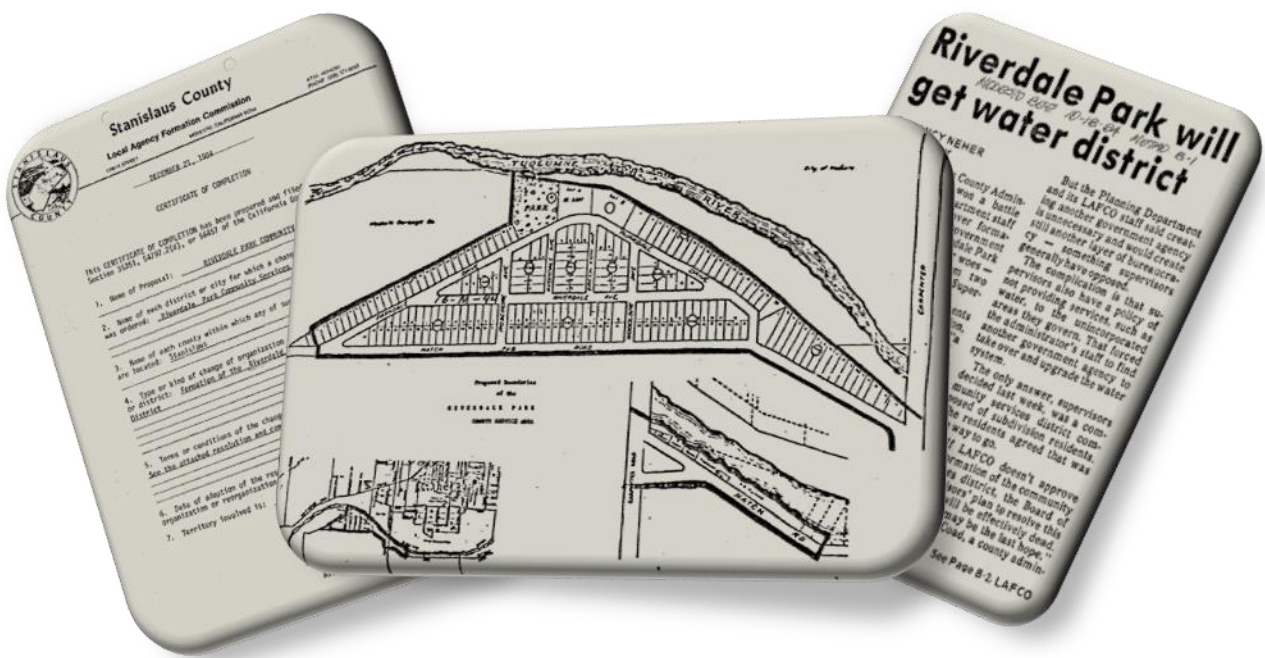


# MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE:



## RIVERDALE PARK TRACT COMMUNITY SERVICES DISTRICT

Prepared By:

Stanislaus Local Agency Formation Commission  
1010 Tenth Street, Third Floor  
Modesto, CA 95354  
Phone: (209) 525-7660

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# **STANISLAUS**

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# **Municipal Service Review and Sphere of Influence Update For the Riverdale Park Tract Community Services District**

## **Introduction**

The Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 Act (CKH Act) requires the Local Agency Formation Commission (LAFCO) to update the Spheres of Influence (SOI) for all applicable jurisdictions in the County. A Sphere of Influence is defined by Government Code 56076 as "...a plan for the probable physical boundary and service area of a local agency, as determined by the Commission." The Act further requires that a Municipal Service Review (MSR) be conducted prior to or, in conjunction with, the update of a Sphere of Influence (SOI).

The legislative authority for conducting Service Reviews is provided in Government Code Section 56430 of the CKH Act. The Act states, that "in order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area..." A Service Review must have written determinations that address the following factors:

## **Service Review Factors to be Addressed**

1. Growth and population projections for the affected area
2. The location and characteristics of any disadvantaged, unincorporated communities within or contiguous to the sphere of influence
3. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.
4. Financial ability of agencies to provide services
5. Status of, and opportunities for, shared facilities
6. Accountability for community service needs, including governmental structure and operational efficiencies
7. Any other matter related to effective or efficient service delivery, as required by commission policy

This Service Review will analyze the Riverdale Park Tract Community Services District. The most recent Sphere of Influence (SOI) update for the District was adopted in 2011 and proposed no changes to the District's SOI. The current update serves to comply with Government Code Section 56425 and will reaffirm the SOI for the District.

## **Sphere of Influence Update Process**

A special district is a government agency that is required to have an adopted and updated Sphere of Influence. Section 56425(g) of the CKH Act calls for Spheres of Influence to be reviewed and updated every five years, as necessary. Stanislaus LAFCO processes the Service Review and Sphere of Influence Updates concurrently to ensure efficient use of resources. For rural special districts, which do not have the typical municipal level services to review, this Service Review will be used to determine what type of services each district is expected to provide and the extent to which they are actually able to do so. The Sphere of Influence will delineate the service capability and expansion capacity of the agency, if applicable.

# **Service Review – Riverdale Park Tract Community Services District**

## **Authority**

This review will cover the Riverdale Park Tract Community Services District, which was organized under Section 61000 et. seq. of the Government Code. In addition, the District is considered a “registered voter district”, as the board members are elected by the registered voters residing within the district’s boundaries.

## **Background**

Special districts are local governments that are separate from cities and counties, yet provide public services such as fire protection, sewers, water, and street lighting. California has over 3,300 special districts, which provide over 30 different types of services. There are 50 major types of special districts ranging from airports to fire protection to mosquito abatement to water conservation. To date, there are 325 Community Services Districts (CSDs) in California.

## **Purpose**

Community Services Districts may be formed to provide water, sewer, garbage services, fire protection, public recreation, street lighting, mosquito abatement, police services, library services, street improvements, conversion of overhead electric and communication facilities to underground locations, ambulance services, airport facilities, flood control and transportation services.

## **Governance**

Five Board members, elected by the registered voters within the District boundaries, govern the District. Meetings are held on the first Thursday of each month at 6:00 p.m. at the Veterans of Foreign Wars (VFW) Hall located at 2801 W. Hatch Rd.

## **Formation**

The Riverdale Park Tract Community Services District was formed on December 18, 1984. The District was formed to replace County Service Area (CSA) No. 3. The CSA had been inactive since its inception in 1982. LAFCO dissolved CSA No. 3 on April 27, 2016 under Resolution No. 2016-07.

## **Location and Size**

The District is located in rural Stanislaus County, southwest of the City of Modesto and is defined by the Tuolumne River on the north, Parkdale Drive on the west, Hatch Road on the south and Carpenter Road on the east. The District encompasses an area of approximately 58 acres.

## **Sphere of Influence**

The District's Sphere of Influence is coterminous with its current boundaries. The entire District's boundaries are within the City of Modesto's Sphere of Influence. Thus, if land is concurrently annexed to the City and detached from the District, when the entire sphere is annexed, the District would disappear. In the interim, if City annexations of District territory are piecemeal, operational problems could result for both the District and the City.

The City of Modesto's General Plan includes the Riverdale Community Services District, and designates the area for residential land uses, which is consistent with the County's General Plan designations.

At this time the City has no plans to annex the Riverdale Park Tract Community Services District territory situated west of Carpenter Road.

## **Personnel**

The District does not have any direct employees. It utilizes independent contractors for its secretarial, accounting and water operator services.

## **Classification of Services**

The District is authorized to provide the functions or classes of services (e.g. domestic water) as identified in this report. Due to recent changes in the Cortese-Knox-Hertzberg Act, the District would have to seek LAFCO approval to exercise other latent powers not currently provided

## **Services**

The District was formed for the purpose of providing domestic water services to the residents of the unincorporated Riverdale Park Tract community. The District operates one groundwater well and storage tanks, with emergency back-up provisions from the City of Modesto.

## **Support Agencies**

The District maintains collaborative relationships with other agencies, as necessary. These agencies include: City of Modesto and Stanislaus County (Department of Environmental Resources).

## **Funding Sources**

The District's main source of revenue is derived from monthly service charges and connection fees. Currently, the District's adopted a monthly water service rate is \$25.00 for residential users and \$50.00 for commercial users.



## **Service Review Determinations:**

The following provides an analysis of the six categories or components required by Section 56430 for a Service Review for the Riverdale Park Tract Community Services District:

### **1. Growth and Population Projections for the Affected Area**

The District serves a small, rural residential subdivision known as the Riverdale Park Tract. The area is designated as Rural Residential in the Stanislaus County General Plan. No significant population growth is expected within the District in the near future. The District currently serves approximately 170 water service connections and a population of approximately 400.

### **2. The Location and Characteristics of Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence.**

Based on annual median household income, the area within Riverdale Park Tract Community Services District (CSD) is identified as a Disadvantaged Unincorporated Community (DUC) as defined in Section 56033.5 of the Cortese-Knox-Hertzberg Act of 2000. Directly north of and across the Tuolumne River from the Riverdale CSD is the West Modesto DUC. No additional DUCs have been identified within or contiguous to the District's sphere of influence.

### **3. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies Including Needs or Deficiencies Related to Sewers, Municipal and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence.**

The District's water distribution system is in good condition, as the system was completely upgraded in 1987, with all new PVC piping. However, the District's water source is from one groundwater well that has to be continually monitored in order to meet state water quality regulations. The District does have an emergency back-up system looped with the City of Modesto, which has been used in the past. However, when the District has to shut down its system, the cost to use the City's water is very expensive for the District.

In addition, the District relies on the Central Valley Water Quality Control Board and Stanislaus County Department of Environmental Resources to monitor the groundwater quality from the nearby Bonzi Landfill Water Reclamation System

In 2015, the Stanislaus Department of Environmental Resources (DER) identified that the District's water system violated the Maximum Contamination Level (MCL) for uranium as specified in the Domestic Water Quality and Monitoring Regulation, Chapter 15, Title 22, California Code of Regulations. In 2016 DER issued a Compliance Order (No. DER-16CO-002), requiring that the District provide a Corrective Action Plan to bring the system into compliance. The District has recently partnered with Self Help Enterprises for assistance on bringing the uranium levels into compliance through a Corrective Action Plan. The deadline for compliance is July 1, 2018.

Parcels within the District currently utilize private septic tanks for sewer systems and fire protection service is provided by the Burbank Paradise Fire Protection District.

#### **4. Financial Ability of Agencies to Provide Services**

At present time, the District has limited financial resources to operate the domestic water system. Of note, the 2010-2011 Stanislaus County Civil Grand Jury (Case #11-32GJ) reviewed 36 special districts that are required to file an annual audit in accordance with Government Code Section 26909. The District has not completed a bi-annual audit since fiscal year 2011-2012. The District is currently working with the County and an audit firm (Clendenin and Byrd Accountants) to complete the required audits.

The District's primary source of revenue is its water rates, which have not been updated to fully cover the District's expenses. A rate increase is probable.

#### **5. Status of, and Opportunities for, Shared Facilities**

The District does not currently share any facilities with other districts or agencies. However, as mentioned previously, the District's water system has an emergency connection with the City of Modesto as a back-up measure.

#### **6. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies**

A five member Board of Directors, elected by the registered voters, governs the District. The District Board of Directors is currently making adjustments to how it conducts its meetings and has been working with Stanislaus County staff on administrative and procedural matters.

Stanislaus County staff has provided information to the Board of Directors regarding proper advertisement and notice of its monthly meeting along with additional information related to the Brown Act. With the assistance of Stanislaus County, the Board of Directors is currently making adjustments to how it facilitates meetings and its administrative and procedural matters.

#### **7. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy**

The District is receiving assistance from Self Help Enterprises, a non-profit community development organization, on its Corrective Action Plan. As part of the Corrective Action Plan, the District must prepare an engineering report, choose a course of action, prepare a rate study and carry out the selected course of action. Self Help Enterprises has presented the following options for the next course of action for the District.

- a. Continue efforts towards compliance through the current Corrective Action Plan which includes construction projects involving master meter consolidation, a treatment plant or a new well.
- b. Work with Self Help Enterprises and submit a new Corrective Action Plan, including a planning/construction application. This must include a meter project in order to obtain State funding assistance.
- c. Work with Self Help Enterprises on a voluntary master meter consolidation project. The project would also incorporate improvements to the water system infrastructure and include State funding assistance. The Riverdale Park Tract

Community Services District would manage the District's finances and water system distribution.

- d. The last option would be to take no action. Failure to bring the water system into compliance will result in the Stanislaus Department of Environmental Resources reporting the compliance issue to the State Water Board. The Water Board can then provide directives taking further legal action(s) which may include the following:

- 1) Daily fines that would deplete the District's financial resources
- 2) Mandatory consolidation into the City of Modesto
- 3) Assignment of the water system operation to an outside party.

## **Sphere of Influence Update for the Riverdale Park Tract Community Services District**

In determining the Sphere of Influence (SOI) of each local agency, the Commission shall consider and prepare determinations with respect to each of the following factors pursuant to Government Code Section 56425:

1. The present and planned land uses in the area, including agricultural and open-space lands.
2. The present and probable need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services that the agency provides, or is authorized to provide.
4. The existence of any social or economic communities of interest in the area if the Commission determines they are relevant.
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

This document proposes no changes to the District's existing Sphere of Influence. Rather, it serves to reaffirm the existing SOI boundary. As part of this process, Staff researched the history of the establishment of the District's SOI. A map of the current District boundary and Sphere of Influence is attached in Appendix "A".

The following determinations for the Riverdale Park Tract Community Services District's Sphere of Influence update are made in conformance with Government Code §56425 and Commission policy.

### **Determinations:**

#### **1. The present and planned land uses in the area, including agricultural and open-space lands**

The District's Sphere of Influence (SOI) encompasses a land area of approximately 58 acres and is coterminous with its boundaries. Territory within the District consists of rural residential land uses, which are not expected to change. In addition, the District does not have the authority to make land use decisions, nor does it have the authority over present and planned land uses within its boundaries. The responsibility for land use decisions within the District boundaries is retained by the County, which consults with the City of Modesto, as the area lies within the boundary of the City's Sphere of Influence.

#### **2. The present and probable need for public facilities and services in the area**

The present and probable need for this service is not expected to change, as the District was formed to provide water service within its boundary.

**3. The present capacity of public facilities and adequacy of public services that the agency provides, or is authorized to provide.**

The District currently has sufficient capacity to provide domestic water services within its existing sphere of influence. However, for the past several years, the system's water supply has violated the Maximum Contamination Level (MCL) for uranium as specified in the Domestic Water Quality and Monitoring Regulation. The Riverdale Park Tract Community Services District has been working with the Stanislaus County Department of Environmental Resources on a Corrective Action Plan to bring the uranium levels into compliance. Additionally, groundwater in the area must continually be monitored to meet State regulations.

**4. The existence of any social or economic communities of interest in the area if the Commission determines they are relevant.**

The Riverdale Park Tract was created by a County-approved subdivision map in 1947 and is the only community within the boundaries of the District. The District's boundaries are also fully within the City of Modesto's Sphere of Influence.

**5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.**

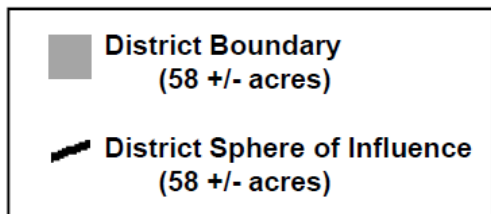
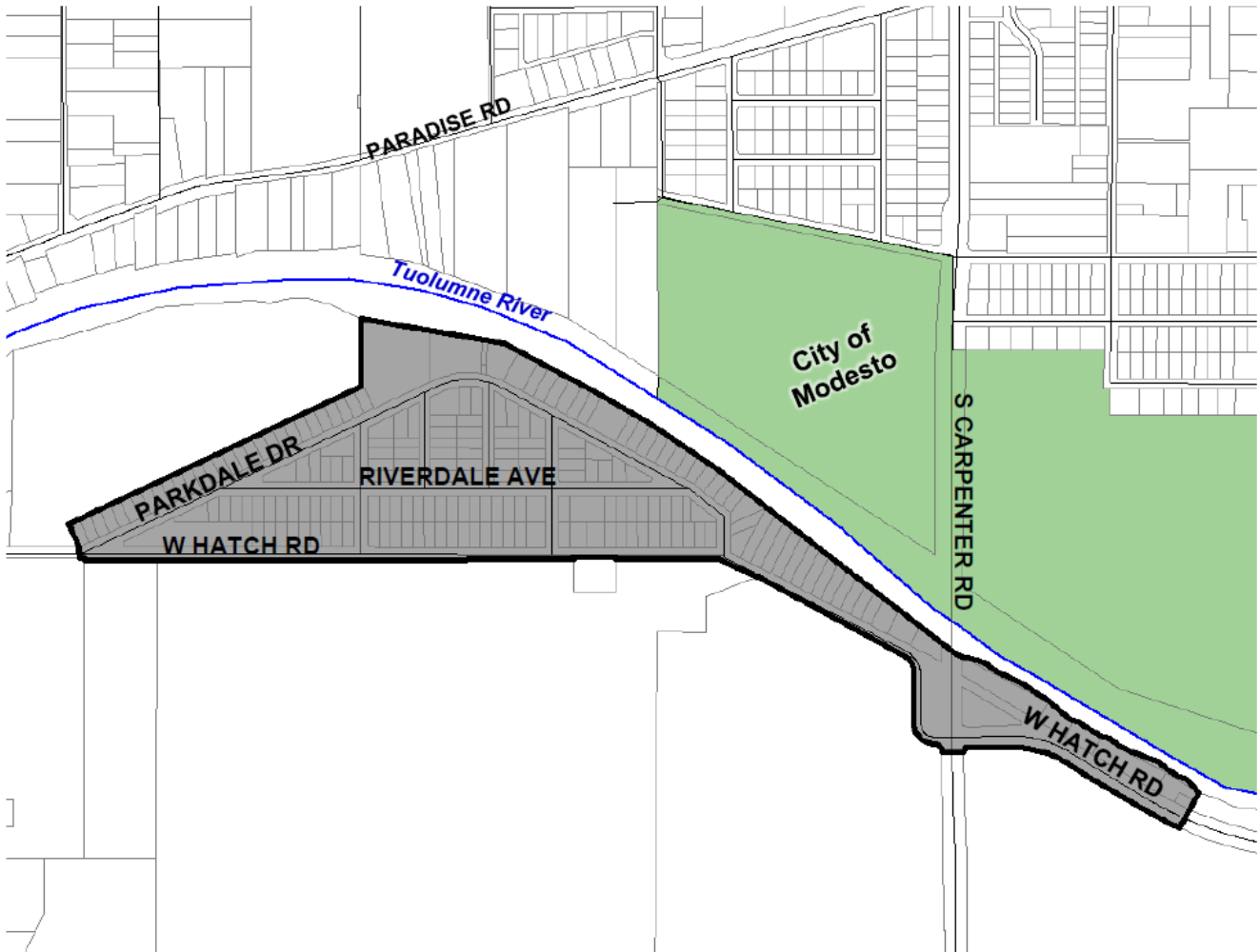
There are no proposals to change the District's existing Sphere of Influence. The Riverdale Park Tract is identified as a Disadvantaged Unincorporated Community (DUC) as defined in Section 56033.5 of the Cortese-Knox-Hertzberg Act of 2000.

The Riverdale Park Tract Community Services District provides municipal water service for the District. Additional services, such as sewer and structural fire protection, are provided through other special districts or by way of private systems.

**APPENDIX “A”  
DISTRICT SUMMARY PROFILE**

District:	<b>RIVERDALE PARK TRACT COMMUNITY SERVICES DISTRICT</b>
Location:	Southwest of the City of Modesto, south of the Tuolumne River
Service Area:	Approximately 58 acres
Population:	400 persons (estimate)
Land Use:	Rural Residential
Date of Formation:	December 18, 1984
Enabling Act:	California Government Code, Section 61000, et. seq.
Governing Body:	Five Member Board of Directors, elected by the registered voters within the District
Administration:	1 part-time employee
District Services:	Domestic Water
Total Revenues:	\$55,000 (Estimated Revenue)
Revenue Sources:	Monthly service fees and connection fees

**APPENDIX "B"**  
**RIVERDALE PARK TRACT COMMUNITY SERVICES DISTRICT**  
**BOUNDARIES AND SPHERE OF INFLUENCE**



Source -- LAFCO files  
Date: April 2009



## APPENDIX “C”

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### REFERENCES

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1. Previous MSR/SOI Update for the Riverdale Park Tract Community Services District, Adopted by LAFCO on December 7, 2011.
2. California State Controller’s Office, “Special Districts Annual Report”, April 26, 2011.
3. 2010-2011 Stanislaus County Civil Grand Jury Report – Special District Audit Requirement, Case #11-32GJ.
4. “Central Valley continues marathon fight for clean water”, Sacramento Bee article, August 19, 2009.
5. “Isolated Stanislaus County enclave struggles with search for clean water”, Modesto Bee article, January 18, 2010.
6. Stanislaus County adopted 2015-2023 Housing Element.
7. Stanislaus County Civil Grand Jury Special District Audit Requirement, Case #11-32GJ.
8. Auditor-Controller Response to the 2010-2011 Stanislaus County Civil Grand Jury Final Report, dated June 23, 2011.
9. Riverdale Part Tract Community Services District Email dated March 20, 2017.
10. Stanislaus County Department of Environmental Resources letter to the Riverdale Park Tract Community Services District dated February 2, 2016.
11. Stanislaus County Department of Environmental Resources letter to the Riverdale Park Tract Community Services District dated September 13, 2016.
12. Stanislaus County Department of Environmental Resources letter to the Riverdale Park Tract Community Services District dated October 12, 2016.
13. Stanislaus County Department of Environmental Resources letter to the Riverdale Park Tract Community Services District dated November 16, 2016.
14. U.S. Environmental Protection Agency website ([www.epa.gov/safewater](http://www.epa.gov/safewater)).