be filed in electronic/digital form. Digital information will not be shared without the permission of the applicant.

B. Legal Description Requirements:

1. The legal description shall be prepared by a licensed surveyor or other qualified and licensed individual.
2. Each legal description shall be stamped, signed, and dated by the individual preparing the description.
3. Every written geographic description (a document separate from the maps) must stand on its own without the necessity of reference to any extraneous document; a description that relies solely on the use of secondary references will not be accepted. The TASS cartographic staff must be able to plot the boundaries from the written description alone.
4. The written description shall be of the project area only. If a complete description of the special district is filed, the project area shall be clearly identified in a separate document.
5. The geographic description shall: a). State the township and range, section number(s) or rancho(s); b). Have a **point of beginning** (POB) referenced to a known major geographic position (e.g., section corners, intersection of street centerlines, or the intersection of street centerline and an existing district boundary at the time of filing). A description will be rejected if the POB refers only to a tract map, a subdivision map or a recorded survey map. It is preferable that the POB be the point of departure from an existing district boundary (when applicable); c). Be expressed as a specific parcel description in sectionalized land (e.g., “The SW 1/4 of Section 22, T1N, R1W”) or by bearings and distances. When the description is by bearings and distances, **all courses shall be numbered and listed individually** in a consistent clockwise direction. The description shall not be written in a narrative format. All courses required to close the traverse of the project area must be stated. All curves must be described by direction of concavity. Delta, arc length, chord, and radius shall be listed, including radial bearings for all points of non-tangency.
6. The written description shall state the acreage for each separate single area (see Definitions and Special Fee Provisions for the definition of a single area) and a combined total acreage of the project area. Example: “**Area A containing 2.50 acres, Area B containing 1.75 acres: Total computed acreage containing 4.25 acres more or less.**”
7. All information stated on the description must match with the map(s), such as the name of the short title, the point of beginning, the course numbers, all the bearings and distances, and the acreage(s).
6.070 Fees

A. **Fee Schedule:** The adopted fees of the Mariposa Local Agency Formation Commission shall be as set forth in Appendix 1. All fees shall apply to local agencies except as provided for in Section 6.070(F).

B. **Multiple Applications:** The fees for multiple applications shall be 100% of the fees for the application with the highest fee and 50% of the fee for all other applications processed concurrently if the Executive Officer determines that savings of staff time will result from the processing of the applications concurrently.

C. **Fee Waivers or Reductions:** The Commission may consider waivers or reductions of fees upon filing of a written request by the proponent and an application meeting the requirements of Section 6.020. The Commission may grant a waiver or reduction to the fees if the Commission finds that the waiver or reduction is equitable and in the general public interest.

D. **Cost-Accounting Procedures:** For major proposals, the Commission wishes to recover the full Commission costs of processing the proposal. The initial deposit for cost accounting applications shall be submitted before the application proposal will be accepted for filing and processing of the proposal will begin. Costs will be based on the amount of staff analyst time necessary to process the application proposal excepting that work covered by other application fees (e.g. public hearing fee, environmental review fee for Negative Declaration). It should be noted that the hourly rate of the staff analyst includes the staff salary necessary to support the work of the staff analyst which includes the administrative aide and Executive Officer and any necessary mapping. Any fees due and owing at the public hearing of the proposal shall be made a condition of approval and shall be submitted to the Commission before the proposal may be considered by the conducting authority.

E. **Refunds:** A refund of any portion of fees for withdrawn, closed, or partially completed proposals shall be determined by the Executive Officer based on his or her appraisal of the cost of staff work and other work completed. In addition, refunds will be made on all cost-accounting application proposals if the cost of processing is less than the initial or any subsequent deposit.

F. **Public Agency Exception:** No fees shall be charged for materials (one copy each) provided to public agencies where said public agencies are conducting studies, programs, etc., which benefit County residents. The public agency shall complete an order/billing form with a brief description as to what purpose said materials are needed.

G. **County Department Fees:** Fees collected for preprinted documents, photocopying, mileage fee, map and legal description check, and property owner notification shall be
deposited directly into the account of the Mariposa County Planning Department who provides such services and equipment. Fees collected for the recordation of documents shall be deposited directly into the account of the Mariposa County Assessor/Recorder Office which records such documents.

**H. Legal Counsel:** In those cases where the County Counsel is subject to a conflict of interest and the Commission appoints legal counsel to advise it, the proponent shall be responsible for all costs of legal counsel unless such costs are waived or reduced by the Commission in accordance with Section 6.070.

### 6.080 Waiver of Application Requirements

The Executive Officer may consider waivers of certain application requirements upon filing of a written request by the proponent. The Executive Officer may grant a waiver of application requirements only in those cases in which the Executive Officer determines the information or data is not required by the Reorganization Act or other State laws and will not be necessary for the Commission to make a decision on the proposal.

### 6.090 Written Protests

**A.** A written protest objecting to a proposal shall be made on forms approved by the Commission or which are determined by the Executive Officer to be substantially similar and include the following:

1. State the application number and short-term designation of the proposal being protested.
2. State whether the protest is signed by registered voters or owners of land.

**B.** Signatures on the protest shall comply with the signature requirements of Section 6.040(D).

**C.** All signatures on the protest shall be secured on or after the date of the filing of the Certificate of Filing.

**D.** For the purposes of determining the number of registered voters, the date on which the number of registered voters is determined is the date of the adoption of the resolution of application if notice has been provided by the legislative body in accordance with Section 56046 of the Reorganization Act or the date a petition or other resolution of application is accepted for filing and a certificate of filing is issued by the Executive Officer.

### 6.100 Indemnification Requirements

**A. Authority:** As a condition for all LAFCo applications, an applicant shall provide an indemnity agreement that defends, indemnifies, and holds harmless Mariposa LAFCo
and its agents, officers, and employees from any claim, action, or proceeding against Mariposa LAFCo or its agents, officers, or employees to attack, set aside, void, or annul an approval, or any proceedings, or acts.

B **Notification:** In the event of any claim, action, or proceeding against Mariposa LAFCo as described in section 6.100.A, Mariposa LAFCo shall promptly notify the applicant or permit holder of such claim, action, or proceeding and Mariposa LAFCo shall fully cooperate with the applicant in the defense of the action.

C. **LAFCo participation:** Nothing contained in this section shall prohibit Mariposa LAFCo from participating in the defense of any claim, action, or proceeding if Mariposa LAFCo bears its own attorney’s fees and costs and Mariposa LAFCo defends the action in good faith.
CHAPTER 7

EVALUATION OF PROPOSALS

Sections:

7.010 Background
7.020 Application Evaluation/Executive Officer Report
7.030 Decision of the Commission
7.040 Terms and Conditions of Approval
7.050 Findings
7.060 Reconsideration and Correction of Commission Resolution
7.070 Exceptions to Standards
7.080 Impartial Analysis

7.010 Background

This chapter establishes procedures for the evaluation of application proposals and individual components of the application process. The intent of these procedures is to ensure fair and comprehensive review and consideration of a proposal at each of its stages of review and to provide guidance to the Commission, the Executive Officer, proponent, and the general public as to how the Commission will review and consider the proposal and the options available at each stage.

7.020 Application Evaluation/Executive Officer Report

A. The Executive Officer shall review the application proposal and prepare a report which shall include a recommended action and recommended findings. Preparation of the report should be coordinated with the environmental review process if the Commission is the lead agency for the proposal. In all cases, the report shall be completed and available not less than five (5) calendar days prior to the hearing date. [REFERENCE: Sec. 56675 CGC]

B. The Executive Officer report shall do all of the following:

1. Address all factors which must be considered by the Commission.
2. Address the policies of the Reorganization Act, these policies, procedures, and standards, the sphere of influence of all affected districts, and the environmental issues and impacts considered and identified in the Notice of Exemption, Initial Study, or Environmental Impact Report.

3. Include a recommended action with the applicable determinations.

4. Include recommended findings as required and necessary to support the recommended action.

5. Include recommended findings as required by the California Environmental Quality Act.

[REFERENCE: Sec. 56665 and Sec. 56668 CGC]

7.030 Decision of the Commission

A. Upon the conclusion of deliberation and after reviewing and considering the Executive Officer's report and all oral and written testimony received on the proposal, the Commission may take one of the following actions:

1. Continue the hearing from time to time to a date, time, and place certain, said continued hearing(s) to be held no later than 70 calendar days of the date specified in the notice. [REFERENCE: Sec. 56666 CGC]

2. For proposals which do not require notice and hearing, require a public hearing and set a date, time, and place for the hearing, said hearing to be held no later than 90 calendar days after action. [REFERENCE: Sec. 56664 CGC]

3. Adopt a resolution approving the proposal, with or without conditions, amendments, or modifications, wholly or partially. The resolution shall include the following:

   (a) A determination of the exchange of property tax for an incorporation or district formation.

   (b) Revenue and Taxation Code Provisions

   (c) A determination if the territory is inhabited or uninhabited.

   (c) The designation of and direction to the conducting authority to initiate proceedings in compliance with the resolution.

   (d) The assignment of a short-term designation for the proposal.
(e) Authorization to the conducting authority to conduct proceedings without notice, hearing, and/or an election if authorized by the Reorganization Act and the applicable principal district acts.

(f) Findings as set forth in Section 7.050.

(g) The effective date of the change of organization or reorganization.

[REFERENCE: Sec. 56881 CGC]

4. Adopt a resolution taking the following actions:

(a) Disapproving or denying the proposal;

(b) Terminating proceedings on the proposal;

(c) Prohibiting the initiation of a similar proposal involving the same or substantially the same territory for one year after date of adoption of the resolution unless the Commission waives this requirement if it finds the requirement is detrimental to the public interest.

(d) Adopting findings as set forth in Section 7.050.

[REFERENCE: Secs. 56884 CGC]

B. Unless a proposal is withdrawn, the Commission shall take the actions required by Subsections A(3) or A(4) no later than 70 calendar days after the public hearing date specified in the notice. [REFERENCE: Sec. 56666 CGC]

7.040 Terms and Conditions of Approval

A. If the Commission approves a change of organization or reorganization, the Commission may make that approval conditional upon any of the following:

1. Amendment or modification of the proposal including, but not limited to, the modification of the boundaries of the proposal by adding and/or withdrawing territory.

2. The initiation, conduct, or completion of proceedings for another change of organization or reorganization.

3. Confirmation of the approval by the voters and the calling for an election as provided by the Reorganization Act.
4. The terms and conditions set forth in Section 56844 of the Reorganization Act including, but not limited to, the following:

(a) The payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use, or right of use of all or any part of the existing property of the County or any district.
(b) The imposition, exemption, transfer, division, or apportionment of liability of payment of principal, interest, and other amounts which shall become due or are outstanding.
(c) The levy or fixing and the collection of special, extraordinary, or additional taxes, assessments, service charges, rentals, and/or rates for providing payment of 1 and 2 above.
(d) The acquisition, improvement, disposition, sale, transfer, or division of any property, real or personal.
(e) The disposition, transfer, or division of any moneys or funds, including cash on hand and moneys due but uncollected, and any other obligations.
(f) The employment, transfer, or discharge of employees, the continuation, modification, or termination of existing employment contracts, civil service rights, seniority rights, retirement rights, and other employee benefits and rights.
(g) The designation of the method for the selection of members of the legislative body of a district or the number of those members.
(h) Any terms and conditions authorized by the principal district act.
(i) The continuation or provision of any service provided at that time, or previously authorized by an official act of the local agency.
(j) The continuance of any previously authorized charge, fee, assessment, or tax by a successor local agency.
(k) Local agency acceptance of liability for repayment of any authorized or outstanding bonds, contracts, or other obligations including such revenue measures as may be appropriate to fund those liabilities.
(l) The incurring of new indebtedness by, or on behalf of, all or any part of any local agency, including territory being annexed to any local agency.
(m) The establishment, continuation, termination, transfer, consolidation, or separation of any office, department, or board or any function of an office, department, or board only if authorized by the principal district act.

5. The payment of conducting authority processing fees, if applicable, prior to the conducting authority initiating proceedings.

[REFERENCE: Sec. 56885 CGC]

B. The Commission shall not directly regulate land use, property development, or subdivision requirements. [REFERENCE: Sec. 56375(a)(6) CGC]
C. If the Commission conditions its approval, the Commission may order that any further action on the proposal be continued and held in abeyance for a period of time not to exceed six months.

D. Any term or condition shall be enforceable by, between, among, and against any public agency or agencies designated in the term or condition.  [REFERENCE:  Sec. 56886 CGC]

7.050 Findings

All Commission resolutions shall include findings to support the Commission's action. Findings shall provide an explanation of why the Commission acted in the manner they chose. They shall be based on substantial evidence in the Commission's record of the proposal and may reference and incorporate the Executive Officer's Report and any other report or document accepted by the Commission into the evidentiary record of the proposal.

A. Findings for Approval: A resolution approving a proposal, with or without conditions, amendments, or modifications, wholly or partially, shall contain the following findings:

1. A finding that the Commission has considered the Executive Officer's Report, all written and verbal evidence and testimony, and all factors required to be considered by the Commission by the Reorganization Act and these policies, procedures, and standards.

2. A finding that the proposal is consistent with the purpose and policies of the Reorganization Act and these policies, procedures, and standards.

3. Findings for each condition, amendment, or modification stating why the condition, amendment, or modification is necessary and how it relates to a matter under the purview and authority of the Commission.

4. Findings required by the California Environmental Quality Act.

5. Findings for each exception of a policy standard in accordance with Section 7.070.

6. For incorporations, findings as set forth in Sections 56375 and 56885 of the Reorganization Act.

B. Findings for Disapproval: A resolution disapproving a proposal shall contain the following findings:
1. A finding that the Commission has considered the Executive Officer's Report, all written and verbal evidence and testimony, and all factors required to be considered by the Commission by the Reorganization Act and these policies, procedures, and standards.

2. A finding explaining why the Commission chose to disapprove the proposal based on substantial evidence in the record.

7.060 Reconsideration and Correction of Commission Resolution

A. The Commission shall accept written requests for amendment or reconsideration of a Commission resolution, provided such person or agency exhausts its administrative remedies by fully participating in the Commission proceedings, including, but not limited to, commenting in writing on the proposal during the public hearing. The request shall be filed with the Executive Officer within 30 calendar days after the date of the adoption of the Commission resolution and prior to adoption of a resolution by the conducting authority on the proposal. A request that is not timely filed shall not be accepted by the Executive Officer, and the Commission shall not take any action pursuant to this section or Section 56857 of the Reorganization Act.

B. The written request shall precisely and specifically describe the grounds for the request.

C. The only requests for amendment or reconsideration that the Commission will generally consider are as follows:

1. Compelling new evidence which was not and could not have been available at the time the decision was made;

2. There are elements which were previously overlooked, or have changed, such as the repeal of an applicable federal, state or local law that may alter the Commission's decision;

3. There was an irregularity in the proceedings which may affect the Commission's decision.

D. As a general rule, other requests for reconsideration will be denied by the Commission without further notice and hearing. This policy is necessary to prevent repetitious or superfluous requests for reconsideration and thereby frustrate the normal processing procedure and sequence for proposals.

E. Upon receipt of a timely request, the Executive Officer shall immediately notify the conducting authority which shall not take any further action on the proposal until the Commission acts on the request.
F. The Executive Officer shall place the request on the agenda of the Commission's next meeting for which notice can be given. If a Commission meeting is not scheduled to be held within 30 calendar days of the date of the filing of the request, the Executive Officer shall schedule a meeting for the Commission to consider the request, said meeting to be held no later than 30 calendar days after filing of the request. At the meeting, the Commission shall consider the request and receive any oral or written testimony. At the conclusion of its consideration, the Commission shall:

1. Disapprove the request; or

2. Schedule a public hearing to consider the request, said hearing to be held within 35 days of the date of the meeting. The public hearing shall be noticed in the same manner as for the original proposal.

G. At the public hearing, the Commission shall consider the request and Executive Officer Report and receive any oral or written testimony at the hearing. At the conclusion of the hearing, the Commission shall:

1. Approve the request, with or without amendments or terms and conditions; or

2. Disapprove the request.

H. If the Commission approves the request, the Commission shall adopt a resolution making determinations which shall supersede the resolution previously adopted. The Executive Officer shall forward a copy of the resolution to those persons or entities who received a copy of the resolution previously adopted.

I. If the Commission disapproves the request, a new resolution making determinations shall not be adopted and the Commission shall direct the Executive Officer to notify the conducting authority of its action.

J. The determinations of the Commission shall be final and conclusive. No person or agency shall make any further request for the same change or a substantially similar change.

K. Clerical errors or mistakes of an adopted resolution may be corrected by the conducting authority, upon written consent of the Executive Officer or Commission, or by the Commission pursuant to Section 56854 of the Reorganization Act.

[REFERENCE: Sec. 56895 CGC]
Chapter 7  Evaluation of Proposals

7.070 Exceptions to Standards

The Commission or Executive Officer may allow exceptions to the strict application of policy and procedure standards where it is found that practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of the Reorganization Act and these policies, procedures, and standards would occur by its implementation.

A. Where a policy or procedure is mandatory and is identified by the words "must" or "shall", the Commission or Executive Officer may waive or modify the policy or procedure if it finds:

1. One or more of the following:
   (a) There are exceptional or extraordinary circumstances or conditions applicable to the territory and/or proposal that do not apply generally to similar territory or the type of proposal;
   (b) The exception is necessary due to conflicts between general and specific standards;
   (c) The exception will result in improved quality or lower cost of service available; or
   (d) There exists no feasible or logical alternative.

2. The waiver or modification will not be materially detrimental to the public welfare or injurious to property, improvement, or services in the area.

3. The waiver or modification is not inconsistent with any mandatory element of the Reorganization Act.

B. Where a policy or procedure is advisory and is identified by the words "will" or "should", the Commission or Executive Officer may waive or modify the policy if it finds there are compelling or countervailing considerations which make implementation of the policy or procedure unnecessary, undesirable, or inconsistent with other policies, procedures, and standards in light of the entire proposal.

C. The Executive Officer may only waive or modify those policies, procedures, and standards which he or she is authorized to act upon.

7.080 Impartial Analysis

A. Upon receiving a certified copy of a conducting authority resolution calling for an election, the Executive Officer shall prepare an impartial analysis of the proposal and
forward the impartial analysis to the Commission. The Commission shall consider and approve or modify the analysis and submit the analysis to the officials conducting the election. The analysis shall be submitted to the election officials not later than the last day for submission of rebuttal arguments.

B. The impartial analysis shall not exceed 500 words in length, include a general description of the affected territory, and include the statement described in the last paragraph of Section 57144 of the Reorganization Act. The analysis shall describe the proposal and provide unbiased information on the proposal which will allow the electorate to make an informed decision on the proposal.

[REFERENCE: Sec. 56898 CGC]
CHAPTER 8

ENVIRONMENTAL REVIEW

Sections:

8.010  Background
8.020  Environmental Review Policies and Procedures
8.030  Terms
8.040  Actions Subject to CEQA
8.050  Actions Exempt from CEQA
8.060  Lead Agency
8.070  Public Review and Hearings
8.080  Environmental Actions

8.010  Background

The basic purpose of the California Environmental Quality Act (CEQA) is to provide information to the public and governmental decision-makers on the potential environmental impacts which may result from the actions of the decision-maker and why the decision-maker approved the project in the manner they chose as it relates to environmental impacts. CEQA goes even further by mandating governmental decision-makers to avoid or minimize environmental damage when feasible, including requiring changes in the action or project through the use of alternatives or mitigation measures where feasible.

So that the provisions of CEQA are properly implemented at the government agency level, Section 15022(a) of the California Code of Regulations (CCR), also known as the “CEQA Guidelines” requires each public agency in California to adopt objectives, criteria, and specific procedures for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents. These objectives, criteria, and specific procedures must be consistent with CEQA and its Guidelines and must tailor the general provisions of CEQA to the specific procedures of the public agency. CEQA also allows public agencies to use the objectives, criteria, and specific procedures of another public agency whose boundaries are coterminous provided specific provisions are adopted to tailor the objectives, criteria, and specific procedures to that public agency.

To avoid redundancy, the Commission will utilize the Mariposa County Environmental Review Policies and Procedures, adopted by the Board of Supervisors, as the Commission's Environmental Review Guidelines. These policies and procedures have been in effect for a
substantial period of time, and the public and Executive Officer are familiar with their requirements. In addition, the County policies and procedures strongly encourage public review and input by requiring public hearings for most environmental documents, and this policy is strongly supported by the Commission. Nonetheless, some minor modifications and additions to the County policies and procedures are necessary so that they are tailored to the specific needs and procedures of the Commission.

8.020 Environmental Review Policies and Procedures

The Mariposa County Environmental Review Policies and Procedures, as adopted and amended by the Mariposa County Board of Supervisors, are hereby incorporated and referenced herein to implement the provisions of the California Environmental Quality Act (Sections 21000 et seq. Public Resources Code) and the CEQA Guidelines (Sections 15000 et seq. California Administrative Code). The County Environmental Review Policies and Procedures are hereby modified in accordance with the provisions of this chapter and shall have full force and effect on Commission actions.

8.030 Terms

A. The term "Board of Supervisors", as used in the County Environmental Review Policies and Procedures, shall be replaced by the terms "Mariposa Local Agency Formation Commission" or "Commission".

B. The terms "Environmental Review Officer" and "Planning Department", as used in the County Environmental Review Policies and Procedures, shall be replaced by the term "Executive Officer".

8.040 Actions Subject to CEQA

The following Commission actions are subject to the provisions of CEQA unless determined to be exempt in accordance with the provisions of CEQA and this chapter:

A. Adoption of policies and standards which may have a direct or ultimate impact on the environment.
B. Adoption of sphere of influence plans and policies.
C. Amendments to sphere of influence plans and policies.
D. Approval or conditional approval of changes of organization or reorganization proposals.
E. Approval or conditional approval of latent powers proposals.
8.050 Actions Exempt from CEQA

A. The following Commission actions are exempt from the provisions of CEQA:

1. Feasibility or planning studies and reorganization plans for possible future actions which the Commission or other local agency has not approved, adopted, or funded and which does not have a legally binding effect on later activities. Such studies and plans shall consider all environmental factors in the study or plan. [REFERENCE: Sec. 15262 CCR]

2. Annexations to a special district of areas containing existing public or private structures developed to the density allowed by the current zoning, provided, however, that the extension of utility services to the existing facilities will have a capacity to serve only the existing facilities and it is not foreseeable that utility services will have the potential to serve a greater capacity than existing uses. [REFERENCE: Sec. 15319(a) CCR]

3. Annexations of individual small parcels of the minimum size for facilities exempted by Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures). [REFERENCE: Sec. 15319(b) CCR]

4. Changes of organization or reorganizations where the changes do not alter the geographical area in which previously existing powers and services are exercised. Examples include but are not limited to:

   (a) Establishment of a subsidiary district;
   (b) Consolidation of two or more districts having identical powers and services;
   (c) Merger with a city of a district lying within the boundaries of the city. [REFERENCE: Sec. 15320 CCR]

B. The actions described in Subsections A(2), A(3), and A(4) shall not be exempt from the provisions of CEQA if there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. [REFERENCE: Sec. 15300.2 CCR]

8.060 Lead Agency

A. The Commission shall be designated as the lead agency pursuant to Section 15050 et seq. of the CEQA Guidelines if:

1. The Commission is the only public agency approving the project or any aspect of the project.
2. The Commission is determined to have the greatest responsibility for approving the project and will act first on the project.

[REFERENCE: Secs. 15050 to 15053 CCR]

B. The Commission finds, that for any change of organization proposal which also includes a request(s) for discretionary land use approvals from the County, the Planning Commission or the Board of Supervisors will be the agency with the greatest responsibility for approving the project. Therefore, the Planning Commission or Board of Supervisors shall be designated the lead agency for those proposals, and the Commission shall be a responsible agency. As a responsible agency, the Commission shall act in accordance with Section 15096 and other applicable sections of the CEQA Guidelines.

[REFERENCE: Secs. 15041, 15042, 15050, 15096 CCR]

8.070 Public Review and Hearings

The environmental review process should be coordinated with the review of the proposal as much as possible. In order to facilitate public review and input, public hearings shall be held for the consideration of all Negative Declarations and Environmental Impact Reports where the Commission is the lead agency, except in those cases of annexations, detachments, or county service area formations where 100% consent of the registered voters or landowners is obtained and a public hearing on the proposal is not required by the Commission. The public hearing for the Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report should be held in conjunction with the public hearing for the proposal in so far as possible.

8.080 Environmental Actions

To comply with the provisions of the California Environmental Quality Act, the Commission shall take one or more of the following actions on a proposal:

A. At its discretion, approve the proposal without changes or mitigation measures if environmental impacts are determined not to be significant or the proposal is exempt.

B. Approve the proposal by modifying or amending the proposal as a condition of its approval of the proposal.

C. Approve the proposal by incorporating mitigation measure(s) into the proposal as a condition(s) of its approval of the proposal.

D. Deny the proposal because of unacceptable adverse environmental impacts.
E. Approve the proposal despite its significant adverse environmental impacts by making findings of overriding considerations.

[REFERENCE: Secs. 15061, 15074, 15091, 15092 CCR]
CHAPTER 9

GENERAL POLICIES FOR THE EVALUATION OF PROPOSALS

Sections:

9.010 Background
9.020 General Policy
9.030 Planning Consistency
9.040 Sphere of Influence Consistency
9.050 Boundaries
9.060 Fiscal Impacts/Service Costs
9.070 Agricultural and Open Space Lands
9.080 Administration
9.090 Application of CEQA
9.100 Efficient Services and Orderly Development
9.110 Need for Services

9.010 Background

This chapter establishes general policy standards for the evaluation of change of organization or reorganization proposals, the adoption of sphere of influence plans, and the preparation of special studies and reorganization plans. The intent of these standards is to provide guidance to the Commission in their review and evaluation of a proposal, but the standards will also provide a basis and understanding for proponents and the general public of the proposal's relation to the Commission's adopted standards. These standards are adopted to ensure a proposal is consistent with the Commission's overriding goals of encouraging orderly growth and development, promoting the efficient provision of organized community and governmental services through the logical formation and development of local agencies, preserving agricultural and open space lands, and discouraging the proliferation of special districts and the overlapping of special district responsibilities.

All changes of organization or reorganization proposals shall be consistent with these standards. Sphere of influence plans shall be consistent with these standards and should also be written so they promote consistency with these standards when future changes of organization or reorganizations are evaluated.
9.020 General Policy

A. Based upon local conditions and circumstances, the Commission shall encourage orderly growth and development and promote the efficient provision of organized community and governmental services though the logical formation and development of local agencies and the preservation of agricultural and open space lands. [REFERENCE: Sec. 56001 CGC]

B. The Commission shall discourage the sprawl of development.

C. In many cases a single, multi-purpose governmental agency is better able to assess and be accountable for community service needs and financial resources than several limited-purpose districts and is the best mechanism for establishing community service priorities. Therefore the Commission shall encourage the formation of single, multi-purpose local agencies and the consolidation and reorganization of limited-purpose districts into a multi-purpose district. The Commission shall discourage the proliferation of special districts and the overlapping of special district responsibilities between two or more districts. [REFERENCE: Sec. 56001 CGC]

D. Community needs are met most efficiently and effectively by governmental agencies which are already in existence, are capable of coordinating service delivery over a relatively large area, and provide more than one type of service to the territory they serve. The Commission shall encourage annexations to existing multi-purpose districts or the creation of zones of benefit within Countywide County Service Area No. 1 that meet the needs of the residents and landowners of the territory. The Commission shall discourage the formation of new districts in those cases where other alternatives are feasible.

E. The Commission shall encourage the consolidation and reorganization of overlapping and competing agencies or illogical boundaries dividing agency service areas. The Commission shall study, recommend, and encourage implementation of reorganizations, such as consolidations, mergers, and dissolutions, where the result will be better service, reduced costs, and/or more efficient and visible administration of services to the citizens. The Commission shall discourage the formation of new dependent districts where services can be provided by existing districts.

F. The Commission shall consider favorably proposals that result in the provision of urban-type services in densely developed and populated areas. Densely developed and populated areas include developed residential subdivisions with minimum parcel size sizes less than five (5) acres and parcels developed with industrial and heavy commercial uses.

G. The Commission shall consider favorably proposals that will provide urban-type services in areas with high-growth potential and shall consider unfavorably proposals
that will provide urban-type services in areas with limited or speculative potential for future growth.

H. The Commission shall encourage local agencies which are governed by officials directly elected by the affected residents or landowners.

I. The Commission shall ensure that each separate territory included in the proposal, as well as affected neighboring residents, tenants, and landowners, receive services of an acceptable quality from the most efficient and effective service provider after the reorganization is complete.

9.030 Planning Consistency

A. All proposals shall be consistent with the goals, objectives, policies, and standards of the Mariposa County General Plan and any applicable area plan. The Commission may find a proposal consistent with the General Plan or area plan as a whole, although the proposal is found to be inconsistent with one or more standards, if the Commission identifies the inconsistencies and finds that:

1. The negative effect in a particular instance is outweighed by the overall positive impact of the proposal on the County;

2. The proposal will not materially detract from the General Plan or area plan as a whole; and

3. The proposal is inconsistent with one or more standards of the General Plan or area plan due to the unique nature of the proposal and/or special or unusual circumstances in the area or the County at the time that could not have been anticipated when the General Plan was developed and that the situation is not likely to occur frequently enough so as to warrant amending the General Plan or area plan.

B. Amendments to the General Plan or a area plan or land use entitlements and approvals which are required for a project shall be approved by the County prior to formal acceptance of a change of organization or reorganization proposal. In order to reduce the length of time necessary for a project to receive the appropriate government approvals, the Commission encourages the concurrent processing, in so much as possible, of a proposal with an amendment or land use entitlement proposal.

C. The Commission shall not approve a proposal which will extend urban-type services unless it meets one of the following criteria:

1. The underlying land use classification and/or other land use entitlements approved by the County (e.g. Planned Residential Development) allow for types and density
of uses which require those services. Generally, community wastewater treatment and/or water services are appropriate for residential developments with parcel sizes less than five (5) acres or industrial/heavy commercial developments; OR

2. Community wastewater treatment and/or water services are necessary to correct existing wastewater treatment or water problems associated with existing development provided the extension of these services will not result in growth-inducing impacts which are inconsistent with the General Plan or any applicable specific plan.

9.040 Sphere of Influence Consistency

A. All proposals shall be consistent with and lie wholly within the adopted sphere of influence of any affected district, including the policies established for the district by the sphere of influence plan. [REFERENCE: Sec. 56377.5 CGC]

B. The Commission shall not approve a proposal solely because the area falls within the sphere of influence of an agency. The sphere of influence is one factor among several considered in evaluating proposals.

C. For proposals accepted with a sphere amendment request, the Commission shall act upon the sphere amendment independently of and prior to action on the proposal.

9.050 Boundaries

A. The Executive Officer shall not accept as complete an application for a proposal unless it includes boundaries that are definite, certain, and fully described.

B. Boundaries for an agency shall follow established ownership boundaries, political boundaries, and natural or man-made features such as streams, lakes, natural terrain, and road rights-of-way where feasible and include logical service areas.

C. The Commission shall act favorably on proposals which seek to correct relevant but illogical boundaries within the sphere of influence of the affected district.

D. The Commission shall not approve a proposal if the proposed boundaries:

1. Split neighborhoods or divide an existing identifiable community, commercial district, or other area having a social or economic identity;

2. Result in islands, corridors, or peninsulas of territory or otherwise cause or further the distortion of existing boundaries;
3. Create areas for which it is difficult to provide services; or

4. Split parcels.

E. The Commission may make exceptions to the standards of Subsections C and D if the exception meets all of the following criteria:

1. Is rendered necessary due to unique circumstances;

2. Results in improved quality or lower cost of service available to the affected parties; and

3. There exists no feasible and logical alternative.

F. The Commission shall not approve a proposal in which the affected territory is not contiguous with existing boundaries of the district unless the affected territory meets all of the following criteria:

1. Is at least 10 acres in size but does not exceed 1,000 acres.

2. Does not exceed 50% of the territory within the existing district.

3. Annexation is necessary for orderly growth and the territory cannot be annexed to another district, be formed as a new district, or be served by a zone of benefit within Countywide County Service Area No. 1.

Territory is not contiguous if its only connection is a strip of land more than 300' long and less than 200' wide.

9.060 Fiscal Impacts/Service Costs

A. The Commission shall not approve a proposal if the Commission finds the proposal is not revenue neutral at the time the proposal comes before the Commission. A proposal is deemed revenue neutral if:

1. The proposal ensures that the amount of revenue transferred from an agency or agencies currently providing service in the subject territory to the proposed service-providing agency equals the expense which the current service-providing agency bears in providing the services to be transferred.

2. In the event the expense to the current service-providing agency exceeds the amount of revenue transferred, the current service-providing agency and new service-providing agency agree to revenue transfer provisions to compensate for the imbalance. Such provisions may include, but are not limited to, tax-sharing, lump-sum payments, and payments over a fixed-period of time.
3. Where revenue neutrality is not possible because of the requirements of State law, these policies, procedures, and standards, and/or the characteristics of the proposal, the Commission imposes all feasible conditions available to reduce any revenue imbalance, or the Commission may deny the proposal.

4. A property tax exchange agreement has been reached pursuant to the Revenue and Taxation Code by the agencies participating in the change of organization or reorganization as required by law.

5. Chapter 11 contains additional policies and standards that relate to evaluating incorporation proposals.

B. The Commission shall distribute and transfer assets and liabilities of districts which are dissolved, consolidated, or merged as follows:

1. If the services provided or authorized to be provided by the former district will be provided by the new agency, the assets (reserve funds, facilities, property both real and personal, and other monies) and liabilities (including outstanding bonds) of the former district shall be distributed and transferred to the new agency except for those funds necessary for the successor agency to complete and finish the affairs of the district and retire any liabilities.

2. If the services provided or authorized to be provided by the former district will not be provided in the affected territory, the assets (reserve funds, facilities, property both real and personal, and other monies) and liabilities (including outstanding bonds) of the former district shall be distributed and transferred to the Board of Supervisors. As far as may be practicable, the Board of Supervisors shall use these assets, except for those funds necessary to complete and finish the affairs and retire any liabilities of the district, to the benefit of the properties, taxpayers, and residents within the territory of the former district.

3. If the Commission finds that (a) reserve funds, or portions thereof, consist of monies collected when the district was not providing services, (b) there was no additional assessment, tax rate, charge, or fee collected on the district properties beyond the countywide tax rate, (c) the monies were allocated from revenues collected for the benefit of the residents of the County at large, and (d) all liabilities have been retired, the Commission may distribute and transfer all or a portion of those reserve funds to the Board of Supervisors, and the Board may use those funds for any lawful purpose of the County or use them for general purposes to benefit the properties, taxpayers, and residents within the territory of the former district.

[REFERENCE: Secs. 57450 to 57463 CGC]
9.070 Agricultural and Open Space Lands

A. Development or use of land for other than agricultural or open space uses shall be guided away from existing agricultural and open space lands toward areas containing non-agricultural or non-open space lands unless that action would not promote the planned, orderly, efficient development of an area.

B. The Commission shall encourage the development of existing lands, including agricultural and open space lands, within the existing boundaries of a district before any proposal is approved which would allow for or lead to the development of existing agricultural and open space lands for non-agricultural and non-open space uses which are outside the boundaries of the local agency.

C. The Commission shall not approve a proposal which will result in the development of agricultural or open space lands to other uses unless the proposal will lead to the planned, orderly, and efficient development of an area. For purposes of this section, a proposal leads to the planned, orderly, and efficient development of an area only if all of the following criteria are met:

1. The affected territory is contiguous to either lands developed with an urban use or lands which have received all discretionary approvals for urban development;

2. The proposed development of the affected territory is consistent with the sphere of influence of the affected districts, including the master service area plan of the affected districts;

3. The proposed development of the affected territory is likely to occur within five years with the types and density of uses which will require the proposed services. In the case of large developments, annexation should be phased wherever feasible. If phasing is found to be infeasible for specific reasons, the annexation may be approved if all or a substantial portion of the subject territory is likely to develop within a reasonable period of time.

4. Insufficient vacant non-agricultural or non-open space lands exist within the district that are planned, accessible, and developable for the same general type of use; and

5. The affected territory is not designated for agricultural or open space uses by the General Plan (e.g. Agricultural Working Landscape land use) or any applicable area plan and is not enrolled in the California Land Conservation (Williamson) Act.

E. The Commission shall not approve a proposal if the proposal will or may have potentially significant adverse effects on the physical and economic integrity of other
agricultural or open space lands. In making this determination, the Commission shall consider the following factors:

1. The agricultural or open space significance of the affected territory and adjacent areas relative to other agricultural and open space lands in the region.

2. The use of the affected territory and adjacent areas.

3. Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion and development of adjacent or nearby agricultural or open space land, or will be extended through or adjacent to any other agricultural or open space lands which lie between the affected territory and existing facilities.

4. Whether natural or man-made barriers serve to buffer adjacent or nearby agricultural or open space lands from the effects of the proposed development.

5. Applicable provisions of the General Plan open space/agricultural and land use elements, applicable specific plan policies, applicable growth-management policies, or other statutory provisions designed to protect agricultural and open space lands.

6. Whether the affected territory or surrounding area is designated for agricultural or open space uses by the General Plan or any applicable specific plan or enrolled in the Land Conservation (Williamson) Act.

F. The Commission shall not approve the inclusion of agricultural or open space lands which are not proposed to be developed as part of the project in a district providing urban services unless the agricultural or open space lands are an integral part of the development (e.g. Planned Residential Development) and are protected from future development by enforceable restrictions (e.g. open space easement).

[REFERENCE: Sec. 56377 CGC]

9.080 Administration

A. The Commission shall encourage the formation of new independent districts if the district will be financially feasible, the residents desire local control and accountability, and annexation to an existing independent district is not feasible. For urban-type service proposals inhabited by a small number of residents, the Commission shall encourage the formation of an independent district with the Mariposa County Board of Supervisors acting as the Board of Directors if build out of the development will ultimately result in a substantial number of residents that will be able to administer the district.
B. For proposals which approve the formation of an independent district with the Board of Supervisors acting as the Board of Directors, the Commission shall:

1. Require the district and the County to enter into formal agreements or contracts to fully compensate the County for the use of all County personnel, property, and facilities in the administration and operation of the district; and

2. Require the residents of the district to elect an independent Board of Directors upon reaching a population or registered voter threshold and determine that threshold.

C. Because existing districts have an established administrative framework, qualified employees, and existing facilities to provide services, the Commission shall encourage annexations to existing independent districts over the formation of separate independent districts where annexation is feasible and complies with all of the following criteria:

1. The annexation is permitted by the principal district act;

2. The annexation is not inconsistent with other policies, procedures, and standards;

3. The annexing district will provide all services necessary for the proposal; and

4. Adequate representation on the district Board of Directors will be provided for the residents of the annexed territory.

D. The Commission shall not approve the formation of new dependent districts if the proposed services may be provided by the creation of a zone of benefit within Countywide County Service Area No. 1.

E. The Commission shall not approve the annexation of territory to a dependent district where such territory is equal to or greater than 50% of the territory in the existing district unless it will result in the more efficient delivery of services. The Commission shall encourage the reorganization of the existing district and affected territory into an independent district or a zone of benefit within Countywide County Service Area No. 1.

F. Territory should not be served by two or more districts if one district can provide all services. The Commission shall not approve proposals which will result in or will further the overlapping of district jurisdictions and responsibilities.
9.090 Application of CEQA

A. The Commission shall consider a proposal to have potentially significant effects on the environment if one or more of the following situations exist:

1. Build out of the project may result in the capacity of any public service or facility being exceeded or substantially affected. For purposes of this standard, a public service or facility shall be considered "substantially affected" if the additional demand generated by the project would result in the service or facility exceeding 110% of its design capacity or 120% of the available capacity.

2. The project would physically divide an existing community or other area having identifiable social and economic homogeneity.

3. The project would politically, economically, or socially merge an existing identifiable community with another community.

4. The project has substantial growth inducing potential because it would result in:
   (a) Extending a major roadway into an undeveloped area.
   (b) Extending a sewer trunk line into a substantial area not currently served.
   (c) Extending water service to a substantial area not currently served.
   (d) Providing any other public service or facility to a substantial area which could not grow without such service.
   (e) Encouraging or fostering growth in a substantially undeveloped area.

5. The project, in conjunction with other past, present, or reasonably foreseeable future projects would result in significant cumulative environmental impacts.

6. The project would result in substantial non-contiguous urban development.

7. The project would conflict with the agricultural or open space planning goals of the General Plan and any applicable area plan.

B. The Commission shall incorporate into their approval of a proposal feasible mitigation measures necessary to eliminate or reduce to a non-significant level those environmental effects determined by the Commission to be significant.

C. The alternatives section of an environmental impact report shall thoroughly discuss alternatives as they relate to the provision of special district services.
9.100 Efficient Services and Orderly Development

A. The Commission shall encourage proposals which meet community needs for efficient services and result in orderly development. A proposal will meet these criteria if the proposal does one or more of the following:

1. Corrects a threat to the public health and safety.

2. Consolidates services and service providers if such consolidations enhance the efficiency and quality of service.

3. Restructures agency boundaries and service areas to provide more logical, effective, and efficient local government services.

B. The Commission shall not approve a proposal that would result in significant adverse effects upon other service recipients of the affected district or other agencies serving the affected territory unless the approval is conditioned to eliminate or reduce to non-significant levels such effects.

C. The service quality, efficiency, and effectiveness available prior to reorganization shall constitute a benchmark for determining significant adverse effects upon an interested party. The Commission may approve a proposal for reorganization which results in significant adverse effects if effective mitigating measures are included in the proposal.

9.110 Need for Services

A. The Commission shall approve a proposal only if the Commission finds a need for service exists for the affected territory.

B. A need for service exists if either of the following situations exist:

1. There is an existing unmet service need for the affected territory which will be corrected by the proposal. A determination that an unmet service need presently exists shall be based on, but not be limited to, existing development, previous requests for the unmet service, and projected development and time frames; or

2. The projected growth rate and density pattern and the land use policies of the General Plan or area plan indicate that the affected territory will be developed within five (5) years and will require the proposed services.
CHAPTER 10

SPECIFIC POLICIES FOR EVALUATION OF PROPOSALS

Sections:

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10.020 Incorporation
10.030 Merger and Establishment of Subsidiary District
10.040 District Formation
10.050 District Dissolution
10.060 Consolidation
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10.010 Background

This chapter establishes specific policy standards for the evaluation of change of organization or reorganization proposals. The intent of these standards is to provide guidance to the Commission in their review and evaluation of specific proposals and a basis and understanding for proponents and the general public of the proposal's relation to the Commission's adopted standards. These standards are adopted to address the special requirements of each type of change of organization to ensure a proposal is consistent with the Reorganization Act. All changes of organization or reorganization proposals shall be consistent with the applicable standards, and sphere of influence plans shall also be consistent with these standards and should be written so they promote consistency with these standards when future changes of organization or reorganizations are evaluated.

10.020 Incorporation

A. The incorporation shall comply with the general policies applicable to changes of organization or reorganizations.

B. Districts which are encompassed wholly by the boundaries of the proposed city shall be merged with the proposed city unless there is a compelling and overriding reason(s) to establish the district as a subsidiary district.
C. The Commission shall act favorably on incorporations in which:

1. It is demonstrated there is a significant unmet need for services or need for improved services within the territory for which incorporation is proposed. In determining whether an unmet need for services or improved services exists, the Commission will base its determination on:

   (a) Current levels of service in the area to be incorporated;
   (b) Existing and projected growth rate and density patterns in the area to be incorporated;
   (c) The sphere of influence plans for local agencies currently providing services to the area.

2. The incorporation will result in an entity with the capability to provide a more efficient form of urban services to the affected territory and population.

3. The area to be incorporated has a relatively dense population in a well-defined reasonably compact area.

4. Continued substantial growth within the proposed area and adjacent areas is projected for the next ten (10) years.

5. The existing and any alternative means for furnishing necessary services are undesirable.

D. The Commission shall act unfavorably on incorporations in which:

1. The area to be incorporated has a relatively low population density or the population is not in a reasonably compact or defined community.

2. The incorporation is premature in view of lack of projected substantial growth within the next ten (10) years.

3. Property boundaries do not include all urbanized areas or are otherwise improperly drawn.

E. The Commission shall not approve an incorporation unless the incorporation proponents can demonstrate that the proposed city will be able to fund municipal services to the affected population.

F. Current State law requires the transfer to a newly incorporated city of all situs sales tax revenue and transient occupancy tax revenue from the city's territory in addition to a proportion of the property tax revenue based on a statutory formula. Consequently, in most incorporations, the net revenue effect will substantially favor the new city at the
County's expense. The Commission shall not approve an incorporation which does not contain agreements that compensates for this lack of revenue neutrality.

G. The Commission shall not approve an incorporation which splits a special district unless the Commission finds that the resulting service providers are the most logical, efficient, and cost-effective organizational structure for service delivery, there will not be a severe financial impact on the district, and the territory to be included within the city represents both 70% or more of the area of land within the subsidiary district and contain 70% or more of the number of registered voters who reside within the district.

H. The Commission shall not approve the inclusion of agricultural or open space land which is not designated for urbanization within the next five years of the date of the receipt of the application in any incorporation proposal unless the Commission finds the proposal is structured to ensure the long-term preservation of open space or agricultural lands.

10.030 Merger and Establishment of Subsidiary District

A. For purposes of this chapter, the merger of districts and establishment of subsidiary districts shall be treated as a formation of a dependent district and the standards for district formations are therefore applicable to mergers and subsidiary districts.

B. Based on Master Service Area Plans and other data provided, the Commission shall determine whether the proposed city's and district's organizations and operations can feasibly be combined. The Commission shall give particular attention to the following:

1. Employment contracts, policies, and human resource issues;
2. Specified plans for combination of top manager's roles and responsibilities and for staffing key positions; and
3. Plans and safeguards to ensure uniform and consistent service quality throughout the newly merged jurisdiction.

C. For any proposal for a merger or establishment of a subsidiary district, the Commission shall also consider the alternative proposal of merging the district or establishing a subsidiary district. [REFERENCE: Sec. 56118 CGC]

D. Districts which are encompassed wholly by the boundaries of the proposed city shall be merged with the proposed city unless there is a compelling and overriding reason(s) to establish the district as a subsidiary district.

E. In establishing a subsidiary district, one of the following criteria shall be met:
1. The entire territory of the district shall be included within the boundaries of the city; or

2. A portion or portions of territory of such district shall be included within the boundaries of the city and such portion or portions shall both represent 70% or more of the area of land within the district and contain 70% or more of the number of registered voters who reside within the district.

[REFERENCE: Sec. 57105 CGC]

10.040 District Formation

A. The district formation shall comply with the general policies applicable to changes of organization or reorganizations.

B. In order to reduce and minimize the number of agencies providing services, the Commission shall discourage the formation of new districts unless the formation is part of a reorganization not resulting in the creation of additional districts OR there is evidence of a clear need for the district's services and/or administration from the landowners and/or residents, there are no existing districts available or able to annex and provide similar services, and there is an ability of the new agency to provide for and finance the needed services.

C. The Commission shall act favorably on district formations in which:

1. It is demonstrated there is a significant unmet need for services or need for improved services within the territory for which formation is proposed due to the inadequate level or quality of services currently being provided.

2. Development requires one or more urban-type services, and by reason of location or other consideration, such service or services may not be provided by any of the following means in descending order of preference:

   (a) Annexation to existing independent district;
   (b) Annexation to existing dependent district;
   (c) Creation of zone of benefit within Countywide County Service Area No. 1.

3. Formation is for a primarily rural or agricultural area and district is for a limited non-urban type service such as irrigation, drainage, soil conservation, etc. and cannot be provided by an existing district or a zone of benefit within Countywide County Service Area No. 1.

D. The Commission shall act unfavorably on district formations in which:
1. There is an undemonstrated or minor need for urban-type services or such services as needed may be provided by the following district alternatives in descending order of preference:

   (a) Annexation to existing independent district;
   (b) Annexation to existing dependent district;
   (c) Creation of zone of benefit within Countywide County Service Area No. 1.

2. The formation is premature in view of lack of anticipated substantial growth within the next ten (10) years.

3. The formation would result in the multiplication of districts in the area thereby making difficult the ultimate provision of adequate full local services to the area.

4. The proposed district is not the best suited to the purpose and better district alternatives are available.

E. The Commission shall not approve a district formation unless the proponents can demonstrate that the proposed district will be able to fund the services it intends to provide.

F. The Commission shall not approve the inclusion of agricultural or open space land which is not designated for urbanization within the next five years of the date of the receipt of the application in any formation proposal unless the Commission finds the proposal is structured to ensure the long-term preservation of open space or agricultural lands.

10.050 District Dissolution

A. The dissolution shall comply with the general policies applicable to changes of organization or reorganizations.

B. The Commission shall not approve a dissolution unless the Commission has adopted a zero sphere of influence for the district.

C. The Commission shall not approve a dissolution unless the proposal meets one of the following criteria:

   1. The corporate powers of the district are not presently being used and there is a reasonable probability that those powers will not be used in the future; OR

   2. The dissolution is part of a reorganization where the result will be better service, reduced costs, and/or more efficient and visible administration of services to the residents and/or landowners of the affected territory.
10.060 Consolidation

A. For purposes of this chapter, consolidation of districts shall be treated as a district formation and the standards for district formation are therefore applicable to consolidations.

B. Based on Master Service Area Plans and other data provided, the Commission shall determine whether the organizations and operations of the districts proposed to be consolidated can feasibly be combined. The Commission shall give particular attention to the following:

1. Employment contracts, policies, and human resource issues;
2. Specified plans for combination of top manager's roles and responsibilities and for staffing key positions; and
3. Plans and safeguards to ensure uniform and consistent service quality throughout the newly consolidated jurisdiction.

10.070 Annexation

A. The annexation shall comply with the general policies applicable to changes of organization or reorganizations.

B. The Commission shall encourage the development of existing vacant or non-agricultural, non-open space lands for urban uses within the existing boundaries of a district before any proposal is approved which would allow for or lead to the development of existing agricultural and open space lands for non-agricultural and non-open space uses which are outside the district boundaries.

C. The Commission shall encourage the development of existing agricultural and open space lands for urban uses within the existing boundaries of a district before any proposal is approved which would allow for or lead to the development of existing agricultural and open space lands for non-agricultural and non-open space uses which are outside the boundaries of the local agency.

D. The Commission shall act favorably on proposals for urban-type services in which:

1. The district proposes to annex developed urban land inside their sphere of influence and it is not demonstrated by the residents or owners of property being annexed that such areas should not be annexed.

2. The proposal is part of an orderly, phased annexation program by an agency for territory within its sphere of influence.
3. The proposal would eliminate islands, corridors, or other distortions of existing boundaries.

4. The proposed area is urban in character or urban development is imminent requiring municipal or urban-type services.

5. The proposal is for publicly-owned property used for public purposes.

6. The proposal is by an agency in order to facilitate construction of public improvement(s) or facility(ies) which otherwise would be difficult to construct.

7. The Service Area Plan demonstrates that adequate services will be provided within the time frame needed by the inhabitants of the annexed area. Proposed annexations of land areas that lie outside of the current and next five year increment of projected service delivery in the Service Area Plan are presumed not to comply with this standard unless the applicant clearly establishes that special and unique circumstances exist which ensure the provision of quality services during the applicable time frame for the affected area consistent with the other standards.

E. The Commission shall act favorably on proposals for rural-type services in which services can be provided by the annexing district, are needed by residents or landowners, and district annexation is the most economical and practical method of supplying the service.

F. The Commission shall act unfavorably on proposals for urban-type services in which:

1. The area is not presently urban in character and the proposal would result in a premature intrusion of urbanization in a predominantly rural area.

2. For reasons of topography, distance, natural boundaries, or like considerations, the extension of services would be financially infeasible, or another means of supplying services by acceptable alternatives is preferable.

3. The proposal appears to be motivated by inter-agency rivalry, land speculation, or other motives not in the public interest.

4. The boundaries of the proposed annexation do not include logical service area or are otherwise improperly drawn.

G. The Commission shall not approve a proposal in which the affected territory is not contiguous with existing boundaries of the district unless the affected territory meets all of the following criteria:
1. Is at least 10 acres in size but does not exceed 1,000 acres.

2. Does not exceed 50% of the territory within the existing district.

3. Annexation is necessary for orderly growth and territory cannot be annexed to another district, be formed as a new district, or be served by a zone of benefit within Countywide County Service Area No. 1.

Territory is not contiguous if its only connection is a strip of land more than 300' long and less than 200' wide.

H. The Commission shall not approve an annexation which will result in corridors, peninsulas, or otherwise further the distortion of existing boundaries unless the Commission finds that the annexation as proposed is necessary for orderly growth and it is not feasible or desirable to add additional territory to lessen a boundary distortion.

I. An annexation shall not be approved to facilitate the delivery of one or a few services to the affected territory which is detrimental to existing service recipients or to the other services provided by the district.

J. The Commission shall not approve an annexation unless the Service Area Plan of the affected district demonstrates that adequate services will be provided within the time frame needed by the inhabitants of the affected territory. Proposed annexations for land areas that lie outside of the current and next five-year increment of projected service delivery in the Service Area Plan are presumed not to comply with this standard unless the proponent clearly establishes that special and unique circumstances exist which ensure the provision of quality services during the applicable time frame for the affected territory consistent with the other standards.

10.080 Detachment

A. The detachment shall comply with the general policies applicable to changes of organization or reorganizations.

B. The Commission shall consider detachments in areas which require organized public service if another service provider is capable and willing to provide the service(s).

C. Detachment from a district shall not relieve the landowners within the detaching territory from existing obligations for bonded indebtedness or other indebtedness incurred previously by the district to provide service to the detaching territory unless one of the following apply:

1. The relief from indebtedness is part of a revenue exchange agreement applying to the detachment;
2. The service benefits previously received by the applicant can be readily assumed by another landowner within the district who is willing to assume the financial responsibility in exchange for the added services; OR

3. The indebtedness is secured by revenue generated by the provision of services and the detaching territory does not receive such services.

D. The Commission shall not approve a detachment unless one of the following can be demonstrated:

1. The detachment is necessary to ensure the more efficient delivery of services essential to the public health and safety, and the successor provider supplies services of equal or higher quality; or

2. The district does not provide services to the affected territory and it cannot be reasonably foreseen that such services will be provided in the future.

E. The Commission shall not approve a detachment if the detachment will significantly reduce the efficiency of service delivery to the remaining service recipients of the district from which the detachment will occur.

F. The Commission shall not approve a detachment which conflicts with the adopted Master Service Area Plan of the district from which detachment is sought.

10.090 Reorganization

A. The reorganization shall comply with the general policies applicable to changes of organization or reorganization and the specific policies applicable to each individual change of organization which make up the reorganization proposal.

B. The Commission shall evaluate independently each component organizational change which makes up a reorganization proposal.