

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF JANUARY 25, 2006

REGULAR HEARING

TO: Al Manard, Chairman
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

**AGENDA ITEM #7: DESIGNATION OF THE "INVENTORY OF LOCAL AGENCIES"
AS INTERIM COMPLIANCE WITH SB 135 (KEHOE)**

RECOMMENDATIONS

Staff recommends that the Commission take the following actions:

1. Receive information regarding SB 135 (Kehoe), effective January 1, 2006; and,
2. Adopt the Commission's Inventory of Local Agencies as an interim solution to comply with SB 135.

REASON FOR RECOMMENDED ACTIONS

Recent changes to the principal act for Community Services District (CSD) direct LAFCOs to prepare and adopt an inventory of services currently provided by CSDs within their county boundaries. If a CSD is not currently providing a service they were authorized, or is allowed under law, that district will not be able to provide, or add, that service without LAFCO authorization effective January 1, 2006. Because a comprehensive analysis of the powers exercised by El Dorado CSDs has not been conducted and adopted by El Dorado LAFCO, the adoption of the Inventory of Local Agencies could serve as an interim solution to this requirement until the services provided by each CSD are verified.

BACKGROUND

Community Services Districts (CSD) are independent special districts administered by a popularly elected Board of Directors. These districts provide municipal services from a vast array of options allowed in Government Code §61000 et seq. Attachment A outlines the list of services available to these districts, sometimes called "junior cities." The allowed CSD services range from street lighting, domestic water, wastewater treatment and parks to police, fire and cable television. CSDs can receive property tax share, charge assessments and service charges and assume bonded indebtedness.

Among other things, SB 135 requires that El Dorado LAFCO must inventory the existing powers of Community Services Districts within the county boundaries. Because a thorough analysis of all CSDs has not been conducted to date, it is not possible to document with accuracy all powers currently exercised by the 29 El Dorado community services districts. The risk is that LAFCO may designate a power as “latent”, or unexercised, when the district could be providing that service. Alternatively, LAFCO may designate that a CSD is capable of providing a service without being aware of service limitations, shortage of staff or other deficits in its infrastructure. Consequently, additional time is needed for LAFCO staff to meet with staff from each CSD to conduct a proper analysis of the district service capabilities. The proper tool for such analysis is the municipal services review (MSR), which State law mandates must be completed by January 1, 2008.

A temporary solution to the SB 135 requirement would be for the Commission to accept the Inventory of Local Agencies (“Inventory”), which is currently the only comprehensive listing of powers exercised by each CSD. However, it must be noted that the Inventory is based on information provided to LAFCO staff in statements and in briefs. LAFCO staff has not had the opportunity to verify the accuracy of the information, and therefore, does not recommend the Inventory’s designation to be a permanent solution. Nevertheless, the Inventory will serve, on an interim basis, as a method to comply with the recently amended Government Code §61002, with the understanding that the Inventory will be periodically updated with more accurate information as the MSR on each CSD is adopted by the Commission.

Attachments

Attachment A: List of Powers Available to CSDs

Attachment B: Information from the Inventory of Local Agencies of El Dorado CSDs

California Codes
GOVERNMENT CODE
SECTION 61600

Community Services District law:

61600. A district formed under this law may exercise the powers granted for any of the following purposes designated in the petition for formation of the district and for any other of the following purposes that the district shall adopt:

- a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.
- b) The collection, treatment, or disposal of sewage, waste, and storm water of the district and its inhabitants.
- c) The collection or disposal of garbage or refuse matter.
- d) Protection against fire.
- e) Public recreation including, but not limited to, aquatic parks and recreational harbors, equestrian trails, playgrounds, golf courses, swimming pools, or recreational buildings.
- f) Street lighting.
- g) Mosquito abatement.
- h) The equipment and maintenance of a police department, other police protection, or other security services to protect and safeguard life and property.
- i) To acquire sites for, construct, and maintain library buildings, and to cooperate with other governmental agencies for library service.
- j) The constructing, opening, widening, extending, straightening, surfacing, and maintaining, in whole or in part, of any street in the district, subject to the consent of the governing body of the county or city in which the improvement is to be made.
- k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which the improvement is to be made.
- l) The conversion of existing overhead electric and communication facilities to underground locations, which facilities are owned and operated by either a "public agency" or a "public utility," as defined in Section 5896.2 of the Streets and Highways **Code**, and to take proceedings for and to finance the cost of the conversion in accordance with Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways **Code**, subject to the consent of the public agency or public utility responsible for the owning, operation, and maintenance of the facilities. Nothing in this section gives a district formed under this law the power to install, own, or operate the facilities that are described in this subdivision.
- m) To contract for ambulance service to serve the residents of the district as convenience requires, if a majority of the voters in the district, voting in an election thereon, approve.
- n) To provide and maintain public airports and landing places for aerial traffic.
- o) To provide transportation services.
- p) To abate graffiti.
- q) To construct, maintain, and operate flood protection works and facilities, subject to the following conditions:
 - 1) The planning, design, construction, maintenance, and operation of flood protection works and facilities, or substantially similar works or facilities, is not within the authority of another public agency, except that a public agency and the district are not precluded from entering into agreements for the district to provide those services.
 - 2) The governing body of the city or county in which the services specified in paragraph (1) are to be provided by the district has consented to the district providing those services.