



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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CASE NO. C-1203017

Fred Coleman, Steven Wallace, Larry L.
Vaughn, and Ruth Dargitz,

Complainants,

vs.

Odd Fellows Sierra Recreation
Association,

Defendant.

**CORRECTED STATUS REPORT OF THE ODD FELLOWS SIERRA RECREATION
ASSOCIATION**

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April 15, 2013

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Pursuant to Administrative Law Judge Angela Minkin’s February 14, 2013 joint scoping memo ruling, the Odd Fellows Sierra Recreation Association (“Recreation Association”) files this report on the status of CPUC Proceeding C-1203017 (filed March 12, 2012).

Since Recreation Association’s January 11, 2013 Status Report and the February 5, 2013 telephonic status conference, the following developments are relevant:

1. As the Commission knows, on October 19, 2012, the Recreation Association filed its plan with Tuolumne County Local Agency Formation Commission (“LAFCO”) to form Sierra Park Community Services District (“SPCSD”) as an independent Community Services District pursuant to *Section 61000, et seq. of the Government Code* to service the lot owners of I.O.O.F. Odd Fellows Sierra Camp Subdivision No. 1 and I.O.O.F. Odd Fellows Sierra Camp Subdivision No. 2 (the “Park”)
2. On February 17, 2013, the Office of the County Counsel for the County of Tuolumne sent a Memorandum to Bev Shane, LAFCO Executive Director regarding SPCSD. In such memorandum, Deputy County Counsel Carlyn Drivdahl stated, among other things, that no landowner voter district was possible for SPCSD, that the private roads and

streets within the Park must be converted public roads and that any work within the Park performed by SPCSD would require public bidding and contracting as set forth in Public Contract Code Section 21000, et seq. Ms. Drivdahl also noted that gates are prohibited across public roads.¹ **After receiving Ms. Drivdahl's memorandum and consulting with the certain owners of lots with the Park, the Recreation Association has decided to abandon its application with LAFCO.**

3. On or about March 25, 2013, the Recreation Association caused to be filed with the California Secretary of State, Articles of Incorporation for two (2) new profit corporations: (i) Sierra Park Services, Inc. and (ii) Sierra Park Water Company, Inc., each of which are hereinafter discussed.
4. **Sierra Park Services, Inc.:** The Recreation Association intends to transfer (i) all real property located within the boundaries of the Park that is owned by the Corporation (the "Real Property to be Transferred") *together with* (ii) all improvements and fixtures located thereon and all tangible personal property of the Corporation (collectively the "Non-Water Related Personal Property to be Transferred" and together with the Real Property to be Transferred, collectively, the "Non Water Related Assets to Be Transferred") to Sierra Park Services, Inc. *excepting only*,
 - 1) Lot 67 Block 21 (APN 031-064-10) of the Park which is owned by the Recreation Association (the "Caretaker's Lot").
 - 2) Any water lines, wells, water storage tanks and related improvements located on the Real Property to be Transferred (which such water lines, wells, pumps, water storage tanks and related improvements shall not be included in the definition of Non-Water Related Personal Property to be Transferred).
 - 3) Any water rights associated with Sugar Pine Creek.

The Recreation Association will retain an easement over the streets and roads of the Park for ingress and egress and for the removal of timber from certain real property adjacent to the Park owned by the Recreation Association (the "Timber Land"). The Real Property to Be Transferred will *not* include any other real property owned by the Recreation Association, including, but not limited to, the Timber Land.

¹ The Park is currently gated which is an important amenity to the lot owners of the Park.

The purpose of Sierra Park Services, Inc. will be to own, operate, maintain, repair and improve the Real Property to be Transferred and the Non Water Related Personal Property To Be Transferred.

The Recreation Association will grant one common share of Sierra Park Services, Inc. to each lot owner of the Park.

5. **Sierra Park Water Company, Inc.:** The Recreation Association intends to transfer all water lines, wells, pumps, water storage tanks and related improvements located within the Park or on the Timber Land (the Water Related Personal Property to be Transferred) to Sierra Park Water Company, Inc.

The Recreation Association will lease to Sierra Park Water Company, Inc. the area of the Timber Land on which the water lines and water storage tanks that currently serve the Park are located. Sierra Park Services, Inc. will lease the right to extract water from the Real Property to be Transferred (after transfer by the Recreation Association) to Sierra Park Water Company, Inc.. In addition, Sierra Park Services, Inc. will grant an easement to Sierra Park Water Company, Inc. over, under and through the area of the Real Property to be Transferred which the water pipes, wells and related improvements that currently serve the Park are located.

The purpose of Sierra Park Water Company, Inc. will be to own, operate, maintain, repair and improve the Water Related Personal Property To Be Transferred.

The Recreation Association proposes that Sierra Park Water Company, Inc. will be licensed by and regulated by the California Public Utilities Commission.

The Recreation Association will grant one common share of Sierra Park Water Company, Inc. to each lot owner of the Park.

6. On March 26, 2013, the Recreation Association filed a complaint with the Superior Court of California, County of Tuolumne against thirty (30) lot owners of the Park, including all Complainants, who had not paid in full for water and certain other services provided by the Recreation Association to such lot owners for the period beginning on June 1, 2012 and ending on May 31, 2013. **The Recreation Association has not terminated water to service to any lot owner of the Park despite non-payment in full for such service by such thirty (30) lot owners.**

Recreation Association files this statement individually, rather than jointly.

Respectfully submitted,

Dambacher, Trujillo, & Wright

April 15, 2013

By: /s/ Timothy T. Trujillo
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