

PLUMAS LAFCo

REGULAR MEETING AGENDA

MONDAY December 12, 2022

10:00 AM

BOARD OF SUPERVISORS CHAMBERS - PLUMAS COUNTY COURTHOUSE

520 Main Street
QUINCY, CALIFORNIA

Website: www.plumaslafco.org

ZOOM Participation

You may also use your computer or smart device to watch the video conference and make comments by downloading the Zoom ICloud Conference app or on the Zoom website, or you may dial in with your phone for audio only. See below for instructions on how to join.

The LAFCO meeting is accessible for public comment via live streaming at:
<https://us02web.zoom.us/j/84740785845?pwd=VjAvVmhhRY3ZZL2d6aHVuYyt0TkpmZ09>

or by phone at:

Phone Number 1-669-900-9128

Meeting ID: 847 4078 5845

Passcode: 239354

If you have any problems joining the meeting, please call LAFCo at (530)283-7069.

This meeting is being agendized to allow staff and the public to participate via teleconference or other electronic means pursuant to the Governor's Executive Orders N-25-20 & N-29-20 and dated March 12 & 17, 2020 and Pumas LAFCo Resolutions 2021-0006 and 2021-0007. These Executive Orders authorize local legislative bodies to hold a public meeting via teleconference and to make public meetings accessible telephonically to all members of the public and staff in effort to observe social distancing recommendations in effect for the entire country.

(All meeting materials are available on LAFCo's Website: www.plumaslafco.org)

Commissioners:

Tom Cooley, City Member, Chair
Kevin Goss, County Member, Vice Chair
Bill Powers, City Member
Sherrie Thrall, County Member
Matthew Haesche, Public Member
Terry Swofford, Public Member Alt.
Jeff Engel, County Member Alt.
Pat Morton, City Member Alt.

Staff:

Jennifer Stephenson, Executive Officer
Cheryl Kolb, Clerk
P. Scott Browne, Counsel

MEETING - CONVENES AT 10:00 A.M.

1. CALL TO ORDER: Pledge of Allegiance and Roll Call

2. Approval of Agenda (additions or deletions)

3. Correspondence:

a) *SDRMA President's Special Acknowledgement Award*

4. CONSENT ITEM (S)

a) *Approve minutes for August 8, 2022 and October 17, 2022 meetings.*

5. Public Comment

Members of the public are invited to address the Commission on any matter of interest to the public that is not on the agenda for a period of time not exceeding 5 minutes. Pursuant to the Brown Act, the Commission cannot take any action on items not listed on the posted agenda but may add to a future agenda matters brought up under public comments for appropriate action at a future meeting.

6. Authorize payment of Claims for October and November 2022

a) *Authorize payment of claims October and November 2022.*

PUBLIC HEARINGS and ACTION ITEMS:

- 7. Review conditions regarding Resolutions 2021-0006 and 2021-0007**
 - a) *Provide direction to continue or repeal authorization pursuant to AB 361 to hold remote teleconference meetings of Plumas LAFCo.*
 - b) *Note: Only in effect until February 28, 2023 when the State of Emergency expires. Commissioners may choose to make use of AB 2449 authorization of hybrid teleconference meetings thereafter.*
- 8. Adopt Eastern Plumas Regional Fire Sphere of Influence Updates**
 - a) *Receive Executive Officer's presentation.*
 - b) *Open public hearing.*
 - c) *Close public hearing*
 - d) *Consider adoption of Resolution 2022-0008 confirming Sphere of Influence Updates for Beckwourth Fire Protection District, Eastern Plumas Rural Fire Protection District, Gold Mountain Community Services District, and Sierra Valley Fire Protection District.*
- 9. CALAFCO 2022 Conference Presentation**
 - a) *Receive presentation on lessons learned at 2022 CALAFCO Conference.*
- 10. Establish Regular Meeting Schedule for 2023**
 - a) *Adopt meeting schedule for 2023.*

DISCUSSION ITEMS (no action to be taken):

- 11. Executive Officer's Report**
 - a) *Cemetery District Reorganization*
 - b) *CALAFCO White Paper – Planning for a Sustainable and Predictable Future: Clarifying LAFCo Authority to Determine Government Code Section 56133(e) Exemption Eligibility*
 - c) *LESSG Report*
- 12. Commissioner Reports**

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCo, and legislative matters.
- 13. Recognition of Supervisor Thrall's Final Meeting as County Representative on LAFCO**
- 14. Adjourn to next regular meeting.**

LAFCo's next regular meeting to take place 10:00 am on February 13, 2022

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.

Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1

Accessibility

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting.

The location of this meeting is wheelchair-accessible. If other accommodations are required to assist a person with a disability to participate in the meeting, please contact the Commission Clerk 24 hours before the meeting as indicated below.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Plumas LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.

A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Late-Distributed Materials. Any material submitted to the Commission after this agenda is posted will be made available for public inspection as soon as possible in the Plumas County Planning Department office at 555 Main Street, Quincy, CA. and at the LAFCo Webpage www.plumaslafco.org

Contact LAFCo Staff LAFCo staff may be contacted at 530-283-7069 or by mail at LAFCo of Plumas County, 5050 Laguna Blvd #112-711, Elk Grove, CA 95758 or by email at jennifer@pcateam.com or by fax at 888-501-0395.



President's Special Acknowledgement Award

The President of the Special District Risk Management Authority

Hereby gives special recognition to

Plumas County Local Agency Formation Commission

The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior five consecutive program years in the Property/Liability Program. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during that same period and excludes property claims. Congratulations on your excellent claims record!

Mike Scheafer, SDRMA Board President

October 18, 2022

Date

PLUMAS LAFCo
REGULAR MEETING MINUTES

MONDAY August 8, 2022

10:00 AM

BOARD OF SUPERVISORS CHAMBERS - PLUMAS COUNTY COURTHOUSE

520 Main Street
QUINCY, CALIFORNIA

Website: www.plumaslafco.org

ZOOM Participation

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Phone Number 1-669-900-9128

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Tom Cooley, City Member, Vice Chair
Bill Powers, City Member
Sherrie Thrall, County Member
Matthew Haesche, Public Member
Terry Swofford, Public Member Alt.
Jeff Engel, County Member Alt.
Pat Morton, City Member Alt.

Staff:

Jennifer Stephenson, Executive Officer
Cheryl Kolb, Clerk
P. Scott Browne, Counsel

MEETING - CONVENES AT 10:00 A.M.

1. CALL TO ORDER: Pledge of Allegiance and Roll Call

Present: Tom Cooley, Bill Powers, Sherrie Thrall, Matthew Haesche and Pat Morton.

Absent: Kevin Goss, Terry Swofford and Jeff Engel.

Note: Kevin Goss called in at 10:06 a.m. Tom Cooley continued as Chair for the duration of the meeting.

2. Approval of Agenda (additions or deletions)

Approved as written.

3. Correspondence:

Jennifer Stephenson received correspondence from the Meadow Valley Cemetery District notifying LAFCo of a change in the current Board resignation date. The new date is December 31, 2022.

4. CONSENT ITEM (S)

a) *Approval of the June 13, 2022 LAFCo minutes*

Motion to approve minutes from June 13, 2022 made by Sherrie Thrall. Seconded by Bill Powers. Roll call vote; unanimous approval. Motion carried.

5. Public Comment

Members of the public are invited to address the Commission on any matter of interest to the public that is not on the agenda for a period of time not exceeding 5 minutes. Pursuant to the Brown Act, the Commission cannot take any action on items not listed on the posted agenda but may add to a future agenda matters brought up under public comments for appropriate action at a future meeting.

No public comments.

6. Authorize payment of Claims for June and July 2022

a) *Authorize payment of claims June and July 2022.*

Motion to authorize payment of claims for June and July 2022 made by Sherrie Thrall. Seconded by Bill Powers. Roll call vote; unanimous approval. Motion carried.

PUBLIC HEARINGS and ACTION ITEMS:

7. Review conditions regarding Resolutions 2021-0006 and 2021-0007

- a) Provide direction to continue or repeal authorization pursuant to AB 361 to hold remote teleconference meetings of Plumas LAFCo.

Motion to continue authorization pursuant to AB 361 to hold remote teleconference meetings made by Sherrie Thrall. Seconded by Bill Powers. Roll call vote; unanimous approval. Motion carried.

8. Receive Eastern Plumas Fire Municipal Service Review and schedule hearing

- a) *Receive Executive Officer's presentation.*
- b) *Receive comments.*
Ashlee Sims asked questions.
- c) *Schedule public hearing and consider adoption at October 17, 2022 meeting.*

DISCUSSION ITEMS (no action to be taken):

9. Executive Officer's Report

- a) *Setting up employment with County payroll*
- b) *Cancellation of CalPERS Contract*
- c) *CALAFCO Leg Committee*
- d) *Lassen LAFCo*
- e) *LESSG Report, Timeline, MSRs*

10. Commissioner Reports

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCo, and legislative matters.

11. Adjourn to next regular meeting.

Meeting adjourned at 11:16 a.m.

LAFCo's next regular meeting to take place 10:00 am on October 17, 2022

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Government Code Section 56325.1

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LAFCO

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Kevin Goss, County Member, Chair
Tom Cooley, City Member, Vice Chair
Bill Powers, City Member
Sherrie Thrall, County Member
Matthew Haesche, Public Member
Terry Swofford, Public Member Alt.
Jeff Engel, County Member Alt.
Pat Morton, City Member Alt.

Staff:

Jennifer Stephenson, Executive Officer
Cheryl Kolb, Clerk
P. Scott Browne, Counsel

MEETING MINUTES

ADJOURNED REGULAR MEETING OF THE LAFCO COUNTY OF PLUMAS, STATE OF CALIFORNIA HELD IN QUINCY ON OCTOBER 17, 2022

STANDING ORDERS

Due to the Coronavirus disease (COVID-19) Public Health Emergency, dated March 16, 2020, the County of Plumas is making several changes related to Board of Supervisors meetings to protect the public's health and prevent the disease from spreading locally.

The Plumas County Health Officer Recommendation Regarding Teleconferencing, issued on September 30, 2021, recommends local legislative bodies, such as commissions, committees, boards, and councils, hold public meetings with teleconferencing as authorized by Government Code section 54953 (e).

Pursuant to Government Code section 54953 (e) and to maintain the orderly conduct of the meeting, the County of Plumas members of the Board of Supervisors may attend the meeting via teleconference or phone conference and participate in the meeting to the same extent as if they were physically present. Due to Government Code section 54953(e), the Boardroom will be open to the public but subject to state or federal social distancing or masking requirements, if applicable. It is strongly recommended that individuals attending meetings wear masks. The public may participate as follows:

Live Stream of Meeting

Members of the public who wish to watch the meeting, are encouraged to view it [LIVE ONLINE](#)

ZOOM Participation

The Plumas County Board of Supervisors meeting is accessible for public comment via live streaming at: <https://zoom.us/j/94875867850?pwd=SGlSeGpLVG9wQWtRSnNUM25mczlvZz09> or by phone at: Phone Number 1-669-900-9128; Meeting ID: 948 7586 7850. Passcode: 261352

Public Comment Opportunity/Written Comment

Members of the public may submit written comments on any matter within the Board's subject matter jurisdiction, regardless of whether the matter is on the agenda for Board consideration or action. Comments will be entered into the administrative record of the meeting.

Members of the public are strongly encouraged to submit their comments on agenda and non-agenda items using e-mail address Public@countyofplumas.com

MEETING - CONVENES AT 10:00 AM

1. CALL TO ORDER: PLEDGE OF ALLEGIANCE AND ROLL CALL

Tom Cooley led the Pledge of Allegiance.

Roll Call.

Present: Chair County Member Kevin Goss, Vice Chair City Member Tom Cooley, City Member Bill Powers, County Member Sherrie Thrall, Public Member Matthew Haesche. Also present: City Member Alternate Pat Morton.

Absent: Public Member Alternate Terry Swofford and County Member Alternate Jeff Engel.

2. APPROVAL OF AGENDA (ADDITIONS OR DELETIONS)

No additions or deletions.

3. CORRESPONDENCE:

No correspondence.

4. CONSENT ITEM(S)

a) Approval of the August 8, 2022 LAFCo minutes

Minutes not available; tabled to December 12th meeting.

5. PUBLIC COMMENT

Members of the public are invited to address the Commission on any matter of interest to the public that is not on the agenda for a period of time not exceeding 5 minutes. Pursuant to the Brown Act, the Commission cannot take any action on items not listed on the posted agenda but may add to a future agenda matters brought up under public comments for appropriate action at a future meeting.

None.

6. AUTHORIZE PAYMENT OF CLAIMS FOR AUGUST AND SEPTEMBER 2022

Authorize payment of Claims for August and September 2022.

Motion: Approve the payment of claims for August and September 2022, as submitted, **Action:** Approve, **Moved by** City Member Bill Powers, **Seconded by** Public Member Matthew Haesche.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Chair Kevin Goss, Vice Chair Tom Cooley, City Member Bill Powers, Public Member Matthew Haesche, County Member Sherrie Thrall.

PUBLIC HEARINGS and ACTION ITEMS:

7. REVIEW CONDITIONS REGARDING RESOLUTIONS 2021-0006 AND 2021-0007

- a) Provide direction to continue or repeal authorization pursuant to AB 361 to hold remote teleconference meetings of Plumas LAFCo

Approve authorization to continue having remote teleconference meetings of Plumas LAFCo available.

Motion: Authorize the continuation of remote teleconference meeting availability, **Action:** Approve, **Moved by** County Member Sherrie Thrall, **Seconded by** Chair Kevin Goss.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Chair Kevin Goss, Vice Chair Tom Cooley, City Member Bill Powers, Public Member Matthew Haesche, County Member Sherrie Thrall.

8. ADOPT EASTERN PLUMAS FIRE MUNICIPAL SERVICE REVIEW DETERMINATIONS

- a) Receive Executive Officer's presentation

Jennifer has received two written comments; one from Gold Mountain CSD and the other from Beckwourth Fire Protection District.

- b) Receive comments

Tom Cooley offered some comments.

- c) Consider adoption of Resolution 2022-0006 confirming determinations in the Eastern Plumas Fire Municipal Service Review

Adopt Resolution 2022-0006 confirming determinations in the Eastern Plumas Municipal Service Review.

Motion: Adopt Resolution 2022-0006, confirming determinations in the Eastern Plumas Municipal Service Review, **Action:** Approve, **Moved by** City Member Bil Powers, **Seconded by** Public Member Matthew Haesche.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Chair Kevin Goss, Vice Chair Tom Cooley, City Member Bill Powers, Public Member Matthew Haesche, County Member Sherrie Thrall.

- d) Schedule Public Hearing for SOI Updates for December 12, 2022

Included in December 12, 2022 agenda.

9. APPROVE APPLICATION FOR GRAEAGLE COMMUNITY SERVICES DISTRICT ACTIVATION OF LATENT POWERS (FILE 2022-0005)

- a) Receive Executive Officer's report

This district was last reviewed in 2017. Funds are available for the bridge project. Graeagle Land and Water will take over maintenance of the pedestrian bridge once it's complete.

- b) Conduct Public Hearing

Diane Bowman from Graeagle CSD offered comments.

- c) Consider adoption of Resolution 2022-0007 approving activation of transportation services by the Graeagle Community Services District

Adopt Resolution 2022-0007 approving activation of transportation services by the Graeagle Community Services District. Bill Powers asked for two minor corrections to the wording of the Resolution.

Motion: Adopt Resolution 2022-0007 with two minor corrections as noted by City Member Bill Powers, **Action:** Approve, **Moved by** City Member Bill Powers, **Seconded by** Public Member Matthew Haesche.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Chair Kevin Goss, Vice Chair Tom Cooley, City Member Bill Powers, Public Member Matthew Haesche, County Member Sherrie Thrall.

10. BIENNIAL CONFLICT OF INTEREST CODE REVIEW

- a) Review Plumas LAFCO's Conflict of Interest

The Conflict of Interest should be reviewed every 2 years and any changes need to be provided to the County. The last complete update was done in 2018. No public or Commissioner's comments.

- b) Authorize Executive Officer to sign the 2022 Biennial Notice for filing

Authorize Executive Officer to sign the 2022 Biennial Notice for filing.

Motion: Authorize Executive Officer to sign the 2022 Biennial Notice for filing, **Action:** Approve, **Moved by** City Member Bill Powers, **Seconded by** Public Member Matthew Haesche.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Chair Kevin Goss, Vice Chair Tom Cooley, City Member Bill Powers, Public Member Matthew Haesche, County Member Sherrie Thrall.

11. ELECTION OF CHAIR AND VICE-CHAIR FOR FY 2022-2023

- a) Election of the LAFCo Chair for FY 2022-2023

Bill Powers nominated Tom Cooley as Chair for FY 2022-2023.

Motion: Elect Tom Cooley as the LAFCo Chair for FY 2022-2023, **Action:** Approve, **Moved by** LAFCO City Member Bill Powers, **Seconded by** Chair Kevin Goss.

Vote: Motion by unanimous roll call vote (**summary:** Yes = 0).

Yes: Chair Kevin Goss, Vice Chair Tom Cooley, City Member Bill Powers, County Member Sherrie Thrall and Public Member Matthew Haesche.

- b) Election of the LAFCo Vice-Chair for FY 2022-2023

Kevin Goss offered to act as Vice-Chair for FY 2022-2023.

Motion: Elect Kevin Goss as the LAFCo Vice-Chair for FY 2022-2023, **Action:** Approve, **Moved by** County Member Sherrie Thrall, **Seconded by** City Member Bill Powers.

Vote: Motion Passed by unanimous roll call vote (**summary:** Yes = 5).

Yes: Chair Kevin Goss, Vice Chair Tom Cooley, City Member Bill Powers, Public Member Matthew Haesche, County Member Sherrie Thrall.

DISCUSSION ITEMS (no action to be taken):

12. EXECUTIVE OFFICER'S REPORT

- a) AB 2449
- b) Setting up employment with County payroll
- c) Cemetery District Reorganization
- d) CALAFCO Board Nomination and Conference
- e) CALAFCO Leg Committee
- f) LESSG Report

Tom Cooley provided an update and introduced Carrie Curtis, Vice Chair of the LESSG Committee, who also provided comments.

13. COMMISSIONER REPORTS

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCo, and legislative matters.

Matthew Haesche attended the recent RERC event regarding housing in Plumas County.

Bill Powers received some messages regarding Grizzly Lake CSD fee increases and operations.

Adjourn to next regular meeting

LAFCO's next regular meeting to take place 10:00 AM on December 12, 2022.

Adjourned meeting to Monday, December 12, 2022, Board of Supervisors Room 308, Courthouse, Quincy, California

Chair:

Tom Cooley

Commissioners:

Kevin Goss, Vice Chair
 Sherrie Thrall, County
 Matthew Haesche, Pub
 Bill Powers, City
 Jeff Engel, County Alt
 Pat Morton, Alt
 T. Swofford, Pub Alt

Executive Officer:

Jennifer Stephenson

Clerk:

Cheryl Kolb

**LAFCo****Agenda Item #6**

*The Local Agency Formation
 Commission Serving Plumas County*

**Claim Authorization Form
 October 2022 and November 2022 Expenses**

The Local Agency Formation Commission of Plumas County hereby authorizes the payment of the following claims from the 2022-2023 budget:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
October 2, 2022	Health Care-Gullixson Sept. 22	\$ 690.01
October 25, 2022	Conference Reimbursements	\$ 3,465.86
October 29, 2022	Commissioner Per Diem	\$ 700.00
October 29, 2022	Commissioner OASDI	\$ 91.80
October 29, 2022	Commissioner Mileage	\$ 82.00
November 2, 2022	Staff Svcs October 2022	\$ 8,042.37
November 2, 2022	Health Care-Gullixson October 22	\$ 690.01
November 5, 2022	State Board of Equalization Filing Fee	\$ 4,100.00
December 6, 2022	Staff Svcs September 2022	\$ 7,103.25
TOTAL Oct.-Nov. 2022 (FY 22-23) - LAFCo expenses:		\$ 24,965.30

DATED: December 12, 2022

APPROVED: December 12, 2022

 Tom Cooley, Chair Plumas LAFCo

Attest:

 Jennifer Stephenson, Executive Officer

Invoice #PLUMAS-2022-11
Policy Consulting Associates, LLC
39774 Via Careza
Murrieta, CA 92563
(310) 936-2639
EIN #: 27-2523069

Date: November 2, 2022

Plumas LAFCO
520 Main St
Quincy, CA 96971

Staff Services

	Hours	Rate	Amount
Jennifer Stephenson, Executive Officer		\$3,750	\$3,750.00
Cheryl Kolb, Clerk (Minutes and agenda mailing)		\$120.00	\$120.00
Cheryl Kolb, Clerk (Records digitization)	4.75	\$35	\$166.25
Dennis Miller, GIS	0.00	\$70	\$0.00
Subtotal			\$4,036.25

Projects: Applications, MSRs and SOI Updates

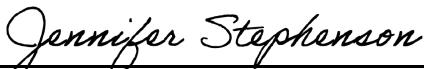
	Hours	Rate	Amount
Jennifer Stephenson, Application/Projects	0.00	\$ 90.00	\$0.00
Jennifer Stephenson, MSR and SOI Updates - Cemeteries/Quincy FPD/FCD	15.50	\$ 90.00	\$1,395.00
Jennifer Stephenson, Applications/Projects (File 2022-0005: GCSD Latent)	25.50	\$ 90.00	\$2,295.00
Oxana Wolfson Analyst	0.00	\$ 80.00	\$0.00
Jill Hetland, Research Assistant	0.00	\$ 45.00	\$0.00
Cheryl Kolb, Applications/Projects	0.00	\$ 35.00	\$0.00
Subtotal			\$3,690.00

Reimbursements

Reproduction Costs	\$0.00
Postage	\$0.00
Phone and Communications	\$0.00
Office Supplies (Zoom Pro and Weebly)	\$15.33
Mileage (126 Miles @ 0.625 50%)	\$39.38
Transportation and Travel (Conference - Stephenson Hotel 50%, Stephenson Dinner 50% (less alcohol))	\$261.41
Subtotal	\$316.12

Amount Due	\$8,042.37
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Please remit invoices to Policy Consulting Associates, LLC



Jennifer Stephenson, Principal

11/2/22

Date

Jennifer Stephenson October 2022 Timesheet

Date	Hours	Description	Special Project
10/1/22	5.5	Review of GCSD application	X
10/2/22	4	Fire MSR Prep	X
10/3/22			
10/4/22	7.5	Drafting of GCSD application staff report	X
10/5/22	6.5	Drafting of GCSD resolution etc	X
10/6/22	6	GCSD application	X
10/7/22	1.5	Leg Committee Meeting	
10/8/22	7.5	Agenda compilation	
10/9/22	5	Agenda compilation	
10/10/22	6.5	Fire MSR Update/Resolution	X
10/11/22	2.25	Agenda distribution	
10/12/22	2.75	Plumas County Inf Meeting, Pesentation to City Council	X
10/13/22			
10/14/22			
10/15/22			
10/16/22	4.75	Travel and meeting prep	
10/17/22	3.5	Meeting and follow up	
10/18/22			
10/19/22	4.5	CALAFCO Conference	
10/20/22	8.75	CALAFCO Conference	
10/21/22	4.5	CALAFCO Conference	
10/22/22			
10/23/22			
10/24/22			
10/25/22	1.75	LESSG	
10/26/22	1	Plumas County Inf Meeting	
10/27/22			
10/28/22			
10/29/22			
10/30/22			
10/31/22			

Invoice #PLUMAS-2022-12
Policy Consulting Associates, LLC
39774 Via Careza
Murrieta, CA 92563
(310) 936-2639
EIN #: 27-2523069

Date: December 6, 2022

Plumas LAFCO
520 Main St
Quincy, CA 96971

Staff Services

	Hours	Rate	Amount
Jennifer Stephenson, Executive Officer		\$3,750	\$3,750.00
Cheryl Kolb, Clerk (Minutes and agenda mailing)		\$120.00	\$120.00
Cheryl Kolb, Clerk (Records digitization)	3.75	\$35	\$131.25
Dennis Miller, GIS - Mapping for Cemetery Reorg	5.00	\$70	\$350.00
Subtotal			\$4,351.25

Projects: Applications, MSRs and SOI Updates

	Hours	Rate	Amount
Jennifer Stephenson, Application/Projects	0.00	\$ 90.00	\$0.00
Jennifer Stephenson, MSR and SOI Updates - East Plumas Fire	18.00	\$ 90.00	\$1,620.00
Jennifer Stephenson, Applications/Projects (File 2022-0005: GCSD Latent)	4.25	\$ 90.00	\$382.50
Oxana Wolfson Analyst	0.00	\$ 80.00	\$0.00
Jill Hetland, Research Assistant	10.25	\$ 45.00	\$461.25
Cheryl Kolb, Applications/Projects	3.00	\$ 35.00	\$105.00
Subtotal			\$2,568.75

Reimbursements

Reproduction Costs	\$0.00
Postage	\$84.20
Phone and Communications	\$15.33
Office Supplies (Folders)	\$83.72
Mileage	\$0.00
Transportation and Travel	\$0.00
Subtotal	\$183.25

Amount Due	\$7,103.25
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Please remit invoices to Policy Consulting Associates, LLC

Jennifer Stephenson

Jennifer Stephenson, Principal

12/6/22

Date

Jennifer Stephenson November 2022 Timesheet			
Date	Hours	Description	Special Project
11/1/22			
11/2/22	4.5	Management of BOE filings	
11/3/22			
11/4/22			
11/5/22	4.25	Cert of completion for File 2022-0005	X
11/6/22			
11/7/22	2.5	Management of mapping for Cemetery Reorg	
11/8/22			
11/9/22			
11/10/22			
11/11/22	3	Management of BOE filings	
11/12/22			
11/13/22			
11/14/22			
11/15/22	6.5	Fire SOI Drafting	X
11/16/22	0.5	Phone call with EPRFPD	
11/17/22	1.5	Management of mapping for Cemetery Reorg	
11/18/22	3.75	Finalizing BOE filings	
11/19/22			
11/20/22			
11/21/22	1.5	EPRFPD Meeting	X
11/22/22			
11/23/22			
11/24/22			
11/25/22			
11/26/22			
11/27/22	4.25	Fire SOI Drafting	X
11/28/22	4	Fire SOI Drafting	X
11/29/22	1.75	LESSG, SOI Distribution	X
11/30/22	0.25	Correspondance with IVCSD	

List of Assessor's Parcel Numbers for the Project Area

A list of all affected assessor's parcel numbers must be submitted as part of the jurisdictional boundary change filing.

Letter of Tax-Rate Area Assignment

The jurisdictional boundary change filing must include a letter of the tax-rate area (TRA) assignment on consolidated counties only. This TRA assignment letter is provided by the county auditor's office. The current list of consolidated counties can be found on the Board's website.

Fees

All fees are required to be submitted at the time of filing. Please use the following schedule to calculate the fees. Make checks payable to the "Board of Equalization." Please reference: Tax Area Services Section, MIC: 59.

Single Area Transactions		Special Fee Provisions	
<u>Acreage per Single Area</u>	<u>Mapping Fee</u>	The following transactions may supersede or combine with the fees for single area transactions:	
Less than 1 acre	\$300	Additional county, per transaction	\$300
1.00 – 5.99	\$350	Consolidation per resolution or ordinance	\$300
6.00 – 10.99	\$500	Entire district transaction	\$300
11.00 – 20.99	\$800	Coterminous transaction	\$300
21.00 – 50.99	\$1,200	District dissolution or name change	\$0
51.00 – 100.99	\$1,500		
101.00 – 500.99	\$2,000		
501.00 – 1,000.99	\$2,500		
1,001.00 – 2,000.99	\$3,000		
2,001.00 and above	\$3,500		

Example: A district is formed coterminous with a city boundary and contains 2 areas of exclusion of 4 and 7 acres.

Coterminous transaction	\$300	(Entire city)
Single Area #1	\$350	(4 acres)
Single Area #2	\$500	(7 acres)
Total Fee	\$1,150	

IMPORTANT NOTE: If you have questions regarding filing requirements and fees, please contact the Tax Area Services Section at 916-274-3250, or by fax at 916-285-0130.

Definitions and Special Fee Provisions

1. A *single area* means any separate geographical area regardless of ownership. A lot, subdivision or section could each be a single area. A geographical area that is divided into two or more parcels by a roadway, railroad right-of-way, river or stream is considered a single area. Geographic areas that are non-contiguous are not considered a single area.
2. Two areas are *contiguous* when the two polygons that define the areas share a common line segment.

3. *A concurrent transaction* is defined as:

- a) Any combination of formation, annexation or detachment of a single area under one resolution or ordinance, each independent action must be dependent on the other action(s) in order to complete concurrent transaction, e.g., a reorganization.
- b) When there are more than one resolution or ordinance that is required to complete the action, each single area must have identical boundaries, identical actions, and the multiple resolutions or ordinances shall be inter-dependent for completion.

The fee shall be according to the fee schedule provided on Page 6. There is no additional cost for the number of transactions involved.

Multiple formations, annexations, or detachments of a single area under one resolution or ordinance that are not inter-dependent, must be filed separately and fees paid accordingly.

4. *Coterminous transaction*: If an annexed or detached territory comprises an entire city, district, or zone without affecting the existence of that city, district or zone, the total processing fee is \$300. Such a transaction is completely coterminous. However, if a coterminous transaction involves areas of exclusion, each area of exclusion shall constitute a single area transaction and all fees and requirements pertaining to single area transactions apply.
5. The fee schedule assumes that an action is confined to a single county. If more than one county is involved, add \$300 for each additional county.
6. *Multiple area filings* for special revenue districts shall be calculated as a separate fee for each single area. A separate fee must be computed for each ordinance or resolution.
7. Payment of the fee for the formation of a city or district may be deferred until that city or district receives its first revenue (section 54902.5).
8. *Entire District transaction*: When the action involves the whole district and the district's boundary is not altered by the action, it is considered an entire district transaction, e.g., annexation of a county service area countywide, annexation of a zone of improvement to the entire district.
9. *Zones* include temporary zones in highway lighting districts, zones of improvement, zones of benefit, improvement districts, or any other sub-units of a county, city or parent district.

Commissioner Reimbursement for Travel

Re: Travel expense for Tom Cooley attendance at LAFCo Annual Conference October 19–October 21, 2022 at Hyatt Regency in Newport Beach

Mileage:

Personal auto travel roundtrip to Reno on 10/18/22, 102 miles
Personal auto travel roundtrip to Reno on 10/21/22, 102 miles
Total requested 204 miles

Room, Board, and Travel:

Payments were made by Tom Cooley for the following room, board, and travel for the conference. Copies of all bills are attached.

Southwest Airlines	\$384.95
Hyatt Regency	\$658.83
Carl's Jr (10/19)	\$7.84
Wendy's (10/19)	\$10.86
Taco Bell (10/19)	<u>\$9.26</u>
Total	\$1,071.74

Commissioner Reimbursement for Travel

Re: Travel expense for Matthew Haesche attendance at LAFCo Annual Conference October 19–October 21, 2022 at Hyatt Regency in Newport Beach

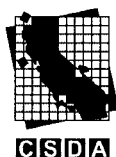
Mileage:

Personal auto travel roundtrip to Newport Beach on 10/18/22, 1,146 miles
Total requested 1,146 miles

Room, Board, and Travel:

Payments were made by Matthew Haesche for the following room, board, and travel for the conference. Copies of all bills are attached.

Hyatt Regency	\$703.83
Meal Per Diem @ \$60 per day 10/18-10/21/22	<u>\$240.00</u>
Total	\$943.83



**California Special
Districts Association**
Districts Stronger Together

California Special Districts Association
1112 I Street, Suite 200
Sacramento, CA 95814
Phone: 877.924.2732 Fax: 916.520.2470
www.csda.net

2023 CSDA MEMBERSHIP RENEWAL

To:

LAFCO of Plumas County
PO Box 2694
Granite Bay, CA 95746

Membership ID: 8006

Issue Date October 1, 2022

Due Date: December 31, 2022

AMS-Associate Member	\$500.00
Optional Purchases	
\$225 CSDA Sample Policy Handbook	\$
Total	\$
PAYMENT	
Account Name:	Account Number:
Expiration Date	Auth Signature

Please return this form with payment to CSDA Member Services, 1112 I Street, Suite 200, Sacramento, CA 95814, fax: 916.520.2470. To pay by ACH, please contact membership@csda.net.

OBRA 1993 prohibits taxpayers from deducting, for federal income tax purposes, the portion of membership dues that are allocable to the lobbying activities of trade organizations. The nondeductible portion of your dues is estimated to be 8%. To view dues categories, please visit the CSDA transparency page at www.csda.net

Thank you for being a CSDA Member!

Plumas LAFCO FY 22-23 Bookkeeping

Item	Insurance	Office	Copies	Communications	Postage	Memberships	Legal Svcs	Ex. OFF. Svcs	Clerk	Publications	Travel	Mileage
Account Number	SDRMA	Expense									Commission	
Total Budgeted	\$3,699.00	\$ 750.00	\$ 400.00	\$ 500.00	\$ 150.00	\$1,815.00	\$2,000.00	\$ 45,000.00	\$ 1,120.00	\$ 800.00	\$ 5,000.00	\$ 1,500.00
SDRMA Insurance 22-23	(\$2,825)											
CALAFCO Membership 22-23						\$ (1,315.00)						
Healthcare Gullixson July 22												
CalPERS Unfunded Liability (22-23)												
Staff Services (Jul 22)				\$ (15.33)				\$ (3,750.00)				
Healthcare Gullixson Aug 22												
Healthcare Gullixson Sept 22												
Commissioner Mileage Aug												\$ (42.25)
CalPERS GASB												
Commissioner Stipends Aug												
CALAFCO Conference Registration											\$ (1,475.00)	
Staff Services (Aug 22)				\$ (15.33)				\$ (3,750.00)	\$ (242.50)		\$ (307.50)	
Staff Services (Sept 22)		\$ (49.23)						\$ (3,750.00)	\$ (87.50)			
Staff Services (Oct 22)				\$ (15.33)				\$ (3,750.00)	\$ (286.25)		\$ (261.41)	\$ (39.38)
Staff Services (Nov 22)		\$ (83.72)		\$ (15.33)	\$ (75.20)			\$ (3,750.00)				
CSDA Membership						\$ (500.00)						
Healthcare Gullixson Oct 22												
Healthcare Gullixson Nov 22												
Conference Reimbursements											\$ (2,015.57)	
Commissioner Stipends Oct												
Commissioner Mileage Oct												\$ (82.00)
BOE Filing Fees												
TOTAL EXPENDED	(\$2,825)	(\$132.95)	\$0.00	(\$61.32)	(\$75.20)	(\$1,815)	\$0	(\$18,750)	(\$616)	\$0	(\$4,059)	(\$164)
TOTAL REMAINING	\$ 874.08	\$ 617.05	\$ 400.00	\$ 438.68	\$ 74.80	\$ -	\$ 2,000.00	\$ 26,250.00	\$ 503.75	\$ 800.00	\$ 940.52	\$ 1,336.37

Item	MSR/SOIs	Commiss	File Management	County	Health	CalPERS	Agency	TOTAL
Account Number		Stipends		Contract	Insurance	Unfunded	Training	BUDGET
Total Budgeted	\$ 25,000.00	\$ 7,167.00	\$ 3,000.00	\$ 1,000.00	\$ 8,500.00	\$ 527.00	\$ -	\$ 107,928.00
SDRMA Insurance 22-23								\$ (2,824.92)
CALAFCO Membership 22-23								\$ (1,315.00)
Healthcare Gullixson July 22					\$ (690.01)			\$ (690.01)
CalPERS Unfunded Liability (22-23)						\$ (656.00)		\$ (656.00)
Staff Services (Jul 22)	\$ (585.00)							\$ (4,350.33)
Healthcare Gullixson Aug 22					\$ (690.01)			\$ (690.01)
Healthcare Gullixson Sept 22					\$ (690.01)			\$ (690.01)
Commissioner Mileage Aug								\$ (42.25)
CalPERS GASB						\$ (350.00)		\$ (350.00)
Commissioner Stipends Aug		\$ (500.00)						\$ (500.00)
CALAFCO Conference Registration								\$ (1,475.00)
Staff Services (Aug 22)	\$ (607.50)							\$ (4,922.83)
Staff Services (Sept 22)	\$ (2,137.50)							\$ (6,024.23)
Staff Services (Oct 22)	\$ (1,395.00)							\$ (8,042.37)
Staff Services (Nov 22)	\$ (1,620.00)							\$ (6,388.01)
CSDA Membership								\$ (500.00)
Healthcare Gullixson Oct 22					\$ (690.01)			\$ (690.01)
Healthcare Gullixson Nov 22					\$ (690.01)			\$ (690.01)
Conference Reimbursements								\$ (2,015.57)
Commissioner Stipends Oct		\$ (791.80)						\$ (791.80)
Commissioner Mileage Oct								\$ (82.00)
BOE Filing Fees								\$ (4,100.00)
								\$ -
TOTAL EXPENDED	(\$6,345)	(\$1,292)	\$0	\$0	(\$3,450)	(\$1,006)	\$0	(\$47,830.36)
TOTAL REMAINING	\$ 18,655.00	\$ 5,875.20	\$ 3,000.00	\$ 1,000.00	\$ 5,049.95	\$ (479.00)	\$ -	\$ 60,097.64

AB 2449 Summary

In light of the Governor's announcement terminating the emergency declaration for CA (effective February 28, 2023), the temporary, expanded remote meeting benefits of AB 361 will end as of that date.

Agencies conducting meetings under the Brown Act will have the choice to return to pre-COVID Brown Act meeting rules, or follow the new Brown Act provisions under AB 2449, which calls for more limited remote meeting capabilities for elected officials, but does NOT require the posting of the meeting agenda or accessibility by the public into the remote meeting location (household, hotel when traveling for business, etc.).

Agencies have the opportunity to observe either old Brown Act and/or "new" Brown Act rules based on what is most appropriate for the agency and its board members. Agencies are encouraged to consult with their legal counsel and strategize with their boards on how they wish to approach the two options come March 1, 2023.

Until January 1, 2024, current law (AB 361) allows for a meeting to be fully conducted via teleconference *when a declared state of emergency is in effect*, or a situation related to public health.

Just a quick snapshot of some key components of what AB 2449 does.....

- Provides an option for local agency members to continue utilizing teleconferencing under specified circumstances, even when a state of emergency does not exist.
- Contains several guardrails which limit the scope of the bill:
 - A quorum of the board must be present in person
 - The in-person location must be open to the public
 - The public must be provided the option to participate via teleconference
 - Member(s) choosing to teleconference must make a request and receive approval from the governing body to do so
 - Teleconferencing members must participate through both audio and video technology.
- Remote locations do not need agendas posted nor be accessible to the public.
- Member may not teleconference for a period of more than three consecutive months or 20% of regular meetings, for reasons pertaining to emergency circumstances, illness, or travel.

What is different about remote meetings under AB 2449?

Under the provisions of the recently signed AB 2449 (Rubio), agencies will not be obligated to post agendas at all teleconference locations, will not be obligated to identify all teleconference locations in the meeting agendas, and will not be obligated to make each teleconference location open to the public.

However, for an agency to proceed under the procedures established by AB 2449, it must observe the requirement that *at least* a quorum of the members of the legislative body participates in-person from a singular, physical location clearly identified on the agenda, open to the public, and situated within the boundaries of the territory over which the local agency exercises jurisdiction. Under AB 2449, it *would not be permissible* to have the *entirety* of the board participate remotely, pursuant to the bill's provisions. Remote participation under AB 2449 must be done for specified reasons — either because of a “just cause” or as a result of “emergency circumstances.” The two cases have different requirements that must be observed and have their own unique restrictions. See table on next page for more details.

The agency must also be prepared to host a robust remote meeting — under the terms of AB 2449, an agency must provide *at least* one of the following so that the public may remotely observe the meeting and provide comments:

- A two-way audiovisual platform (defined to mean an online platform that provides participants with the ability to participate in a meeting via both an interactive video conference and a two-way telephonic function); and/or
- A two-way telephonic service *and* a live webcasting of the meeting (defined to mean a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform, and allows participants to dial a telephone number to listen and verbally participate)

Under what conditions may board members use AB 2449?

Board agency members are *individually* tasked with observing certain requirements before they can make use of AB 2449's terms. It is incumbent upon the individual board members themselves to follow certain requirements laid out in the bill; save for some overlapping obligations, the requirements differ based on whether the member's remote participation is arising out of a “just cause” or “emergency circumstances,” as shown in the table below:

“Just Cause”	“Emergency Circumstances”
<p>✓ The member notifies the legislative body at the earliest opportunity possible (including at the start of a regular meeting) of their need to participate remotely for “<u>just cause</u>,” including a general description (typically not exceeding 20 words) of the circumstances relating to their need to appear remotely at the given meeting.</p> <p>Remote participation for “just cause” reasons shall not be utilized by any member of the legislative body for more than two meetings per calendar year.</p> <p>“<u>Just cause</u>” means any of the following:</p> <p>A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely</p> <ul style="list-style-type: none"> • A contagious illness that prevents a member from attending in person • A need related to a physical or mental disability not otherwise accommodated • Travel while on official business of the legislative body or another state or local agency 	<p>✓ The member requests the legislative body to allow them to participate in the meeting remotely due to “<u>emergency circumstances</u>” and the legislative body takes action to approve the request. The member shall make this request to participate remotely at a meeting as soon as possible. The legislative body shall request a general description (typically not exceeding 20 words) of the circumstances relating to their need to appear remotely at the given meeting.</p> <p>✓ The member shall make a separate request for each meeting in which they seek to participate remotely.</p> <p>The general description of the circumstances does not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act.</p> <p>The legislative body may take action on a request to participate remotely at the earliest opportunity. If the request does not allow sufficient time to place proposed action on such a request on the posted agenda for the meeting for which the request is made, the legislative body may take action at the beginning of the meeting in accordance with existing law.</p> <p>“<u>Emergency circumstances</u>” means a physical or family medical emergency that prevents a member from attending in person.</p>

✓ The member shall publicly disclose at the meeting, before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individual(s).

✓ The member shall participate through *both* audio and visual technology.

Under neither case ("just cause"/"emergency circumstances") do AB 2449's provisions permit any member of a legislative body to participate in meetings of the legislative body solely by teleconference from a remote location for a period of:

- more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, *or*
- more than two meetings *if the legislative body regularly meets fewer than 10 times per calendar year*

The provisions in AB 2449 are optional. There is nothing in the law that precludes an agency from observing existing Brown Act law in the conduct of their meetings.

Resolution No. 2022-0008

PLUMAS LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Update of the Spheres of Influence for Beckwourth Fire District, Eastern Plumas Rural Fire Protection District, Gold Mountain Community Services District, and the Sierra Valley Fire Protection District

WHEREAS, Government Code Section 56425 requires each Local Agency Formation Commission to adopt, and periodically review or update a Sphere of Influence for each local governmental agency within its jurisdiction; and

WHEREAS, the Plumas Local Agency Formation Commission, in compliance with the aforementioned requirement, is providing a “plan for the probable physical boundaries and service area” for fire protection and emergency medical services provided by Beckwourth Fire District; fire protection and emergency medical services provided by Eastern Plumas Rural Fire Protection District; water, wastewater, fire protection, and emergency medical services provided by Gold Mountain Community Services District; and fire protection and emergency medical services provided by Sierra Valley Fire Protection District; and

WHEREAS, the Commission has set the hearing date of December 12, 2022 for the update of the Spheres of Influence for Beckwourth Fire District, Eastern Plumas Rural Fire Protection District, Gold Mountain Community Services District, and the Sierra Valley Fire Protection District and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56150, et seq.; and

WHEREAS, the Commission has heard and adopted a Municipal Services Review of the fire protection and emergency medical services provided by Beckwourth Fire District; fire protection and emergency medical services provided by Eastern Plumas Rural Fire Protection District; water, wastewater, fire protection, and emergency medical services provided by Gold Mountain Community Services District; and fire protection and emergency medical services provided by Sierra Valley Fire Protection District and adopted Resolution 2022-0006 on October 17, 2022 in accordance with Gov. Code section 56430; and

WHEREAS, the Commission has reviewed and considered the proposed Sphere of Influence report which is attached hereto and incorporated herein as Exhibit “A” ; and

WHEREAS, Plumas LAFCO has prepared a Notice of Exemption (Exhibit B) pursuant to the requirements of the California Environmental Quality Act since the Sphere of Influence will not result in new areas served (Section 21000 et seq. of the Public Resources Code); and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the proposed Spheres of Influence, including, but not limited to, those factors specified in Government Code Section 56425, et seq., and has heard from interested parties and considered requests for amendment and/or revision of the proposed updated sphere boundary, if any;

NOW, THEREFORE, BE IT RESOLVED that the Plumas Local Agency Formation Commission hereby find and determine as follows:

1. That the proposed Sphere of Influence updates with respect to fire protection and emergency medical services provided by Beckwourth Fire District; fire protection and emergency medical services provided by Eastern Plumas Rural Fire Protection District; water, wastewater, fire protection, and emergency medical services provided by Gold Mountain Community Services District; and fire protection and emergency medical services provided by Sierra Valley Fire Protection District comply with the provisions of Government Code Section 56000, et seq.
2. That the updates to the Spheres of Influence for fire protection and emergency medical services provided by Beckwourth Fire District; fire protection and emergency medical services provided by Eastern Plumas Rural Fire Protection District; water, wastewater, fire protection, and emergency medical services provided by Gold Mountain Community Services District; and fire protection and emergency medical services provided by Sierra Valley Fire Protection District as recommended in the Sphere of Influence Update Plan in Exhibit "A" are hereby adopted.
3. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations for the Spheres of Influence for fire protection and emergency medical services provided by Beckwourth Fire District; fire protection and emergency medical services provided by Eastern Plumas Rural Fire Protection District; water, wastewater, fire protection, and emergency medical services provided by Gold Mountain Community Services District; and fire protection and emergency medical services provided by Sierra Valley Fire Protection District as set forth in the Sphere of Influence Update Study dated December 12, 2022, attached hereto and incorporated herein.
4. The Commission has reviewed and considered a Notice of Exemption (Exhibit B) prepared for this Sphere of Influence Update and makes a specific finding that there is no substantial evidence in light of the whole record before Plumas Local Agency Formation Commission that establishment of the Spheres of Influence for Beckwourth Fire District, Eastern Plumas Rural Fire Protection District, Gold Mountain Community Services District, and the Sierra Valley Fire Protection District may have a significant adverse effect on the environment.

PASSED AND ADOPTED at a regular meeting of the Plumas Local Agency Formation Commission, County of Plumas, State of California, on the 12th day of December 2022, by the following vote:

AYES: -

NOES: -

ABSENT: -

ABSTAIN: -

Tom Cooley, Chair
Plumas Local Agency Formation
Commission

Attest:

Jennifer Stephenson, Executive Officer
Plumas LAFCO

PLUMAS LOCAL AGENCY FORMATION COMMISSION

EDITED HEARING DRAFT

EASTERN PLUMAS REGIONAL FIRE PROTECTION AGENCIES

SPHERES OF INFLUENCE UPDATE

December 12, 2022

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1 INTRODUCTION

1.1 LAFCO's Responsibilities

This Sphere of Influence (SOI) Study has been prepared for the Plumas Local Agency Formation Commission (Plumas LAFCO). Local Agency Formation Commissions (LAFCO's) are quasi-legislative local agencies created in 1963 to assist the State in encouraging the orderly development and formation of local agencies. This SOI Study consists of a review of the fire protection districts in eastern Plumas County. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000 et seq.) is the statutory authority for the preparation of an MSR and periodic updates of the Sphere of Influence of each local agency.

A Sphere of Influence is a plan for the probable physical boundaries and service area of a local agency, as determined by the affected Local Agency Formation Commission (Government Code §56076). Government Code §56425(f) requires that each Sphere of Influence be updated not less than every five years as necessary, and §56430 provides that a Municipal Service Review shall be conducted in advance of the Sphere of Influence update.

1.2 Sphere of Influence Requirements

In determining the Sphere of Influence for each local agency, LAFCO must consider and prepare a written statement of determinations with respect to each of the following:

1. The present and planned land uses in the area, including agricultural and open space lands;
2. The present and probable need for public facilities and services in the area;
3. The present capacity of public facilities and adequacy of public services which the agency provides, or is authorized to provide;
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency; and
5. Present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence

1.3 LAFCO Policies and Procedures Related to Spheres of Influence

Plumas LAFCO has adopted policies and procedures related to spheres of influence that are included as part of an overall Plumas LAFCO policy, standards and procedures document adopted on June 16, 2010.

With the exception of Eastern Plumas Rural Fire Protection District (EPRFPD), the agencies included in this Sphere of Influence Update are in the midst of considering reorganization as members of the Local Emergency Services Study Group (LESSG). The proposed reorganization is to consist of formation of a new regional fire protection district to replace the fire protection and emergency medical services presently offered by the City of Portola, Beckwourth Fire Protection District, Gold Mountain Community Services District, and Sierra Valley Fire Protection District. The four agencies have all voted to support the completed feasibility study and to move forward with compiling an application to LAFCo. A Municipal Service Review was adopted on October

17, 2022 covering the member agencies, in addition to EPRFPD to present a complete picture of fire services provided in the region. The subsequent step is to update each agency's Sphere of Influence in anticipation of the application.

A final proposed Sphere map has been prepared for each of the agencies.

1.4 Description of Public Participation Process

Plumas LAFCO is authorized by the California Legislature and delegated powers as stated in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the Act). LAFCO proceedings are subject to the provisions California's open meeting law, the Ralph M. Brown Act (Government Code Sections 54950 et seq.)

The Brown Act requires advance posting of meeting agendas and contains various other provisions designed to ensure that the public has adequate access to information regarding the proceedings of public boards and commissions. Plumas LAFCO complies with the requirements of the Brown Act.

1.5 Possible Approaches to the Sphere of Influence

LAFCO may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. Based on review of the guidelines of Plumas LAFCO as well as other LAFCOs in the State, various conceptual approaches have been identified from which to choose in designating an SOI. These eight approaches are explained below:

1) **Coterminous Sphere:**

A Coterminous Sphere means that the Sphere of Influence for a city or special district that is the same as its existing boundaries of the city or district.

2) **Annexable Sphere:**

A sphere larger than the agency's boundaries identifies areas the agency is expected to annex. The annexable area is outside the district boundaries and inside the sphere of influence.

3) **Detachable Sphere:**

A sphere that is smaller than the agency's boundaries identifies areas the agency is expected to detach. The detachable area is the area within the agency bounds but not within its sphere of influence.

4) **Zero Sphere:**

A zero sphere indicates the affected agency's public service functions should be reassigned to another agency and the agency should be dissolved or combined with one or more other agencies.

5) **Consolidated Sphere:**

A consolidated sphere includes two or more local agencies and indicates the agencies should be consolidated into one agency.

6) Limited-Service Sphere:

A limited-service sphere is the territory included within the SOI of a multi-service provider agency that is also within the boundary of a limited purpose district which provides the same service (e.g., fire protection), but not all needed services. Territory designated as a limited service SOI may be considered for annexation to the limited purpose agency without detachment from the multi-service provider.

This type of SOI is generally adopted when the following conditions exist:

- a) The limited service provider is providing adequate, cost effective and efficient services
- b) The multi-service agency is the most logical provider of the other services
- c) There is no feasible or logical SOI alternative
- d) Inclusion of the territory is in the best interests of local government organization and structure in the area

Government Code §56001 specifically recognizes that in rural areas it may be appropriate to establish limited purpose agencies to serve an area rather than a single service provider, if multiple limited purpose agencies are better able to provide efficient services to an area rather than one service district.

Moreover, Government Code Section §56425(i), governing sphere determinations, also authorizes a sphere for less than all of the services provided by a district by requiring a district affected by a sphere action to “establish the nature, location, and extent of any functions of classes of services provided by existing districts” recognizing that more than one district may serve an area and that a given district may provide less than its full range of services in an area.

7) Provisional Sphere:

LAFCO may, at its discretion, adopt a provisional SOI that itemizes issues that must be addressed by the agency prior to the Commission’s review of the provisional SOI after a defined time frame from update—typically one year. This time frame allows the district an opportunity to address issues identified in the MSR determinations prior to LAFCO taking further steps to reorganize the agency if necessary.

8) Sphere Planning Area:

LAFCO may choose to designate a sphere planning area to signal that it anticipates expanding an agency’s SOI in the future to include territory not yet within its official SOI. There are no anticipated sphere planning areas within Plumas County at this time.

1.6 SOI Update Process

LAFCO is required to establish SOIs for all local agencies and enact policies to promote the logical and orderly development of areas within the SOIs. Furthermore, LAFCO must update those SOIs

every five years, as necessary. In updating the SOI, LAFCO is required to conduct a Municipal Service Review (MSR) and adopt related determinations, which was adopted on October 17, 2022.

This report identifies SOI determinations and recommends SOI updates for the fire protection districts within eastern Plumas County.

LAFCO must notify affected agencies 21 days before holding a public hearing to consider the SOI and may not update the SOI until that hearing is closed. The LAFCO Executive Officer must issue a report including recommendations on the SOI amendment and update under consideration at least five days before the public hearing.

1.7 SOI Amendments and CEQA

LAFCO has the discretion to limit SOI updates to those that it may process without unnecessarily delaying the SOI update process or without requiring its funding agencies to bear the costs of environmental studies associated with SOI expansions. Any local agency or individual may file a request for an SOI amendment. The request must state the nature of and reasons for the proposed amendment, and provide a map depicting the proposal.

LAFCO may require the requester to pay a fee to cover LAFCO costs, including the costs of appropriate environmental review under CEQA. LAFCO may elect to serve as lead agency for such a review, may designate the proposing agency as lead agency, or both the local agency and LAFCO may serve as co-lead agencies for purposes of an SOI amendment.

Local agencies are encouraged to consult with LAFCO staff early in the process regarding the most appropriate approach for the particular SOI amendment under consideration.

Certain types of SOI amendments are likely exempt from CEQA review. Examples are SOI expansions that include territory already within the bounds or service area of an agency, SOI reductions, zero SOIs and coterminous SOI's. SOI expansions for limited purpose agencies that provide services (e.g., fire protection, levee protection, cemetery, and resource conservation) needed by both rural and urban areas are typically not considered growth-inducing and are likely exempt from CEQA. Similarly, SOI expansions for districts serving rural areas (e.g., irrigation water) are typically not considered growth inducing.

Remy et al. write:

“In *City of Agoura Hills v. Local Agency Formation Commission* (2d Dist.1988) 198 Cal.App.3d480, 493-496 [243 Cal.Rptr.740] (*City of Agoura Hills*), the court held that a LAFCO's decision to approve a city's sphere of influence that in most respects was coterminous with the city's existing municipal boundaries was not a “project” because such action did not entail any potential effects on the physical environment.”¹

Since there will be no environmental impacts from the adoption of the updated Sphere no environmental document is required.

¹ Remy, Michael H., Tina A. Thomas, James G. Moose, Whitman F. Manley, Guide to CEQA, Solano Press Books, Point Arena, CA, February 2007, page 111.

1.8 Spheres of Influence for Fire Protection Agencies in Eastern Plumas County

Information contained in this Sphere of Influence is only current as of the date of adoption. LAFCO Policy 3-C calls for an updated Municipal Service Review at the time a proposal is made and essentially requires an updated Municipal Services Review anytime a change of organization is proposed provided significant changes in the Municipal Service Review baseline occur. There have been no changes in the MSR baseline since the adoption of the Municipal Service Review in October 2022.

The existing SOI for each agency covered in this SOI update is shown in the figure below. These SOIs were last comprehensively updated in October 2012.

Agency	Boundary Area (square miles)	SOI Area (square miles)	SOI Description
Beckwourth Fire Protection District (BFPD)	14	190	Annexable
Eastern Plumas Rural Fire Protection District (EPRFPD)	8	22.5	Annexable
Gold Mountain Community Services District (GMCSD)	2	2	Coterminous
Sierra Valley Fire Protection District (SVVFPD)	220	191	Detachable

1.9 History of LAFCO Review of Fire Districts

LAFCO's were created in 1965 to discourage urban sprawl and to encourage orderly and efficient urban development patterns. To accomplish those objectives, LAFCOs were given two basic powers: 1) to establish spheres of influence of each local governmental agency within its county and 2) to approve or disapprove proposals for annexation of territory. In 1971 the Legislature modified certain statutory language to make the adoption of spheres of influence mandatory, but no deadline was set. In 1977 an opinion of the Attorney General concluded that, despite the absence of an explicit deadline, a LAFCO must adopt spheres within a reasonable time. The case *Resource Defense Fund v. Local Agency Formation commission of Santa Cruz County* (1983) 138 Cal.App.3d 987,989,994,188 Cal.Rptr.499.) Says before a Local Agency Formation Commission can approve an annexation, a sphere of Influence must first be determined. During the 1980's most LAFCO's completed Spheres of Influence for all agencies within their jurisdiction, including Plumas LAFCO.

In 2001, with the passage of AB 2838 LAFCO's were required to periodically update Spheres of Influence. However, in order to adopt a Sphere of Influence for an agency, LAFCO was required to do a comprehensive review of municipal services and prepare a Municipal Service Review (MSR).

The statute was later amended to clarify the content of a MSR and to clearly state a deadline to prepare Spheres of Influence. The current statute states: "On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each Sphere of Influence".

Plumas LAFCo approved Resolution 2022-0006 on October 17, 2022 adopting a Municipal Service review for the fire service providers in eastern Plumas County included in this Sphere of Influence Update.

Previous Municipal Service Reviews and Sphere of Influence Updates prepared by Plumas LAFCO regarding the subject agencies were conducted as follows:

- a. An individual Municipal Service Review for the Beckwourth Fire Protection District was adopted on November 8, 2010 (Resolution 2010-0012), a regional Municipal Service Review as adopted on October 3, 2011 (Resolution 2011-0008), and most recently a regional fire MSR was adopted on October 17, 2022 (Resolution 2022-0006). The Sphere of Influence for BFPD was adopted on November 8, 2010 (Resolution 2010-0013) and updated on October 15, 2012 (Resolution 2012-0005).
- b. A MSR was originally adopted for the Eastern Plumas Rural Protection District on October 3, 2011 (Resolution 2011-0008) by Plumas LAFCO and most recently a regional fire MSR was adopted on October 17, 2022 (Resolution 2022-0006). LAFCO adopted a Sphere of Influence for this district on February 12, 2007 (Resolution 2007-0001) and updated the SOI on October 15, 2012 (Resolution 2012-0005).
- c. Gold Mountain CSD's MSR was first adopted on October 3, 2011 (Resolution 2011-0008) and most recently a regional fire MSR was adopted on October 17, 2022 (Resolution 2022-0006). GMCSD's SOI was updated in 2006 (Resolution 2006-0007), expanding to include wildland territory south of the boundaries, small suburban pieces of land to the north and east, and industrial property to the west. Most recently, on April 9, 2018 (Resolution 2018-0001), the District's SOI was updated to be coterminous with its boundaries.
- d. The inaugural MSR was adopted for the Sierra Valley Fire Protection District on October 3, 2011 (Resolution 2011-0008) by Plumas LAFCO most recently a regional fire MSR was adopted on October 17, 2022 (Resolution 2022-0006). The Sphere of Influence for SVVFPD was adopted in 1982 and reduced to a significantly smaller area in 1994. The SOI was updated on October 15, 2012 (Resolution 2012-0005) when the Maddelena Road Area and an area to the north were excluded.

1.10 Eastern Plumas Regional Fire Reorganization

All fire protection and EMS providers in the region have identified significant challenges to providing adequate service levels, thus the impetus to analyzing alternate services structures at a regional level. Challenges to service include, but are not limited to, the following:

- Irregular boundaries,
- Serving outside of boundaries without revenue,
- Lack of sufficient funding with increased costs,
- Meeting expanding standards and requirements,
- Disjointed services with lack of consistency,
- Duplication of services (i.e., administration),
- Divided voices limiting influence,
- Lack of regional planning,

- Reliance almost entirely on volunteers with declining volunteerism, and
- Larger and more frequent wildfires.

Each of these challenges is described in further detail in the *Eastern Plumas Regional Fire Municipal Service Review*.

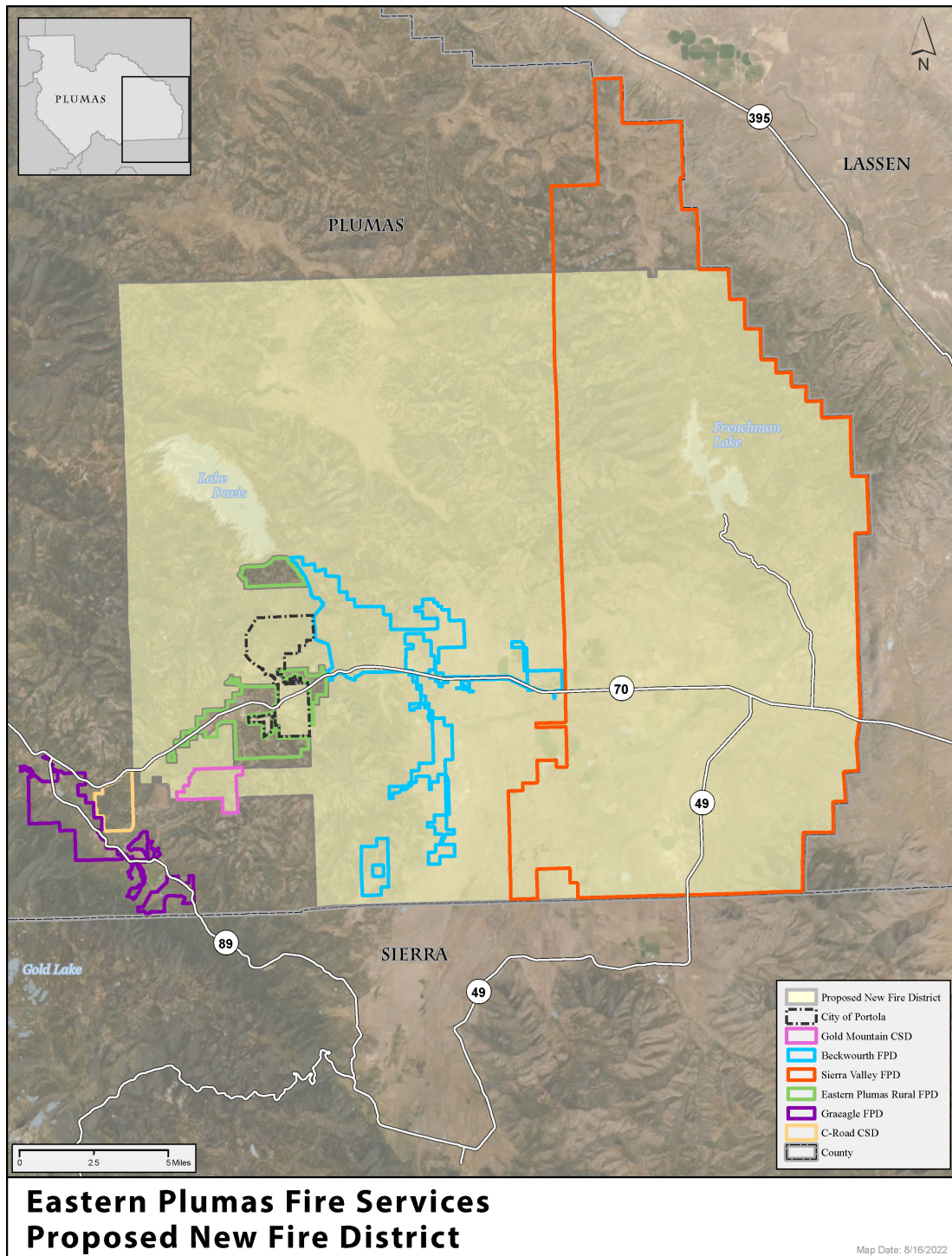
Over the course of many discussions with regional fire providers, the challenges above were discussed and provided an impetus to discussions of reorganization to best address these issues and better serve the residents of eastern Plumas.

In response to the options presented, the affected agencies, consisting of the City of Portola, Beckwourth FPD, Eastern Plumas Rural FPD, Gold Mountain CSD, and Sierra Valley FPD designed a memorandum of understanding to form the Local Emergency Services Study Group (LESSG). The LESSG is a framework for cooperative and collaborative action to explore ways to strengthen and improve the provision of fire and emergency services throughout the Five Agencies' service areas. In October of 2020, following ten months of meetings with numerous stakeholders, the decision of the Five Agencies was unanimous to create a new single fire district that will provide fire and emergency medical response services, thus dissolving the existing Districts or relinquishing their fire and EMS authority, as the most effective, efficient, and economical choice available. As of October 2021, EPRFPD's Board chose to remove the District from participation in the feasibility study. The feasibility study was conducted by independent contractors and ultimately determined that formation of a new fire district is a practical and affordable solution to many of the challenges faced by fire providers in the region. Each of the four member agency's governing bodies accepted the feasibility study findings and voted to continue with reorganization efforts and proceed with an application to LAFCO.

The boundaries of the new fire protection district are proposed to encompass a majority of the territory of the City of Portola, Beckwourth Fire Protection District, Gold Mountain Community Services District, and Sierra Valley Fire Protection District and areas between the agencies in an effort to create logical boundaries. The northern tip of SVVFPD's existing boundaries is excluded from the proposed district boundaries due to challenges in accessing the remote territory. The territory within Eastern Plumas Rural Fire Protection District's boundaries is excluded including territory to the immediate south of EPRFPD to maintain whole parcels for mapping and service clarity. The proposed boundaries of the new fire protection district are shown in Figure 1-1.

The proposed Sphere of Influence for each agency in this review is informed by the proposed formation of the new fire protection district. LAFCO is charged with ensuring efficient services, which precludes duplication of services by cities and districts. To that end, the SOI's proposed in this report are in anticipation of either dissolution or divestiture of services by the member agencies.

Figure 1-1: Proposed New Fire District Boundaries



1.11 Proposed Sphere of Influence Updates

Based on the anticipated application for reorganization the following Sphere of Influence updates are recommended for the subject agencies:

Beckwourth Fire Protection District

A Zero SOI is recommended for Beckwourth FPD in anticipation of formation of a new regional fire protection district and the naming of the new district as the successor agency of fire and emergency medical services in within BFPD's existing boundaries and in the region. A Zero SOI indicates that LAFCO anticipates reorganization will ultimately result in the dissolution of BFPD.

Eastern Plumas Rural Fire Protection District

Given the challenges faced by EPRFPD as identified in the MSR, a Provisional Zero SOI is recommended for EPRFPD. It is recommended that the District address, or develop a plan to overcome within a year, the concerns itemized in the MSR and elaborated upon in EPRFPD's section of this report. EPRFPD will report on the status of its efforts at LAFCO's April 17, 2023 meeting. The District's SOI will be reviewed in December 2023 and an SOI adopted based on the status of the District's efforts in response to LAFCO's concerns.

Gold Mountain Community Services District

Because Gold Mountain CSD is a multi-service district, Limited Service SOIs will be adopted for the distinct services. Similar to the other member agencies in the fire reorganization efforts, a Zero SOI is recommended for Gold Mountain CSD for fire and emergency medical services in anticipation of formation of a new regional fire protection district and the naming of the new district as the successor agency of fire and emergency medical services in within GMCSO's existing boundaries and in the region. A Zero Limited Service SOI indicates that LAFCO anticipates reorganization will ultimately result in the divestiture of fire and emergency medical services on the part of GMCSO. An Annexable-continued Coterminous-Limited Service SOI is recommended for GMCSO for water and wastewater services, expanding the existing coterminous SOI to include the Ridges community just to the north of Gold Mountain CSD, indicating anticipation of continuance of these services within the District's boundaries without change and the potential for annexation of the Ridges community to provide water and sewer services in the area.

Sierra Valley Fire Protection District

A Zero SOI is recommended for Sierra Valley FPD in anticipation of formation of a new regional fire protection district and the naming of the new district as the successor agency of fire and emergency medical services in within SVVFPD's existing boundaries and in the region. A Zero SOI indicates that LAFCO anticipates reorganization will ultimately result in the dissolution of SVVFPD.

2 BECKWOURTH FIRE PROTECTION DISTRICT

Beckwourth FD is located in the eastern part of Plumas County. The District is adjacent to the City of Portola and Eastern Plumas Fire Protection District (EPRFPD) in the west and the Sierra Valley Fire Protection District (SVVFD) in the east.

Beckwourth Fire District (BFD) provides structural fire suppression, wild land fire suppression, emergency response, basic life support, rescue services and some limited fire prevention programs for the community of Beckwourth. In addition, Beckwourth FD has been contracted to provide those same emergency services for the City of Portola and will begin providing those services to the community of Gold Mountain in January 2023. A municipal service review was last completed for the District in October 2022.

Beckwourth Fire Department was formed in 1948 and turned into a special district in 1949. The District started with one 1937 Fire Engine and a small Fire House. The original Fire House has been improved and a second Fire Station was added in 2007.

The District was formed to provide fire protection services to the residents of Beckwourth Township. Originally, its services were limited to structural fire and some brush fire. Now Beckwourth FD also has an EMS force, more equipment and provides services on a larger scale, including wildland fires, vehicle extrication, and ice rescue.

The principal act that governs the District is the Fire Protection District Law of 1987.² The principal act empowers fire districts to provide fire protection, rescue, emergency medical, hazardous material response, ambulance, and any other services relating to the protection of lives and property.³ Districts must apply and obtain LAFCo approval to exercise services authorized by the principal act but not already provided (i.e., latent powers) by the district at the end of 2000.

Existing Sphere of Influence

The SOI for Beckwourth FD was first adopted in 1976. In 1982 it was revised and again changed in 1983. It was then amended in 2003 after the completion of the abbreviated MSR. The second SOI update was initiated in 2008. The MSR and the SOI update were completed and adopted in 2010. The new SOI includes territory to the north in Red Clover Valley, residences in Dixie Valley, borders Sierra Valley FPD in the east, EPRFPD in the west and Sierra County in the south. The sphere contains about 190 square miles compared to 14 square miles of boundary area. The District's current boundaries and Sphere of Influence are shown in Figure 2-1.

² Health and Safety Code §13800-13970.

³ Health and Safety Code §13862.

Sphere of Influence Options and Recommendations

Options for Beckwourth FPD's SOI consist of the following:

- 1) Maintain existing Annexable SOI
- 2) Zero SOI in anticipation of formation of a new fire protection district

The four agencies working towards reorganization have recognized that the existing circumstances for fire providers are not sustainable and greatly hinder the level of public safety service that can be offered to residents. Consequently, retaining status quo by maintaining Beckwourth FPD's existing SOI will not address those challenges identified and is not a feasible long-term option. It is, therefore, recommended that LAFCO adopt a Zero SOI for Beckwourth FPD in anticipation of formation of a new regional fire protection district to serve the area and dissolution of Beckwourth FPD as is currently supported by the District and the other member agencies.

Beckwourth Fire Protection District Sphere of Influence Determinations

The following proposed Sphere of Influence determinations are based on information compiled and reported in the recently adopted *Eastern Plumas Regional Fire Municipal Service Review* (October 17, 2022). Refer to the MSR for greater detail.

The present and planned land uses in the area, including agricultural and open space lands

- 2-1 There are approximately 618 permanent residents within the District, based on census block population in the 2020 census. It should be noted that there is a significant seasonal variation in population.
- 2-2 Despite economic difficulties and stalled developments, the population of the District is expected to grow minimally over the next few years.
- 2-3 The land uses within the District include residential, suburban, industrial, commercial, agricultural and wild land. The area within the District's boundaries is approximately 14 square miles.

The present and probable need for public facilities and services in the area

- 2-4 The District reports that the peak demand period for every service, including emergency medical, occurs during the summer months, due to the influx of tourists. The most service calls occur between noon and three in the afternoon. There has been a significant increase in the number of calls in 2021 due to contracting with the City of Portola. The District has doubled the number of volunteers to handle the increase in calls. Demand is expected to continue increase when contract services begin to the Gold Mountain community.
- 2-5 Beckwourth FD operates two fire stations within its boundaries. In addition, the District now operates and staffs the two stations in the City of Portola by contract. Station 1 is located in Beckwourth and was built in 1948. The last addition to the station was done in 2003-04. Station 2, on Grizzly Road, was built in 2006. Station 1 is staffed from ten in the morning to four in the afternoon. There are always two to three people at a time staffing the station, including administrative personnel. Station 2, shared with USFS, is staffed from nine in the morning till seven in the afternoon in summer months and from eight in the morning to five in the afternoon during the rest of the year. Five people, all of whom are USFS personnel, usually staff the station. Station 2 is also operated by Beckwourth FD volunteers who typically respond from their work or residence. Station 3 and Station 4 are

in Portola and were both renovated in early 2021 and are staffed by part time duty officers and a volunteer Portola Division of fire fighters.

- 2-6 The District will need to institute some capital projects at its headquarters including new asphalt and replacement of a portion of the roof at Station 1 and other miscellaneous upgrades.

The present capacity of public facilities and adequacy of public services which the agency provides, or is authorized to provide

- 2-7 Beckwourth FD responds to 90 percent of calls within 15 minutes, which is within the established California EMS Agency guidelines and the NFPA 1720 benchmark.
- 2-8 The District's current facilities have the capacity to adequately serve current demand, but not future growth. When new developments are constructed, the District will need to evaluate the need for additional stations.
- 2-9 Currently, capital improvement projects are identified in the annual budget. The District has adopted reserve policies and will need to do a replacement study of its assets and continue to fund the reserves funds annually.
- 2-10 The District reports that current financing levels are adequate to deliver services. The District does have a short fall in its Capital and repair and replacement programs.

The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency

- 2-11 Beckwourth FPD serves communities outside of its boundaries without revenue to offset costs for these services. Additionally, without an identified local fire provider, residents of these communities either pay exorbitant insurance rates or are refused insurance. These areas are considered communities of interest.

Present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence

- 2-12 Based on American Community Survey 2016-2020 Census Tract information, the entirety of the study area and the boundaries within and immediately adjacent to each of the five reviewed fire providers is defined as disadvantaged. While the City of Portola is incorporated, the remainder of the territory meets the definition of a disadvantaged unincorporated community as defined in Water Code §79505.5. Census Tract 000300 encompasses the entirety of the service area and has a population of 4,484 comprising 2,051 households with a median income of \$48,238.
- 2-13 The territory throughout Beckwourth FPD's existing SOI is afforded the same access to fire and emergency medical services offered by the District, as it is all within the District's dispatch service area. While some areas may have longer response times, this is due to the remote nature of the areas in the wilderness.

3 EASTERN PLUMAS RURAL FIRE PROTECTION DISTRICT

Eastern Plumas Rural Fire Protection District (EPRFPD) provides structural fire suppression, wildland fire suppression, emergency response, basic life support, rescue and occasional fire prevention programs. A municipal service review was last completed for the District in October 2011.

EPRFPD was formed in 1975 as an independent special district to provide structural fire, emergency medical and emergency rescue services.⁴ The reason for its formation was the need to provide fire protection to the growing urban areas around the City of Portola. For the first few years EPRFPD contracted with the City of Portola for the provision of fire and emergency services within the District's boundaries.⁵ Eventually, EPRFPD started providing fire suppression, emergency services, rescue and some fire prevention programs on its own.

Presently, EPRFPD provides contract services to C-Road Community Services District and Gold Mountain Community Services District. In 2014, C-Road CSD began contracting for fire protection and EMS services with EPRFPD.

Additionally, when the City of Portola disbanded its fire department in 2018, the City and GMCSD, which was receiving contract services from the City, began contracting with EPRFPD for fire and EMS services. The City of Portola transitioned to contracting with Beckwourth FPD for services in 2021, and GMCSD recently cancelled its contract with EPRFPD and will also be contracting with Beckwourth FPD for services beginning January 1, 2023.

EPRFPD is located in the eastern part of Plumas County. The District surrounds the City of Portola and borders Beckwourth Fire Protection District in the northeast. EPRFPD's boundaries consist of two non-contiguous parts. The larger part surrounds the City of Portola and stretches from Willow Creek in the west to Grizzly Ranch in the east. The smaller of the two areas is located by Lake Davis.

Existing Sphere of Influence

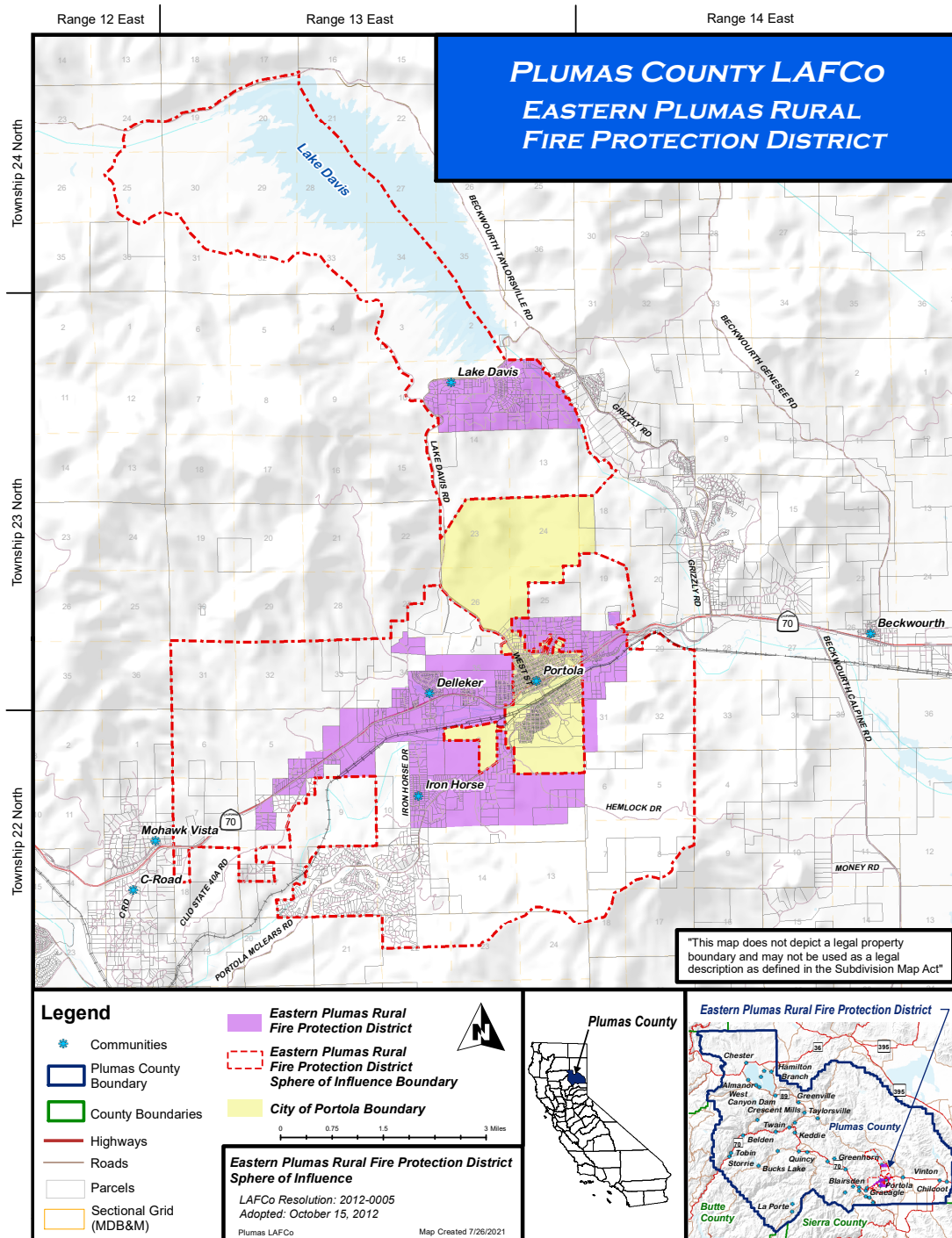
The SOI for EPRFPD was first adopted in 1975. The District's SOI was amended in 2007 and most recently updated in 2012. The current SOI includes areas southeast of its boundary along A-15, west along SR 70 to Mohawk Vista, and north of SR 70. In addition, the Gold Mountain Community Service District (GMCSD) territory is included in the District's SOI. EPRFPD's existing SOI excludes the City of Portola. In the 2012 SOI study and the subsequently adopted SOI, the Sphere line between the Beckwourth Fire Protection District and the Eastern Plumas Rural Fire Protection District was adjusted from the middle of Lake Davis to the eastern shore of the Lake.

The current SOI encompasses approximately 22.5 square miles, of which approximately one-third is within the District's boundaries. EPRFPD's existing boundaries and SOI are shown in Figure 3-1.

⁴ Plumas LAFCo, Resolution No. 75-2766.

⁵ Plumas LAFCo, *EPRFPD Municipal Service Review & Sphere of Influence Amendment*, 2007, p. 7.

Figure 3-1: Eastern Plumas Rural Fire Protection District and Sphere of Influence



Sphere of Influence Options and Recommendations

Options for EPRFPD's SOI consist of the following:

- 1) Maintain existing Annexable SOI
- 2) Coterminous SOI in consideration of limited operational capacity and identified challenges
- 3) Provisional Zero SOI to address identified concerns within a defined time period

During the MSR process, concerns were identified regarding EPRFPD's accountability and transparency, operational reliability, and financial sustainability, consisting of the following:

- 1) The District struggles with ongoing accountability and transparency concerns. The District is in an ongoing law suit from former staff in 2020. Additionally, the District has received three formal Cease and Desist communications regarding concerns of violations of Brown Act requirements by the District to date in 2022. These communications indicated concerns of 1) preventing members of the public from commenting on agenda items, 2) delayed communication of a director's resignation, and 3) not properly posting an agenda on the District's website prior to a meeting. LAFCO has observed the District's meetings, which are often challenged with procedural disputes, which is exacerbated by high governing body turnover. While these disputes and debates are not prohibited, the conflictive environment does not promote public involvement nor support healthy debate to be able to address the District's challenges. There is a need for thorough training of board members and staff to ensure that not only are all Brown Act requirement adhered to, but that meetings are conducted in a smooth manner to invite public participation and volunteerism as board members and firefighters.
- 2) During its annual review of EPRFPD, Gold Mountain CSD identified a lack of leadership depth and availability leading to communication and coordination concerns. GMCSO stated that there has generally been a lack of communication and communication protocols on the part of EPRFPD. EPRFPD provided a response to the review negating all findings and recommendations in GMCSO's review. It is apparent that there was a breakdown in communication challenging the working relationship between the two agencies. Additionally, interaction between LAFCO and EPRFPD during the MSR process and after confirms that the District struggles with staffing and governing body capacity, which confuses the District's internal organizational structure and impedes external engagement with other agencies and reliable inter-agency communications. There needs to be clarity as to the District's communication structure and identified public liaisons to ensure that the District remains involved in local and regional discussions that affect the EPRFPD and its constituents.
- 3) Retention of volunteers was reported as a significant challenge for the District, similar to neighboring fire protection providers. The District reported that it has experienced a cumulative loss of three positions over the last decade. However, most recently the District's Fire Chief, Administrative Captain, district secretary, and a board member have also resigned, and additional resignations are anticipated. Staffing levels appear to be the primary capacity constraint for the District. Over the last year 2021 to 2022, response to incidents has on occasion been unpredictable and disorganized due to these staffing constraints, which have limited response capabilities as well as communication and coordination with neighboring agencies. Additionally, there has been an increase in requests for mutual aid calls within EPRFPD's boundaries, also as a result of lack of adequate personnel. This decline in volunteerism is affecting the District's current operations, but also calls into question EPRFPD's sustainability should this trend continue.

The District needs to design a plan aimed at focused efforts to promote additional volunteerism or another long-term plan for maintain adequate staffing levels.

- 4) The District struggles ensuring adequate funding sources to maintain adequate service levels. While financing levels have been improved over the last decade, primarily due to new contract revenues and grant funds, the District continues to struggle to fund capital needs and to meet any cost sharing mandatory commitments for grant funding. Additionally, due to the City of Portola and GMCSO both cancelling their contracts for services, the District's budget will no longer be augmented by those funds. It is essential for the District to find ways to increase its funding as its recently reduced budget is not sufficient to sustainably finance rising costs into the future. A long-term financing plan is necessary to educate district board members and the public regarding the viability of EPRFPD over the next 5-10 years and ideally identify additional funding sources.

Because of the concerns outlined here, it is not prudent to allow the District to continue with an Annexable SOI nor a Coterminous SOI until EPRFPD has demonstrated that it has 1) fully addressed the concerns listed and 2) has the continued and sustainable capacity and ability to provide services within its boundaries and any proposed SOI area outside of its bounds. Consequently, it is recommended that the Commission consider a Provisional Zero SOI for EPRFPD, which would allow the District the opportunity to address the concerns indicated and return to LAFCO in one year, at which time EPRFPD's SOI will be reviewed and updated based on the District's efforts. In order to ensure that the District is in regular communication with LAFCO, it is recommended that EPRFPD report at LAFCO's April 2023 meeting regarding any progress made.

Eastern Plumas Rural Fire Protection District Sphere of Influence Determinations

The following proposed Sphere of Influence determinations are based on information compiled and reported in the recently adopted *Eastern Plumas Regional Fire Municipal Service Review* (October 17, 2022). Refer to the MSR for greater detail.

The present and planned land uses in the area, including agricultural and open space lands

- 3-1 The estimated population of EPRFPD is 3,284 based on number of residential units and average household size in Plumas County. Over the past decade, the District has experienced a reduction in residential population; however, there has been an increase in tourists and related demand.
- 3-2 The State Department of Finance (DOF) projects that the population of Plumas County will decline by 0.27 percent annually through 2040. Based on these projections, the District's population would decline from 3,284 in 2020 to approximately 3,111 in 2040. It is anticipated that demand for service within the District will remain at least constant based on the DOF population growth projections through 2040 given the seasonal recreational and wildfire demand for services on the fire and EMS providers in the area.
- 3-3 Ninety-eight percent of the existing land uses within the District's boundary area are agricultural and undeveloped properties, with some forest zones. Residential, commercial and industrial uses are mostly concentrated around the City of Portola. There are some residential and recreational areas in the Lake Davis portion of the District.

The present and probable need for public facilities and services in the area

- 3-4 The District faces challenges providing adequate services to the existing population and will face similar challenges providing adequate service levels to any increase in demand in the future without additional funding.
- 3-5 There will be a continued need for fire protection and emergency medical services in the area. Although population is projected to decline there has been enhanced demand associated with seasonal recreational tourists and more severe wildfire seasons. In the short-term demand for EPRFPD's services is anticipated to demand as GMCSD transitions to another contract service provider.

The present capacity of public facilities and adequacy of public services which the agency provides, or is authorized to provide

- 3-6 The District's current facilities have minimally adequate capacity to serve current demand. EPRFPD does not have the capacity to serve future growth with existing fire stations and financial resources.
- 3-7 The District struggles with ongoing accountability and transparency concerns. There is a need for thorough training of board members and staff to ensure that not only are all Brown Act requirement adhered to, but that meetings are conducted in a smooth manner to invite public participation and volunteerism as board members and firefighters.
- 3-8 The District identified a need for station expansion and upgrades, a new Type 3 engine, and a water tank at the Iron Horse station. However, EPRFPD does not have plans to address these needs in the near future due to financing constraints.
- 3-9 Staffing limitations are the primary capacity constraint for EPRFPD, which has resulted in unpredictable response capabilities and occasional leadership and communication issues.
- 3-10 While financing levels have been improved over the last decade for EPRFPD, primarily due to new contract revenues and grant funds, the District continues to struggle to fund capital needs and to meet any cost sharing mandatory commitments for grant funding. Without these supplemental funding sources, the District will not be financially sustainable. A long-term financing plan is necessary to educate district board members and the public regarding the viability of EPRFPD over the next 5-10 years and ideally identify additional funding sources.

The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency

- 3-11 Beckwourth FPD serves communities outside of its boundaries without revenue to offset costs for these services. Additionally, without an identified local fire provider, residents of these communities either pay exorbitant insurance rates or are refused insurance. These areas are considered communities of interest.

Present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence

- 3-12 Based on American Community Survey 2016-2020 Census Tract information, the entirety of the study area and the boundaries within and immediately adjacent to each of the five reviewed fire providers is defined as disadvantaged. While the City of Portola is incorporated, the remainder of the territory meets the definition of a disadvantaged unincorporated community as defined in Water Code §79505.5. Census Tract 000300 encompasses the entirety of the service area and has a population of 4,484 comprising 2,051 households with a median income of \$48,238.
- 3-13 The territory throughout EPRFPD's existing SOI is afforded the same access to fire and emergency medical services offered by the District, as it is all within the District's dispatch service area.

4 GOLD MOUNTAIN COMMUNITY SERVICES DISTRICT

The Gold Mountain Community Services District (GMCSO) is located in the eastern part of Plumas County. Located in the eastern part of Plumas County, three miles west of the City of Portola along County Road A-15 (Portola-McLears Road), the District borders the Feather River in the west, EPRFPD in the north, and the Plumas National Forest in the east and south.

GMCSO is a multi-service district and provides fire suppression, fire prevention, emergency medical, domestic water delivery, and wastewater collection and disposal. Eastern Plumas Rural Fire Protection District (EPRFPD) provides contracted fire and Emergency Medical Services (EMS). The Nakoma Community Association (NCA) (formerly known as the Gold Mountain Homeowners Association (HOA)) provides road maintenance and snow removal services. Plumas LAFCO conducted the last Municipal Service Review (MSR) for GMCSO in October 2022.

The Gold Mountain Community Services District is an enterprise, independent special district formed in 1996 under the provision of the Community Serviced District Law, commencing with Government Code §61000. Plumas LAFCO originally adopted Resolution No. 96-5 on April 25, 1996, approving the Formation of the GMCSO as a dependent special district and appointing the Plumas County Board of Supervisors (BOS) as its first Board of Directors. The Plumas BOS approved its Resolution No. 96-5893 ordering the formation of the GMCSO on May 14, 1996. There were no provisions for a property tax exchange for any service.

In 2004, GMCSO residents voted to take over control of the District in a general election and requested that the Plumas BOS appoint three interim directors until District residents could elect a permanent board. The Plumas BOS approved the request, and in 2005, residents voted to expand the Board of Directors from three to five members. Residents elected five Directors and GMCSO became an independent special district in 2005.

Under the State of California Community Services District Law, CSDs may potentially provide a wide array of services. State code requires CSDs to gain LAFCO approval to provide those services permitted by the principal act but not performed by the end of 2005 (i.e., latent powers). In January 2006, Plumas LAFCO determined that the District's active powers consisted of the provision of domestic water, sanitation sewer, fire protection, weed abatement and snow removal. The GMHOA had previously assumed responsibility for snow removal and weed abatement and retained those duties by mutual agreement with the GMCSO (District).

Water Services

The District provides retail water services, in the form of groundwater extraction and distribution via a pressurized water system. The District's three operational wells deliver a combined capacity of 90 gallons per minute (GPM), delivering water to nine pressure zones via seven booster stations. The District owns the water rights underlying all private residential lots and HOA common areas but does not hold the water rights underlying golf course property; therefore, the District competes for water in the deep granite aquifer. The District participates in groundwater monitoring as part of a groundwater management plan through monitoring devices on all District domestic water wells along with shallow purpose drilled monitoring wells in proximity to community leachfields. The District is working with the resort owner to improve monitoring of the six independently operated golf course wells. There are no other private wells within the district.

Wastewater Services

The District operates and maintains a wastewater utility which provides collection and disposal of domestic wastewater using a Septic Tank Effluent Pumping (STEP) system. Engineers designed the system to complete primary treatment in the individual septic tanks and dispose of septic tank effluent via subsurface infiltration in community leachfields.

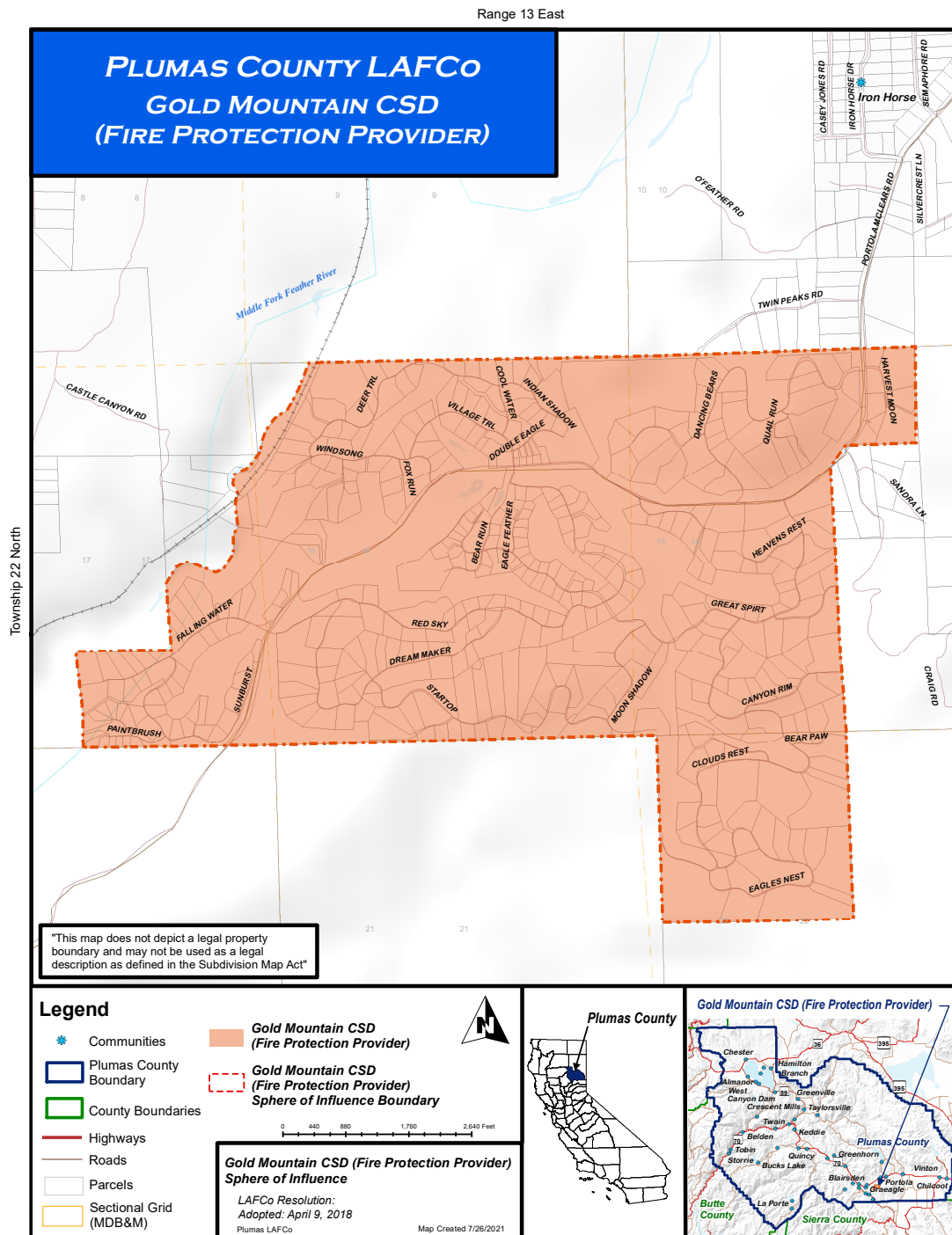
Fire Protection Services

The District contracted with the City of Portola fire and EMS services from formation in 1996 through 2018. With the City disbanding its fire department in 2018, the GMCSD began contracting with EPRFD for fire and EMS. As EPRFPD also assumed contract services for the City of Portola, and with limited options, the District agreed to contract directly with EPRFPD for services equivalent to those previously provided by the City. Initially on a one-year contract for \$35,000, the District agreed to renew in 2019 on a three year contract starting at \$36,050 with an annual 3 percent escalation option. With the impending expiration of the contract, GMCSD has chosen to transition its contract to Beckwourth FPD, to which the City of Portola has also transitioned. The new contract for services will take effect January 2023. Because BFPD is operating the City's fire stations, the nearest full fire station will once again be the City's south side Fire Hall, three miles from the District.

Existing Sphere of Influence

As GMCSD was formed to serve the Gold Mountain Planned Development, its original Sphere of Influence was coterminous with its boundary, which was consistent with the land within the development. The District's SOI was updated in 2006, expanding to include wildland territory south of the boundaries, small suburban pieces of land to the north and east, and industrial property to the west. According to the 2006 MSR, the Sphere of Influence was expanded "to accommodate those property owners outside the present District boundary who may seek services from the District in future annexations." Most recently, in 2018, the District's SOI was updated to be coterminous with its boundaries. The District's current boundaries and Sphere of Influence are shown in Figure 4-1.

Figure 4-1: Gold Mountain Community Services District and Sphere of Influence



Sphere of Influence Options and Recommendations

Options for GMCSO's SOI consist of the following:

- 1) Maintain existing Coterminous SOI for all services
- 2) Limited Service Zero SOI for fire protection services in anticipation of formation of a new fire protection district and retention of Coterminous SOI for water and wastewater services.
- 2)3) Limited Service Zero SOI for fire protection services in anticipation of formation of a new fire protection district and expansion of SOI for water and wastewater services to include the Ridges community.

The four agencies working towards reorganization have recognized that the existing circumstances for fire providers are not sustainable and greatly hinder the level of public safety service that can be offered to residents. Consequently, retaining status quo by maintaining GMCSO's existing SOI for fire protection services will not address those challenges identified and is not a feasible long-term option. It is, therefore, recommended that LAFCO adopt a Limited Service Zero SOI for fire protection and related services for GMCSO in anticipation of formation of a new regional fire protection district to serve the area and divestiture of those services by GMCSO as is currently supported by the District and the other member agencies.

The District noted that there is the potential for it to take on water and wastewater services in the Ridges community (approximately 8 parcels) that is just outside of its boundaries and existing SOI to the north. The community was previously within the District's SOI to allow for the possibility of service in the failed community; however, the territory was removed from the District's SOI without justification in 2018. It is apparent that the District is well positioned financially and operationally to take on services in the Ridges community. It is, therefore, further recommended that the District's Coterminous SOI be retained for water and wastewater services, as the District intends to continue providing these services within its boundaries and has capacity and means to do so.

Gold Mountain Community Services District Sphere of Influence Determinations

The following proposed Sphere of Influence determinations are based on information compiled and reported in the recently adopted *Eastern Plumas Regional Fire Municipal Service Review* (October 17, 2022). Refer to the MSR for greater detail.

The present and planned land uses in the area, including agricultural and open space lands

- 4-1 The District currently has 88 residential structures with an estimated total population of 181 and year round population of 76.
- 4-2 Between 2011 and 2021, only 10 newly constructed residential structures have connected to the Districts' utility systems, equating an annualized growth of less than two percent.
- 4-3 The boundary area of GMCSO is two square miles, including 380 acres of open space recreation and common area. The community is primarily residential with a commercial golf resort and small commercial district. There are 395 lots designated for private single-family homes. There are an additional 43 resort parcels, including 14 commercial, 19 commercial multi-unit residential, and five lots since sold into private ownership.

The present and probable need for public facilities and services in the area

- 4-4 The District anticipates continued slow growth in population and similarly in service demand over the next five years. Current infrastructure trigger points combined with

infrastructure improvements remain adequate for the slow growth model. Based on existing demand and anticipated growth, there is a present and probable need for all services provided by GMCSD.

- 4-5 GMCSD projects its service needs related to growth through build-out of the subdivision in its regularly updated Master Plan. The next update is scheduled for 2022 although there are no current indications of a dramatic increase in new building starts.
- 4-6 The District has contracted for fire and EMS services with EPRFPD for the last three years and is in the midst of transitioning to contracting with BFPD. GMCSD is actively supporting the ongoing effort to join a new regional fire district. If successful, the District will relinquish its current power for fire protection, yet retain a degree of fire responsibility for its QAV, HFT, and fire break programs.

The present capacity of public facilities and adequacy of public services which the agency provides, or is authorized to provide

- 4-7 Presently, with the District's new well online, average daily demand for water is 18 percent of the 90 GPM wells' combined pumping capacity, while peak day demand constitutes 36 percent of the wells' combined pumping capacity.
- 4-8 The primary infrastructure needs identified by the District for the water system are increased water storage capacity. The priority project is the high elevation water tank, leading to improved fire suppression flows and improved backup water supplies. The second priority is a third larger tank adjacent to the current main storage tanks on District owned property. The District is pursuing each of these capital improvements, having completed preliminary engineering and property procurement in preparation for completion in the 2022-2024 timeframe. The two new wells have eliminated short to mid-term concerns for water production.
- 4-9 The existing sewer system appears to be at 95 percent capacity at peak flows and represents the District's primary infrastructure concern. The District is undertaking a two prong solution by expanding the Windsong-Falling Water leachfield with capital reserve dollars, while moving forward with a water reclamation plant funded by grant or utility loan financing. The District plans to have Phase I of the leachfield expansion operational in 2022, with both projects complete by 2023.
- 4-10 While the District has faced financial difficulties in the past, and anticipates significant underfunded infrastructure needs in the future, the District has solid financial planning and in 2022, initiated a cost of service rate study and implemented a new rate structure through the Prop 218 public hearing process to support long term financial stability.~~has initiated a cost of service rate study to provide long term financial stability.~~ The District anticipated that it can meet mid-term (5-10 years) capital improvements with a combination of capital reserves, grants, and generational financing.
- 4-11 The District has made effective use of healthy restricted and unrestricted reserves over the last two years to meet priority infrastructure needs. Unrestricted Operational Reserves are sufficient to finance approximately four months of operations for water and wastewater services, and over a year of operations for fire services.

The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency

- 4-12 There are no communities of interest in the area of GMCSD, as it provides services only within its bounds and offers uniform access to these services throughout the community.

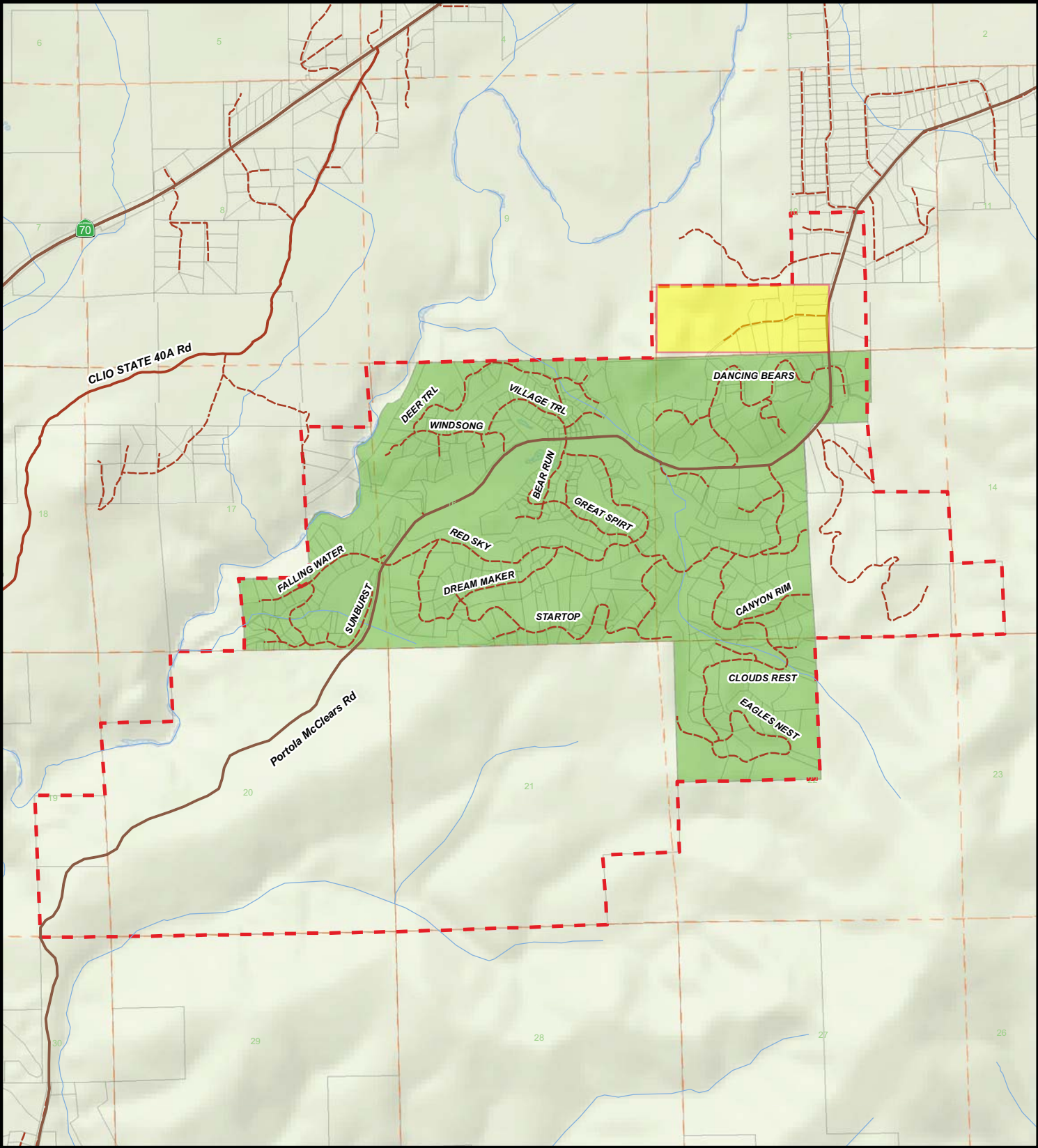
Present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence

- 4-13 Based on ACS 2016-2020 Census Tract information, the entirety of the study area and the boundaries within and immediately adjacent to each of the five fire providers is defined as disadvantaged. However, based on smaller community size, there are no disadvantaged communities within or adjacent to GMCSD.

Gold Mountain Community Services District

Range 13 East

Township 22 North



Legend

- Major Roads
- CA State Highway
- Streets
- Stream / River
- Waterbodies

Parcels

Sectional Grid (MDB&M)

Gold Mountain CSD

Gold Mountain CSD (SOI)



0 0.25 0.5 1 Miles

Gold Mountain CSD
Resolution:
Adopted:

Gold Mountain CSD (SOI)
Resolution:
Adopted: 61

Source: Plumas LAFCo Map Created 5/2/2011

5 SIERRA VALLEY FIRE PROTECTION DISTRICT

Sierra Valley Fire Protection District, also known as the Sierra Valley Volunteer Fire Department (SVVFD), provides fire protection, basic life support response and some fire prevention programs. Municipal Service Reviews have been conducted on SVVFPD in 2011 and 2022.

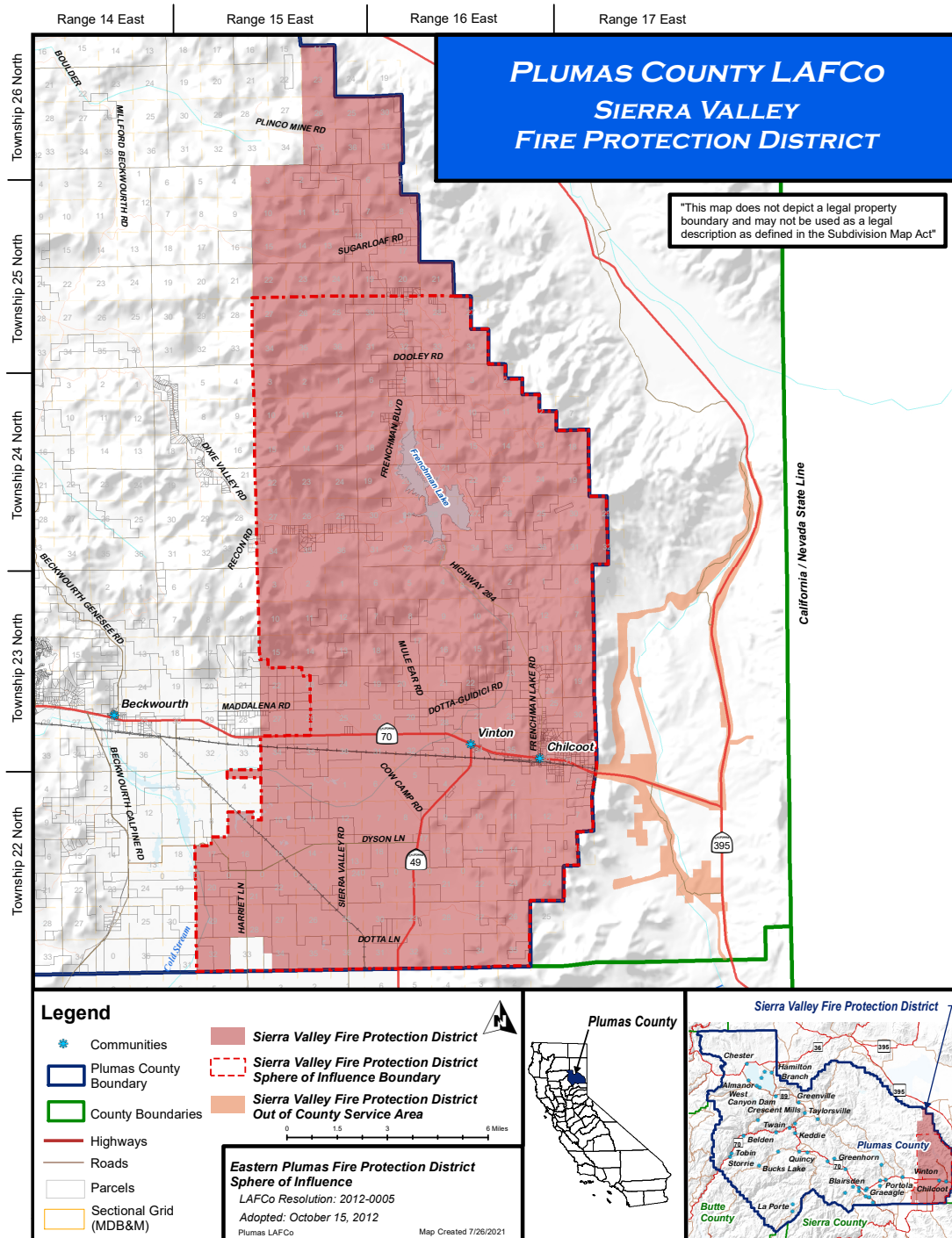
SVVFD was formed in 1948 as an independent special district. The District was formed to provide structural fire and basic life support services. SVVFD is one of the largest fire protection districts in Plumas County based on the total area within its boundaries. It is located in the eastern part of the County and is surrounded by territory served by the U.S. Forest Service and Bureau of Land Management. The District borders Beckwourth FPD in the west, Hallelujah Junction FPD of Lassen County in the east, Lassen County in the north, and Sierra County in the south.

SVVFD's boundary is entirely within Plumas County. The District's boundaries encompass approximately 220 square miles, which include ranches, remote homes, residential sections, a mobile park, businesses and a lake/campground recreation area. The District provides extra-territorial fire and emergency services to Hallelujah Junction Fire Protection District (HJFPD) in Lassen County.

Existing Sphere of Influence

The SOI for SVVFD was originally adopted in 1982 and made coterminous with the District's boundaries. In 1994, it was reduced to a significantly smaller area to include the communities of Chilcoot and Vinton along SR 70 and encompass eight square miles compared to 220 square miles of boundary area. Most recently, the District's SOI was updated in 2012 to include substantially more territory within the District's boundaries. The SOI continues to exclude the northern most boundary area due to lengthy response times and accessibility challenges and an area to the west along SR 70 consisting of the Maddalena Tree Farm that may be best served by BFPD due to proximity and access. At present, the District's SOI is 191 square miles. The District's existing boundaries and Sphere of Influence are shown in Figure 5-1.

Figure 5-1: Sierra Valley Fire Protection District and Sphere of Influence



Sphere of Influence Options and Recommendations

Options for Sierra Valley FPD's SOI consist of the following:

- 1) Maintain existing Detachable SOI
- 2) Zero SOI in anticipation of formation of a new fire protection district

The four agencies working towards reorganization have recognized that the existing circumstances for fire providers are not sustainable and greatly hinder the level of public safety service that can be offered to residents. Consequently, retaining status quo by maintaining Sierra Valley FPD's existing SOI will not address those challenges identified and is not a feasible long-term option. It is, therefore, recommended that LAFCO adopt a Zero SOI for Sierra Valley FPD in anticipation of formation of a new regional fire protection district to serve the area and dissolution of Sierra Valley FPD as is currently supported by the District and the other member agencies.

Sierra Valley Fire Protection District Sphere of Influence Determinations

The following proposed Sphere of Influence determinations are based on information compiled and reported in the recently adopted *Eastern Plumas Regional Fire Municipal Service Review* (October 17, 2022). Refer to the MSR for greater detail.

The present and planned land uses in the area, including agricultural and open space lands

- 5-1 There are approximately 600 residents within the District. Over the past decade the District experienced a 34 percent increase in population.
- 5-2 The District anticipates little or no growth in population and similarly in service demand within the District in the next few years.
- 5-3 Most of the land uses within the District are wildland and agricultural. The densest residential and suburban areas are located in the community of Chilcoot and along SR 49. The territory north of Frenchman Lake is what the District referred to as a no-man's zone, which is part of SVVFD, but is extremely hard to reach. There are almost no residences approximately north of Dotta-Guidici Road and Rutting Deer Road.

The present and probable need for public facilities and services in the area

- 5-4 A decline in population is expected within the District over the next 20 years based on the California Department of Finance projections for Plumas County; however, the District anticipates that the population will continue to increase in the future.
- 5-5 The District Fire Chief has observed a significant increase in traffic volume on routes US-395 and also CA-70, which pass through the District. The frequency and severity of calls has increased accordingly. This trend is anticipated to continue and result in an increase in demand for fire protection and emergency medical services in the area accordingly.

The present capacity of public facilities and adequacy of public services which the agency provides, or is authorized to provide

- 5-6 The District's current facilities appear to have the capacity to adequately serve current demand and short-term growth; however, the District's stations serve an expansive 111 square miles, which results in lengthy response times.
- 5-7 The District identified a need for a new training facility and office space, as well as a new water tender. SVVFD regularly applies for grants to attempt to address these needs.
- 5-8 Currently, capital improvement projects are identified in the annual budget. The District should consider adopting a capital improvement plan to identify financing needs, as well as potential revenue sources and timing to address these needs.
- 5-9 As the District presently has two volunteers with Firefighter I certification, SVVFD could improve its level of service by promoting certification.
- 5-10 Generally, the fire districts have been challenged in maintaining full and legally-seated governing bodies. Over the last decade, the districts have failed to appropriately renew terms for already seated members, have appointed board members that do not meet the legal requirements to sit on the board, and have failed to inform the County Clerk regarding any changes to their board members.
- 5-11 The District hopes to improve its operational efficiency through applying for grants and purchasing newer equipment.

The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency

- 5-12 The District provides extra-territorial fire and emergency services to Hallelujah Junction Fire Protection District (HJFPD) in Lassen County. This area is considered an area of interest, and there is a need to ensure continued services to the community following reorganization.

Present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence

- 5-13 Based on American Community Survey 2016-2020 Census Tract information, the entirety of the study area and the boundaries within and immediately adjacent to each of the five reviewed fire providers is defined as disadvantaged. While the City of Portola is incorporated, the remainder of the territory meets the definition of a disadvantaged unincorporated community as defined in Water Code §79505.5. Census Tract 000300 encompasses the entirety of the region and has a population of 4,484 comprising 2,051 households with a median income of \$48,238.
- 5-14 The territory throughout SVVFPD's existing SOI is afforded the same access to fire and emergency medical services offered by the District, as it is all within the District's dispatch service area. While there are areas with extensive response times, it is due to the remote nature of these wilderness areas.

NOTICE OF EXEMPTION

Exhibit B

TO: County Clerk
County of Plumas
Quincy, CA

FROM: Plumas LAFCO
5050 Laguna Blvd #112-711
Elk Grove, CA 95758

PROJECT TITLE: Sphere of Influence for services provided by the fire protection and emergency medical services provided by Beckwourth Fire District, Eastern Plumas Rural Fire Protection District, Gold Mountain Community Services District, and the Sierra Valley Fire Protection District

PROJECT LOCATION: Eastern Plumas County

DESCRIPTION OF PROJECT:

The proposed project involves the update of the Sphere of Influence for services provided by the Beckwourth Fire District, Eastern Plumas Rural Fire Protection District, Gold Mountain Community Services District, and the Sierra Valley Fire Protection District

NAME OF PUBLIC AGENCY APPROVING PROJECT:

Plumas Local Agency Formation Commission

NAME OF PERSON OR AGENCY CARRYING OUT THE PROJECT:

Jennifer Stephenson, Plumas Local Agency Formation Commission

EXEMPT STATUS:

Class 20 Categorical Exemption, "Changes in Organization of Local Agencies" CEQA Guideline Section 15320 and 15061b (3) General Rule Exemption.

REASONS WHY THIS PROJECT IS EXEMPT:

This action is Exempt from the California Environmental Quality Act pursuant to Section 15320 of the CEQA Guidelines (Class 20) as the changes would not result in any change in permitted use and 15061 b(3) whereby this action is covered by the general rule that CEQA applies only to project which have the potential for causing a significant effect on the environment. Since this Sphere of Influence not expanding territory where services are being provided, there is no possibility that this Sphere may have a significant effect on the environment since the services are already provided within the territory and no unusual circumstances exist.

CONTACT PERSON:
Jennifer Stephenson
LAFCO Executive Officer

TELEPHONE NUMBER:
(530) 283-7069

By: _____

Date: December 12, 2022

WELCOME TO THE



2022 ANNUAL CONFERENCE

NEWPORT BEACH,
CALIFORNIA

OCTOBER 19-21, 2022



Schedule At-a-Glance

WEDNESDAY – OCTOBER 19TH

7:00 a.m.	Registration Opens
7:30 a.m.	Mobile Workshop
10:00 a.m.	Building on the Basics of LAFCo
1:00 p.m.	Conference Opening
1:30 p.m.	General Session: Municipal Service Reviews: It's a Brand New Ballgame
3:00 p.m.	Refreshment Break with Sponsors
3:30 p.m.	General Session: How I Learned to Stop Worrying and Love Fire District Consolidations
5:30 p.m.	CALAFCO Reception Dinner on Your Own

THURSDAY – OCTOBER 20TH

7:00 a.m.	Continental Breakfast Buffet
8:00 a.m.	Regional Caucus Meetings and Elections
9:15 a.m.	CALAFCO Annual Business Meeting
9:15 a.m.	Attorney Roundtable
10:30 a.m.	Refreshment Break with Sponsors
10:45 a.m.	Regional Roundtables
12:00 p.m.	Luncheon Keynote
1:45 p.m.	BREAKOUT SESSIONS
1)	Recruitment and Succession Planning: Preparing for Future LAFCo Leaders, TODAY
2)	Dangerous Currents! Recognizing and Avoiding Conflicts of Interest
3:00 p.m.	Refreshment Break
3:15 p.m.	BREAKOUT SESSIONS
1)	Grand Juries & LAFCo: Why Can't We Be Friends
2)	The Definitive Session on Pensions: LAFCo's Two-fold Responsibility to Take Care of Its Own and Review Agencies
5:30 p.m.	Pre-dinner Reception with Sponsors
6:15 p.m.	Dinner and Awards

FRIDAY – OCTOBER 21ST

7:00 a.m.	Breakfast Buffet
7:30 a.m.	CALAFCO Board of Directors Meeting
9:00 a.m.	General Session: Over the Hill LAFCo Commission Hearing on the Proposal to Dissolve the Over the Hill Fire District
10:30 a.m.	Refreshment Break
10:45 a.m.	General Session: CALAFCO Legislative Update
12:00 p.m.	Conference Adjourns



WELCOME TO THE 2022 CALAFCO CONFERENCE!



Welcome from the Chair of the Board

On behalf of the CALAFCO Board of Directors, I want to welcome you to our Annual Conference in Newport Beach. This is a critical time in our state and the role of LAFCos has evolved into something more imperative than ever before. As we gather to discuss issues of importance to LAFCos, I encourage you to meet new people and take advantage of the resources available. Thank you for your leadership in shaping the future of California through local governance. I hope you enjoy the conference.

Anita Paque, Chair, Calaveras LAFCo
Chair, CALAFCO Board of Directors



Welcome from the Conference Chair

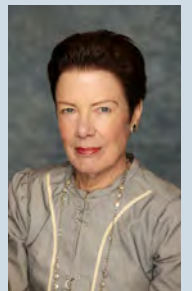
Welcome to the 2022 CALAFCO Annual Conference! The entire CALAFCO Conference Committee thanks you for making the time and commitment to attend, and for your engagement in the many sessions offered. The program is filled with topics essential to LAFCos and fabulous speakers and consultants who are experts in their fields. We hope that you leave with fresh ideas to tackle the many challenges we are facing, new resources, a more robust network, and a renewed desire to effect positive change in the communities we serve.

Gay Jones, Conference Chair, Sacramento LAFCo
Member, CALAFCO Board of Directors

Keynote Speaker: Billie C. Greer, Advocate & Community Leader

Billie has 30 years of experience as a public affairs advocate and community leader. She served as Director of Governor Arnold Schwarzenegger's Los Angeles regional office and a member of his senior staff from 2004 to 2010, and served on the Exposition Park & California Science Board under Schwarzenegger and Governor Jerry Brown.

Billie also served as President of the non-profit, non-partisan Southern California Leadership Council from 2011-2015, working closely with three former California governors – George Deukmejian, Pete Wilson and Gray Davis – and Southern California business and community leaders to address public policy issues critical to the region's economic vitality. Billie is a trustee of the Lowe Institute of Political Economy at Claremont-McKenna College.



WEDNESDAY, OCTOBER 19TH

PROGRAM

7:00 a.m.

Registration Opens

7:30 a.m. – 12:00 p.m.

MOBILE WORKSHOP: It's a Shore Thing: Navigating Municipal Service Delivery Within Coastal Areas

Ahoy, mateys! Join us for a special nautical workshop that includes a two hour harbor cruise, and will highlight the history, features, and jurisdiction of the Harbor – as well as showcase several projects that involve multi-agency collaboration and processes. This is one not to miss!

10:00 a.m. – 12:00 p.m.

Building on the Basics of LAFCo (LAFCo 101) LOCATION: Newport Bay

Government Codes? Statutory Requirements? Legal Ramifications? If any of these have you scratching your head sometimes, fear not because this “LAFCo 101” session will not only give you an inside scope on becoming a LAFCo expert in these areas but will also be entertaining beyond belief. Don't take our word for it and check this session out – you won't be disappointed.

Panelists: SR Jones, Executive Officer, Nevada LAFCo, Joe Serrano, Executive Officer, Santa Cruz LAFCo, Paula C. P. de Sousa, Partner, Best Best & Krieger LLP's Special District Practice Group

2.0 AICP CM credits

1:00 p.m. – 1:30 p.m.

Conference Opening: Welcoming Remarks LOCATION: Pacific Ballroom

Welcome to the 2022 CALAFCO Annual Conference in Newport Beach!

1:30 p.m. – 3:00 p.m.

GENERAL SESSION: Municipal Service Reviews: It's a Brand New Ballgame

LOCATION: Pacific Ballroom

Frank (and perhaps provocative) discussion between Commissioners and Executive Officers about the ever-important role of Municipal Service Reviews, especially in light of SB 938.

Panelists: Gay Jones, Special District Member, Sacramento LAFCo, Derek J. McGregor, Public Member, Orange LAFCo, Bill Connelly, County Member, Butte LAFCo, Steve Lucas, Executive Officer, Butte LAFCo, Kai Luoma, Executive Officer, Ventura LAFCo, John Benoit, Executive Officer, Lake, Colusa, Calaveras, Modoc, and Yuba LAFCos, Paula C. P. de Sousa, Partner, Best Best & Krieger LLP's Special District Practice Group

1.5 AICP CM credits

3:00 p.m. – 3:30 p.m.

Refreshment Break with Sponsors LOCATION: Monarch Pavilion

3:30 p.m. – 5:00 p.m.

GENERAL SESSION: How I Learned to Stop Worrying and Love Fire District Consolidations LOCATION: Pacific Ballroom

A discussion of the financial, political and cultural challenges in fire district consolidations.

Delve into real life, on the ground experiences with the pros and cons to achieve efficiencies for better fire service delivery. What are the factors that drive this service? Examining what is at your disposal. Explaining the “why” for merging, such as response capabilities and equipment resources. The goal is to give commissioners and staff a firm foundation for fire district consolidation discussions. LAFCo's can be the lead on informative talks to improve and enhance emergency response within their jurisdictions.

Panelists: Kris Berry, Executive Officer, Amador LAFCo, Gay Jones, Special District, Sacramento LAFCo, Walt W. White, Fire Chief, Amador Fire Protection District, Rick Martinez, Executive Director, California Fire Foundation

1.5 AICP CM credits

5:30 p.m. – 7:00 p.m.

CALAFCO Reception LOCATION: Monarch Pavilion

— Dinner on Your Own —



7:00 a.m. – 9:00 a.m.	Continental Breakfast Buffet LOCATION: Monarch Pavilion
8:00 a.m. – 9:00 a.m.	Regional Caucus Meetings and Elections CENTRAL REGION: Newport • COASTAL REGION: Crescent Bay • NORTHERN REGION: Emerald Bay • SOUTHERN REGION: Balboa
9:15 a.m. – 10:30 a.m.	CALAFCO Annual Business Meeting All members are invited to attend. LOCATION: Pacific Ballroom
9:15 a.m. – 10:30 a.m.	Attorney Roundtable LOCATION: Avalon Boardroom
10:30 a.m. – 10:45 a.m.	Refreshment Break with Sponsors LOCATION: Monarch Pavilion
10:45 a.m. – 11:45 a.m.	Regional Roundtables CENTRAL REGION: Newport • COASTAL REGION: Crescent Bay • NORTHERN REGION: Emerald Bay • SOUTHERN REGION: Balboa
12:00 p.m. – 1:30 p.m.	Luncheon Keynote LOCATION: Monarch Pavilion
1:45 p.m. – 3:00 p.m.	BREAKOUT SESSIONS

Recruitment and Succession Planning: Preparing for Future LAFCo Leaders, TODAY LOCATION: Crescent Bay

A LAFCo career is such a lucrative profession if you think about it – once you discover or stumble upon it, of course. In fact, most employees end their careers with LAFCo after 10, 20, 30+ years under their belts. But how do you replace someone with that much experience? How do you find the right candidate to pass the torch? This session goes over succession planning and how to gain/retain LAFCo talent.

Panelists: Brendon Freeman, Executive Officer, Napa LAFCo, Joe Serrano, Executive Officer, Santa Cruz LAFCo, Rich Seithel, Executive Officer, Solano LAFCo, Luis Tapia, Assistant Executive Officer, Orange LAFCo, Rachel Jones, Executive Officer, Alameda LAFCo

1.25 AICP CM credits

Dangerous Currents! Recognizing and Avoiding Conflicts of Interest LOCATION: Newport Bay

Have you ever been told that being a LAFCo Commissioner means taking off the hat of your home agency (city, district, community)? As a LAFCo Commissioner, have you ever questioned yourself or sought legal counsel's opinion on participating in the review of a project involving your home agency or community? Unclear on what independent judgement means? Well, this is the session for you! Being a LAFCo Commissioner is often not as clear-cut or easy as the words of the Cortese-Know-Hertzberg Act. Join us to learn more about potential conflicts of interest (COI), why having a COI policy is important, and hear about Commissioners' experiences in this area.

Panelists: Derek McGregor, Public Member, Orange LAFCo, Bill Kelly, President & CEO, Kelly Associates Management Group LLC (KAMG), John Withers, Partner, California Strategies, Scott Smith, Partner, Best Best & Krieger LLP

1.25 AICP CM credits

3:00 p.m. – 3:15 p.m. Refreshment Break LOCATION: Monarch Pavilion

3:15 p.m. – 5:00 p.m. BREAKOUT SESSIONS

Grand Juries & LAFCo: Why Can't We Be Friends LOCATION: Newport Bay

This session will provide an overview of the Grand Jury and will consider how and why the Grand Jury can prove helpful to LAFCos, and vice versa. You will get a unique perspective from a former Grand Jury Foreman, now LAFCo Commissioner. We will discuss working with Grand Juries, including responding to inquiries and recommendations from a Grand Jury. We will also cover how to respond when LAFCo is being investigated. You'll leave with a sense of the mission and structure of the Grand Jury and how its role fits into the broader picture of local government accountability.

Panelists: SR Jones, Executive Officer, Nevada LAFCo, Matthew Summers, Shareholder, Colantuono, Highsmith & Whatley, Luis Tapia, Assistant Executive Officer, Orange LAFCo, Gordon Mangel, Special District Member, Nevada LAFCo

1.75 AICP CM credits

The Definitive Session on Pensions: LAFCo's Two-fold Responsibility to Take Care of Its Own and Review Agencies

LOCATION: Crescent Bay

LAFCos have a two-fold responsibility regarding pensions and OPEBs. First, LAFCos are responsible for their own liabilities and payments. As a government agency, commissioners and staff need to understand the impacts of, and how to address, pension and OPEB liabilities. Second, as we perform service reviews, LAFCos should be reviewing pensions and OPEBs -- not just identifying liabilities, but also the benefits and consequences of funding or not funding its pension and OPEB obligations. In some cases, this financial liability leads to service insolvency. Importantly, a proper review of an agency's liabilities cannot occur if LAFCos do not understand their own pension and OPEB obligations.

Panelists: Isabel Safie, Partner, Employee Benefits Practice Group of Best Best & Krieger LLP, Jim Bagley, Chair, San Bernardino LAFCo, Samuel Martinez, Executive Officer, San Bernardino LAFCo, Michael Tuerpe, Sr. Analyst San Bernardino LAFCo

1.75 AICP CM credits

5:30 p.m. – 6:15 p.m. Pre-dinner Reception with Sponsors LOCATION: Monarch Pavilion

6:15 p.m. – 8:30 p.m. Dinner and Awards LOCATION: Pacific Ballroom

FRIDAY, OCTOBER 21ST

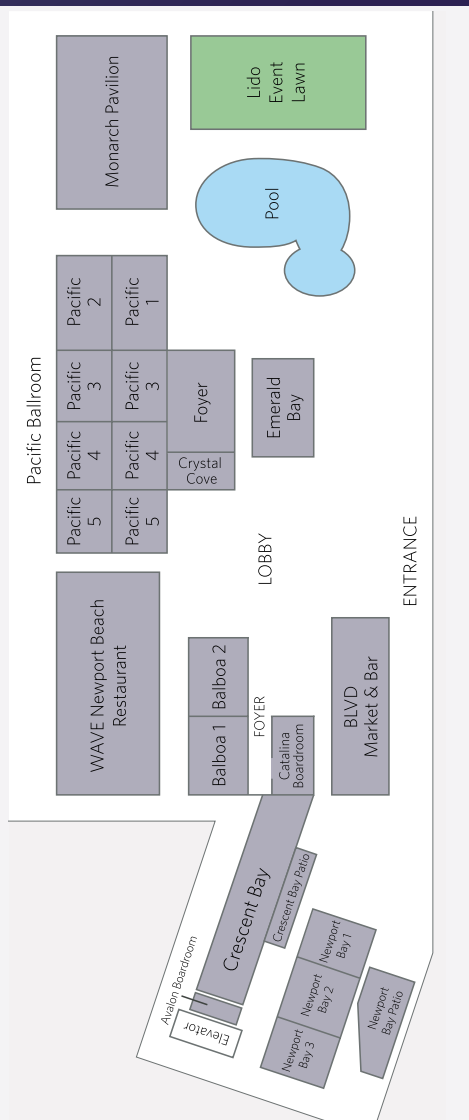
PROGRAM

7:00 a.m. – 9:00 a.m.	Breakfast Buffet <i>LOCATION: Monarch Pavilion</i>
7:30 a.m. – 8:45 a.m.	CALAFCO Board of Directors Meeting <i>LOCATION: Newport Bay</i>
9:00 a.m. – 10:30 a.m.	GENERAL SESSION: Over the Hill LAFCo Commission Hearing on the Proposal to Dissolve the Over the Hill Fire District <i>LOCATION: Pacific Ballroom</i>
<p>Join us for this “mock-commission hearing,” where we consider the not so simple dissolution of a rural fire district. The Commissioners and staff, as well as specific public instigators for this hearing are all experienced LAFCo people who will portray an actual local LAFCo hearing process. The intent is to evoke audience participation in the form of questions, comments on dos and “don’ts,” and constructive feedback on the hearing process.</p> <p>Panelists: Jurg Heuberger, Executive Officer, Imperial LAFCo, Paula Graf, Sr. Analyst, Imperial LAFCo, Holly Whatley, Shareholder, Colantuono, Highsmith & Whatley, PC., Andy Vanderlaan, Public Member, San Diego LAFCo, Gary Thompson, Executive Officer, Riverside LAFCo, Derek McGregor, Public Member, Orange LAFCo, Priscilla Mumpower, Local Government Analyst II, San Diego LAFCo, Carolyn Emery, Executive Officer, Orange LAFCo</p>	
10:30 a.m. – 10:45 a.m.	Refreshment Break with Sponsors <i>LOCATION: Monarch Pavilion</i>
10:45 a.m. – 12:00 p.m.	GENERAL SESSION: CALAFCO Legislative Update <i>LOCATION: Pacific Ballroom</i>
12:00 p.m.	Conference Adjourns



ROTATE PAGE TO VIEW MAP

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IN MEMORY



JERRY GLADBACH

1939 - 2022

(LOS ANGELES)



CARL LEVERENZ

1940 - 2022

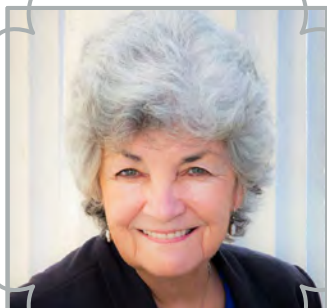
(BUTTE)



WARREN NELSON

1946 - 2022

(NAPA)



CARMEN RAMIREZ

1948 - 2022

(VENTURA)



SAJIT SINGH

1972-2022

(COLUSA)

ABOUT THE SPEAKERS

SR Jones, Executive Officer, Nevada LAFCo - SR has worked with Nevada LAFCo since 1992 and has served as the Executive Officer of Nevada LAFCo since 1993. SR has also been involved with CALAFCo since 1994, serving on the Legislative Committee, and several Program Committees. In 1997, and again in 2008, she was appointed Deputy Executive Officer. She served as Executive Officer of CALAFCo from 1998 until 2000, and again from 2009 to 2011. SR received a degree in history from the University of California at San Diego, and currently resides near Nevada City.

Joe Serrano, Executive Officer, Santa Cruz LAFCo - Joe earned a double major in finance & accounting from California State University, Fullerton, and has more than 14 years in LAFCo experience. He began his LAFCo career as an intern for Orange LAFCo in 2008 and was their analyst until 2013 before he started expanding his LAFCo knowledge with other LAFCos, including San Bernardino, San Diego, and Monterey. Today, he is the Executive Officer of Santa Cruz LAFCo.

Paula C. P. de Sousa, Partner, Best Best & Krieger LLP's Special District Practice Group - Paula is a partner in Best Best & Krieger LLP's Special District Practice Group, based out of the firm's San Diego office. Paula joined BB&K upon graduating from the University of the Pacific, McGeorge School of Law. Paula practices in most areas of public agency representation, including the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Paula serves as legal counsel to San Bernardino LAFCo, assistant legal counsel to Orange LAFCo, and general counsel to a number of special districts in San Diego County (agencies providing sewer and water services). She advises CALAFCo as assistant general counsel, assists in drafting legislation on CALAFCo's behalf, and regularly advises other public agency clients with respect to LAFCo-related issues. Paula is the primary author of several white papers, utilized by LAFCos and public agencies throughout the state on changes in law impacting changes of

organization and reorganizations.

Gay Jones, Special District Member Commissioner, Sacramento LAFCo - Gay has represented special districts on CALAFCo since 2006 and Sacramento LAFCo since 2004. Gay has served as a Director for Sacramento Metropolitan Fire District since its inception in 2000. Commissioner Jones is a retired Captain with the Sacramento Fire Department, 1981-2006. From her days as a Peace Corps Volunteer to today, she continues to serve her community on many local levels. Gay received an undergraduate degree in philosophy and a Master's degree in health and human services. Gay looks forward to continued discussion for achieving LAFCo goals to improve all our communities.

Derek J. McGregor, Public Member, Orange LAFCo - Derek has served as the Public Member on Orange LAFCo since 2009 and was recently appointed to the CALAFCo Board of Directors. He is a licensed civil engineer and land surveyor and has owned and operated DMC Engineering, a civil engineering and land surveying firm, since 1987. Derek has more than 30 years of experience as a leader in the community where he resides, as well as countywide. His involvement includes Orange County Transportation Authority Citizen's Advisory and Environmental Oversight Committees. Derek is also the founding member of the Community Associations of Rancho, which promotes collaboration with some of the largest Master homeowners associations in California. Derek's career began after graduating from Southern Illinois University with a Bachelor of Science in engineering.

Bill Connelly, County Member, Butte LAFCo - Bill Connelly has served as a CALAFCo Commissioner for eight years and is the current Vice Chair. He has long been dedicated to public service, including his current role as the District One Supervisor on the Butte County Board of Supervisors, a position he has held since 2005 and where he is the current Board Chair. He is also the Chair and a 17-year member of the Butte Local Agency Formation Commission,

as well as a member of the Butte County Air Quality Board Management District, the Butte County Association of Governments, and several other community groups and organizations. Apart from time enlisted in the United States Air Force, Bill has called Butte County home for most of his life.

Steve Lucas, Executive Officer, Butte LAFCo - Steve has more than 27 years of LAFCo and land use planning experience. In addition to his role as the Butte LAFCo Executive Officer, he serves as the CALAFCo Executive Officer, on the CALAFCo Legislative Committee and numerous other CALAFCo workgroups. Prior to joining LAFCo, he worked as a land use planner for the County of Butte, serving as staff to the Planning Commission and Airport Land Use Commission. Aside from his professional pursuits, Steve has also served the community for eight years on the City of Chico Airport Commission and eight years on the Chico Parks Commission, as well as serving on the board of a several local leadership development programs. A more recent diversion found Steve taking a leadership role in the development of a K-8 charter school where he has served as the Board Chair for three years. Steve graduated from California State University at Chico, where he received both a Bachelor's degree in geography and Master's degrees in geography and urban planning.

Kai Luoma, Executive Officer, Ventura LAFCo - Kai joined the Ventura LAFCo in 2007 and has served as Executive Officer since 2014. Before joining LAFCo, Kai was a senior planner for the City of Santa Clarita, where one of his responsibilities was overseeing the city's frequent annexation proposals. He has also been a planner with the City of Roseville, Nevada County, and San Joaquin County. Kai holds a Bachelor's degree in geography and a Master's degree in public administration.

John Benoit, Executive Officer, Lake, Colusa, Calaveras, Modoc, and Yuba LAFCos - John has a professional background in LAFCo, land use planning, project management, environmental, and community

and economic development. John currently serves as the Executive Officer for LAFCo commissions in Lake, Colusa, Calaveras, Modoc, Yuba, Sutter and formerly Plumas and Lassen counties. As LAFCo contract staff to these rural commissions, John plans and organizes LAFCo activities, processes applications, establishes policies and programs, and provides general administration, budget management, and environmental review services. He has been a lecturer in geography and French at three community colleges in Northern California and holds a Master's degree in geography.

Kris Berry, Executive Officer, Amador LAFCo - Kris is the Executive Officer for Amador LAFCo. Kris previously served 16 years as the Executive Officer for Placer LAFCo and Senior Staff Analyst at Monterey LAFCo. Prior to coming to LAFCo, she was a Senior Planner with Monterey County Planning for 17 years. She has a Bachelor of Science in city and regional planning from California Polytechnic State University, San Luis Obispo. She is a long time Soroptimist and lover of all things pug.

Walt W. White, Fire Chief, Amador Fire Protection District - Walt is Fire Chief of the Amador Fire Protection District and a 38-year veteran of the California Fire Service. He served as the 21st Fire Chief for the City of Sacramento and is currently Secretary of the Board of Directors for the Sacramento Metropolitan Fire District. Chief White is a survivor of multiple fire agency consolidations and understands the efficiency, effectiveness, and public benefit that is possible through cross silo collaboration. Chief White holds a Master's degree in fire service management.

Rick Martinez, Executive Director, California Fire Foundation - Rick has more than forty years in public safety service. Rising through the ranks, he served in nearly every fire operational and administrative position to include 12 years as Fire Chief. During his tenure as Fire Chief, he guided the consolidation of multiple fire departments forming the Sacramento Metropolitan Fire District. He

ABOUT THE SPEAKERS

presently serves as the Executive Director of the California Fire Foundation, a charitable non-profit that provides assistance to families of fallen and injured firefighters as well as the communities they serve.

Brendon Freeman, Executive Officer, Napa LAFCo - Brendon is the Executive Officer of Napa LAFCo, a position to which he was promoted in July 2015 after working as a Staff Analyst for Napa LAFCo since June 2008. Brendon has a Bachelor's degree in economics with a minor in statistics from the University of California, Davis. He previously served four years on the City of Napa Community Development Block Grant Citizens' Advisory Committee, three years on the Napa Valley Support Services Board of Directors, and is currently a proud member of the Napa Sunrise Rotary service club.

Rich Seithel, Executive Officer, Solano LAFCo - Rich has been the Solano LAFCo Executive Officer since July 2017. He previously retired from Contra Costa County after serving 20 years, where he notably served as the Chief of Annexations and Economic Stimulus Programs and as a Senior Deputy County Administrator, overseeing budget and programs for more than 20 departments. He graduated from St. Mary's College in Moraga, California, with a Master's in business administration, honoring in Advanced Strategic Marketing.

Luis Tapia, Assistant Executive Officer, Orange LAFCo - Luis joined the Orange County LAFCo staff in 2016 as a Policy Analyst. In his current position as Assistant Executive Officer, Luis is responsible for supervising staff, assisting in the yearly budget and audit, research and analysis involving potential city and district boundary changes, and governance issues. He received a Bachelor's degree in political science and a Master's degree in political science from the California State University of Long Beach and a Certificate in Geographic Information Systems from the California State University of Fullerton. His professional interests include working with organizations that empower youth to pursue a

degree in higher education.

Rachel Jones, Executive Officer, Alameda LAFCo - Rachel is the Executive Officer for the Alameda LAFCo. She joined the Commission in June 2018. Prior to her current position, she served as the Interim Executive Officer and Analyst at Marin LAFCo for more than two years and administered their municipal service review program. She also previously served as the Donor Stewardship Associate and Board Liaison for SPUR, an urban planning think-tank in the Bay Area. Rachel holds a Bachelor of Science in urban planning from Cornell University.

Bill Kelly, President & CEO, Kelly Associates Management Group LLC (KAMG) - Bill is President/CEO of Kelly Associates Management Group LLC (KAMG), a municipal management firm formed in 2011 that consults only to public agencies (cities, counties, and special districts). Bill specializes in areas of organizational management, economic development, team building/goal setting and community development. Prior to establishing KAMG, he served as City Manager and Deputy City Manager for several cities, as well as other positions including Director of Public Works and Community Development, Director of Planning and Building, and City Planner. Bill has a Bachelor of Science in urban planning from California State Polytechnic University, Pomona, a Master of Public Administration from the University of Southern California, a Master of Management, an Executive Master of Business Administration, and did doctoral work at Claremont Graduate University. He is an Adjunct Professor of Public Policy at the University of Southern California. Bill served as Vice Chair of the State of California Law Enforcement Telecommunications Commission and Chair of the Los Angeles County Emergency Management Agency Commission.

John Withers, Partner, California Strategies - John has been a Partner at California Strategies for more than 28 years with experience in water resources

and regulation, real estate development, entitlement, and asset protection, and government relations. He is able to find pathways to solutions that others miss because he has worked on all sides of the issues, attacking problems as an applicant, an elected official, a regulator and a consultant. He has served for more than 33 years as an elected Director (and former Board President) of the Irvine Ranch Water District, for 25 years as a Commissioner (and former Chairman) of the Orange County LAFCo, and 19 years as a governor's appointed Board member (and former Chairman) of the Santa Ana Regional Water Quality Control Board.

Scott Smith, Partner, Best Best & Krieger LLP - Best Best & Krieger LLP partner Scott C. Smith advises public and private clients on issues of state and local regulatory and land use law, including advice on development and environmental law and municipal law. Scott's career in public law at BB&K began immediately after law school graduation in 1985, so his early assignments included work implementing the freshly minted Cortese-Knox Act. Scott serves as general counsel for Orange County LAFCo and has worked on that team since 1994. In that capacity, he has served in review of several cityhood applications and major annexations and consolidations. Scott assists in representing several other BB&K LAFCo clients. He lectures frequently on ethics and governance and enjoys Latin American literature and backpacking.

Matthew Summers, Shareholder, Colantuono, Highsmith & Whatley - Matthew is a Shareholder in Colantuono, Highsmith & Whatley's Pasadena office who has specialized in representing cities, special districts, joint powers agencies, and other public agencies since 2011. He serves as City Attorney for the Cities of Barstow, Calabasas and Ojai, and as General Counsel for Eco-Rapid Transit, a 15-city joint powers agency working towards development of a light rail line along the Gateway Cities corridor in Los Angeles County. His practice covers the full range of public law issues, including

land use, elections, conflicts of interest, open meetings and public records, public works and public contracting, labor and employment, post-redevelopment advice and litigation, cannabis regulation and enforcement, telecommunications, public agency litigation, LAFCo proceedings, and the California Environmental Quality Act (CEQA). Matt also advises the Cities of Sierra Madre and South Pasadena, as well as our other general and special counsel clients. Matt received his J.D. cum laude from the University of California, Hastings School of Law, in 2011 where he was an Articles Editor of the Hastings West-Northwest Journal of Environmental Law & Policy. He graduated from Reed College with a Bachelor's degree in Economics in 2008 and is a member of Phi Beta Kappa.

Gordon Mangel, Special District Member, Nevada LAFCo - Born and raised in Southern California, Gordon spent 34 years in Law Enforcement, working mainly for the court system including the Presiding Judge of Los Angeles County for eight years. He became a member of Nevada County Grand Jury in 2015 and served as Foreperson for two years, leaving in 2020. In 2021, Gordon became a member of the Penn Valley Fire Protection Board of Directors and was elected by the Nevada County Special Districts to serve as District Member on Nevada LAFCo. Gordon also served as Board member for Gold Country Softball for several years. He holds a degree in animal science from California State Polytechnic University, Pomona.

Isabel Safie, Partner, Employee Benefits Practice Group of Best Best & Krieger LLP - Isabel is a partner in the Employee Benefits Practice Group of Best Best & Krieger LLP. She works with public and private sector clients on the design of employee benefit programs and issues related to those programs. Isabel also advises public agencies on their ability to modify or reduce pension and retiree health benefits under California's vested rights doctrine, and provides guidance on fiduciary obligations under

ABOUT THE SPEAKERS

federal, state and local pension laws. Isabel has substantial experience in all things related to CalPERS – in both its pension and health benefit programs – and has assisted her clients favorably resolve a variety of matters, including new agency eligibility determinations, membership eligibility, compensation earnable determinations, compliance reviews and resolutions, and retiree employment matters. She graduated from the University of California Los Angeles, School of Law, and received a Bachelor's degree in political science with a minor in human biology from Stanford University.

Jim Bagley, Chair, San Bernardino LAFCo - Jim currently serves as the Chair for San Bernardino LAFCo. His first position on the Commission began in 2001 as a City Member, and his second role began in 2008 as a Public Member. Professionally, Jim is a real estate broker and has served in the following public agencies: Twentynine Palms Water District (Board member); City of Twentynine Palms (Mayor, Mayor Pro Tem, and Council member); San Bernardino Associated Governments (President, Vice President, and member); Southern California Association of Governments (member); California League of Cities (Board member, Desert Mountain Division President and Vice President); Bureau of Land Management's Desert District Advisory Council (member); Real Estate Specialist for the Department of Defense; and, to this day, San Bernardino County Airport Commission (Chair, Vice Chair, and currently member). Jim's family has been part of the Twentynine Palms community for three generations. Serving his community, Jim has been active in the Rotary Club, Chamber of Commerce and the Board of Realtors. In addition, he is a commercial pilot and a FAA certified flight instructor. Jim received a Bachelor's degree in political science from the University of California Los Angeles.

Samuel Martinez, Executive Officer, San Bernardino LAFCo - Sam is the Executive Officer for San Bernardino LAFCo. He joined

San Bernardino LAFCo as an Analyst in 2003, moved up to Senior Analyst in 2008, promoted to Assistant Executive Officer in 2011, and was appointed Executive Officer in 2018. Prior to joining LAFCo, Sam was a planner for the County of San Bernardino.

Michael Tuerpe, Sr. Analyst San Bernardino LAFCo - Michael has been with San Bernardino LAFCo for 17 years. He has completed more than 100 individual service reviews and four countywide service reviews for the largest county in the state. Michael has degrees from the University of California Los Angeles and the University of Southern California, as well as having served as an officer in the Air Force.

Jurg Heuberger, Executive Officer, Imperial LAFCo - Jurg worked for the Land Use Department in Imperial County from 1975 to 2010, serving as the Planning Director for the last 26 years. He became the Executive Officer of LAFCo in 1985 while LAFCo was still under county staffing. In 2010, Imperial LAFCo became totally independent, and he has continued to serve as Executive Officer. Jurg has a degree in architecture from California Polytechnic State University at San Luis Obispo. He serves on several boards including the Imperial County Historical Society and was a founding member and is still on the Board of Imperial Valley Telecommunications Authority (IVTA). IVTA provides high speed internet services to all 33-member public agencies in Imperial County. Jurg was born and raised in Switzerland.

Paula Graf, Sr. Analyst, Imperial LAFCo - Paula began working for Imperial LAFCo in 2015 as a limited-time clerk and has since moved up to Senior Analyst. Prior to joining LAFCo, Paula worked as an Accounting Assistant and Assistant Property Accounts Manager. She enjoys camping and hiking to get away from the noise of the day-to-day.

Holly Whatley, Shareholder, Colantuono, Highsmith & Whatley, PC - Holly is a shareholder at Colantuono, Highsmith & Whatley, PC. She serves as General Counsel to San Diego County LAFCo and is Conflicts

Counsel for San Bernardino LAFCo. She also litigates on behalf of public agencies throughout the state, including LAFCos. Her LAFCo-related experience includes litigating a Rev. & Tax. 99 property tax negotiation dispute, island annexation disputes, election law disputes regarding voter approval of reorganizations, and disputes regarding property tax implications of reorganizations.

Andy Vanderlaan, Public Member, San Diego LAFCo - Commissioner Andrew "Andy" Vanderlaan has served as a Public Member on the San Diego LAFCo since his initial appointment in 1996. Andy also served as an elected Board member of CALAFCO between 2011 and 2012. He is a retired public safety professional and most recently served as Fire Chief for the North County Fire Protection District. During his tenure with the North County Fire Protection District, Andy served as an elected member of the Special Districts Advisory Committee. He currently resides in the unincorporated community of Bonsall.

Gary Thompson, Executive Officer, Riverside LAFCo - Gary began his service as Executive Officer in May 2019, after previously serving five years as City Manager for the City of Jurupa Valley. Gary has more than 18 years of local government experience, and unique experience in understanding the methodologies and legal boundaries associated with formation and implementation of municipal agencies, municipal agency management and financing, and setting municipal level policy. Gary also previously served in a consulting capacity to several LAFCos throughout California, working on various projects including municipal service reviews, sphere of influence updates, incorporation fiscal analyses, and special studies. He also worked for 30 years in the federal sector, a significant portion in management level positions within various agencies of the Department of the Navy. Gary holds a Bachelor's degree in business administration from California State University, Long Beach, and an Associate in

Science degree from Long Beach City College.

Priscilla Mumpower, Local Government Analyst II, San Diego LAFCo - Priscilla joined the San Diego LAFCo in August 2020 and currently serves as a Local Government Analyst II. As a San Diego native, she aspires to positively impact and contribute to San Diego communities. Previously, Priscilla worked in the hospitality industry as a Human Resources Manager. She received her undergraduate degree from Arizona State University, College of Public Service and Community Solutions. When not at work, she enjoys spending time with her family.

Carolyn Emery, Executive Officer, Orange LAFCo - Carolyn joined OC LAFCo in 2000. With more than 25 years of experience in local and state government, Carolyn provides executive leadership on agency projects that include developing governance alternatives involving infrastructure challenges and facilitating solutions through the vehicles of urban and regional planning. As Executive Officer, she is responsible for the agency's external relations and the development of annual strategic plans, work plans and the operational budgets. Carolyn also serves on multiple committees and boards, including the Orange County Council of Governments, Center for Demographic Research Management Oversight Committee, and the CALAFCO Legislative Committee. Prior to joining Orange LAFCo, Carolyn worked with the City of Los Angeles Commission on the Status of Women, established by Mayor Tom Bradley. She earned a Bachelor's degree in political science and a Master's degree in public policy and administration from California State University, Long Beach. She is also a graduate of the Stanford University Bill Lane Center Local Governance Summer Institute and the Coro Southern California Women in Leadership Cohort. Carolyn is a member of the International City/County Management Association (ICMA) and Women Leading Government (WLG).



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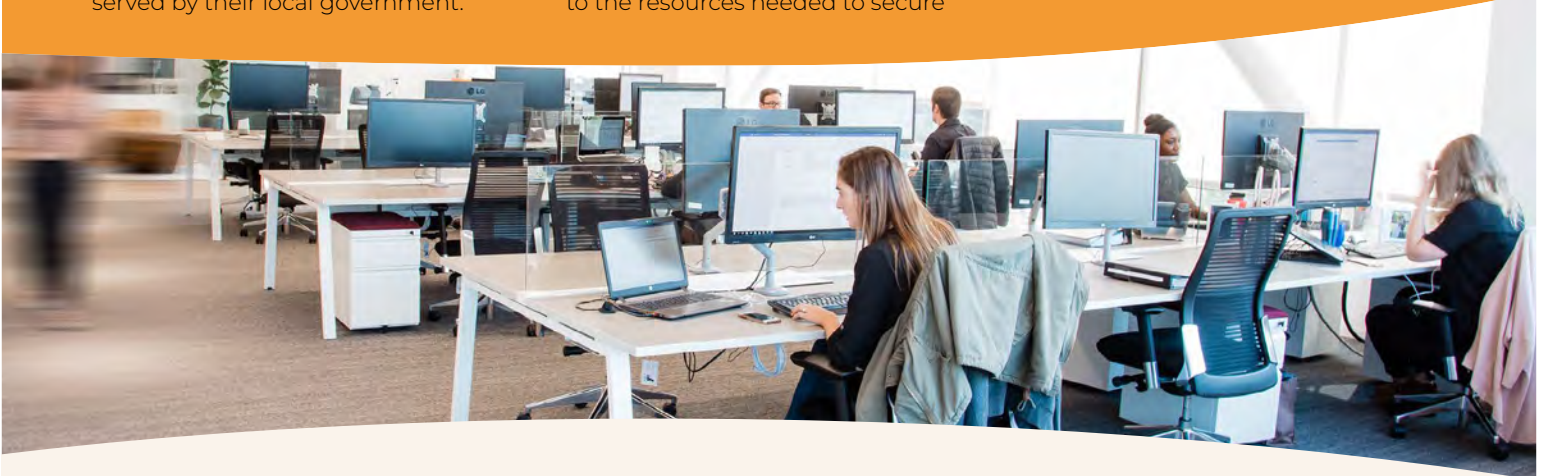
At RSG, Municipal Service Reviews, Sphere of Influence Updates, and annexation studies are all part of our suite of Fiscal Health services. We care deeply about helping our client communities thrive, so these services are about more than just compiling data and filing a report. They are essentially about nurturing community livelihood. Think of fiscal health as the oxygen of a community. A local government with robust fiscal health can fully function to meet the needs of its residents and businesses, rather than struggling to meet the same demands but with limited capability.

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- Rim Communities Incorporation Feasibility Study – San Bernardino LAFCO
- Southwest Region MSR Update – Orange LAFCO (Underway)
- Fire Services MSR Update – Siskiyou LAFCO (Underway)
- La Mirada and Whittier MSR and SOI Update – LA LAFCO
- Water Districts MSR and SOI Update – Yolo LAFCO
- 28 City MSR and SOI Update – Riverside LAFCO
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520 MAIN STREET

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February 13, 2023

April 17, 2023*

June 12, 2023

August 14, 2023

October 16, 2023*

December 11, 2023

Regular meetings of the Commission are scheduled for the second Monday of every other month at 10:00 a.m. in the Board of Supervisors Chambers, 520 Main Street, Quincy, California. Regular meetings are scheduled during the months of June, August, October, December, February and April. Alternate regular meeting dates are scheduled in July, September, November, January, March and May at the same time and location as regular meetings. The Commission may, at its own discretion, meet at a different time or place from time to time, provided that public notice of such time and place is given in accordance with the Ralph M. Brown Act, Government Code Section 54954 et. seq. and applicable provisions of the LAFCO Act.

The Chair may call a special meeting of the Commission. The Chair shall call a special meeting if requested by two or more Commissioners. Any special meetings of the Commission shall be called in the manner provided by Section 54956 of the Government Code. The order calling the special meeting shall specify the time and place of the meeting and the business to be conducted and no other business shall be conducted at that meeting. The special meeting may be called for any day prior to the date established for the next regular meeting of the Commission.

PLANNING FOR A SUSTAINABLE AND PREDICTABLE FUTURE

Clarifying LAFCo Authority to Determine Government
Code Section 56133(e) Exemption Eligibility

2022



California Association of Local Agency Formation Commissions (CALAFCO)
San Diego County LAFCo - Butte LAFCo - Ventura County LAFCo

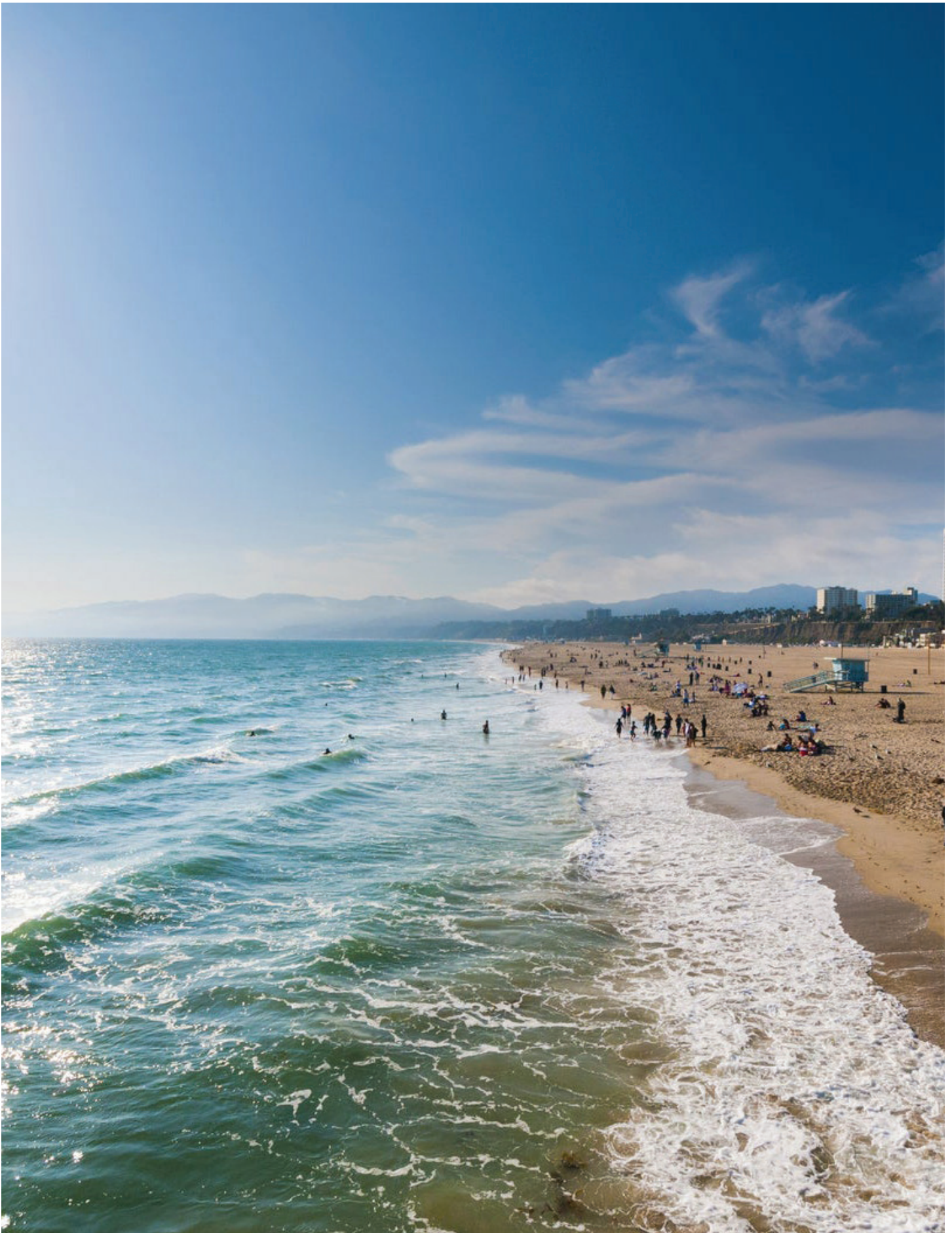




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INTRODUCTION

Good Planning Requires Oversight

The State of California has a history of prolific and, at times, unplanned growth but none more pronounced than in the years following World War II. Between 1940 and 1960 the population doubled and by the early 1960's California became the most populous state in the nation.¹ This rapid rise in population after the war led to rapid conversion of open space and agricultural land into suburbs. However, without oversight or a planning strategy, the resulting infrastructure was often haphazard or duplicative, which led to inefficiencies in service delivery while consuming valuable agricultural land.² The California legislature recognized the need for a separate yet local entity to provide oversight in the planning and provision of services, and enacted legislation creating Local Agency Formation Commissions (LAFCOs). The year was 1963, long before the words climate change or sustainability crept into the lexicon, yet the action was nonetheless prescient as strategic planning today is considered a core principle in sustainable infrastructure.³

In fact, a 2016 Brookings Institute report titled *Delivering on Sustainable Infrastructure for Better Development and Better Climate* found that sustainable infrastructure not only is key to avoiding extreme climate change but does so without deterring economic growth.

However, beyond that, sustainable infrastructure is also:

...the key to poverty reduction and societal well-being in part because it enhances access to basic services and facilitates access to and knowledge about work opportunities, thus boosting human capital and quality of life. Sustainable infrastructure helps reduce poverty and extreme hunger, improve health and education levels, assist in attainment of gender equality, allows for the provision of clean water and sanitation, and provides access to affordable energy for all.⁴

Additionally:

...badly designed infrastructure can have significant adverse distributional, environmental and health impacts that can worsen poverty levels. Literature is abundant with examples of large-scale infrastructure investments that exacerbated income inequality, resulted in increased mortality and morbidity rates, and wrought irreversible ecosystem damage.⁵

¹ James N. Gregory. "The Shaping of California History." Encyclopedia of American Social History (New York: Scribners, 1993).

² CALAFCO. "What is LAFCO's History?" <https://calafco.org/lafco-law/faq/what-lafcos-history>

³ Shirin Malekpour, Rebekah R. Brown, Fjalar J. de Haan. "Strategic planning of urban infrastructure for environmental sustainability: Understanding the past to intervene for the future." *Cities*, Volume 46, 2015, Pages 67-75.

⁴ Amar Bhattacharya, Joshua P. Meltzer, Jeremy Oppenheim, Zia Qureshi, Nicholas Stern. "Delivering on Sustainable Infrastructure for Better Development and Better Climate." Global Economy and Development at Brookings Institution. The New Climate Economy, Global Commission on the Economy and Climate. December 2016. p 2.

⁵ Ibid. p 5.

Fortunately, the state legislature gave LAFCOs the regulatory oversight to provide this exact type of strategic land use and service planning through service reviews that they conduct when determining the spheres of influence (or the probable service boundaries) of an agency. Clearly, the stakes to ensure good planning of infrastructure and services could not be higher. That is why it is problematic when local entities avoid or ignore the LAFCo process.

This paper considers the lack of coordination and communication between agencies that ensues when cities and special districts inappropriately determine to go it alone and exempt themselves from notifying LAFCo – the defined regulatory agency for agency boundary changes and service provision – of extending services beyond their boundaries. Due to a lack of clarity, some agencies incorrectly assume they are exempt from LAFCo review under Government Code Section 56133(e) – a section that provides only limited conditions for such exemptions. This paper also considers the ramifications of this lack of clarity, including who determines whether a condition for exemption has been met and whether the proposed service provider is the most efficient and appropriate.

This paper is a collaboration of the California Association of Local Agency Formation Commissions (CALAFCO), and staff from Butte LAFCo, San Diego LAFCo, and Ventura LAFCo and is based on the experiences of a number of LAFCOs.



BACKGROUND



In 1963 when LAFCOs were created, the Legislature had three main policy objectives:

1. Discouraging urban sprawl;
2. Preserving open-space and prime agricultural lands; and,
3. Encouraging the efficient provision of government services and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances.⁶

⁶ California Government Code Sections 56001, 56300, 56301, 56375.

Those objectives, and all LAFCo authorities, are codified under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000⁷ which delegates the Legislature's power to coordinate and oversee the boundaries of cities and special districts to LAFCOs, as well as to provide regional growth management services.

Known as the Legislature's "watchdog" for local governance issues⁸, each LAFCo is governed by a board of locally elected officials, including city council members, county supervisors, representatives from special districts (in 32 of the 58 LAFCOs), and at least one member of the public appointed by the other members.

For LAFCOs to achieve their objectives, the Legislature empowered them with the exclusive authority to determine the jurisdictional boundaries and service areas for each city and special district in the state. Indeed, a city or district must seek LAFCo approval to expand its jurisdictional boundaries or provide a service outside its jurisdictional boundaries. Coordinating and overseeing city and special district boundaries and service areas means LAFCOs in each of the 58 counties have direct oversight on who can most efficiently provide services, the timing and location of development, and the type of services that are and are not available to support the development.

It is the Legislature's preference that municipal services should only be provided to territory that is within a service provider's jurisdictional boundaries and, to this end, it has placed limitations on the ability of a city or district to provide services outside those boundaries. State law provides that LAFCOs shall have the power "To authorize a city or district to provide new or extended services outside its jurisdictional boundaries pursuant to Section 56133."⁹ Government Code Section 56133 requires that a city or district obtain LAFCo approval in order to provide a new or extended service by contract or agreement outside its boundaries.¹⁰

However, the Legislature has limited LAFCo authority to approve such a service to two narrow circumstances:

1. The service is in anticipation of a later change of organization to be approved by LAFCo, usually annexation.¹¹ This ensures that the territory to be served will eventually be brought within the jurisdictional boundaries of the service provider in the future.
2. The service is to respond to an existing or impending threat to public health and safety,¹² as determined by LAFCo. This ensures that the service will not induce development but is limited to addressing public health and safety.

⁷ California Government Code Sections 56000-57550.

⁸ Fifth District: 274 Cal.App.2d 545. 1 July 1969

⁹ Government Code Section 56375(p)

¹⁰ Government Code Section 56133(a) – "A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the [local agency formation] commission of the county in which the affected territory is located."

¹¹ Government Code Section 56133(b) – "The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization."

¹² Government Code Section 56133(c) – "The commission may authorize a city or district to provide new or extended services 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..."

Absent LAFCo's determination that either of these two circumstances exist, LAFCo has no authority to approve the service and, as a result, the city or district has no authority to provide the service. It is this limitation on the authority of cities and special districts that prevents them from bypassing LAFCo review when proposing to extend services outside their boundaries.

However, state law identifies certain service scenarios under which a city or district may provide services outside its boundaries without obtaining LAFCo approval. The Legislature took care to limit these "exemptions" to services that will not induce or promote development, again ensuring that LAFCo review is necessary for services that would promote development.

California Government Code Section 56133(e) outlines these exemptions as follows:

1. Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services 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 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 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.

While the language seems relatively clear cut at first reading, the lack of clarity has led to problems in the field that undermine the Legislature's intent for planning oversight by LAFCo. These exemptions have sometimes been utilized improperly as a "loophole" by local agencies to bypass LAFCo altogether; from executing contracts to sell water during a drought and utilizing a self-determined definition of "surplus water," to providing new and extended services which should be subject to thorough and transparent consideration by LAFCo on behalf of the general public. When confronted with the erroneous interpretation, some local entities have withdrawn their service contracts and initiated a LAFCo application; however, others, have been recalcitrant and uninterested in coordination with all affected local agencies.

Additionally, these self-exempted services lack the transparency and public process offered by LAFCo that is demanded by the taxpayers of the cities and districts who ultimately are responsible for funding the service. In addition, bypassing LAFCo review removes LAFCo as the external check to ensure that agricultural and open space lands are not being converted prematurely – as is the codified desire of the State of California.

In recent years, local LAFCOs have unearthed an increasing number of service contracts that have gone unreported and unevaluated by LAFCo because the parties to the contract, despite the clear intent of the law, self-determined that LAFCo notification was not necessary. Such contracts are not only the antithesis of strategic regional planning, which is the core of sustainable infrastructure, but they also are occurring in a fashion that is not transparent to district users, offer no oversight regarding the provision of services to disadvantaged unincorporated communities, and hold no guarantees of efficiency or that agricultural and open space land will be protected.



Discovery of these contracts after the fact requires significant local agency staff time to research, coordinate, and interface with local entities. Additionally, while the threat of litigation can and has been utilized by a number of LAFCOs to force compliance, not every county has the resources to fund their LAFCOs sufficiently to cover extraneous legal expenses. This last point is of significant importance as it allows those persons or entities with ample financial resources to sidestep the law because the affected LAFCo may be unable to defend itself or the law. Unfortunately, having to address these contracts after the fact consumes taxpayer dollars in the form of additional staff time to address it – with varying amounts of success – or costly litigation which many small counties simply cannot afford.

KEY ISSUES

Some local agencies have entered into contracts to provide new or extended services outside their boundaries, without benefit of LAFCo consideration, using the exemptions under Government Code Section 56133(e).

This practice creates numerous problems including:

1. Conflict Among Agencies

Unintentionally creating conflict between local agencies when a service encroaches into the jurisdiction of another agency and competing for grant money, customers, etc.

2. Disorderly Boundaries

In some instances, the extension of services outside of an agency's jurisdictional boundary in lieu of annexing the territory to the agency – including island areas – can create disorderly service areas. This can lead to jurisdictions with overlapping service areas causing duplicative services and conflict between agencies. In addition, an extension of services outside an agency's boundaries may exacerbate urban sprawl which is under LAFCo's authority to manage.

3. Conflicts with existing Government Code Section 56133(b)

Government Code Section 56133 (b) provides that a city or district may extend a service outside its boundaries only with LAFCo approval and only if the service is in anticipation of a later change of organization, usually annexation, as determined by LAFCo. When agencies fail to check-in with their local LAFCo on an extension of service, they undermine LAFCo's authority in determining whether this extension is in anticipation of a future annexation. Pertinently, this results in: (a) inhibiting LAFCo's ability to exercise its current authority to manage the orderly growth of an agency, and (b) allows agencies to extend their service areas without oversight or consideration of the current and future needs of the community.

4. Undermining the Legislature's Intent and LAFCo Authority

LAFCOs are empowered by the Legislature to coordinate the orderly delivery of municipal services in concert with community needs and in step with regional growth management objectives. Together these are the main principle of strategic planning and, by extension, the core of sustainable infrastructure which alleviates a host of societal problems. Self-exempted service contracts create unnecessary costs and liabilities that are otherwise completely avoidable and significantly reduce a LAFCo's ability to plan sustainable infrastructure.

5. Creates Unpredictably in the Development Process

Private landowners make significant decisions about property based on established norms and laws and when these laws are not implemented equally throughout the community, county or state, the resulting uncertainty is troubling.

Development interests are also denied the predictability and certainty of the consistent implementation of local land use laws and the carefully planned and financed local infrastructure plans.

KEY EXAMPLES

EXAMPLE 1

Mission Resource Conservation District (San Diego County)

In July 2018, San Diego LAFCo received a formal written complaint from the Resource Conservation District of Greater San Diego County alleging that the Mission Resource Conservation District was providing new and extended services by contract beyond its jurisdictional boundary. The complaint alleged that Mission RCD actively solicits, receives, and acts on grant awards to provide services (vegetation control, irrigation audits, etc.) outside of its boundary and within the boundary of the RCD of Greater San Diego County.

Upon review of the complaint the San Diego LAFCo found the claims to be substantiated and in March 2019 issued a Cease and Desist order directing Mission RCD to immediately stop specified outside service activities due to failure to comply with Government Code Section 56133. Mission RCD responded to the cease and desist order by formally self-exempting themselves at a public Board meeting and in doing so citing eligibility to do so under Government Code Section 56133(e) despite the objections from San Diego LAFCo. The issue remains an open dispute with litigation on multiple fronts remaining a distinct possibility.

EXAMPLE 2

City of American Canyon/County of Napa (Napa County)

During the preparation of an inaugural Municipal Service Review (MSR) (2003-2004) on the City of American Canyon, Napa LAFCo became aware that the City was providing new and extended water services - outside its jurisdictional boundary - and predominantly within the County Airport Industrial Area located north of the City.

The enactment of Government Code Section 56133 was flagged in the MSR and proceeded to become the subject of a stand-alone analysis performed in 2007 by Napa LAFCo. Attorneys for both American Canyon and the County of Napa asserted that the City was exempt from needing LAFCo approval under Government Code Section 56133(e) so long as the outside services were within an extended "service area." Napa LAFCo proceeded – as a compromise championed by the County – to retroactively and prospectively approve all outside water service extensions within a geographically defined area (Napa County Airport and Industrial zoned lands) while directing the City to comply with Government Code Section 56133 for any future new and/or extended outside services. This latter directive remains in dispute with American Canyon as illuminated in the most recent MSR prepared by Napa LAFCo in 2018-2019.

KEY EXAMPLES

EXAMPLE 3

City of Chico Sewer Connections (Butte County)

In 2013, Butte LAFCo became aware that the City of Chico had connected 62 unincorporated parcels to its sewer system without first obtaining the approval of Butte LAFCo. The City operated under the belief that these sewer connections were somehow exempt from LAFCo review under Government Code Section 56133(e). Once discovered by Butte LAFCo, the City was required to submit a LAFCo extension of sewer services application and pay all associated fees. This issue was on the verge of litigation before the City conceded LAFCo was correct. This misstep by the City seriously delayed the annexation of many unincorporated islands that would have otherwise been annexed in order to receive sewer services and remain consistent with state law to ensure orderly development, logical city boundaries, and the effective delivery of services. The delay in annexation cost some residents the ability to further develop their parcels which ultimately affected housing production and increased development pressure on fringe lands on the edge of the City Sphere of Influence.

EXAMPLE 4

Rock Creek Reclamation District Flood Prevention Projects (Butte County)

The Rock Creek Reclamation District desired to conduct flood control maintenance outside of its jurisdictional boundaries and believed that such efforts were exempt from LAFCo review under Government Code Section 56133(e). While the District may have been well intentioned, it is vitally important that local agency services and functions related to regional public works projects be coordinated with all affected local agencies - which is exactly what the LAFCo process is intended to accomplish.

Butte LAFCo informed the District that theirs was an incorrect reading of the law and requested they submit the proposal to Butte LAFCo. The District finally agreed, but only just before more aggressive steps were undertaken by Butte LAFCo.

LAFCo's role is to ensure that all local agency services provided are consistent with state law to ensure orderly development and the effective delivery of services.



KEY EXAMPLES

EXAMPLE 5

City of Hollister/County of San Benito County (San Benito County)

In 2004, the County of San Benito, the City of Hollister, and the countywide San Benito County Water District entered into a Memorandum of Understanding (MOU) establishing the Hollister Urban Area (HUA). Under the MOU, the City of Hollister agreed to upgrade its wastewater treatment plant to serve approximately 90% of the area identified within the HUA boundary, which was to be developed in the future. However, the agreement was silent on LAFCo's role and ignored the fact that City sewer extensions into the County required LAFCo review and approval.

In November 2012, after the approval of the MOU by all parties, county staff prepared a brief report and Resolution for LAFCo to adopt the HUA boundary at a LAFCo Commission meeting. The report and resolution failed to reference a sphere of influence or formation of an entity that would have been under the purview of LAFCo to establish. Additionally, the report and resolution failed to state that the purpose of having LAFCo adopt the HUA was to satisfy provisions of Government Code (GC) Section 56133. Unfortunately, after Commission approval the City discontinued seeking LAFCo approval of sewer extensions outside the city limits from November 2012 to January 2015. One large project during this post-LAFCo period involved over 1,200 dwelling units.

On January 22, 2015, after both a thorough review of the prior actions to establish the HUA and an introduction of GC Section 56133 to the LAFCo Commission, the Commission adopted a resolution, confirming "...that the City must first request and receive written approval from the Commission" before extending sewer service outside the City limits.

On August 15, 2016, the City of Hollister, despite having been previously advised of LAFCo processes, entered into another agreement - this time with regional potable water service provider Sunnyslope County Water District (CWD). In this agreement, the jurisdictions self-determined that they were exempt, under GC section 56133(e)(1), from LAFCO approval authority. To justify this self-determination, Section 1.02 of that agreement references a 2007 "Billing and Collection Agreement" in which Sunnyslope CWD agreed to collect the monthly sewer bills for the City for any property where the District would collect a water bill. Since the Billing and Collection Agreement was not in accordance with the provisions or intent of GC Section 56133, the City and District were non-compliant with state law. However, Sunnyslope CWD continues to maintain that the City sewer extensions are exempt.

KEY EXAMPLES

EXAMPLE 6

Coachella Valley Water District/City of Coachella (Riverside County)

Riverside LAFCo became aware of the City of Coachella and the Coachella Valley Water District (CVWD) providing new and extended services beyond its jurisdictional boundary in 2021 as part of its Comprehensive Countywide City Municipal Service Review process. The City of Coachella confirmed that it and CVWD are actively providing water and wastewater services outside their boundaries. CVWD boundaries overlaps the City of Coachella's boundaries and SOI boundaries. The City provides wastewater within their Sanitary District which extends outside its boundary, however never requested nor received approval from Riverside LAFCo. Separately, the City provides water outside of its boundary by contract - executed in 2007-2008 - and similarly did not request or receive approval from Riverside LAFCo.

Since the services were extended without benefit of any public process, a conflict has now arisen with the City of Indio who is arguing that they are better suited to service the area with both water and wastewater. Riverside LAFCo is currently reviewing the claims and seeking resolution.

EXAMPLE 7

Lake Sherwood Community Service District (Ventura County)

Ventura LAFCo became aware that the Lake Sherwood Community Services District had since 2001 approved dozens of new potable water service connections to properties located outside its boundaries without LAFCo approval. The CSD, which when formed absorbed most of a private mutual water company, believed that it could provide new water service to any of the properties that were within the now defunct mutual water company, even though they were outside the CSD's boundaries. The CSD never consulted with LAFCo, but instead self-exempted these service extensions from LAFCo review believing that since the mutual water company's existence predated January 1, 2001, serving these properties was exempt from LAFCo review under Government Code Section 56133(e)(4). It was only after multiple meetings and legal opinions that the CSD accepted that these services were not, in fact, exempt from LAFCo review, because the exemption applies only to services that were actually being provided prior to 2001. The resolution to the unlawful connections involved many months of LAFCo staff time, tens of thousands of dollars of taxpayer money, and the formation of new waterworks district, all of which could have been avoided had the CSD been required to consult with LAFCo before providing the services.



PROPOSED SOLUTIONS

Government Code Section 56133(e) should be amended to explicitly confirm that LAFCOs - not local agencies - are the authorized entity to determine whether a contracted service requires LAFCo approval pursuant to Section 56133(b) and (c) or is exempt from the LAFCo process under 56133(e).

This can be accomplished by either:

1. Amending the preface of Government Code Section 56133(e) to add “as determined by the commission”, or
2. By adding a new subparagraph (f), which states: “Final determination regarding the applicability of exemptions under subparagraph (e) above shall rest solely with the commission.”

CONCLUSION

The Legislature clearly and significantly delegated its authority to LAFCOs to regulate, examine and plan for the establishment, expansion, and reorganization (consolidations, mergers, etc.) of cities and most special districts and their municipal services against current and anticipated community needs. This regional planning is a cornerstone of consistent, predictable, and sustainable infrastructure. The intent behind Government Code Section 56133 is to limit new and/or extended municipal services outside of an agency's jurisdictional boundary to ensure that those services do not conflict with the objectives of the LAFCo and the Legislature. Due to this lack of specificity, some contracting public agencies are interpreting Section 56133(e) as not requiring any notification to LAFCo and are, in effect, exempting themselves from any notification to

LAFCo. However, LAFCOs maintain that the legislative intent behind

the Cortese-Knox-Hertzberg Act makes it clear that the final determination of whether a service contract is exempt from

a LAFCo process is a function for the LAFCo – not the contracting entities. The latter is further reinforced

by the fact that a LAFCo's lack of knowledge of a service that has been exempted, even when rightfully exempted, impacts later service review determinations and can introduce situations that LAFCOs were specifically created to prevent: inefficient and duplicative services.

Consequently, an amendment to Government Code Section 56133(e) is needed to clarify and make explicit that it is the LAFCo, and not the contracting service providers, which determines when a proposed new or extended service requires LAFCo approval or whether that service qualifies for an exemption from a LAFCo process under Government Code Section 56133(e).

