

Community Focus Statement H: Strive for greater independence and self-government.

Action Statement H.2: Explore the potential for incorporation.

H₂

Benchmark: Evaluate the feasibility of incorporation, as it affords the community the highest level of local self-governance.

Champion: Volunteer group or person or can be identified by the community

Estimated Cost: \$500,000 - \$1,000,000 dependent upon consultant needs. (This is not inclusive of additional costs borne from budgeting due to incorporation.)



Photo source: Michael Baker International

Current Governance in Joshua Tree

County Service Area 20 currently provides park and recreation, road maintenance, and street lighting services to approximately 11,000 residents in the 93-square-mile greater Joshua Tree area. CSA 20, more familiarly known as the Joshua Tree Recreation and Parks District (JTRPD), is a dependent special district managed by the San Bernardino County Special Districts Department.¹ A CSA is a type of special district formed under California law and funded by a special assessment levied on all parcels in the district. The Morongo Basin Municipal Advisory Council (MAC) is appointed by the County Board of

Supervisors and is the Special District Advisory Commission for the JTRPD with the duties of advising the Board of Supervisors on all matters specifically referred to it by the Board and on matters of public health, safety, welfare, public works, and planning.

Incorporation

Incorporation (creating a new city) affords the community the highest level of local self-governance. In California, towns and cities may be either general law (the most common) or charter.² Incorporation is a long and costly process, and the community must carefully weigh the potential benefits of incorporation against the time, effort, and expense involved. San Bernardino County LAFCO will require a population of 10,000 registered voters and an “economic base” to support incorporation.

¹ The municipal advisory council of dependent districts are appointed by the County Board of Supervisors.

² California law makes no distinction between “town” or “city,” and a municipality may use either name in its official title.

Reorganizing County Service Area 20

An alternative to incorporation is the formation of a Community Service District (CSD). The community may accomplish this by petitioning LAFCO for a reorganization of CSA 20, with the goal of creating an independent district that could potentially assume additional service responsibilities, if additional funding sources can be identified. Every special district in California operates under one of 50 generic principal acts, or a special act created especially for a specific area to provide a specific set of services. CSDs may provide up to 32 municipal services. Recreation and Parks Districts are authorized by Public Resources Code Section 5780 (see also Government Code Section 56036 for special districts in general) and may be independent (with a board of directors elected by the district's voters) or dependent (as is CSA 20, aka Joshua Tree Recreation and Parks District). Upon successful reorganization, the voters of the new CSD would elect an independent board of directors, and the property taxes and other assessments of CSA 20 would go to the CSD for its operations.

The reorganization process for special districts is not as daunting or as costly as incorporation. The fee for district reorganization is \$7,500 plus \$1 for every acre of the district over 1,920 acres. Fees and deposits for legal counsel, environmental review (assuming a negative declaration or environmental impact report is not required), noticing, and completion fees may add another \$7,250 (the proponent may apply for a waiver or reduction of fees). LAFCO requires that a fiscal impact analysis and a plan for services be prepared by the proponents based on guidelines established by LAFCO. The reorganization must be approved by the electorate of the proposed district. The reorganization process itself would not involve any of the procedures needed to levy any new assessment for services not currently provided by the CSA. It is possible that the balloting for reorganization could include a vote for a new assessment as a separate issue, if a proper Proposition 218 process is conducted in parallel. A good example of the LAFCO reorganization process is now under way for the Wrightwood CSA 56 (dependent) conversion to an independent Community Service District which proposes to add solid waste collection to its services.

While a CSD allows for greater local control of services, there are added governance costs for independent district management staff, financial auditing, legal counsel, and insurance—all functions now provided by the County. The current CSA staff would become employees of the CSD. The CSD board of directors would not have any of the legislative authority associated with a city council, such as land-use review, or control over the operations of non-CSD-provided services to the community.

Action	Action Leader	Timeline	Resources
1. Invite LAFCO to MAC meetings to explain incorporation requirements and options.	Champion with Morongo Basin MAC	Months 1 – 6	LAFCO Guidance https://www.opr.ca.gov/docs/LAFCO_Appendices_Final.pdf
2. Prepare a feasibility study to determine if incorporation is achievable and to provide a detailed report explaining how the new City of Joshua Tree will function and how it will plan for its future.	Champion with local leaders	Months 1 – 6	Pros and Cons of Incorporation http://martinmanor.com/martin4mayor/incorporation.pdf Newly Incorporated Cities: Successfully Transitioning to Cityhood http://www.calafco.org/docs/CA_LAFCO_Post_Incorporation_Guide.pdf
3. Organize community-wide meetings to provide feedback and gather input on the interest in incorporation.	Champion with Morongo Basin MAC	Months 6 – 12	