MEMORANDUM

TO: Local Agency Formation Commission
FROM: Stephen Lucas, Executive Officer
SUBJECT: Agenda Item 6.1 - Executive Officer's Report
DATE: July 25, 2019 for the meeting of August 1, 2019

ADMINISTRATION:

1. The Special District regular non-enterprise Commissioner seat is vacant and subject to election. Staff circulated a ballot to the special districts for a third fourth sixty day period with a closing date of September 13, 2019. As of the date of this report, twenty-one (21) ballots have been returned which represents a quorum meaning this will be the last round of ballots once the voting period closes. During the interim period Special District alternate member McGreehan will fill the vacated seat.

PROJECT NOTES:

The following proposals are currently known and being considered:

• Agriculture Groundwater Users of Butte County - Proposed formation of California Water District (Landowner voter district) to serve agricultural lands roughly north of Durham to the Tehama County line and west of SR99 to the Sacramento River.
• Thermalito Sewer and Water District - Sphere of Influence Amendment and Annexation of the clay pits recreation area southeast of the Oroville airport along Larkin Road.
• Oroville Mosquito Abatement District - Dissolution and Annexation of territory to Butte County Mosquito and Vector Control District. Staff provided OMAD legal counsel draft Sample District dissolution resolution/application for action. No response as of this date.
• County of Butte - Expansion of Powers for CSA 164 to add fire protection services.
• South Feather Water and Power Agency - MSR/SOI Update and comprehensive annexation plan to address domestic water services to the Palermo area and other areas.
• Lake Oroville Public Utility District - Annexation of 50 acre/130 home Garden Oaks Subdivision located on southeast corner of Lincoln Blvd/Ophir Road. (Submitted 7/19/19)
• Update to LAFCO service extension policy concerning consideration of exemptions under GC56133 which is currently being done by the Executive Officer.
• Staff is currently updating the Municipal Service Review and Sphere of Influence Plans for the eight (8) cemetery districts in Butte County.
• Durham Mosquito Abatement District - Staff has sent a letter to the DMAD requesting a progress update related to the recent MSR/SOI update. (Attachment 1)

CALAFCO:

1. The CALAFCO Board of Directors met on May 10, 2019 to discuss the issue of altering the formula for collecting member association dues to both 1) structurally balance the association budget and 2) provide greater equity among dues paying agencies. The Board agreed to a formula that will raise dues and alter the current formula. A formal letter will be distributed shortly by CALAFCO explaining the changes and will be provided to the Commission for review when available.
2. The 2019 CALAFCO Annual Conference will be in Sacramento October 29 - November 1.


GENERAL NOTES: None

APPLICATION ACTIVITY:

<table>
<thead>
<tr>
<th>File</th>
<th>Applicant</th>
<th>Project Name</th>
<th>Date Application Received</th>
<th>Certificate of Filing</th>
<th>LAFCO Hearing Date</th>
<th>Certificate of Completion</th>
<th>SBE Submittal Date</th>
<th>Additional Comments</th>
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<tbody>
<tr>
<td>11-08 Butte County</td>
<td>CSA No. 114 - Expansion of Powers</td>
<td>02/02/11</td>
<td>N/A</td>
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<td>Chapman Annexation No. 1</td>
<td>04/17/15</td>
<td>05/17/15</td>
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<td>North Chico Annexation No. 1</td>
<td>02/25/19</td>
<td>03/21/19</td>
<td>05/02/19</td>
<td>approved - Need map/legal/SBOE fee</td>
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<td>19-04 LAFCO</td>
<td>Csa 26 Dissolution</td>
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<td>04/25/19</td>
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<td>19-12 County</td>
<td>CSA 158 - Mandville Park Subd. Annex</td>
<td>09/02/19</td>
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CAMP FIRE RECOVERY UPDATE

1. Staff became aware that the Butte County Mosquito and Vector Control District (BCMVCD) is facing an extremely dangerous mosquito breeding season within the Camp Fire burn scar due to thousands of exposed septic systems, unmanaged pools and a myriad of other standing water sources that offer breeding habitat. Based on LAFCos MSR prepared for the BCMVCD, Staff was keenly aware of the District's current operational and funding status and knew it could not ramp up to meet this threat. Staff reached out to a number of sources (BCPH, FEMA, USDA, NVCF/Butte Strong Fund) to connect them with the District for possible funding. We are glad to report the Butte Strong Fund has awarded a $310,000 grant to the District to purchase necessary equipment and supplies and the USDA is in the process of awarding approximately $150,000 from the USDA Community Facilities Program, that allows a maximum individual grant of $372,000. These two grants totaling $460,000 will allow the District to significantly increase its service delivery capabilities immediately and into the future.

2. Staff continues to assist the Paradise Recreation and Park District (PRPD) in determining house sizes (sq.ft.) that were destroyed by the Camp Fire and being rebuilt. The District will use this data to determine if development impact fees will need to be collected should rebuilt homes exceed the original square footage. The LAFCo Staff coordinated with the Butte County Assessor's Office and will be providing this data upon request of the District for the foreseeable future.
Camp Fire Outreach Log (6/1/19 to 7/24/19)

6/11/19  Attended Town of Paradise Town Council meeting at which the Camp Fire Recovery Plan was considered and selected. The Town Council chose to only adopt 9 of 20 building code changes outlined by Urban Design Associates (UDA), citing cost and or time concerns that will impact/impair some rebuilding efforts.

6/18/19  Met with Town of Paradise (Manager, Engineer, Planning Director, recovery Consultant) to discuss options for creating a sewer system/entity and to discuss future planning efforts that the Town may undertake including updating its general plan and zoning ordinances, subdivision standards, and MSR/SOI updates.

6/25/19  Attended Town of Paradise Town Council meeting at which it discussed and adopted building code changes.

7/11/19  Met with John Scott and Ed Cox representing the Miocene Canal Coalition to discuss options to address the loss of the Miocene Canal water, to include forming a governance entity that could fund/manage future improvements.

7/22/19  Attended Miocene Canal working group meeting to discuss options and opportunities to restore water flow and manage the system in the future.

Attachments: 1. Letter to DMAD Requesting Response to MSR/SOI Issues  
2. CALAFCO Legislative Update
Aaron Amator, District Manager  
Durham Mosquito Abatement District  
P.O. Box 386  
Durham, CA 95938

Re: Durham Mosquito Abatement District Municipal Service Review and Sphere of Influence Plan (LAFCo File No. 17-07) Recommendations and Determinations

Dear Aaron:

The Butte Local Agency Formation Commission (LAFCo) adopted Resolution No. 02 2018/19 on December 7, 2017, approving the Municipal Service Review (MSR) and Sphere of Influence Plan (SOI) update for the Durham Mosquito Abatement District (DMAD).

The MSR/SOI Plan resulted in the DMAD being given a probationary sphere of influence that would be revisited by the Commission to determine if:

1) The District has complied with the LAFCO's findings discussed below; and

2) A revision to the probationary sphere of influence is warranted.

Please review the following determinations/recommendations and provide a response to the associated questions.

1. The Durham Mosquito Abatement District shall adopt a comprehensive integrated pest management program within six months of the Commission's approval of the Mosquito Abatement Districts Municipal Service Reviews/Sphere of Influence Plans. The Durham Mosquito Abatement District shall continuously implement the provisions of the adopted integrated pest management program.

   Has the District adopted a integrated pest management program? If yes, please provide a copy of the document with its adopting resolution. If no, why not?

2. The Durham Mosquito Abatement District shall create a comprehensive website within six months of the Commission's approval of the Mosquito Abatement Districts Municipal Service Reviews/Sphere of Influence Plans. The Durham Mosquito Abatement District shall keep the website current.

   It appears the District has created a website at http://durhammad.com. The site has useful contact, educational and operational information and is a good start.
Does the District have a plan for additional information to be added such as the IVMP, meeting notices, agendas/minutes, bylaws, a map of the District, budgets/audits, employee compensation reports and the District MSR/SOI Plan?

3. Within two (2) months of Commission’s adoption of the Mosquito Abatement Districts Municipal Service Reviews/Sphere of Influence Plans, the Durham Mosquito Abatement District and/or the Butte County Mosquito and Vector Control District shall submit an application to LAFCo to detach the rice field area of the Durham Mosquito Abatement District from that district and annex the rice field area to the Butte County Mosquito and Vector Control District.

The Rice Fields Annexation was initiated by the Butte County and Vector Control District and completed/recorded (Resolution 13 2017/18) on March 27, 2019. No DMAD action required.

4. At the end of the one year period, or sooner at the direction of the Commission, the Commission shall review the service provisions of the Durham Mosquito Abatement District to ensure that the District has adopted and implemented the comprehensive integrated pest management program and has created and maintained a comprehensive website. Should the Commission determine that the District has adequately implemented these measures, the Commission may give the District a traditional Coterminous Sphere of Influence boundary. Should the Commission determine that the District has not adequately followed through with these measures and/or determine that District services are inadequate, the Commission can remove the Probationary Sphere of Influence and give the District a Zero Sphere of Influence.

Upon receiving and reviewing the District’s response to this inquiry, the Commission will schedule a hearing to evaluate and discuss the response and potentially take action to amend the District’s MSR/SOI Plans. Please provide a justification for why the Commission should replace the probationary SOI?

6. MSR DETERMINATION 6-2: GOVERNMENTAL STRUCTURE: The District has a single full-time employee – the District Manager - who is responsible to manage all District functions. If the District Manager has an extended absence for any reason such as an illness or vacation, the District would be effectively without leadership, and services would be drastically impacted. The District Board should address this concern and adopt a contingency plan for an extended absence that may involve contractual services provided by the BCMVCD.

Has DMAD addressed this concern? If yes, please provide the contingency plan or policy. If not, why not?
Given the great public health and safety risks associated with mosquito borne diseases, the Commission continues to have a high level of concern for all mosquito abatement services provided in the County. We are hopeful that the DMAD has taken the MSR/SCI Plan update with the seriousness it deserves and has implemented proactive steps to address the above referenced concerns. We look forward to receiving your response in a timely manner, but will expect a response no later than September 1, 2019. If you have any questions, please contact our office at your convenience.

Sincerely,

Steve Lucas

Stephen Lucas
Executive Officer

cc: LAFCO
AB 508  (Chu D)  Drinking water: consolidation and extension of service: domestic wells.

Introduced: 2/13/2019
Last Amended: 7/5/2019
Status: 7/10/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (July 10). Re-referred to Com. on APPR.
Calendar: 8/12/2019 10 a.m. - John L. Burton Hearing Room (4203) SENATE APPROPRIATIONS, PORTANTINO, Chair

Summary:
The California Safe Drinking Water Act requires the State Water Resources Control Board, before ordering consolidation or extension of service, to, among other things, make a finding that consolidation of the receiving water system and subsumed water system or extension of service to the subsumed water system is appropriate and technically and economically feasible. This bill would modify the provision that authorizes consolidation or extension of service if a disadvantaged community is reliant on a domestic well described above to instead authorize consolidation or extension of service if a disadvantaged community, in whole or in part, is reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water.

Position: Watch
Subject: Disadvantaged Communities, Water
CALAFCO Comments: This bill allows the SWRCB to order an extension of service in the case a disadvantaged community has at least one residence that are reliant on a domestic well that fails to provide safe drinking water. It allows members of the disadvantaged community to petition the SWRCB to initiate the process. It allows the owner of the property to opt out of the extension. The bill also places limitations on fees, charges and terms and conditions imposed as a result of the extension of service. Finally, the extension of service does not require annexation in the cases where that would be appropriate.

AB 600  (Chu D)  Local government: organization: disadvantaged unincorporated communities.

Introduced: 2/14/2019
Last Amended: 4/29/2019

Summary:
Under current law, an application to annex a contiguous disadvantaged community is not required if, among other things, a local agency formation commission finds that a majority of the registered voters within the disadvantaged unincorporated community are opposed to the annexation, as specified. This bill would additionally provide that an application to annex a contiguous disadvantaged community is not required if the commission finds that a majority of the registered voters within the affected disadvantaged unincorporated community would prefer to address the service deficiencies through an extraterritorial service extension.

Attachments:
CALAFCO Oppose letter_05_07_19
LAFCo Oppose letter template_05_07_19
CALAFCO Oppose Letter REV_April 19, 2019
LAFCo Oppose letter template REVISED
CALAFCO Oppose Letter_April 16, 2019
LAFCo Oppose letter template

Position: Oppose
Subject: Disadvantaged Communities, Water
CALAFCO Comments: As amended on April 29, the bill still has a number of issues. The bill still allows for an extension of service in lieu of annexation. The bill adds (8)(C) to Government Code Section 56375. As written, this section creates confusion and contradicts §56375(8)(A). It appears the intention is to prohibit LAFCo from approving the annexation of two or more contiguous disadvantaged communities within five years that are individually less than ten acres but cumulatively more than ten acres. If so, then this language conflicts with §56375(8)(A), which allows for commission policies to guide the commission in determining the size of the area to
be annexed. Further, the term “paragraph” as used in this section creates uncertainty as to what section or subsection is actually being addressed. The bill does nothing to address the engineering and financial issues that must be solved in order to ensure sustainable service. Further it does not allow for local circumstances and conditions to be considered by offering a “one size fits all” approach.

**AB 1253**  (Rivas, Robert D)  Local agency formation commissions: grant program.  
**Current Text:** Introduced: 2/21/2019  [html](#)  [pdf](#)  
**Introduced:** 2/21/2019  
**Status:** 7/10/2019-Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/6/2019)(May be acted upon Jan 2020)  
**Summary:**  
This bill would require the Strategic Growth Council, until July 31, 2025, to establish and administer a local agency formation commissions grant program for the payment of costs associated with initiating and completing the dissolution of districts listed as inactive, the payment of costs associated with a study of the services provided within a county by a public agency to a disadvantaged community, as defined, and for other specified purposes, including the initiation of an action, as defined, that is limited to service providers serving a disadvantaged community and is based on determinations found in the study, as approved by the commission. The bill would specify application submission, reimbursement, and reporting requirements for a local agency formation commission to receive grants pursuant to the bill. The bill would require the council, after consulting with the California Association of Local Agency Formation Commissions, to develop and adopt guidelines, timelines, and application and reporting criteria for development and implementation of the program, as specified, and would exempt these guidelines, timelines, and criteria from the rulemaking provisions of the Administrative Procedure Act. The bill would make the grant program subject to an appropriation for the program in the annual Budget Act, and would repeal these provisions on January 1, 2026. This bill contains other existing laws.  
**Attachments:**  
[LAFCo Support Letter Template](#)  
[CALAFCO Support letter Feb 2016](#)  
**Position:** Sponsor  
**Subject:** Disadvantaged Communities, LAFCo Administration, Municipal Services, Special District Consolidations  
**CALAFCO Comments:** This is a CALAFCO sponsored bill following up on the recommendation of the Little Hoover Commission report of 2017 for the Legislature to provide LAFCos one-time grant funding for in-depth studies of potential reorganization of local service providers. Last year, the Governor vetoed AB 2258 - this is the same bill. The Strategic Growth Council (SGC) will administer the grant program. Grant funds will be used specifically for conducting special studies to identify and support opportunities to create greater efficiencies in the provision of municipal services; to potentially initiate actions based on those studies that remove or reduce local costs thus incentivizing local agencies to work with the LAFCo in developing and implementing reorganization plans; and the dissolution of inactive districts (pursuant to SB 448, Wieckowski, 2017). The grant program would sunset on July 31,2024. The bill also changes the protest threshold for LAFCo initiated actions, solely for the purposes of actions funded pursuant to this new section. It allows LAFCo to order the dissolution of a district (outside of the ones identified by the SCO) pursuant to Section 11221 of the Elections code, which is a tiered approach based on registered voters int he affected territory (from 30% down to 10% depending). The focus is on service providers serving disadvantaged communities. The bill also requires LAFCo pay back grant funds in their entirety if the study is not completed within two years and requires the SGC to give preference to LAFCOs whose decisions have been aligned with the goals of sustainable communities strategies. The fiscal request is $1.5 million over 5 years. CALAFCO is attempting to get this in the May revise budget so there is no General Fund appropriation (the reason Gov. Brown vetoed the bill).

**AB 1389**  (Eggman D)  Special districts: change of organization: mitigation of revenue loss.  
**Current Text:** Introduced: 2/22/2019  [html](#)  [pdf](#)  
**Introduced:** 2/22/2019  
**Status:** 5/3/2019-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/14/2019)(May be acted upon Jan 2020)  
**Summary:**  
Would authorize the commission to propose, as part of the review and approval of a proposal for the establishment of new or different functions or class of services, or the divestiture of the power to provide
particular functions or class of services, within all or part of the jurisdictional boundaries of a special district, that
the special district, to mitigate any loss of property taxes, franchise fees, and other revenues to any other affected
local agency, provide payments to the affected local agency from the revenue derived from the proposed exercise
of new or different functions or classes of service.

Position: Watch
Subject: CKH General Procedures
CALAFCO Comments: This bill allows LAFCo, when approving a proposal for new or different functions or class of
service for a special district, to propose the district provide payments to any affected local agency for taxes, fees or
any other revenue that may have been lost as a result of the new service being provided.

AB 1751 (Chiu D) Water and sewer system corporations: consolidation of service.
Current Text: Amended: 5/1/2019  html  pdf
Introduced: 2/22/2019
Last Amended: 7/5/2019
Status: 7/5/2019-Read second time and amended. Re-referred to Com. on APPR
Summary: Current law authorizes the State Water Resources Control Board to order consolidation of public water
systems where a public water system or state small water system serving a disadvantaged community consistently
fails to provide an adequate supply of safe drinking water, as provided. This bill, the Consolidation for Safe Drinking
Water Act of 2019, would authorize a water or sewer system corporation to file an application and obtain approval
from the commission through an order authorizing consolidation with a public water system or state small water
system, or to implement rates for the subsumed water system.
Position: Watch
Subject: Water
CALAFCO Comments: This bill allows for water (public or state small) or sewer systems corps to file an application
for consolidation with the SWRCB.

AB 1822 (Committee on Local Government) Local Government: omnibus.
Introduced: 3/11/2019
Last Amended: 4/8/2019
Summary: Current law requires a commission to develop and determine the sphere of influence of each city and
each special district within the county and enact policies designed to promote the logical and orderly development
of areas within each sphere. Current law requires the commission, in order to prepare and update spheres of
influence in accordance with this requirement, to conduct a service review of the municipal services provided in
the county or other appropriate area designated by the commission, as specified. Current law defines “sphere of
influence” to mean a plan for the probable physical boundaries and service area of a local agency. Current law
defines the term “service” for purposes of the act to mean a specific governmental activity established within, and
as a part of, a general function of the special district, as specified. This bill would revise the definition of the term
“service” for these purposes to mean a specific governmental activity established within, and as a part of, a
function of the local agency.
Attachments:
CALAFCO Support letter_April 16, 2019
LAFCo Support letter template
Position: Sponsor
Subject: LAFCo Administration
CALAFCO Comments: This is the annual Omnibus bill.

Introduced: 2/20/2019
Last Amended: 5/17/2019
Status: 7/11/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 1.) (July 10). Re-referred
to Com. on APPR. (Received at desk July 10 pursuant to JR 61(a)(10)).
Summary: Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Position: Support

Subject: Water

CALAFCO Comments: This bill is very similar to AB 2050 (Caballero) from 2018. Several changes have been made. This bill is sponsored by Eastern Municipal Water District and the CA Municipal Utilities Assoc. The intent is to give the State Water Resources Control Board (SWRCB) authority to mandate the dissolution of existing drinking water systems (public, mutual and private) and authorize the formation of a new public water authority. The focus is on non contiguous systems. The SWRCB already has the authority to mandate consolidation of these systems, this will add the authority to mandate dissolution and formation of a new public agency. LAFCo will be responsible for dissolving any state mandated public agency dissolution, and the formation of the new water authority. The SWRCB's appointed Administrator will act as the applicant on behalf of the state. LAFCo will have ability to approve with modifications the application, and the new agency will have to report to the LAFCo annually for the first 3 years.

SB 646  (Morrell R)  Local agency utility services: extension of utility services.
Current Text: Amended: 5/7/2019  html  pdf
Introduced: 2/22/2019
Last Amended: 5/7/2019
Summary: The Mitigation Fee Act, among other things, requires fees for water or sewer connections, or capacity charges imposed by a local agency to not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the reasonable cost of providing the service or materials is submitted to and approved by 2/3 of the electors voting on the issue. The Mitigation Fee Act defines the term “fee” for these purposes. This bill would revise the definition of “fee” to mean a fee for the physical facilities necessary to make a water connection or sewer connection, and that the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the payor’s burdens on, or benefits received from, the water connection or sewer connection.
Position: Neutral
Subject: CKH General Procedures
CALAFCO Comments: UPDATE AS OF THE 4/11/19 AMENDMENTS: These amendments address all of our concerns and the bill now only addresses fees. This bill does 3 things. (1) Seeks to add a provision to 56133 that requires LAFCo to approve an extension of service regardless of whether a future annexation is anticipated or not. It further requires the service provider to extend the provision of service to a property owner regardless of whether there is a pending annexation or pre-annexation agreement. The newly proposed subsection directly contradicts subsection (b). (2) Changes the definition of "fee" by requiring the new few "is of proportional benefit to the person or property being charged." There is no reasonable definition or application of "proportional benefit". (3) Narrows the scope of application of Section 56133 to water or sewer service; and prohibits the service provider to charge higher fees and charges to those outside the jurisdictional boundaries.