

****AGENDA****

AMADOR LOCAL AGENCY FORMATION COMMISSION

**6:00 P.M. – THURSDAY FEBRUARY 20, 2020
810 COURT STREET, JACKSON
BOARD OF SUPERVISORS CHAMBERS**

Please Note: All LAFCO meetings are recorded. Anyone who wishes to address the Commission must speak from the podium and should print their name on the Meeting Speaker list, which is located on the podium.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the LAFCO staff, at (209) 418-9377, by e-mail to amador.lafco@gmail.com. Requests must be made as early as possible, and at least two business days before the start of the meeting.

Meeting Materials are available for Public Review at the LAFCO desk, located at the County Planning Department, 810 Court Street, Jackson, and posted on the Amador LAFCO website.

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA FOR FEBRUARY 20, 2020**
- 4. APPROVAL OF THE MINUTES OF JANUARY 9, 2020**
- 5. APPROVAL OF CLAIMS TO FEBRUARY 20, 2020**
- 6. PUBLIC FORUM – PUBLIC COMMENT**

Any person may address the Commission on any subject within the jurisdiction of LAFCO which is not on the agenda. No action may be taken at this meeting. There is a five (5) minute limit.

- 7. PUBLIC REVIEW DRAFT MUNICIPAL SERVICE REVIEW FOR SUTTER CREEK FIRE PROTECTION DISTRICT; LAFCO PROJECT #322; (public hearing continued from January 9, 2020)**

Sutter Creek FPD draft MSR and written comments. Hearing and final action may be continued. CEQA: Exempt, Public Resources Code Sections 21102 and 21150, descriptive and planning study for possible future action for which funding has not been committed.

- 8. AFFIRM EXISTING SPHERE OF INFLUENCE FOR LOCKWOOD FIRE PROTECTION DISTRICT, LAFCO PROJECT #315; RESOLUTION #2020-02 (public hearing)**

Commission will adopt/affirm the existing sphere of influence for Lockwood FPD which includes limited areas outside the district boundaries. CEQA exempt Section 15061(b)(3) of the Public Resources Code, no change anticipated in

services or service demand and no possibility that the project could have a negative effect on the environment.

9. MID-YEAR BUDGET REPORT AND DISCUSSION OF WORKPLAN PROGRESS

10. UPDATE REGARDING IMPLEMENTATION CHECKLIST FOR EACH AGENCY FOLLOWING MSR DETERMINATIONS

11. OTHER BUSINESS, REPORTS

- a. Correspondence
- b. Commissioner Announcements
- c. Executive Officer's Report
- d. Budget Reports (provided in review binder at the dais)

ADJOURNMENT

Note: The next regular LAFCO meeting (March 19, 2020) is canceled. The next meeting is scheduled for Thursday, April 16, 2020.



Roseanne Chamberlain
Executive Officer

All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCO action in court you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. All written materials received by staff 48 hours before the hearing will be distributed to the Commission. If you wish to submit written material at the hearing, please supply 10 copies.

NOTE: State law requires that a participant in LAFCO proceedings who has a financial interest in the decision and who has made a campaign contribution to any Commissioner in the past year must disclose the contribution. If you are affected, please notify commission staff before the hearing.

**PLEASE DO NOT REMOVE POSTING BEFORE:
FEBRUARY 21, 2020**

AMADOR LAFCO



LOCAL AGENCY FORMATION COMMISSION

810 COURT STREET ♦ JACKSON, CA 95642 ♦ (209) 223-6380

MINUTES

January 9, 2020

This meeting was available via live audio streaming and was digitally recorded.

1. **Call to Order, Pledge of Allegiance & Roll Call**

The January 9, 2020, meeting of the Amador Local Agency Formation Commission (LAFCO), held at the County Administration Center, 810 Court Street, Jackson, California, was called to order by Chairman Crew at 6:05 p.m.

2. **Roll Call**

Members Present:

Pat Crew, Chairman
Jim Vinciguerra, Vice Chairman
Brian Oneto, County Member
Dominic Atlan, City Member
Tim Murphy, City Member

Staff Present:

Roseanne Chamberlain, Executive Officer
Nancy Mees, Clerk to the Commission

3. **Approval of Agenda for January 9, 2020**

Motion: It was moved by Commissioner Vinciguerra, seconded by Commissioner Oneto, and carried unanimously to approve the agenda as submitted.

4. **Approval of the Minutes of October 17, 2019**

Motion: It was moved by Commissioner Atlan, seconded by Commissioner Oneto, and carried unanimously to approve the Minutes for October 17, 2019, as submitted.

5. **Approval of Claims to January 9, 2020**

Motion: It was moved by Commissioner Oneto, seconded by Commissioner Vinciguerra, and carried unanimously to approve the Approval of Claims – Meeting Final, as submitted.

6. **Public Forum – Public Comment**

There was no public comment.

7. **Public Review Draft Municipal Service Review for Sutter Creek Fire Protection District, LAFCO Project #322 (public hearing)**

Chairman Crew opened the public hearing.

Executive Officer Chamberlain reviewed the information in the Staff Memo included in the meeting packet, adding that Fire Chief Dominic Moreno had provided most of the information used in preparation of the MSR. She explained that once the draft was circulated, any comments or changes would be reported at the next LAFCO Commission meeting.

Some discussion followed among the Commission, Chief Moreno, who was in the audience, and Ms. Chamberlain regarding the State Responsibility Area, the Local Responsibility Area, and who determines those boundaries. The Commission felt this issue should be discussed more in the MSR, and Ms. Chamberlain responded that more information about this portion of the MSR will most likely be addressed in the comments received once the MSR is circulated.

Chief Moreno also commented that in the past SCFPD had been allowed to do audits on a four-year cycle, but that, in response to a memo from the County Auditor, they are requesting a two-year cycle going forward after the current audit ending in 2019 is completed.

There was then some discussion among the Commission and Chief Moreno regarding the location of fire stations and what equipment is located in them, as well as plans for a new fire station.

Motion: It was moved by Commissioner Oneto, seconded by Commissioner Murphy, and carried unanimously to continue the public hearing to the February 20, 2020, LAFCO Commission meeting.

8. **Addendum/Amendment to Pine Acres CSD Final MSR for Snow Removal Services (public hearing)**

Chairman Crew opened the public hearing.

Executive Officer Chamberlain explained that in 2006, in response to then recent legislation, LAFCO conducted a required inventory of the services provided by each CSD in the county. However, it is likely that each district self-reported its services. The services listed for Pine Acres CSD did not include snow removal, although from what can be determined, that service has actually been provided since the inception of the district. The consultants who performed the two prior rounds of MSRs apparently overlooked this omission, and it was only in preparation of the latest SOI for the district that staff discovered the omission.

Therefore, in order to properly draft the sphere resolution, snow removal services for Pine Acres CSD must now be authorized. Since Pine Acres has been performing this service for decades, has been assessing the parcels receiving service, and has a separate fund set up for contracting for snow removal, this is not the authorization of a latent power. Thus, staff, with the advice of legal counsel, has determined that the easiest way to retroactively add snow removal as an authorized service is to (1) amend the MSR approved in 2019 by adding determinations regarding snow removal services, and (2) amend Resolution 2019-17 approving the MSR to add appropriate determinations regarding snow removal. This will allow for the addition of snow removal services as an authorized service in the upcoming resolution amending the district's SOI.

There was no public comment.

Motion: It was moved by Commissioner Atlan, seconded by Commissioner Vinciguerra, and carried unanimously to close the public hearing.

Motion: It was moved by Commissioner Oneto, seconded by Commissioner Murphy, and carried unanimously to direct staff to amend the 2019 MSR to change the title of the “Roadway Services” section to say “Roadway and Snow Removal Service;” add two determinations to the MSR reading (1) Present and planned capacity for snow removal service provision appears adequate, and (2) Financing and assessments for snow removal are adequate and funding in the snow removal account is sufficient to ensure sustainable snow removal services by the district; republish the MSR; prepare an amended Resolution 2019-17 to include the additional snow removal determinations for Pine Acres CSD and retain both the original and amended versions in the permanent records.

9. **Retroactive Authorization for Snow Removal Services Provided by Pine Acres CSD**

Executive Officer Chamberlain explained that the discussion on Agenda Item 8 covered what needed to be discussed regarding this item.

Motion: It was moved by Commissioner Murphy, seconded by Commissioner Oneto, and carried unanimously to find the action exempt under CEQA, and retroactively amend the 2006 inventory of services provided by Pine Acres CSD to authorize snow removal services.

10. **Sphere of Influence for Pine Acres Community Service District, LAFCO Project #317; Resolution #2020-01 (public hearing)**

Chairman Crew opened the public hearing.

Clerk Mees reported that staff is recommending the boundaries of the sphere of influence for Pine Acres CSD be reduced by removing parcels which (1) have historically never been assessed or received services, or (2) have been assessed an administrative fee only in anticipation of future development, which, if it were to now occur, would be require roads to be built to county standards and be maintained by the county, not the district.

There were some questions from the Commission regarding why certain parcels in the middle of the district were not being assessed or receiving service. Clerk Mees responded that these parcels were accessed off Tabeaud Road, which is county-maintained, and therefore do not need district services. There were also some questions regarding the identity of some of the larger parcels being removed, which staff answered.

There was no public comment.

Motion: It was moved by Commissioner Atlan, seconded by Commissioner Vinciguerra, and carried unanimously to close the public hearing.

Motion: It was moved by Commissioner Oneto, seconded by Commissioner Atlan, and carried unanimously to adopt Resolution 2020-01 reducing the existing sphere of influence for Pine Acres CSD, and directing staff to complete the necessary filings and transmittals.

11. Report of CALAFCO Survey (Summary)

Executive Officer Chamberlain stated that this item was included for informational purposes. She commented that 37% of LAFCOs reported that they cannot accomplish all their statutory requirements within the annual budget they are given. She believes this reflects well on Amador LAFCO and its Commission in that it can handle most work fairly well within its budget. Also, it disturbed her to see that two LAFCOs reported being run by their county as LAFCOs should be independent. She additionally pointed out that the information regarding number of MSRs completed could be misleading because it does not indicate whether each agency MSR is separate, or whether they are all combined into one large MSR such as Amador did during the last two rounds of MSR updates. As far as what she would like to see CALAFCO do, Ms. Chamberlain stated that she concurred with many of the other LAFCOs in desiring more information on the CALAFCO website, specifically information on legislation and court cases relating to LAFCO, and examples of forms and policies used by different counties.

12. Schedule of Meetings for 2020

The proposed calendar for the year was in the meeting packet. Executive Officer Chamberlain reported that the March meeting may not be needed. She recommended continuing meetings on the third Thursday of each month at 6:00 p.m., and cancelling them as needed.

Motion: It was moved by Commissioner Vinciguerra, seconded by Commissioner Oneto, and carried unanimously to accept the 2020 meeting schedule as presented.

13. Selection of Officers for 2020, Chairman and Vice Chairman

Commissioner Oneto nominated Commissioner Crew to continue as Chairman. Commissioner Atlan seconded the motion and it was carried unanimously.

Commissioner Atlan nominated Commissioner Vinciguerra to continue as Vice Chairman. Commissioner Oneto seconded the motion and it was carried unanimously.

14. Signature Authority

Commissioner Atlan nominated Commissioner Oneto to remain as the third designated signature when needed. Commissioner Oneto seconded the motion and it was carried unanimously.

15. Other Business, Reports

- a. Correspondence – Executive Officer Chamberlain reported that two letters regarding complaints about the Pine Acres CSD board had been included in the packet. Both letters were included for informational purposes.
- b. Commissioner Announcements – none.
- c. Executive Officers Report – none
- d. Budget Reports – in the commissioner review binder.
- e. CALAFCO Survey – discussed under Agenda Item 11.

Adjournment

The next regular LAFCO meeting is scheduled for February 20, 2020. Chairman Crew adjourned the meeting at 6:52 p.m.

Pat Crew, Presiding Officer
LOCAL AGENCY FORMATION COMMISSION

ATTEST: _____
Nancy Mees, Clerk to the Commission

APPROVAL OF CLAIMS - PACKET DRAFT

AGENDA OF February 20, 2020

APPROVAL OF CLAIMS February 20, 2020

Agenda Item 5

<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>INV.DATE</u>	<u>AMOUNT</u>
R Chamberlain 1/8/2020-2/17/2020	Consulting Services Labor	2/20/2020 estimate	\$ 3,600.00
	Expense Total, (mileage, PO Box, phone)	2/20/2020 estimate	\$ 250.00
N Mees 1/8/2019-2/18/2020	Clerical & Admin Labor	2/20/2020 estimate	\$ 960.00
	Expense Total	2/20/2020 estimate	\$ -
Amador Ledger	Public Notice for 2/20/20 hearing		\$ 107.28
CALAFCO	Staff Workshop Registration	1/21/2020**	\$ 310.00
CALAFCO	CALAFCO 101 Registration	1/30/2020**	\$ 55.00
IT Dept.	Q2 Share of Tech Cost Matrix	12/31/2019**	\$ 82.14
LAFCO Board	Meeting Stipends (Maximum of 5 @ \$50.00)		\$ 250.00
	TOTAL		\$ 5,614.42

** Note: Denotes any invoices paid prior to Commission Approval, per Policy 2.3.7

CHAIR:

Presiding Officer

ATTEST:

Nancy Mees
CLERK TO THE COMMISSION

Agenda Item #7

PUBLIC REVIEW DRAFT MUNICIPAL SERVICE REVIEW FOR SUTTER CREEK FIRE PROTECTION DISTRICT; LAFCO PROJECT #322; (public hearing continued from January 9, 2020)

Sutter Creek FPD draft MSR and written comments. Hearing and final action may be continued. CEAQ: Exempt, Public Resources Code Sections 21102 and 21150, descriptive and planning study for possible future action for which funding has not been committed.



DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Amador El Dorado Unit
2840 Mt. Dana Her Road
Camino, CA 95709
Office (530) 644-2345



January 15, 2020

Roseanne Chamberlin
Amador County LAFCO
P.O. Box 22-1292,
Sacramento, CA 95822-1922

Re: Review of Sutter Creek Fire Protection District DRAFT MSR

After reviewing Sutter Creek Fire Protection District's Municipal Services Review document, minor discrepancies were identified regarding dispatching and CAL FIRE's staffing. Contrary to what is contained in the report, CAL FIRE staffs a total of five Fire Stations in Amador County, three of which are staffed year-round 24/7, 365 days a year.

Sutter Hill Fire Station 60, located at 11600 Hwy 49 in Sutter Creek, is staffed year-round 24 hours a day with at least one Engine Company. Dew Drop Fire Station 10, located at 29300 Dew Drop By-Pass in Pioneer, is staffed year-round 24 hours a day with one Engine Company. Buena Vista Fire Station 181, located at 4655 Coal Mine Road, is staffed year-round 24 hours a day with two Advanced Life Support Engine Companies. In addition to these year-round facilities, CAL FIRE maintains a minimum of one Battalion Chief on duty year-round 24 hours a day in Amador County.

With respect to dispatching services within Amador County, CAL FIRE provides dispatching for all fire agencies. It is important to note, Sutter Creek Fire Protection District is actively pursuing other dispatch options, although they are currently one of several agencies dispatched by the Camino Emergency Command Center (ECC).

All agencies dispatched by CAL FIRE are required to participate in the closest resource concept, which means regardless of jurisdiction, the closest resource will respond to an emergency and the agency having jurisdiction will respond in addition to the closest resource, assuming they are not one in the same.

The CAL FIRE ECC utilizes the Northrup-Grumman Altaris Computer Aided Dispatch (CAD) system. This system determines the resources required to respond to an incident based on specific agreed-upon response plans and Geographic Information System (GIS) mapping data, along with the location of the required resources utilizing Dynamic Resource Status.

Dynamic Resource Status means when a resource notifies the ECC of their location, different from their home station, CAD accounts for this when determining responses. The map data is provided by Amador County and includes addresses and road layers with posted speed limits. This map data aides in determining response times for each responding resource, as well as routing directions for the CAD system.

With respect to Sutter Creek Fire Protection District, some calls in the southern portion of their Fire District will include a response from outside agencies as the closest resource and Sutter Creek Fire Protection District will also respond as the authority having jurisdiction.

Please feel free to contact me directly for additional information.

Respectfully,



ROBERT WITHROW, Assistant Chief
South Division Operations
Amador El Dorado Unit
(530) 708-2703

Cc; Scott Lindgren, Unit Chief AEU

Sutter Creek Fire Protection District - Municipal Service Review (MSR)

Walter W. White <wwwwhite@amadorgov.org>
To: Roseanne Chamberlain <LAFCO@amadorgov.org>
Cc: Pat Crew <pcrew@amadorgov.org>

Thu, Jan 23,

Hello Roseanne,

While reading the draft 2020 LAFCO MSR for Sutter Creek Fire Protection District (SCFPD), I noticed a response area claim that seems misleading. Under the section Boundary, there is a statement. **By comparison, the District's automatic aid response area is 42 square miles.** While it is true that SCFPD is part of a County-wide mutual aid agreement, the agreement does not define or quarantines areas or service responsibilities outside of any fire agencies legal boundaries and any such geographical claim of territory seems arbitrary and presumptuous.

As I am sure you are aware, Amador County fire agencies are dispatched by Camino Emergency Command Center (ECC) which has a practice of dispatching the closest available resource to emergency regardless of agency or jurisdiction. Therefore, I believe it is fair to state that as part of a County-wide mutual aid agreement that SCFPD responds well beyond or outside of their district's legal boundaries. However, response zones can periodically be adjusted when fire stations are relocated, new stations are built or when fire stations are closed or browned out due to staffing or funding issues. Additional agencies now have access to Available Vehicle Location (AVL) technology, which allows an ECC to identify a fire engine's specific location rather than just relying on where the engine is assigned or where it is reported to be located.

Furthermore, given that there is an ongoing Amador County Grand Jury investigation into fire agency response zones and Measure M distribution, a response area claim other than a District's legal boundaries may be perceived as controversial and perhaps irresponsible.

I genuinely appreciate your work and I truly appreciate the opportunity to review and provide feedback prior to the formal adoption of a LAFCO MSR. Please don't hesitate to contact me directly should you have any questions or require additional information regarding the feedback I have provided. I look forward to your response and the MSR process for the Amador Fire Protection District (AFPD).

Walter W. White
Fire Chief
Amador Fire Protection District
810 Court Street, Jackson, CA 95642
District Office (209) 223-6391
Cell (209) 304-9575
Fax (209) 223-6646

This communication may contain legally privileged and confidential information sent solely for the use of the intended recipient, and the privilege is not waived by the receipt of this communication by an unintended and unauthorized recipient. If you are not the intended recipient of this communication you are not authorized to use it in any manner, and must either immediately destroy it or return it to the sender. Please notify the sender immediately by telephone at (209) 223-6391 if you received this communication in error.
Attachments area

Amador LAFCO <amador.lafco@gmail.com>
To: "Walter W. White" <wwwwhite@amadorgov.org>
Cc: Roseanne Chamberlain <LAFCO@amadorgov.org>, Pat Crew <pcrew@amadorgov.org>

Fri, Jan 24, 2020 at 2:35 PM

Thank you for your response. I will add the information provided as we amend the public review draft. LAFCO depends on comments like yours to improve the accuracy and relevance of our MSR documents.

Roseanne
[Quoted text hidden]

—
Roseanne Chamberlain
Amador LAFCO Executive Officer
(209) 418-9377

AGENDA ITEM # 8

TO: ALL COMMISSIONERS, ALTERNATES
FROM: ROSEANNE CHAMBERLAIN, EXECUTIVE OFFICER
SUBJECT: RESOLUTION #2020-02 MAKING DETERMINATIONS AND AFFIRMING THE SPHERE OF INFLUENCE FOR LOCKWOOD FIRE PROTECTION DISTRICT (LAFCO PROJECT 315)
DATE: MEETING OF FEBRUARY 20, 2010

BACKGROUND:

The district is located in unincorporated north-central Amador County, east of Fiddletown and north of Volcano. The district was formed in 1987. The MSR notes that LAFCO has no record of boundary changes since formation, and this fact has been confirmed from a review of the records in LAFCO files, the Elections Department, and in the records of the County Recorder. The boundaries have been verified based on recorded legal descriptions.

Additional information is contained in the Lockwood FPD municipal services review and determinations, approved by the Commission June 20, 2019, and is made a part of the record of the proceedings for this action.

DISCUSSION:

By inference from formation documents of 1987 and LAFCO minutes, the original sphere was most likely intended to be coterminous with the district's boundaries. However, the district would likely be dispatched by CalFire to a somewhat larger area than within its boundaries. Over several months in 2010, Amador Fire Protection District chief and staff reviewed and negotiated with board members and representatives of Lockwood FPD to establish the areas to be included in the Lockwood sphere.

AFPD Chief Walter White has discussed the current Lockwood sphere with the executive officer and does not object to retaining the current limited areas outside the boundaries within the sphere of influence. Lockwood board members confirm that the district also desires to retain the prior sphere of influence without change or modification at this time.

Portions of the sphere of influence to the west of Lockwood FPD were historically included in county and assessor maps as being within the district. An incomplete annexation of a portion of Amador Pines is also included.

While there have been past discussions toward reorganization of the fire service in Amador County including Lockwood FPD, it does not appear likely that a reorganization including Lockwood will proceed. The district currently contracts with CALFire for staffing and services.

CEQA:

LAFCO staff finds that the proposed sphere is exempt from the provisions of CEQA under Section 15061(b)(3), in that there is no possibility that the action taken by the Commission may have a significant effect on the environment. A Notice of Exemption has been prepared and is attached.

RECOMMENDATIONS:

Approve LAFCO Resolution #2020-02, making determinations and affirming the existing sphere of influence for the Lockwood Fire Protection District without change.

Attachments: Resolution #2020-02
Map figure
Notice of Exemption

LOCAL AGENCY FORMATION COMMISSION

RESOLUTION MAKING DETERMINATIONS AND AFFIRMING THE SPHERE OF INFLUENCE FOR LOCKWOOD FIRE PROTECTION DISTRICT

LAFCO RESOLUTION NUMBER 2020-02

WHEREAS, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act, commencing with §56000, et seq. of the Government Code, and specifically in accordance with §56425; and

WHEREAS, the municipal services review update for Lockwood FPD has been completed and found by LAFCO to be adequate and complete on June 20, 2019; and

WHEREAS, the active powers, functions and classes of services of the Lockwood Fire Protection District are fire suppression, prevention, and emergency medical response (basic life support). All other powers enumerated in the fire protection district law are considered latent (inactive) pursuant to California Government Code §56824.10, et. seq.; and

WHEREAS, at the times and in the form and manner required by law, the Executive Officer has given notice of the hearing by this Commission; and

WHEREAS, upon the date, time and place specified in said notice of hearing and in any order or orders containing such hearing, the Commission has received, heard, discussed and considered all oral and written testimony related to the Sphere of Influence, including but not limited to comments, objections, the Executive Officer's written and oral report and recommendation, the environmental determination, the municipal services review, and previously adopted spheres of influence.

NOW, THEREFORE, BE IT HEREBY RESOLVED, DETERMINED AND ORDERED as follows:

1. The adoption of the Sphere of Influence for the Lockwood Fire Protection District is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) in that there is no possibility that the action taken by the Commission may have a significant effect on the environment.
2. The Sphere of Influence of the Lockwood Fire Protection District is determined and approved without change as shown on the attached map marked "Exhibit A", and includes all territory within the District's boundary and limited nearby areas which have historically received service from Lockwood FPD, are currently receiving service or are likely to receive emergency services from Lockwood Fire Protection District.
3. Determinations with respect to the Sphere of Influence for the Lockwood Fire Protection District are set forth and described in the attached "Exhibit B" and are incorporated herein by this reference.
4. The Executive Officer is hereby directed to file a Notice of Exemption in compliance with the California Environmental Quality Act and local ordinances implementing the same.

DRAFT

AMADOR LAFCO

LOCAL AGENCY FORMATION COMMISSION

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission of the County of Amador at a regular meeting thereof, held on the 20st day of February, 2020, by the following vote:

AYES:

NOES:

ABSENT:

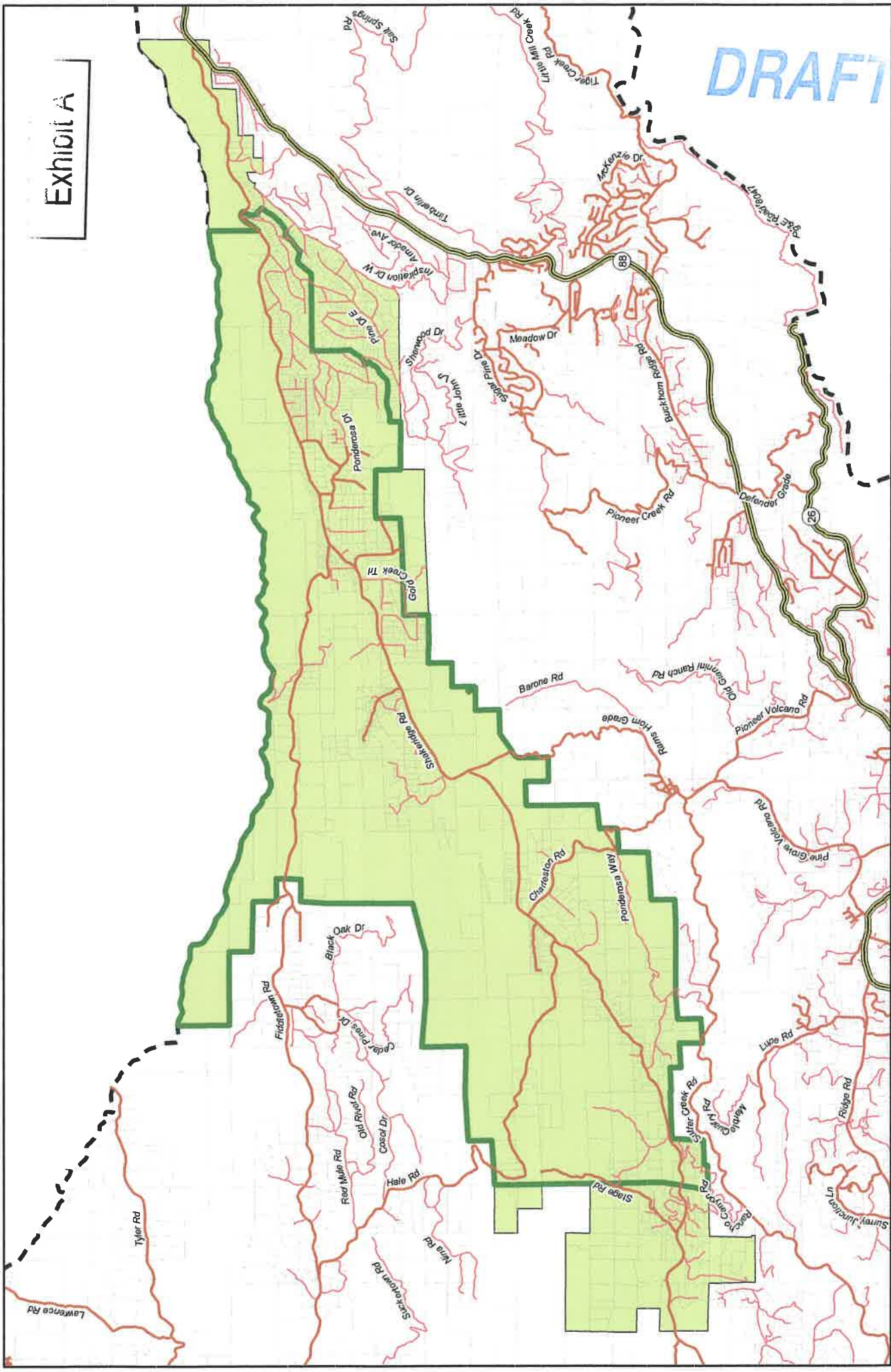
Presiding Officer
Patrick Crew, Chairman

ATTEST:

Nancy Mees, Commission Clerk
Amador Local Agency Formation Commission
Amador County, California

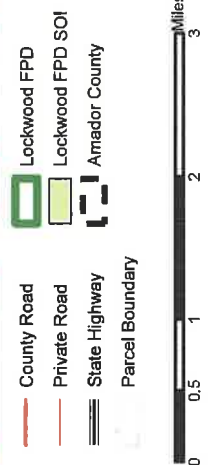
Exhibit A

DRAFT



Lockwood Fire Protection District Boundary and Sphere of Influence

LAFCO Project #315
LAFCO Resolution #2020-02
Approved 2/20/2020



Map created February 3, 2020 for Amador LAFCO by:
Amador County Transportation Commission, GIS staff
117 Valley View Way, Sutter Creek CA 95685 (209) 267-2282

The Amador County Transportation Commission assumes no responsibility arising from the use of this information. THE MAPS AND ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this data before validating your decision with the appropriate County office.

LOCAL AGENCY FORMATION COMMISSION

Exhibit B TO LAFCO RESOLUTION NO. 2020-02

RESOLUTION MAKING DETERMINATIONS AND AFFIRMING THE SPHERE OF INFLUENCE FOR LOCKWOOD FIRE PROTECTION DISTRICT

1. No significant changes to the present and planned land uses in and around the Lockwood Fire Protection District are anticipated within the planning horizon of this sphere of influence, including uses of agricultural and open space lands.
2. No changes in the present and probable need for public facilities and services in and around the Lockwood Fire Protection District are anticipated within the planning horizon of this sphere of influence.
3. The Commission recognizes that the present capacity of public facilities and the adequacy of public services that the Lockwood Fire Protection District provides, or is authorized to provide, are adequate for the area served or anticipated to be served.
4. The Commission does not determine that there are any specific communities of social or economic interest that are relevant to the sphere of influence of the Lockwood Fire Protection District.

AMADOR LAFCO
LOCAL AGENCY FORMATION COMMISSION

DRAFT

Notice of Exemption

TO: _____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814
 County Clerk
County of Amador

FROM: Public Agency:
Amador LAFCO
810 Court Street, Jackson, 95642

Project Title: Sphere of Influence Affirm/Adopt: Lockwood Fire Protection District

Project Location - Specific: Amador County

Project Location - City: NA **Project Location - County:** Amador

Description of Project: Adopt and affirm sphere of influence without change to include lands within the boundary, first response area and service area of the district.

Name of Public Agency Approving Project: Amador LAFCO

Name of Person or Agency Carrying out Project: Amador LAFCO

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1);15268);
- Declared Emergency (Sec.21080(b)(3);15269(a);
- Categorical Exemption. State type and selection number:
- Statutory Exemptions. State code number: 15061(b)3

Reasons why project is exempt: No change to areas served or previously included in the spheres of influence.

Lead Agency Contact Person: Roseanne Chamberlain , Executive Officer (209) 418-9377

If filed by applicant: NA

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

Signature: _____ **Date:** 2/20/20 **Title:** Executive Officer

Signed by Lead Agency Date received for filing at OPR: _____
 Signed by Applicant

POSTED ON:

AGENDA ITEM #9

TO: ALL COMMISSIONERS, ALTERNATES
FROM: NANCY MEES, CLERK TO THE COMMISSION
SUBJECT: BUDGET UPDATE AND RECOMMENDED REVISED WORK PLAN
DATE: MEETING OF FEBRUARY 20, 2020

BACKGROUND & SUMMARY:

The first half of the 2019-20 Fiscal Year has very busy, progress is being made very efficiently on the work plan objectives as adopted (see below). There have been a couple annexations, including one to clean up the boundaries of Pine Grove CSD, as well as a boundary line adjustment in Sutter Creek. A CSA that had been dormant for many years was finally dissolved. In addition, six MSRs and SOIs have already been completed in this fiscal year or are in process. Substantial progress has also taken place with respect to verifying accurate district boundaries and Spheres of Influence for several districts and creating GIS maps of those boundaries. Staff has been closely examining the Spheres of each District in this round of MSRs, and is attempting to bring spheres into line with the reality of services being provided or likely to be provided, rather than reaffirming historical spheres that do not accurately reflect the Districts' activities. Commission meetings have been held fairly regularly except toward the end of 2019.

Staff has been successful in the MSR work to date, so will continue to do the work in-house into the 2020-21 fiscal year. Significantly less than expected has been spent for professional services, including the MSR work. We do not expect to hire outside consultants, other than limited technical assistance, as long as the progress we are making in-house is satisfactory to the Commission. This effort continues to rely on the ambitious effort of both staff, and we are willing to continue to give it our best effort. In addition, in this round of MSRs staff is emphasizing communication and follow-up with Community Service and Fire Districts to help them comply with the MSR Determinations and meet their legal requirements.

As in past years, many of the fixed expenses, such as county charges (meeting room use, financial services, IT, etc.) will be charged to LAFCO in the second half of the fiscal year. These county services represent a significant value compared to the cost of securing comparable services from alternative providers. Liability insurance costs increased higher than expected based on increases in previous years. Likewise, the amount budgeted for CALAFCO dues was also based on previous increases, but due to the recent reconfiguring of their fee structure, our bill when received will be higher than

what was budgeted. However, as we are much below budgeted expenses in other areas, neither of those overages should negatively affect the overall budget.

Agency Cost Shares were received from all cities in a timely manner. The County has not yet transferred its Cost Share, however, and the Auditor's office was contacted to remind them of this and request that they make the transfer as soon as possible. They responded that they will see that the transfer takes place quickly, and it should show up on the next report from the Auditor's office.

A summary of the current budget status as of the end of January 2020 is attached. The estimate for available funding for professional services through the end of the year is \$102,707, which should generously allow for staff to continue working with agencies on the MSR updates, as well as handling any projects that arise.

WORK PLAN

The 19-20 Budget includes the following work plan:

- Prepare Municipal Service Review updates for agencies in-house using LAFCO staff, in lieu of contracting with more costly consultants.
- Continue to process applications expediently and accurately.
- Continue to adopt, update and/or affirm the spheres of influence for all agencies as the Municipal Service Reviews are completed.
- Continue boundary research and verification for districts, including GIS mapping, corrections and changes with state agencies, census bureau, and local entities.
- Continue to create and post to the website reliable GIS maps for all LAFCO agencies .
- Continue to update the LAFCO website to enhance public access and reduce staff time for public inquiries .
- Continue to shift administration work to trained support staff to decrease cost of the Executive Officer.
- Write clear procedures for remaining LAFCO processes.
- Continue to purge files, organize and create digital back up of hard copy project files.
- Continue to assist special districts and others with operational and organizational assistance, including dissolution of inactive districts.
- Continue to assist County and City staff with research and support.

EXECUTIVE OFFICER'S RECOMMENDATIONS:

1. Receive and review the mid-year budget report for Fiscal Year 2019-20

2. Affirm the existing work plan and direct staff to continue work on the 2019 update of the Municipal Services Review and provide progress reports to the commission as appropriate.

Attachments: Mid-Year Budget Summary

**Amador LAFCO - Mid-Year Summary
FY 2018-19
Agenda of February 21, 2019**

Budget Code	Expense Category	Actual Rev & Expenditures	Approved 19-20	Difference	% of Budget
Revenues					
44100	Interest	\$1,401.98	\$2,200	\$798	64%
46930	Project Fees	\$2,106.00	\$25,000	\$22,894	8%
	From GeneralFundBalance	\$79,400	\$79,400	\$0	100%
Subtotal Non-Agency Revenues			\$106,600		
45640	Agency Cost Share	\$28,596	\$57,190	\$28,594	50%
Revenue Subtotal		\$111,503.98	\$163,790		68%
Operating Expense					
50310	FICA (stipends)	\$15.04	\$50	\$35	30%
50400	Emp Insurance	\$62.30	\$150	\$88	42%
51200	Communicatlons	\$305.66	\$600	\$294	51%
51504	Liability Insurance	\$3,157.47	\$3,010	-\$147	105%
52000	Membership	\$0.00	\$1,075	\$1,075	0%
52200	OfficeExpense(total)	\$147.99	\$1,015	\$867	15%
	Postage *		160*		
	Supplies *		325*		
	Printing/coples 52205 *		480*		
	Publications, Ref Maps *		50*		
52300	Prof & Spec Serv Total	\$20,793.10	\$123,500	\$102,707	17%
	Legal Services **		9,000**		
	Executive Officer **		38,000**		
	Project Support **		25,000**		
	Clerical/Support **		15,000**		
	Meeting Exp/Stipend **		2,500**		
	Audit **		4,000**		
	GIS, mapping **		10,000**		
	Other County Services (Inc. Rent) **		2,000**		
	MSR **		18,000**		
52300(101738)	Legal Defense Reserve	\$10,000.00	\$10,000	\$0	100%
52400	Public Notice	\$239.52	\$1,000	\$760	24%
52900	Mileage/travel	\$635.02	\$3,000	\$2,365	21%
52910	Conf/Mtgs(Includes travel)	\$2,767.32	\$5,500	\$2,733	50%
Operating Expense Sub-total to date		\$38,123.42	\$148,900	\$110,777	26%
59500	Operating Contingency	\$0	\$14,890		
Total Budget Appropriation			\$163,790		

*Included In Offices Expense total.

** Included in Professional Services total.

AGENDA ITEM # 10

TO: ALL COMMISSIONERS, ALTERNATES
FROM: ROSEANNE CHAMBERLAIN, EXECUTIVE OFFICER
SUBJECT: IMPLEMENTATION CHECKLIST FOR EACH AGENCY FOLLOWING MSR DETERMINATIONS
DATE: MEETING OF FEBRUARY 20, 2020

BACKGROUND:

Following the MSR process, the commission makes findings and determinations for each agency. Recent district MSRs have noted beneficial changes that each district could implement to improve compliance with state laws, improve performance or enact “best practices”. While LAFCO is not empowered to compel the districts to make these changes, our role is to identify where changes are needed or could benefit the citizens. We also try to educate the districts and to offer assistance to them whenever possible so that they can improve their practices, increase transparency and accountability, and reduce liability risks.

As a result of networking with other LAFCOs at a recent conference, Nancy Mees suggested that we could compile the MSR recommendations into an implementation checklist for each district listing these ideas and recommended changes for district staff and board members to review and use.

DISCUSSION:

The checklist will serve as a summary and a convenient tool for consideration by district staff and board members. It may make it easier for districts to understand and implement desirable changes. The checklist could aide in developing work plans, adopting policies, etc. In addition, the checklist will become an excellent starting point for LAFCO staff when future updates of the MSR are undertaken.

Staff proposes to write up a checklist for each district following the MSR process, provide the checklist to the commission and the district, and post the checklist on the website along with the MSR documents.

RECOMMENDATIONS:

Direct staff to prepare and include an implementation checklist as part of each agency’s MSR.

Attachment: Draft District Checklists

RECOMMENDATIONS FOR DRYTOWN CSD			
FOR IMMEDIATE ACTION (Within 1 to 3 months)		TO BE COMPLETED WITHIN 12 MONTHS	
Action	Status/Date Completed	Action	Status/Date Completed
1. Board members must complete Sexual Harrassment training ,continue training for ethics etc, maintain records at the District.		6. Initiate annexation of parcels where the district provides service, has water lines or has made commitments to serve.	
2. Establish an effective website, as required by SB 929, to include meeting agendas and records, financial and other district records.		7. Initiate annexation of parcels split by the district boundaries.	
3. Coordinate with County Elections to maintain accurate terms of office for directors, notify vacancies and expiring terms.		8. Add position descriptions and defined responsibilities for each staff and board member; implement regular staff performance reviews.	
4. Formally appoint a General Manager.		9. Complete the District's Management Discussion and Analysis for financial audits.	
5. Initiate active inspection and system maintenance program.		10. Establish appropriate reserves levels and reserve accounts.	
		11. Aggressively investigate available funding sources for disadvantaged communities.	
		12. Evaluate rates periodically and establish a separate account for long-term capital improvement needs and maintenance.	
		13. Set up internal tracking, monitoring and data collection for operations and system performance.	
		14. Establish regular water system and wastewater treatment system monitoring. Set up a routine work plan/protocol.	
		15. Assess water and wastewater systems to identify potential leaks and trouble spots.	
		16. Review and/or updat long term plans annually, concurrent with budget adoption.	
		17. Negotiate with AWA for monitoring and metering backwash water use.	
		18. Monitor and report water use and loss rates.	
		19. Complete Capital Improvement Plans and other needed long-term planning efforts.	
		20. Develop plans for long-term management of the system, including financing plans.	
		21. Establish the appropriate future size of the District, optimum number connections, long term vision for services.	
		22. Prioritize replacement and determine the maximum capacity that can be served with the existing infrastructure.	

RECOMMENDATIONS FOR FIDDLETOWN CSD		
FOR IMMEDIATE ACTION (Within 1 to 3 months)		TO BE COMPLETED WITHIN 12 MONTHS
Action	Status/Date Completed	Action
1. Coordinate with County Elections to maintain accurate terms of office for directors, notify vacancies and expiring terms.		8. Compile existing adopted policies/bylaws and organize regulatory actions of the District.
2. Board members must complete training for Ethics, Brown Act, Conflict of Interest, etc., with records available at the District.		9. Update and add new policies/bylaws/ordinances such as wastewater bylaws.
3. Establish an effective website, as required by SB 929, to include meeting agendas and records, financial and other district records.		10. Add position descriptions and defined responsibilities for each staff and board member; implement regular staff performance reviews.
4. Formally appoint a General Manager.		11. Annually adopt a budget at a noticed public meeting.
5. Implement recommendations of the financial audit. Complete the District's Management Discussion and Analysis.		12. Establish reserve levels by district policy and maintain a reserve fund in a separate account.
6. Transfer funds held in accounts that exceed FDIC insured limits into an alternate account.		13. Assess feasibility of using Local Agency Investment Fund (LAIF) or similar, tailored to the needs of local government agencies.
7. Initiate active inspection and a reliable maintenance program.		14. Investigate funding sources, grants, etc. for adding the needed water filtration to the water system
		15. Board should evaluate wastewater rates to reflect needed system monitoring, and any additional maintenance that will be needed as the system ages.
		16. Set up Internal tracking, monitoring and data collection for operations and system performance .
		17. Establish regular water system and wastewater treatment system monitoring. Set up a routine work plan/protocol.
		18. Assess water and wastewater systems to identify potential leaks and trouble spots.
		19. Review and/or update long term plans annually, concurrent with budget adoption.
		20. Initiate long-term planning for maintenance of the water and wastewater systems.
		21. Develop plans for long-term management of the system, including financing plans.

RECOMMENDATIONS FOR JACKSON VALLEY FPD			
FOR IMMEDIATE ACTION (Within 1 to 3 months)		TO BE COMPLETED WITHIN 12 MONTHS	
Action	Status/Date Completed	Action	Status/Date Completed
1. Coordinate with County Elections to maintain accurate terms of office for directors, notify vacancies and expiring terms.		8. Establish and adopt Employee & officer reimbursement policies.	
2. Timely post meeting documents (agendas, minutes, etc) to Website and update reliably.		9. Complete position descriptions, roles and defined responsibilities for each staff and board member; ensure regular staff performance reviews.	
3. Clearly describe proposed actions on the agenda per the Brown Act requirements.		10. Set up a records management plan and retention schedule.	
4. Complete Board members training for Ethics, Brown Act, Conflict of Interest, etc. maintain records available at the District.		11. Adopt a conflict of interest code.	
5. Establish a written complaint process.			
6. Establish a public records request process.			
7. Adopt financial policies or procedures for fraud, capital assests, signature authority, payment of claims, etc.			

RECOMMENDATIONS FOR LOCKWOOD FPD			
FOR IMMEDIATE ACTION (Within 1 to 3 months)		TO BE COMPLETED WITHIN 12 MONTHS	
Action	Status/Date Completed	Action	Status/Date Completed
1. Coordinate with County Elections to maintain accurate terms of office for directors, notify vacancies and expiring terms.		3. Develop a Capital Improvement plan.	
2. Complete Board members' training for Ethics, Brown Act, Conflict of Interest, etc. maintain records available at the District.		4. Investigate funding sources, grants, etc. for emergency generator, additional water sources, and replacement of an aging fire truck and water tender.	
		5. Establish desired reserve levels by district policy and maintain a reserve fund in a separate account.	
		6. Consider a survey to clarify if the district is a disadvantaged unincorporated community.	
		7. Complete mapping of private water sources within district.	
		8. Complete mapping of addresses, APN and access to parcels within district.	

RECOMMENDATIONS FOR PINE ACRES CSD		
FOR IMMEDIATE ACTION (Within 1 to 3 months)	TO BE COMPLETED WITHIN 12 MONTHS	
Action	Status/Date Completed	Status/Date Completed
1. Affirm that service provided to and rates paid by each parcel are in alignment.		11. Implement a policy that provides for parcels/roads within the District to be added to a Rate Zone.
2. Maintain a five-member board, notifying the County Elections Department whenever a board member changes or resigns.		12. Maintain an accurate system/map for tracking services provided and rates paid for each parcel.
3. Appoint/hire a General Manager.		13. Adopt a method for regularly reviewing rates to ensure revenues keep up with increasing road improvement costs.
4. Set up and maintain a District website with required content (January 1, 2020).		14. Develop a long-range plan for road maintenance and process for updating the road maintenance plan.
5. Draft and adopt Bylaws/Policies and Procedures.		15. Develop a written policy regarding when and how to obtain legal counsel if needed.
6. Institute a formal customer complaint process and basic process for handling such complaints.		16. Join a district association such as the California Special Districts Association and utilize the training/resources provided with membership.
7. Institute a procedure for Public Records Act requests and a basic process for handling such requests.		
8. Have all board members complete ethics and sexual harassment training and establish a process for maintaining records of training and availability to public.		
9. Have all board members complete Brown Act training and establish a process for maintaining records of training and availability to public.		
10. Review and revise fund accounting as needed; establish a designated reserve account for future road replacement costs.		

RECOMMENDATIONS FOR PINE GROVE CSD			
FOR IMMEDIATE ACTION (Within 1 to 3 months)		TO BE COMPLETED WITHIN 12 MONTHS	
Action	Status/Date Completed	Action	Status/Date Completed
1. Coordinate with County Elections to maintain accurate terms of office for directors, notify vacancies and expiring terms.		4. Investigate funding sources, grants, etc. for infrastructure needs, fire flow and replacement of mains.	
2. Initiate annexation of parcels where the district provides service, has water lines or has made commitments to serve.	Completed	5. Continue to support and coordinate with ACRA for adding local parks in Pine Grove Community .	
3. Initiate annexation of parcels split by the district boundaries.	Completed		

RECOMMENDATIONS FOR RIVER PINES CSD			
FOR IMMEDIATE ACTION (Within 1 to 3 months)		TO BE COMPLETED WITHIN 12 MONTHS	
Action	Status/Date Completed	Action	Status/Date Completed
1. Board members must complete/update ethics, sexual harassment training, etc. and maintain records at the District.		5. Complete adoption of policies and procedures, employee handbook, etc.	
2. Initiate annexation of parcels where the district provides service, has water lines or has made commitments to serve.	Completed	6. Establish appropriate levels and accounts for reserves & capital improvement funds.	
3. Initiate annexation of parcels split by the district boundaries.	Completed	7. Evaluate rates periodically and establish a separate account for long-term capital improvement needs and maintenance.	
4. Coordinate with County Elections to maintain accurate terms of office for directors, notify vacancies and expiring terms.		8. Complete grant funding and initiate construction of water system.	
		9. Assess wastewater systems to identify and monitor potential leaks and trouble spots (inflow & infiltration).	
		10. Complete Capital Improvement Plans and other needed long-term planning efforts.	
		11. Develop plans for long-term management of the system, including financing plans.	

RECOMMENDATIONS FOR SUNSET HEIGHTS CSD			
FOR IMMEDIATE ACTION (Within 1 to 3 months)		TO BE COMPLETED WITHIN 12 MONTHS	
Action	Status/Date Completed	Action	Status/Date Completed
1. Appoint/hire a General Manager.		9. Adopt a method for regularly reviewing rates to ensure revenues keep up with increasing road improvement costs.	
2. Set up and maintain a District website with required content (January 1, 2020).		10. Join a district association such as the California Special Districts Association and utilize the training/resources provided with membership.	
3. Adopt a policy of meeting at least four times per year as required by law.		11. Consider hiring outside contractors to replace the volunteers who are now providing some of the District's road maintenance services.	
4. Institute a formal customer complaint process and basic process for handling such complaints.		12. Consider an investment policy that might provide for better returns than those currently being accrued in the bank savings account.	
5. Adopt updated Bylaws/Policies and Procedures, including policies regulating financial and administrative transactions to ensure accountability of funds and minimize risk of mismanagement.		13. Develop a long-range plan for road maintenance and a process for updating the road maintenance plan, including the possibility of dissolving the District and reverting back to the Homeowners Association.	
6. Institute a procedure for Public Records Act requests and a basic process for handling such requests.		14. Consider applying to LAFCO for a detachment of the parcels excluded from the adopted decreased Sphere of Influence.	
7. Have all board members complete ethics and sexual harassment training and establish a process for maintaining records of training and availability to public.			
8. Have all board members complete Brown Act training and establish a process for maintaining records of training and availability to public.			

TO: LAFCo Executive Officers
FROM: CALAFCO Legislative Committee
REPORT BY: Harry Ehrlich, San Diego LAFCo
SUBJECT: CALAFCO Board-approved amendments to Government Code Section 56133

On December 13, 2019, the CALAFCO Board unanimously approved a proposal from the Legislative Committee to amend Government Code (G.C.) Section 56133 and its provisions governing the LAFCo approval process for cities and special districts to provide new and extended outside services by contract. The proposed amendments involve two distinct components. The first component clarifies and makes explicit LAFCos' authority to determine exemption status under subsection (e) and in doing so eliminates the potential for agencies to "self-exempt" contracts that otherwise merit commission review. The second component adds the term "function" in several places to make the section consistent with other areas of CKH.

Additional materials are attached to this communication detailing the Board-approved amendments to G.C. Section 56133. This includes a one-page informational bulletin summarizing the key differences with implementing examples as well as addressing frequently asked questions that have been raised in discussions the Legislative Committee has had on this important rewrite.

The Board of Directors has requested that the EO's of all LAFCos be polled to determine support or concern regarding this proposal before proceeding ahead. The Legislative Committee has been asked to address your questions and comments. Towards this end, to help expedite follow up, these regional coordinators are available to discuss the Board-approved amendments with you:

Northern: Steve Lucas, Butte (slucas@buttecounty.net)
Central: José Henríquez, El Dorado (JHenriquez@edlafco.us)
Coastal: Kai Luoma, Ventura (kai.luoma@ventura.org)
Southern: Harry Ehrlich, San Diego (ehrichprs@gmail.com)

Thank you again for your attention to this matter. The Legislative Committee needs to hear from you on any questions or comments. *A written email response of support or concerns by 5:00 p.m., January 16, 2020, to myself or Pamela Miller is requested.*

Attachments:

- 1) Informational bulletin on the Board-approved amendments to G.C. Section 56133
- 2) Board approved amendments to G.C. Section 56133 (Track-Changes)
- 3) Legislative history of G.C. Section 56133

CALAFCO BULLETIN

Proposed Amendments to Government Code Section 56133



The Proposal

The CALAFCO Board has unanimously approved a proposal from the Legislative Committee to amend Government Code (G.C.) Section 56133 and its provisions governing the LAFCo approval process for cities and districts to provide new or extended services outside their jurisdictional boundaries. Two distinct components underlie the Board-approved amendments:

1. The first and most pertinent component clarifies LAFCos' authority to determine whether a proposed new or extended service meets any of the exemptions listed under subsection (e).
2. The second component adds the term "function" to the statute to ensure consistency with other sections of CKH and the distinction between service, function and class.

Why the Proposal?

The CALAFCO Board and Legislative Committee believe the proposed amendments to G.C. Section 56133 will measurably clarify a LAFCos' intended role to review and regulate new or extended services outside an agency's jurisdictional boundaries. The proposal is the result of an evolving discussion among several Executive Officers in all four regions over the last two years and was thoroughly vetted with the Legislative Committee before going to the Board. The amendments do not expand or limit LAFCos' current authority. Most notably, the amendments clarify that LAFCo possesses the sole authority to determine whether a new or extended service can be considered exempt from LAFCo review and approval. This protects against a city or district "self-exempting" a contract or agreement for a new or extended service that would otherwise merit commission review. Adding the term "function" also makes the statute consistent with other areas in CKH. The following examples demonstrate how the amendments would be applied:

- If two public agencies enter into a contract or agreement for a new or extended service, it would be up to LAFCo, not the two agencies, to determine if the service is "an alternative to, or substitute for" a service already being provided and that the level of service is "consistent with the level of service contemplated by the existing service provider."
- If a service provider is currently providing a service outside its jurisdictional boundaries that predates 2001, it would be up to LAFCo to determine if an increase in the level of service to accommodate a new development is a new or extended service subject to LAFCo approval.
- If a city or district proposes to provide surplus water outside its boundaries, it would be up to LAFCo, not the city or district, to determine if that service will induce development and require LAFCo approval.

Further, the proposed amendment would make it explicit that LAFCo would consider all "functions" when new or extended services are proposed outside an agency's jurisdictional boundaries.

The amendments would clearly state that LAFCo is to determine when a contract or agreement for a new or extended service is exempt from LAFCo approval pursuant to section 56133(e). This is hoped to avoid delays and other transaction costs tied to disagreements with agencies regarding the constitution of "new" and "extended" services when exemptions are stated to apply. A notification to LAFCo and review for concurrence should be an administrative action possible by staff unless a difference of opinion is a result, as determined by the commission.

Specific examples:

The following real-world examples demonstrate the need for the proposed clarifications to section 56133:

- A water district approved new water service to dozens of homes built outside its boundaries after 2001. The district exempted itself from section 56133 because it had entered into a handshake “agreement” with a developer to provide the service long before 2001. As a result, these dozens of new services were in violation of CKH.
- A farmer wanted water service from a nearby city to water his crops during a drought. The farmer approached the city and convinced the city to consider the water service as “surplus” water (even though the city was in a stage 3 water shortage emergency). The city made the determination that the service was exempt from LAFCo review/approval.
- Agency A (possibly a water or wastewater agency) is required to implement environmental mitigation for a project by developing habitat within or outside its SOI. Agency A proposes to contract with Agency B (possibly another water agency or RCD) to install and/or maintain the habitat area for a period of time, outside of its service area and SOI. While Agency B may be in the function of providing that service, to do so in Agency A’s area as a new or expanded service even by contract should be subject to review and authorization by LAFCo.

Frequently asked questions:

Question: *Will these changes create new pressures on LAFCo to accommodate development outside an agency’s jurisdictional boundaries that it would otherwise reject?*

Answer: No. The proposed changes do not affect LAFCo’s existing right and duty to deny outside service requests deemed illogical and inconsistent with their policies. The intent is to clarify existing authority areas.

Question: *Does clarifying LAFCo’s authority to approve services and functions outside an agency’s jurisdictional boundaries undermine LAFCo’s ability to curb sprawl?*

Answer: No. The proposed changes continue the measured safeguards to protect against inappropriate urban development by requiring LAFCo to make specific findings when considering proposals for new or extended services.

Question: *How long has CALAFCO been discussing this proposal?*

Answer: The Legislative Committee thoroughly vetted the current version of the proposal in October 2019 and unanimously approved presenting the proposal to the Board, who unanimously approved the proposal in December 2019. The matter of authority in G.C. Section 56133 has long been a topic of discussion for the Legislative Committee and Board.

Question: *Who can I talk to if I have questions?*

Answer: Each region has a coordinator to answer your questions. You may also contact CALAFCO Executive Director Pamela Miller at pmiller@calafco.org. These regional coordinators are available to discuss the Board-approved amendments with you:

Northern: Steve Lucas, Butte (slucas@buttecounty.net)

Central: José Henríquez, El Dorado (JHenriquez@edlafco.us)

Coastal: Kai Luoma, Ventura (kai.luoma@ventura.org)

Southern: Harry Ehrlich, San Diego (ehrichprs@gmail.com)

**2020 Proposed CKH Legislation Change
GC Section 56133**

56133.

(a) A city or district may provide new or extended services or functions by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission.

(b) The commission may authorize a city or district to provide new or extended services or functions outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.

(c) The commission may authorize a city or district to provide new or extended services or functions outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

(1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district to extend services or functions outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of requests made pursuant to this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the extended services. If the new or extended services are disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to any of the following, as determined by the commission:

(1) Two or more public agencies where the public service or function to be provided is an alternative to, or substitute for, public services or functions already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service or function contemplated by the existing service provider.

(2) The transfer of nonpotable or nontreated water.

(3) The provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.

(4) An extended service or function that a city or district was providing on or before January 1, 2001.

(5) A local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.

(6) A fire protection contract, as defined in subdivision (a) of Section 56134.

(f) This section applies only to the commission of the county in which the extension of service or function is proposed.

Summary of LAFCo-Related Legislation Chaptered in 2001

AB 720 (Committee on Local Government): Makes several technical and non-controversial changes necessary to the revision of the Cortese-Knox-Hertzberg Act. Amends the heading of Division 3 (commencing with Section 56000) of Part 1 of Title 5, Government Code Sections 56014, 56123, 56157, 56331, 56333, 56334, 56381.6, 56428, 56661, 56663, 56700.4, 56706, 56744, 56751, 56767; 56857, 56886.5, 56895, 57026, 57078.5, 57114, 57120, and 57201; amends and renumbers Sections 56852.7 and 56888; adds Section 56886.1; and repeals Section 57079.3.

AB 948 (Kelley): Changes the powers of LAFCOs regarding special districts.

Terms and conditions: Prohibits a LAFCO from imposing terms and conditions affecting water rights that have been fixed by a court or the State Water Resources Control Board.

Latent powers: Repeals the current provisions relating to the LAFCOs' regulations controlling special districts' latent powers and creates a new set of procedures that allow a special district to apply to a LAFCO for permission to exercise new or different functions or services.

District formations: Requires a LAFCO to determine the number of landowners who own land and the assessed value of their land within a proposed landowner-voter special district. Requires the assessed value of this land to be based on the last equalized assessment roll. Requires a LAFCO to determine a provisional appropriations limit for a proposed special district and requires the district's voters to later adopt a permanent appropriations limit.

District reorganizations: Prohibits a LAFCO from adding or deleting special districts to a reorganization or consolidation proposed by districts without the consent of the districts that applied. Prohibits a LAFCO from changing the scope of a reorganization proposed and agreed to by the districts themselves.

District annexations: Allows a LAFCO to require that an election for the annexation of inhabited territory to a special district be held in the territory to be annexed and that the annexation must be confirmed by an election held within the existing district under certain circumstances.

Subsidiary districts: Repeals the option for a LAFCO to approve competing proposals when a city council becomes the governing body of a special district, establishing a subsidiary district and the district presents the LAFCO with an alternative proposal.

District dissolutions: Clarifies that protest provisions for district dissolution proposals not initiated by a LAFCO must be signed by at least 25% of the voters or 25% of landowners. Amends Government Code Sections 56375, 56425, 56821, 56821.5, 56822, 56824.1, 56824.7, 56834, 56853, 56863, 56886, and 57114; adds Section 56877; adds Article 1.5 (commencing with Section 56824.10) to Chapter 5 of Part 3 of Division 3 of Title 5; repeals