

Figure 3: RPPUD Wastewater Profile

River Pines PUD				
Wastewater Service Configuration and Demand				
Service Configuration				
Service Type	Service Provider(s)			
Wastewater Collection	River Pines PUD			
Wastewater Treatment	River Pines PUD			
Wastewater Disposal	River Pines PUD			
Recycled Water	None			
River Pines Wastewater Service Area				
Collection:	River Pines PUD			
Treatment:	River Pines PUD			
Recycled Water	None			
Sewer Connection Regulatory/Policies				
Properties with structures are required to connect to the sewer system.				
Onsite Septic Systems in Service Area				
The District is not aware of any septic systems within the service area.				
Service Demand 2018				
	Connections			Flow Average (mgd)
Type	Total	Inside Bounds	Outside Bounds	
Total	219	219	0	NP
Residential	215	215	0	NP
Commercial	4	4	0	NP
Institutional	0	0	0	0
Projected Demand (in millions of gallons per day)				
	2007	2015	2025	Build-Out
Avg. dry weather flow	NP	NP	NP	NP
Peak wet weather flow	NP	NP	NP	NP
Notes:				
(1) NA: Not Applicable; NP: Not Provided.				

continued

River Pines PUD

Wastewater Infrastructure

Wastewater Treatment & Disposal Infrastructure

System Overview

Treatment level: Secondary

Disposal method: Secondary-treated effluent is discharged to sprayfields.

Facility Name	Capacity	Condition	Yr Built
Wastewater Treatment Facility	0.035	Good	1985
Equalization basin (storage reservoir)	4 mg	Fair	1985
Spray field	17 af	Good	1985

Treatment Plant Daily Flow (mgd)	Average Dry	Peak Wet
RPPUD WWTP	0.022	0.03

Infrastructure Needs and Deficiencies

Three monitoring wells.

Wastewater Collection & Distribution Infrastructure

Collection & Distribution Infrastructure

Sewer Pipe Miles	NP	Sewage Lift Stations	3
Other:	1-2 miles of force main		

Infrastructure Needs and Deficiencies

NP

Infiltration and Inflow

The District reported significant I/I during wet weather, but its WWTP has enough wet weather capacity to handle peak flows that result.

Wastewater Regional Collaboration and Facility Sharing

Regional Collaboration

The District contracts with AWA for all wastewater operation and maintenance services.

Facility Sharing Opportunities

No facility sharing opportunities were identified.

continued

River Pines PUD

Wastewater Service Adequacy, Efficiency & Planning

Regulatory Compliance Record, 2008-2012			
Formal Enforcement Actions	0	Informal Enforcement Actions	1
Enforcement Action Type	Date	Description of Violations	
Notice of Violation	8/1/2010	Failure to complete, approve, and certify any of the required Sewer System Management	
	4/13/2017	Discharge of effluent	
Service Adequacy Indicators			
Sewer Overflows 2012 ¹	0	Sewer Overflows 2006 ²	1
Treatment Effectiveness Rate ³	100%	Sewer Overflow Rate ⁴	0
Total Employees (FTEs)	0.0	Response Time Policy ⁵	as quick as possible
Employees Certified?	Yes	Response Time Actual	0.75-1.5 hours
Source Control and Pollution Prevention Practices			
NP			
Collection System Inspection Practices			
The only portion of the collection system that is regularly inspected are the grinder stations and lift stations. Collection system piping was inspected and jetted in 2016.			
Service Challenges			
Sewer pond access during high river flow.			
Wastewater Planning			
Plan	Description	Planning Horizon	
Sanitary Sewer Management Plan	-	NP	
Emergency Plan	Emergency contacts	2016	
Other:	Operations and Maintenance Manual		
Notes:			
(1) Total number of overflows experienced (excluding those caused by customers) in 2012 as reported by WRCB.			
(2) Total number of overflows experienced (excluding those caused by customers) in 2011 as reported by WRCB.			
(3) Total number of non-compliance days in 2012 per 365 days.			
(4) Sewer overflows (excluding those caused by customers) per 100 miles of collection piping.			
(5) Agency policy, guidelines or goals for response time between service call and clearing the blockage.			

continued

River Pines PUD

Wastewater Rates and Financing

Wastewater Rates-Ongoing Charges FY 16-17

	Rate Description	Avg. Monthly Charges	Demand²
Residential	Flat rate per unit	\$57.75	250 gpd
Commercial	Flat rate per unit	\$66.70	-

Rate Zones

There is one rate zone.

Rate-Setting Procedures

Policy Description: Each residential connection pays \$57.75 monthly.

Last Rate Change	2013	Frequency of Rate Changes	Occasional
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Wastewater Development Fees and Requirements

Connection Fee Approach The connection fee was last updated in 2013.

Connection Fee Timing Upon building permit issuance.

Connection Fee Amount¹ Residential: \$7,748

Land Dedication Req. None

Development Impact Fee None

Wastewater Enterprise Revenues, FY 16-17			Expenditures, FY 16-17	
Source	Amount	%	Amount	

Source	Amount	%	Amount	
Total	\$125,532		Total	\$163,278
Rates & Charges	\$118,490		Administration	\$46,652
Property Tax	\$0		O & M	\$101,974
Grants	\$0		Capital Depreciation	\$14,652
Interest	\$0		Debt	\$0
Connection Fees	\$0		Other	\$0
Other	\$7,042			

Notes:

(1) Rates include wastewater-related service charges and strength and flow charges. Average monthly charges calculated based on average consumption. Rates are rounded for presentation.

(2) Wastewater use assumptions by customer type were used to calculate average monthly charges. Assumed use levels are 250 gallons per home per day, and are consistent countywide for comparison purposes.

(3) Connection fee amount is calculated for a single-family home.

AGENDA ITEM # 9

TO: ALL COMMISSIONERS, ALTERNATES
FROM: ROSEANNE CHAMBERLAIN, EXECUTIVE OFFICER
SUBJECT: OVERVIEW AND DISCUSSION OF SB 239 (2015)
DATE: MEETING OF FEBRUARY 15, 2018

BACKGROUND:

Lockwood Fire Protection District is considering an agreement with CALFire to provide winter staffing under an “Amador Plan” contract. CALFire staff asked LAFCO to evaluate whether or not this agreement would be subject to new provisions of the Cortese-Knoz-Hertzberg Act (CKH).

Senate Bill 239, passed in 2015, requires LAFCO to review and approve certain contracts between local government agencies for the provision of fire protection. The new statute appears at Government Code §56134 and modifies the application of Government Code §56133.

Government Code §56133 requires local agencies to obtain LAFCO approval before serving outside of agency boundaries. Such extensions are often called “Out of Agency Service Agreements” or OASA. Over the years, Amador LAFCO has reviewed a number of requests by agencies to provide service by contract outside district boundaries. We have policies and a procedure for the orderly implementation of §56133.

Prior to the enactment of SB239 (§56134), some OASAs between government agencies were exempt from LAFCO review because an exemption was provided by §56133. For example, LAFCO does not review mutual aid agreements between fire districts. Now, however, §56133, including its exemption for intergovernmental service agreements, will no longer apply to OASA contracts for fire service. Fire service out of agency contracts must be reviewed by LAFCO under §56134 if they affect 25% of the area served by an agency or affect 25% of the employees of the agency.

Under the proposed agreement between CALFire and Lockwood, service from CALFire would be limited to service within the boundaries of Lockwood and would affect 100% of the area within the boundaries. Lockwood has no employees. The district is a state responsibility area.

DISCUSSION

I reviewed §56133 and §56134 and concluded neither of these provisions applied to the proposed Lockwood-CALFire agreement because the agreement would provide service exclusively within

the boundaries of Lockwood. §56133 and §56134 deal with services outside of district boundaries. Additionally, while LAFCO has broad discretion over agency boundaries, the commission is not empowered to regulate the internal function and operation of a special district within their jurisdictional boundaries.

To confirm my interpretation, I raised the Lockwood-CALFire case for discussion at a recent CALAFCO training for implementation of new LAFCO laws. At the training, however, my colleagues and a knowledgeable attorney presenting the SB 239 session disagreed. They asserted that since 100% of the area of Lockwood FPD would be affected (greater than 25%), then the provisions of §56134 would apply even if, as in this case, the service is not extended outside the boundaries of Lockwood FPD.

LEGAL OPINION:

Because there appeared to be differences of opinion among LAFCO staff as to the proper interpretation of §56134, I referred the matter to the commission's legal counsel for an opinion. Counsel reviewed the statutes and the factual basis for the question and confirms that an agreement for CALFire services within the boundaries of Lockwood FPD is not subject to the provisions of §56134.

RECOMMENDATION

1. Receive and review the legal opinion.
2. Provide additional direction to staff, if desired, to support or assist Lockwood and CALFire with their agreement.

Attachments: Legal Opinion

AMADOR LAFCO



LOCAL AGENCY FORMATION COMMISSION

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To: Roseanne Chamberlain, Executive Officer, Amador LAFCO

From: William M. Chamberlain, Legal Counsel, Amador LAFCO

DATE: February 1, 2018

RE: Legal Opinion on the application of Government Code section 56134

Factual Background: The Lockwood Fire Protection District (Lockwood) provides fire protection services within the district's boundaries within Amador County, all of which is designated CAL FIRE state responsibility area and is part of the wild lands fire protection area served by CAL FIRE. Lockwood is an independent special district, formed under Health and Safety Code sections 13800-13970 by LAFCO in 1986. Lockwood relies exclusively on volunteer fire fighters. Its fire station has historically only been manned during the fire season. Now Lockwood and CAL FIRE propose to enter into a cost-sharing agreement under which CAL FIRE may man the Lockwood fire station during more of the year. The agreement does not involve new or extended fire protection services outside Lockwood's jurisdictional boundaries, nor does it involve new or extended fire protection services outside the jurisdictional boundaries of CAL FIRE.

Question Presented: Where CAL FIRE and the Lockwood Fire Protection District propose to enter into this cost-sharing contract, does Government Code section 56134 require written approval of the Amador Local Agency Formation Commission?

Short Answer: Government Code section 56134 does not require Amador LAFCO approval of this contract.

Analysis: Section 56134 defines the scope of its requirements for LAFCO approval of a "fire protection contract" in a manner that substantially limits the kind of contract for which LAFCO approval is required. Section 56134(a)(1) defines the kind of agreement that will require LAFCO approval as follows:

For the purpose of this section, "fire protection contract" means a contract or agreement for the exercise of new or extended fire protection services outside a public agency's jurisdictional boundaries, as authorized by Chapter 4 (commencing with Section 55600) of Part 2 of Division 2 of Title 5 of this code or by Article 44 (commencing with Section 4141) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, except those contracts entered into pursuant to Sections 4143 and 4144 of the Public Resources Code, that does either of the following:

(A) Transfers responsibility for providing services in more than 25 percent of the area within the jurisdictional boundaries of any public agency affected by the contract or agreement.

(B) Changes the employment status of more than 25 percent of the employees of any public agency affected by the contract or agreement.

The first clause of this paragraph provides the most essential limitation: “a contract or agreement for the exercise of new or extended fire protection services *outside a public agency's jurisdictional boundaries.*” (Emphasis added) The rest of the paragraph simply adds additional definitional or limiting language. For example, the words “as authorized by Chapter 4 (commencing with Section 55600) of Part 2 of Division 2 of Title 5 of this code or by Article 44 (commencing with Section 4141) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code,” serve only to define the term “jurisdictional boundaries.” And the words “except those contracts entered into pursuant to Sections 4143 and 4144 of the Public Resources Code,” only ensure that a special kind of contract that is allowed between a county and the state, whereby the county is permitted to take responsibility for all fire suppression within its borders (not applicable here) do not require LAFCO approval under this section. None of these extended phrases change the basic limitation of the language “a contract or agreement for the exercise of new or extended fire protection services *outside a public agency's jurisdictional boundaries.*” Thus section 56134(a)(1) can be more easily understood by removing these qualifications as follows:

For the purpose of this section, "fire protection contract" means a contract or agreement for the exercise of new or extended fire protection services *outside a public agency's jurisdictional boundaries* . . . that does either of the following:

(A) Transfers responsibility for providing services in more than 25 percent of the area within the jurisdictional boundaries of any public agency affected by the contract or agreement.

(B) Changes the employment status of more than 25 percent of the employees of any public agency affected by the contract or agreement.

Note that both the (A) and (B) subparagraphs only serve to limit which contracts for fire protection services outside a public agency's jurisdictional boundaries require LAFCO approval, thus limiting the applicability of the section even further than the limitation within the initial clause. They do not extend the meaning of that clause in a manner that contradicts its essential limitation to contracts for services outside a public agency's initial boundaries. Subparagraphs (A) and (B) simply say that of the entire possible set of contracts for the exercise of new or extended fire protection services *outside a public agency's jurisdictional boundaries*, only those that fit into either of the 25 percent clauses need LAFCO approval. Therefore, even though the proposed contract between Lockwood and CAL FIRE does arguably fit within the language of subparagraph (A) because it has CAL FIRE providing services within 100 percent of the

jurisdictional boundaries of Lockwood, the language of subparagraph (A) never becomes relevant because the contract is not for services outside the jurisdictional boundaries of either Lockwood or CAL FIRE.¹

This interpretation of section 56134 is completely consistent with what appears to be the intent of the Legislature in both sections 56133 and 56134, both of which describe the contracts that require LAFCO approval as being those that involve the provision of services outside the jurisdictional boundaries of the providing agency. In the absence of these sections, it was possible for a special district to provide services outside its jurisdictional boundaries at the potential expense of the taxpayers within the district that provide all or most of the district's financial support. LAFCO review and approval of such contracts provides transparency and ensures that the taxpayers within the district are not unfairly being asked to subsidize services provided outside the district. Reading sections 56133 and 56134 in accordance with the plain meaning of the phrase "services *outside a public agency's jurisdictional boundaries*" does no violence to the apparent intent of the Legislature to protect the residents within a providing agency's jurisdictional boundaries. However, even if this interpretation is viewed as inconsistent with the purpose of sections 56133 and 56134, the language used in those sections expressly excludes this contract from the requirement of LAFCO review and approval.

¹ Note that subparagraph (B) is also irrelevant under the same logic, but even if it were relevant, this 25 percent criterion is not met because Lockwood has no employees.

AGENDA ITEM # 10

TO: ALL COMMISSIONERS, ALTERNATES
FROM: ROSEANNE CHAMBERLAIN, EXECUTIVE OFFICER
SUBJECT: POLICY DEFINING MUNICIPAL SERVICES
DATE: MEETING OF FEBRUARY 15, 2018

BACKGROUND:

While there is no definition of municipal services in the Cortese-Knox-Hertzberg Act, it is widely understood that municipal services are those services commonly included in the government code as functions and powers for community services districts. These powers are generally described below and are listed at government code §61000, et.seq.:

Water
Wastewater
Disposal of sewage
Recycled water, storm water
Collection, transfer and disposal of solid waste, solid waste handling
Fire protection, rescue services, hazardous material emergency response and ambulance
Recreation facilities and services, parks and open space
Street lighting and landscaping
Vector control and pest abatement
Law enforcement, police protection and security services
Library services
Streets, roads, bridges, culverts, drains, curbs, gutters, sidewalks and incidental works
Electric and communication facilities, television translator facilities
Emergency medical services
Grafitti abatement
Flood protection
Community facilities, libraries, cultural and child care facilities, etc.
Weed and rubbish abatement
Hydroelectric power generation and transmission
Snow removal
Animal control
Mailboxes and Mail delivery service under contract with USPS
Cemeteries and interment services
Financing area planning commissions and municipal advisory councils
Habitat mitigation and environmental protection

DISCUSSION

Last year, new statutes required LAFCO to receive and maintain copies of Joint Powers Authority agreements for those JPA's that provide municipal services. Staff at most LAFCOs, including Amador LAFCO, used the services listed at government code §61000 to determine which services constituted "municipal services". There have been other instances when staff had to exercise its own discretion as to what services constitute "municipal services" in applying statutes and policies.

It will be useful to have this definition clarified in our adopted policies to 1) simplify staff decisions, 2) to ensure we include all appropriate services and functions in our understanding of what constitutes a municipal service, and 3) to clarify to the public and local agencies those services that are municipal services.

RECOMMENDATIONS:

1. Staff recommends the following addition to our adopted policies:

Section 8: Municipal Services

Amador LAFCO defines "municipal services" as any service or related function listed under Government Code Section 61100, et. seq., as may be amended from time to time.

Attachments: none

AGENDA ITEM # 11

TO: ALL COMMISSIONERS, ALTERNATES
FROM: ROSEANNE CHAMBERLAIN, EXECUTIVE OFFICER
SUBJECT: SUPPORT FOR LEGISLATION TO PROVIDE GRANT FUNDING TO LAFCOS
DATE: MEETING OF FEBRUARY 15, 2018

BACKGROUND:

The California Association of LAFCOs (CALAFCO) is working to introduce and successfully pass legislation that will set up a fund for one-time grants to individual LAFCOs who need funding to complete studies and dissolve or reorganize districts.

Over the past few years, there has been growing momentum to reorganize district services and reduce the number of special districts. The Little Hoover Commission recommendations in 2017 included direction to LAFCOs to generally clean up unnecessary districts and/or reorganize those districts to improve local government efficiency. Recent legislation established requirements for LAFCOs to dissolve inactive districts. There is no funding mechanism in place for the new work that LAFCOs will have to do.

DISCUSSION

LAFCOs are empowered to dissolve, consolidate and reorganize district services within the specific statutory limitations. The biggest obstacle for LAFCO-initiated changes is the cost of project processing, especially when an update of the Municipal Service Review or other studies is required. Proceedings may be subject to costly notice and protest procedures.

While only spot bills have been introduced, CALAFCO and legislators intend to pass legislation this session for a one-time pool for grants to LAFCOs for dissolutions and reorganization of districts.

The legislature moves quickly and the commission may not meet in time for the commission to respond to requests for support throughout the legislative process. Staff recommends the commission pre- authorize the Chairman and/or the executive officer to submit support for grant funding bills.

RECOMMENDATIONS:

Authorize the chairman and/or the executive officer to sign and submit timely support for legislation to secure state funding for LAFCO grants whenever the commission cannot meet to separately review support for such bills.

Amador LAFCO Project Status Summary

Date: February 15, 2018

Project Number	Project Name	Subject Agency	Location	Size	Description	Status and Notes
295	MSR Update for River Pines Public Utility District	River Pines Public Utility District	entire district		Update all information for district	Pending reorganization of RPPUD, see below
296	Sphere Amendment, River Pines Public Utility	River Pines Public Utility District	End of McAukum Rd in ED County		Add land with RPPUD water within ED	Adds service area in ED County to SOI
292	El Dorado County & Service Area Annexation	River Pines Public Utility District	End of McAukum Rd in ED County	17 total parcels	annex area served in El Dorado County & 3 Amador parcels	Pending application requirements and CEQA, includes parcels currently receiving service
Pre-Application	Extension of New Service, Mandatory Garbage Collection	River Pines Public Utility District	entire district		extend garbage collection service	On hold; Pending consideration by RPPUD
Withdrawn	Dissolution of River Pines Public Utility District	River Pines Public Utility District	entire district		Dissolution and transfer to AWA as successor agency	Pending Median Household Income Survey for grant funding.
Pre-Application	Annexation to Drytown County Water District	to Drytown County Water District	APN 008-140-041		Water service for one SFR	Pending application from Landowner