



September 28, 2022

Quincy Yaley  
LAFCo Executive Officer  
Tuolumne County  
2 S. Green Street  
Sonora, CA 95370

RE: Tuolumne Community Services Application – Response to September 6, 2022 Correspondence

Dear Ms. Yaley,

This letter is in response to your correspondence dated September 6, 2022.

Issue #1. Is the application a *Consolidation* or *Reorganization*?

Based on the information we currently have the application is a *Consolidation*. Your LAFCo records should reflect that the Tuolumne City Sanitary District (TCSD) was formed under Health & Safety Code §6400 et seq. in July, 1941 and the Tuolumne Park & Recreation District (TPRD) was formed under Public Resources Code §5416.45 by the County Board of Supervisors through Resolution 23, 1955/56 on December 27, 1955. Unless you have a more recent action in respect to the formation of the TPRD the application is a consolidation.

Issue #2 Active and Latent Powers assigned the New Community Services District

In order to simplify the application approval process and to avoid further delays the Districts have modify the application request so that the new Community Services District will only include the active powers identified below. The District is requesting that the Tuolumne Local Agency Formation Commission (LAFCo) approve the new Community Services District with the following powers to be actively provided pursuant to Government Code §61100: 1.) Collect, treat, or dispose of sewage, wastewater, recycled water, and storm water in the same manner as a sanitary district, formed pursuant to the *Sanitary District Act of 1923, Division 6* (commencing with Section 6400) of the Health and Safety Code. 2.) Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the *Recreation and Park District Law, Chapter 4* (commencing with §5780) of Division 5 of the Public Resources Code. 3.) Organize, promote, conduct, and advertise programs of community recreation, in the same manner as a recreation and park district formed pursuant to the *Recreation and Park District Law, Chapter 4* (commencing with §5780) of Division 5 of the Public Resources Code. 4.) Acquire, construct,

improve, maintain, and operate street lighting and landscaping on public property, public rights-of-way, and public easements in respect to the Tuolumne Lighting District. 5.) Acquire, construct, improve, maintain, and operate community facilities, including, but not limited to community centers, libraries, theaters museums, cultural facilities, and child-care facilities.

In respect to your concern that the Rule 20A program cannot be transferred to the new District, the District already indicated to you that it is not interested in managing the *Tuolumne Underground Utility District*. However, the Tuolumne Lighting District (TLD) is a separate independent district which we would like to manage. There seems to be some confusion that somehow these districts are the same. If there are issues relative to committing the Tuolumne Lighting District to pay for new lamp posts after the underground work is complete, this issue can be a condition of approval for the transfer of the TLD facilities to the community services district. I would also request that if your Public Works staff has issues with the transfer that you arrange a meeting with them so that we can discuss these issues on the record.

### Issue #3. Property Tax Agreement

The District has prepared a draft *Property Tax Sharing Agreement* for the parties. It has been approved by both the TPRD and the TCSD. This agreement has been provided to the Chair of Tuolumne County Board of Supervisors for processing. A copy of the agreement is attached.

In closing I would like to suggest that you prepare schedule for the approval of our application and that it run concurrently with the County review of the Property Tax Sharing Agreement to avoid further delays. This item can also be a condition of approval of the community services district.

If you have any questions or need additional clarification, please feel free to contact me.

Sincerely,



David J. Andres

Tuolumne City Sanitary District  
General Manager

cc TCSD Board of Directors  
TPRD Board of Directors  
James Woods, TPRD General Manager  
Anaiah Kirk, Chair, County Board of Supervisors