Mariposa County
Local Agency Formation Commission
Resolution No. 2014 - 6

A Resolution of the Local Agency Formation Commission of the County of Mariposa approving the Sphere of Influence and the Municipal Service Review for County Service Area No. 3, Fire Protection/Suppression, and adopting a Notice of Exemption

WHEREAS, the Mariposa County Board of Supervisors approved the formation of County Service Area No. 3 on May 20, 2008; and

WHEREAS, the State Board of Equalization has recognized and approved the formation of County Service Area No. 3; and

WHEREAS, County Service Area No. 3 establishes a yearly assessment as authorized by County property owners on developed properties for the purpose of leasing/purchasing fire engines and water tankers, and for capital improvements to, and construction of, County Fire Stations within County Service Area No. 3; and

WHEREAS, the Mariposa County Local Agency Formation Commission is responsible and authorized to develop and determine the sphere of influence for each local government agency within Mariposa County by California Government Code Section 56425 et, seq; and

WHEREAS, a sphere of influence is a plan for the probable physical boundaries and service area of a local agency used by LAFCo for shaping the logical and orderly development and coordination of such agencies to advantageously provide for the present and future needs of the County and its communities; and

WHEREAS, the Mariposa County Local Agency Formation Commission is required and authorized to adopt a municipal service review prior to or simultaneously with the adoption of, or update to, a sphere of influence for each local agency within the County in accordance with Government Code Section 56430 et seq; and

WHEREAS, the Executive Officer has given notice of a public hearing on May 28, 2014 by this Commission; and

WHEREAS, the public hearing by this Commission was held on May 28, 2014; and

WHEREAS, the Executive Officer has reviewed available information and prepared a report for the adoption of a Sphere of Influence and a Municipal Service Review, including recommendations, and the filing and report and related information having been presented to and considered by the Commission at a public hearing on May 28, 2014; and
WHEREAS, at the hearing, this Commission heard and received all oral and written protests, objections and evidence which were made, presented, or filed, and received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved, and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application in evidence presented at the hearing.

NOW, THEREFORE, BE IT RESOLVED, the Mariposa County Local Agency Formation Commission does hereby find, determine, resolve, and order as follows:

Section 1: Findings:

1. Notice as required by law has been made.

2. The Mariposa County Local Agency Formation Commission has considered the Executive Officer’s Report, and all written and verbal evidence and testimony, and all factors required to be considered by the Commission by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and the policies, procedures and standards of the Mariposa County Local Agency Formation Commission.

3. All persons requesting to be heard have been heard.

4. The service area can be best served with structural fire protection services by Mariposa County.

5. County Service Area No. 3, Fire Protection/Suppression, is consistent with the purpose and the policies of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the policies, procedures and standards of the Mariposa County Local Agency Formation Commission.

6. No modifications or amendments are necessary for County Service Area No. 3.

7. The Mariposa County Local Agency Formation Commission is the Lead Agency for the adoption of a Sphere of Influence and a Municipal Service Review in accordance with California Environmental Quality Act, per Section 15051(a) and Section 15051(b), of the Guidelines for the California Environmental Quality Act.

Section 2: Determinations:

The following determinations are made with respect to the municipal service review of County Service Area No. 3:

**Determination 1—Growth and Population Projections for the Affected Area**
This evaluation category focuses on projected short- and long-term demand for services within a particular area, as measured by current and future populations and their relationship to land use plans and programs.

Based upon information from the California State Department of Finance, the population in Mariposa County grew from 18,195 residents in 2010, to 18,480 residents in 2013, or an approximate 1.57% growth rate. This growth rate is on par with historical data compiled over the last decade in Mariposa County. Since 2008, the County has issued an average of 54 residential building permits each year.

The assessments for CSA No.3 do not include any annual adjustments for growth in the County. The engineer who prepared the Engineer’s Report, in response to a question on this matter, responded by noting that Government Code section 53750(h)(3) reads:

"A tax, assessment, fee or charge is not deemed to be “increased” in the case in which the actual payments from a person or property are higher than would have resulted when the agency approved the tax, assessment, or fee or charge, if those higher payments are attributable to events other than an increased rate or revised methodology, such as a change in the density, intensity, or nature of the use of land.”

Therefore, as properties are developed with improvements over $10,000, they will be required to pay their fair share of $80 per years in benefit assessments that other developed properties are paying, which will increase the annual assessments. This may result in a decrease in the amount needed annually for the “contribution of other funds”.

**Determination 2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.**

This evaluation category focuses on whether there are any unincorporated areas within the County that have a reduced level of service that is not being provided due to socioeconomic issues. Disadvantaged Unincorporated Communities (DUCs) are defined as inhabited territory that constitutes all or a portion of a community with an annual median household income that is less than 80 percent of the statewide annual household income. These are communities that basically lack the most basic
features of a safe, healthy, sustainable neighborhood—potable drinking water, sewer systems, safe housing, public transportation, parks, sidewalks, and streetlights. There are no incorporated cities within Mariposa County. CSA No.3 has already been established, and the MSR and SOI do not relate not any annexation to the service area. Mariposa County is rural in nature, and by that very nature there are few communities within the County that have public systems that provide water, sewers, sidewalks, streetlights, or sidewalks. Most residences rely upon wells and septic systems, with rural type roads and avenues. The SOI for CSA No.3 is county-wide and includes the entire County boundaries in which there are no incorporated areas.

**Determination 3—Present and Planned Capacity of Public Facilities and Adequacy of Public Services Including Infrastructure needs or Deficiencies.**

This evaluation category focuses on the adequacy of existing and planned public facilities in accommodating existing needs and future growth and the efficient delivery of services. Infrastructure can be evaluated in terms of capacity, condition, availability, quality and correlation with operational needs, capital improvement plans and financial plans. It is recognized that there may be unmet infrastructure needs due to budget constraints or other factors; however, identification of deficiencies may promote public understanding and support for needed improvements.

The intent of CSA No.3 is to provide annual funds for capital improvements to the County fire facilities. The County has evaluated the overall need for fire stations and facilities throughout the County. The recent improvements and construction of the Midpines and Lake Don Pedro stations was a top priority for Fire Department. Utilizing other funds from grant and the General Fund, the County has also made improvements to and construction of the Bridgeport and Fish Camp fire stations, which were also of a high priority to complete. The County has yet to adopt any long term plans for improvements to or the construction of other fire stations. The County has the ability to adjust funds based upon the capital improvement needs over the life of the assessments. The intent of CSA No.3 is to identify the existing and future deficiencies and provide a means for the public support of needed improvements.

**Determination 4—Financial Ability of Agencies to Provide Services**
Under this evaluation category, LAFCO can identify financing conditions and practices and weigh community public service needs against the resources available to fund the services. This category may also relate to timely rate reviews, rate setting methodologies, conditions that could impact future rates, variances among rates, fees, taxes, charges, etc., and may identify, if applicable, opportunities to modify rates through governmental reorganizations or intergovernmental cooperation without adversely affecting service quality or other factors.

The engineers report prepared for CSA No.3 determined that the annual benefit assessments are appropriate for CSA No.3. The County is also providing additional funds out of its current budget allocation for fire protection services to maintain the current annual $80 per year for developed parcels.

**Determination 5— Status of and Opportunities for Shared Facilities.**

Under this evaluation category, LAFCO may identify and evaluate capacity, staff and infrastructure needs to identify opportunities for agencies to reduce costs by sharing facilities and eliminating duplication. In this same category, LAFCO would identify ongoing existing efforts of the agency to share facilities, training, equipment, and staff with other agencies.

The facilities serving CSA No.3 are located within the rural areas of Mariposa County. There are no other organizations or agencies within the service area boundaries of CSA No.3, which are coterminous with the County boundaries, that provide structural fire protection services. The facilities for MPUD are located within the MPUD service area boundary and are adequate for structural fire protection within the Mariposa Town Planning Area. MPUD and the County Fire Department have mutual aide agreements for the use of equipment and staff in emergencies. The County also shares a facility with MPUD at their mail station on Highway 49 North which houses Rescue Unit 22.

Cal-Fire does have facilities within the rural areas of the County, but Cal-Fire's primary responsibilities and equipment are for wildland fires. Cal-Fire also has a mutual aide agreement with the County wherein equipment and staff are shared in emergencies.

The County station in El Portal is managed by a contract with the NPS. The NPS has two fire engines at this location.
**Determination 6—Accountability for Community Service Needs, Including Government Structure and Operational Efficiencies**

This category could focus on the visibility and accessibility of the decision-making body to their constituents, accessibility of staff, involvement of the public in the agency decision-making process, public participation in elections, publicly disclosed agency budgets, programs, adherence to requirements of law both in the principal act and in general requirements of the law such as the Brown Act, California Public Records Act and others, plans of the agency and participation of the public in the consideration of plans and other work of the agency.

The CSA No.3 is represented and governed by the Mariposa County Board of Supervisors. The Board of Supervisors hold meetings regularly, and members of the public, which would include property owners with CSA No.3, can be heard by the Board of Supervisors as either a scheduled matter, or as a matter not on the agenda.

County staff is available to the public, Board of Supervisors public hearings are publicly noticed, and Board of Supervisors agendas and minutes are available on-line on the County’s website. The County’s adopted budget is available to the public, and Departmental program information is available on-line. The County adheres to the requirements of law both in the principal act and in general requirements of the law such as the Brown Act. Further, the Board of Supervisors is elected by district, and each District Board member is available for contact by the constituents in their District.

**Determination 7 —Any Other Matter Related to Effective Service Delivery Required by Commission Policy**

This determination could include a review of management efficiencies, adequate training for staff; advance planning; implementation of effective strategies for budgeting, managing costs, utilizing personnel; customer service; community’s involvement with the agency; ability to provide service over the short and long term; provision of public services with the lowest necessary expenditure; circumstances involving gross mismanagement or fraudulent management; compliance with accepted standards; maintenance of adequate reserves and any other conditions or circumstances of the service provider management with consideration for local conditions, circumstances and resources.

No other matters have been identified that relate to the effective delivery of services within CSA No.3. With the exception of the MPUD service area, Mariposa County is the primary local fire
protection resources for structural fire protection on private developed land within the County. Mariposa County provides this service both in the short and long term. The purchase of the equipment and the construction and maintenance of infrastructure represents a cost effective and efficient delivery of services. The County has also established a vehicle replacement fund to ensure that funds would be available in the future to fund the replacement of fire apparatus at the end of its useful life.

BE IT FINALLY RESOLVED, that the Mariposa County Local Agency Formation Commission has determined that it can be seen with certainty that this decision to provide the Sphere of Influence and Municipal Service Review will not have a significant effect on the environment, and therefore the Mariposa County Local Agency Formation Commission has determined that this decision is exempt from CEOA. The Mariposa County Local Agency Formation Commission is directing the Executive Officer to file a Notice of Exemption as provided in Sections 15306 and 15062 of the California Environmental Quality Act Guidelines.

On a motion by Commissioner Bibby, seconded by Commissioner Stetson, PASSED AND ADOPTED by the Mariposa County Local Agency Formation Commission this 28th day of May, 2014, by the following vote:

AYES: Jones, Stetson, Casto, Kennedy, Bibby

NOES: None

ABSENT: None

NOT VOTING: None

Kris Casto, Chairperson
Mariposa County Local Agency
Formation Commission

ATTEST: APPROVED AS TO FORM:

René LaRoche
Executive Secretary

Steven W. Dahlem
County Counsel