



Deputies

BRINA A. BLANTON  
MATTHEW T. KIEDROWSKI  
CHARLOTTE E. SCOTT  
MICHAEL J. MAKDISI  
SHANNON R. COX  
JEREMY MELTZER

## OFFICE OF THE COUNTY COUNSEL

### MEMORANDUM

**DATE:** February 15, 2019  
**TO:** Chair Brown  
**FROM:** Katharine L. Elliott, County Counsel *KE*  
**SUBJECT:** County Service Agency #3

Senate Bill 448 enacted Government Code section 56879 in order to dissolve all inactive districts. A district is "inactive" if it meets all of the following criteria:

- (a) The special district is as defined in Section 56036.
- (b) The special district has had no financial transactions in the previous fiscal year.
- (c) The special district has no assets and liabilities.**
- (d) The special district has no outstanding debts, judgments, litigation, contracts, liens, or claims.

At this time, County Service Area 3, qualifies for dissolution. However, if the Board of Supervisors would like to keep this as an active district, it would require a transfer of funds into that account. There does not appear to be any prohibition in using general funds for that purpose.

If the Board decides to keep this as an active district, the Board can look at creating different "zones of benefit."

California Government Code section 25217 provides that:

- (a) Whenever the board determines that it is in the public interest to provide different authorized services, provide different levels of service, provide different authorized facilities, or raise additional revenues within specific areas of a county service area, it may form one or more zones pursuant to this article.
- (b) The board shall initiate proceedings for the formation of a new zone by adopting a resolution that does all of the following:
  - (1) States that the proposal is made pursuant to this article.



- (2) Sets forth a description of the boundaries of the territory to be included in the zone.
- (3) States the reasons for forming the zone.
- (4) States the different authorized services, different levels of service, different authorized facilities, or additional revenues that the zone will provide.
- (5) Sets forth the methods by which those authorized services, levels of service, or authorized facilities will be financed.
- (6) Proposes a name or number for the zone.

County Service Area #3 was originally created in 1974 and was expanded to include the entire County in 1985. I have attached BOS Resolutions #85-103 and #85-118 so that you can see the services that were contemplated in that expansion.

The law has changed since then and further expanded the definition of authorized services and facilities. I list it below so that you can see the different uses for a County Service Area.

California Government Code section 25213:

A county service area may provide any governmental service and facility within the county service area that the county is authorized to perform and that the county does not perform to the same extent on a countywide basis, including, but not limited to, services and facilities for any of the following:

- (a) Law enforcement and police protection.
- (b) Fire protection, fire suppression, vegetation management, search and rescue, hazardous material emergency response, and ambulances.
- (c) Recreation, including, but not limited to, parks, parkways, and open space.
- (d) Libraries.
- (e) Television translator stations and low-power television services.
- (f) Supplying water for any beneficial uses.
- (g) The collection, treatment, or disposal of sewage, wastewater, recycled water, and stormwater.
- (h) The surveillance, prevention, abatement, and control of pests, vectors, and vectorborne diseases.

- (i) The acquisition, construction, improvement, and maintenance, including, but not limited to, street sweeping and snow removal, of public streets, roads, bridges, highways, rights-of-way, easements, and any incidental works.
- (j) The acquisition, construction, improvement, maintenance, and operation of street lighting and landscaping on public property, rights-of-way, and easements.
- (k) The collection, transfer, handling, and disposal of solid waste, including, but not limited to, source reduction, recycling, and composting.
- (l) Funding for land use planning within the county service area by a planning agency established pursuant to Article 1 (commencing with Section 65100) of Chapter 3 of Title 7, including, but not limited to, an area planning commission.
- (m) Soil conservation.
- (n) Animal control.
- (o) Funding for the services of a municipal advisory council established pursuant to Section 31010.
- (p) Transportation.
- (q) Geologic hazard abatement on public or private property or structures where the board of supervisors determines that it is in the public interest to abate geologic hazards.
- (r) Cemeteries.
- (s) The conversion of existing overhead electrical and communications facilities, with the consent of the public agency or public utility that owns the facilities, to underground locations pursuant to Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code.
- (t) Emergency medical services.
- (u) Airports.
- (v) Flood control and drainage.
- (w) The acquisition, construction, improvement, maintenance, and operation of community facilities, including, but not limited to, cultural facilities, child care centers, community centers, libraries, museums, and theaters.
- (x) Open-space and habitat conservation, including, but not limited to, the acquisition, preservation, maintenance, and operation of land to protect unique, sensitive, threatened, or endangered species, or historical or culturally significant properties. Any setback or buffer requirements to protect open-space or habitat lands shall be owned by a public

agency and maintained by the county service area so as not to infringe on the customary husbandry practices of any neighboring commercially productive agricultural, timber, or livestock operations.

(y) The abatement of graffiti.

(z) The abatement of weeds and rubbish.

(aa) The acquisition, construction, improvement, maintenance, or operation of broadband Internet access service. For purposes of this section, "broadband Internet access service" has the same meaning as defined in Section 53167. A county service area that acquires, constructs, improves, maintains, or operates broadband Internet access service shall comply with the requirements of Article 12 (commencing with Section 53167) of Chapter 1 of Part 1 of Division 2 of Title 5.

RESOLUTION NO. 85-103

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS  
OF APPLICATION TO ANNEX THE UNINCORPORATED AREAS OF  
MENDOCINO COUNTY LYING WITHOUT COUNTY SERVICE AREA 3  
TO COUNTY SERVICE AREA #3,  
RESCINDING RESOLUTION 85-048

WHEREAS, this resolution of application is being made by the Mendocino County Board of Supervisors of its own initiative, and is pursuant to the District Reorganization Act of the California Government Code, (Section 56000 et seq.); and

WHEREAS, the District Reorganization Act is the principal act under which this proposed reorganization is being formulated; and

WHEREAS, pursuant to Section 25210.4c of the California Government Code, the Mendocino County Board of Supervisors deems it appropriate to annex those unincorporated areas of the County, both inhabited and uninhabited, which lie without the boundaries of current County Service Area #3 to County Service Area #3; and

WHEREAS, the Mendocino County Board of Supervisors believes that the proposed reorganization will provide the framework for offering increased services to the citizens of this County; and

WHEREAS, the Mendocino County Board of Supervisors has set forth the following terms and conditions to which the proposed reorganization is desired to be subject:

- 1) The area known as County Service Area #3 prior to the proposed reorganization shall be renamed County Service Area #3, Benefit Zone 1. At this time, the only service provided to this area will be ambulance service as authorized in Mendocino County Board of Supervisors' Resolution No. 74-325 passed on the 27th day of August, 1974.
- 2) The Mendocino County Board of Supervisors proposes that, upon completion of the proposed reorganization, County Service Area #3 be empowered to offer any and all of the services enumerated in Sections 25210.4 and 25210.4a of the California Government Code including but not limited to:

SECTION 25410.4 Enumeration of Services

- a. Extended police protection.
- b. Structural fire protection.
- c. Local park, recreation or parkway facilities and services.
- d. Any other governmental services, hereinafter referred to as miscellaneous extended services, which the county is authorized by law to perform and which the county does not also perform to the same extent on a

countywide basis both within and without cities, if:

1. The Board of Supervisors determines that such services should be provided on an extended basis within a county service area; or
  2. Such services are specified in a request or a petition for the initiation of proceedings for the furnishing of additional types of services within a county service area.
- e. Extended library facilities and services.
- f. Television translator station facilities and services, if:
1. The number of station facilities to be erected by the service area will not exceed six.
  2. The number of television channels provided by the service area will not exceed 10.
- g. Low-power television services.

SECTION 25210.4A Miscellaneous extended services

1. Water service including the acquisition, construction, operation, replacement, maintenance and repair of water supply and distribution systems, including land, easements and right-of-way and water rights.
2. Sewer service, including the acquisition, construction, operation, replacement, maintenance and repair of sewage collection, transportation and disposal systems, including land, easements and rights-of-way.
3. Pest or rodent control.
4. Street and highway sweeping.
5. Street and highway lighting including the acquisition, construction, replacement, maintenance and repair of a street or highway lighting system, including land, easements and rights-of-way.
6. Refuse collection.
7. Garbage collection.
8. Ambulance service.
9. Area planning by an area planning commission establishing pursuant to Article 11 (commencing with Section 65600) of Chapter 3 of Title 7.
10. Soil conservation and drainage control.
11. Animal control.

12. Services provided by a municipal advisory council established pursuant to Section 31010.
  13. Transportation services.
  14. Geologic hazard abatement on public or private property or structures where the Board of Supervisors determines that it is in the public interest to do so. "Geologic hazard", for purposes of this subdivision, means an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth.
  15. Road maintenance, street, highway, and bridge construction, improvement and maintenance, including related drainage facilities and structures, necessary design and engineering services and the acquisition of land, easements, and rights-of-way needed for the work. The provisions of Article 3.5 (commencing with Section 20120 of Chapter 1 of Part 3 of Division 2 of the Public Contract Code are applicable to the furnishing of extended services pursuant to this paragraph.
- 3) Upon implementing zones of benefit within county service area #3, this Board's policy will be to insure that the establishment of said zones will not serve to replace special districts nor provide services of special districts within their sphere of influence.
  - 4) Implementing Benefit Zones within County Service Area #3, for provision of any of the services outlined in the above-mentioned Code section, will only come about after having complied with the requirements for extension of authorized services as outlined in Section 25210.30 et seq. of the California Government Code.
  - 5) Newly-formed Benefit Zones within County Service Area #3 shall be numbered Benefit Zone 2, 3, 4, etc., as they are subsequently established.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that a copy of this resolution of application be transmitted to the Executive Officer of the Local Agency Formation Commission;

BE IT FURTHER RESOLVED that this Board requests that proceedings be taken for the reorganization outlined herein.

The foregoing resolution was introduced by Supervisor Redding, seconded by Supervisor Eddie, and carried this 21 day of May, 1985 by the following roll call vote:

AYES: Supervisors Butcher, Redding, Eddie, de Vall, Cimolino  
NOES: None  
ABSENT: None

WHEREUPON, the Chairman declared the Resolution adopted AND SO ORDERED.

*Marilyn J. Butcher*  
Chairman, Board of Supervisors

ATTEST: JOYCE A. BEARD  
CLERK OF THE BOARD

*Forrest A. Ellard*  
DEPUTY.

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

JOYCE A. BEARD  
Clerk of the Board

By: *Virginia Goodace*  
Deputy

RESOLUTION NO. 85-118

RESOLUTION OF THE MENDOCINO COUNTY  
BOARD OF SUPERVISORS INITIATING  
PROCEEDINGS TO ANNEX THE UNINCORPORATED  
AREAS OF MENDOCINO COUNTY OUTSIDE OF  
COUNTY SERVICE AREA #3 TO COUNTY SERVICE #3

WHEREAS, on the 27th day of August, 1974, the Mendocino County Board of Supervisors adopted Resolution No. 74-325 which established County Service Area #3; and

WHEREAS, on the 24th day of April, 1985, the Mendocino County Board of Supervisors, of its own initiative and under authority of Section 56000 et. seq., of the Government Code, presented a resolution of application to the Local Agency Formation Commission requesting authorization to annex to County Service Area #3 those unincorporated areas of the County of Mendocino lying without County Service Area #3; and

WHEREAS, the area to be annexed is inhabited as defined in Section 56045 of the Government Code; and

WHEREAS, on the 3rd day of June, 1985, the Local Agency Formation Commission approved the proposed annexation by adoption of Resolution No. 85-6; and

-WHEREAS, the Mendocino County Board of Supervisors views this annexation as being an important step in establishing a comprehensive framework through which the citizenry of the unincorporated areas of the County can avail themselves to additional and/or extended governmental services, said services being financed on a benefit assessment basis; and

WHEREAS, the services offered through County Service Area #3 are those enumerated in Sections 25210.4 and 25210.4a of the Government Code; and

WHEREAS, the policy of this Board shall be that no action will be taken on extending the services referred to above until one of the following prerequisites is met:

- 1) That at least 51% of the landowners, or 51% of the registered voters residing in the proposed Benefit Zone sign a legal petition in which they request that services be provided within the proposed zone; or
- 2) That the Board of Supervisors place the issue of establishing a Benefit Zone before the voters residing in the area of the proposed Benefit Zone in the General Election following adoption of the proposal.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT on the 16th day of July, 1985, the Mendocino County Board of Supervisors will hold a public hearing on the question of the proposed annexation. Said hearing shall be held in the Chambers of the Board of Supervisors at 10:00 a.m. Interested persons desiring to make written protest against the proposed annexation shall do so by written communication filed with the Clerk of the Board of Supervisors not later than the hour set for hearing. A written request by a landowner shall contain a description sufficient to identify the land owned by him; a protest by a voter shall contain the residential address of such voter.



The foregoing resolution was introduced by Supervisor  
de Vall, seconded by Supervisor Cimolino, and  
carried this 18th day of June, 1985 by the following roll  
call vote:

AYES: Supervisors Redding, Eddie, Cimolino, de Vall, Butcher

NOES: None

ABSENT: None

WHEREUPON, the Chairman declared the Resolution adopted  
AND SO ORDERED.

Marilyn J. Butcher  
Chairman, Board of Supervisors

ATTEST: JOYCE A. BEARD  
CLERK OF THE BOARD

Joyce A. Beard

I hereby certify that according to the  
provisions of Government Code  
Section 25103, delivery of this  
document has been made.

JOYCE A. BEARD  
Clerk of the Board

By: Forester E. Beard  
DEPUTY