



**STANISLAUS LAFCO
LOCAL AGENCY FORMATION COMMISSION**

Sara Lytle-Pinhey, Executive Officer
1010 10th Street, Third Floor
Modesto, California 95354
Phone: 209-525-7660
Fax: 209-525-7643
www.stanislauslafco.org

Chair Terry Withrow, County Member
Vice Chair Tom Dunlop, City Member
Jim DeMartini, County Member
Bill Berryhill, Public Member
Amy Bublak, City Member
Michael Van Winkle, Alternate City Member
Brad Hawn, Alternate Public Member
Vito Chiesa, Alternate County Member

**AGENDA
Wednesday, June 27, 2018
6:00 P.M.
Joint Chambers—Basement Level
1010 10th Street, Modesto, California 95354**

The Stanislaus Local Agency Formation Commission welcomes you to its meetings. As a courtesy, please silence your cell phones during the meeting. If you want to submit documents at this meeting, please bring 15 copies for distribution. Agendas and staff reports are available on our website at least 72 hours before each meeting. Materials related to an item on this Agenda, submitted to the Commission or prepared after distribution of the agenda packet, will be available for public inspection in the LAFCO Office at 1010 10th Street, 3rd Floor, Modesto, during normal business hours.

1. CALL TO ORDER

- A. Pledge of Allegiance to the Flag.
- B. Introduction of Commissioners and Staff.

2. PUBLIC COMMENT PERIOD

This is the period in which persons may speak on items that are not listed on the regular agenda. All persons wishing to speak during this public comment portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk. Each speaker will be limited to a three-minute presentation. No action will be taken by the Commission as a result of any item presented during the public comment period.

3. APPROVAL OF MINUTES

- A. Minutes of the May 23, 2018 Meeting.

4. CORRESPONDENCE

No correspondence addressed to the Commission, individual Commissioners or staff will be accepted and/or considered unless it has been signed by the author, or sufficiently identifies the person or persons responsible for its creation and submittal.

- A. Specific Correspondence.
- B. Informational Correspondence.

- 1. CALAFCO Board Nominations and Achievement Award Nominations Packet.

- C. "In the News."

5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

6. CONSENT ITEM

The following consent items are expected to be routine and non-controversial and will be acted upon by the Commission at one time without discussion, unless a request has been received prior to the discussion of the matter.

- A. **MUNICIPAL SERVICE REVIEW 2018-02 AND SPHERE OF INFLUENCE 2018-03 UPDATE FOR THE ROCK CREEK WATER DISTRICT.** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Rock Creek Water District. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to sections 15306 and 15601(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2018-11.)

7. PUBLIC HEARINGS

Any member of the public may address the Commission with respect to a scheduled public hearing item. Comments should be limited to no more than three (3) minutes, unless additional time is permitted by the Chair. All persons wishing to speak during this public hearing portion of the meeting are asked to fill out a "Speaker's Card" and provide it to the Commission Clerk prior to speaking.

- A. **LAFCO APP. NO. 2017-03 & SOI MODIFICATION NO. 2017-07 – DIVISION 1 NORTH AREA CHANGE OF ORGANIZATION TO OAKDALE RURAL FIRE PROTECTION DISTRICT - CONTINUED FROM APRIL 25, 2018.** The Commission will consider a request to modify the Sphere of Influence and annex approximately 57,595 acres to Oakdale Rural Fire Protection District. The project area is located in the northernmost area of Stanislaus County, adjacent to San Joaquin and Calaveras Counties. LAFCO Staff has determined that the proposal is exempt for the purposes of the California Environmental Quality Act (CEQA) pursuant to Sections 15320 and 15061(b)(3) as the District currently provides services to the area and there is no possibility that the proposed change of organization may have a significant effect on the environment. (Staff Recommendation: Approve the proposal and adopt Resolution No. 2018-05.)

8. OTHER BUSINESS

- A. **RESPONSE TO THE 2017-2018 CIVIL GRAND JURY REPORTS RELATED TO FIRE DISTRICTS.** (Staff Recommendation: Authorize the Chairperson to sign and submit a response letter.)

9. COMMISSIONER COMMENTS

Commission Members may provide comments regarding LAFCO matters.

10. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

The Commission Chair may announce additional matters regarding LAFCO matters.

11. EXECUTIVE OFFICER'S REPORT

The Commission will receive a verbal report from the Executive Officer regarding current staff activities.

- A. On the Horizon.

12. ADJOURNMENT

- A. Set the next meeting date of the Commission for August 22, 2018.
- B. Adjourn.

LAFCO Disclosure Requirements

Disclosure of Campaign Contributions: If you wish to participate in a LAFCO proceeding, you are prohibited from making a campaign contribution of more than \$250 to any commissioner or alternate. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until three months after a final decision is rendered by LAFCO. No commissioner or alternate may solicit or accept a campaign contribution of more than \$250 from you or your agent during this period if the commissioner or alternate knows, or has reason to know, that you will participate in the proceedings. If you or your agent have made a contribution of more than \$250 to any commissioner or alternate during the twelve (12) months preceding the decision, that commissioner or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the commissioner or alternate returns the campaign contribution within thirty (30) days of learning both about the contribution and the fact that you are a participant in the proceedings.

Lobbying Disclosure: Any person or group lobbying the Commission or the Executive Officer in regard to an application before LAFCO must file a declaration prior to the hearing on the LAFCO application or at the time of the hearing if that is the initial contact. Any lobbyist speaking at the LAFCO hearing must so identify themselves as lobbyists and identify on the record the name of the person or entity making payment to them.

Disclosure of Political Expenditures and Contributions Regarding LAFCO Proceedings: If the proponents or opponents of a LAFCO proposal spend \$1,000 with respect to that proposal, they must report their contributions of \$100 or more and all of their expenditures under the rules of the Political Reform Act for local initiative measures to the LAFCO Office.

LAFCO Action in Court: All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCO action in court, you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. All written materials received by staff 24 hours before the hearing will be distributed to the Commission.

Reasonable Accommodations: In compliance with the Americans with Disabilities Act, hearing devices are available for public use. If hearing devices are needed, please contact the LAFCO Clerk at 525-7660. Notification 24 hours prior to the meeting will enable the Clerk to make arrangements.

Alternative Formats: If requested, the agenda will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC 12132) and the Federal rules and regulations adopted in implementation thereof.

Notice Regarding Non-English Speakers: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedure Section 185 which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the Local Agency Formation Commission shall be in English and anyone wishing to address the Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.



STANISLAUS LOCAL AGENCY FORMATION COMMISSION

MINUTES

May 23, 2018

1. CALL TO ORDER

Chair Withrow called the meeting to order at 6:00 p.m.

- A. Pledge of Allegiance to Flag. Chair Withrow led in the pledge of allegiance to the flag.
- B. Introduction of Commissioners and Staff. Chair Withrow led in the introduction of the Commissioners and Staff.

Commissioners Present: Terry Withrow, Chair, County Member
Amy Bublak, City Member
Jim DeMartini, County Member

Staff Present: Sara Lytle-Pinhey, Executive Officer
Javier Camarena, Assistant Executive Officer
Jennifer Goss, Commission Clerk
Robert J. Taro, LAFCO Counsel

Commissioners Absent: Tom Dunlop, Vice-Chair, City Member
Michael Van Winkle, Alternate City Member
Vito Chiesa, Alternate County Member
Bill Berryhill, Public Member
Brad Hawn, Alternate Public Member

2. PUBLIC COMMENT

None.

3. APPROVAL OF MINUTES

- A. Minutes of the April 25, 2018 Meeting.

Motion by Commissioner Bublak, seconded by Commissioner DeMartini and carried with a 3-0 vote to approve the Minutes of the April 25, 2018 meeting by the following vote:

Ayes: Commissioners: Bublak, DeMartini and Withrow
Noes: Commissioners: None
Ineligible: Commissioners: None
Absent: Commissioners: Berryhill, Chiesa, Dunlop, Hawn and Van Winkle
Abstention: Commissioners: None

4. CORRESPONDENCE

- A. Specific Correspondence.
- B. Informational Correspondence.
- C. "In the News"

5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

6. CONSENT ITEMS

- A. **MUNICIPAL SERVICE REVIEW 2018-01 AND SPHERE OF INFLUENCE 2018-02 UPDATE FOR THE SALIDA SANITARY DISTRICT.** The Commission will consider the adoption of a Municipal Service Review (MSR) and Sphere of Influence (SOI) Update for the Salida Sanitary District. This item is exempt from the California Environmental Quality Act (CEQA) review pursuant to sections 15306 and 15601(b)(3). (Staff Recommendation: Approve the update and adopt Resolution No. 2018-09.)

Motion by Commissioner Bublak, seconded by Commissioner DeMartini, and carried with a 3-0 vote approving Resolution No. 2018-09, by the following vote:

Ayes:	Commissioners: Bublak, DeMartini and Withrow
Noes:	Commissioners: None
Ineligible:	Commissioners: None
Absent:	Commissioners: Berryhill, Chiesa, Dunlop, Hawn and Van Winkle
Abstention:	Commissioners: None

7. PUBLIC HEARINGS

- A. **OUT-OF-BOUNDARY SERVICE APPLICATION – TIOGA AVENUE (OAKDALE).** The Commission will consider a request to extend water service outside the City of Oakdale's existing city limits to serve 38 parcels located along Tioga Avenue west of the City's boundary. The request has been submitted to address water quality issues associated with an existing well. The well currently serves the project site and is operated by the Oakdale Irrigation District through Improvement District No. 41, also known as the Mountain View Tract Domestic System. The City of Oakdale, as Lead Agency, has prepared an initial study and adopted a negative declaration pursuant to the California Environmental Quality Act (CEQA). LAFCO, as a Responsible Agency, will consider the negative declaration. (Staff Recommendation: Approve the proposal and adopt Resolution No. 2018-10.)

Javier Camarena, Assistant Executive Officer, presented the item with a recommendation of approval.

Chair Withrow opened the Public Hearing at 6:09 p.m.

Mark Niskanen, City of Oakdale Planner, spoke in favor of the application on behalf of the City.

Chair Withrow closed the Public Hearing at 6:10 p.m.

Motion by Commissioner DeMartini, seconded by Commissioner Bublak, and carried with a 3-0 vote to approve the proposal and adopt Resolution No. 2018-10, by the following vote:

Ayes: Commissioners: Bublak, DeMartini and Withrow
Noes: Commissioners: None
Ineligible: Commissioners: None
Absent: Commissioners: Berryhill, Chiesa, Dunlop, Hawn and Van Winkle
Abstention: Commissioners: None

- B. **FINAL LAFCO BUDGET FOR FISCAL YEAR (FY) 2018-2019.** The Commission will consider the adoption of the final LAFCO budget consistent with Government Code Sections 56380 and 56381. (Staff Recommendation: Approve the Final Budget and Resolution No. 2018-08.)

Sara Lytle-Pinhey, Executive Officer, presented the item with a recommendation of approval.

Chair Withrow opened the Public Hearing at 6:12 p.m.

No one spoke on the item.

Chair Withrow closed the Public Hearing at 6:12 p.m.

Motion by Commissioner DeMartini, seconded by Commissioner Bublak, and carried with a 3-0 vote to approve the Final Budget and adopt Resolution No. 2018-08, by the following vote:

Ayes: Commissioners: Bublak, DeMartini and Withrow
Noes: Commissioners: None
Ineligible: Commissioners: None
Absent: Commissioners: Berryhill, Chiesa, Dunlop, Hawn and Van Winkle
Abstention: Commissioners: None

8. COMMISSIONER COMMENTS

Commissioner DeMartini asked staff when the CALAFCO Annual Conference would be held.

9. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

None.

10. EXECUTIVE OFFICER'S REPORT

- A. On the Horizon. The Executive Officer informed the Commission of the following:
- The June meeting will include the continuation of the Oakdale Rural Fire Protection District item.

- Staff is requesting cancelation of the July 25, 2018 meeting, as the chambers will be closed for audio/visual upgrades. There are no applications for July.

11. ADJOURNMENT

- A. Chair Withrow announced that the next meeting date and time will be June 27, 2018 at 6:00 p.m.
- B. The meeting was adjourned at 6:15 p.m.

SIGNED COPY ON FILE

Sara Lytle-Pinhey, Executive Officer

May 25, 2018

To: Local Agency Formation Commission
Members and Alternate Members

From: Bill Kirby, Committee Chair
CALAFCO Board Election Committee
CALAFCO Board of Directors



RE: Nominations for 2018/2019 CALAFCO Board of Directors

Nominations are now open for the fall elections of the CALAFCO Board of Directors. Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal and operational issues that affect us all. The Board meets four to five times each year at alternate sites around the state. Any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat.

CALAFCO's Election Committee is accepting nominations for the following seats on the CALAFCO Board of Directors:

Northern Region

City Member
Public Member

Central Region

County Member
District Member

Coastal Region

County Member
District Member

Southern Region

City Member
Public Member

The election will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 4, 2018 at the Tenaya Lodge in Yosemite, CA.

Please inform your Commission that the CALAFCO Election Committee is accepting nominations for the above-cited seats until *Tuesday, September 4, 2018*.

Incumbents are eligible to run for another term. Nominations received by September 4 will be included in the Election Committee's Report and will be on the ballot. The Report will be distributed to LAFCo members no later than September 20 and ballots made available to Voting Delegates at the Annual Conference. Nominations received after this date will be returned; however, nominations will be permitted from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting an electronic ballot will be made available if requested in advance. The ballot request must be made no later than Tuesday, September 4, 2018. Completed absentee ballots must be returned by September 28, 2018.

Should your Commission nominate a candidate, the Chair of your Commission must complete the attached Nomination Form and the Candidate's Resume Form, or provide the specified information in another format other than a resume. Commissions may also include a letter of recommendation or resolution in support of their nominee.

The nomination forms and materials must be received by the CALAFCO Executive Director no later than Tuesday, September 4, 2018. Here is a summary of the deadlines for this year's nomination process:

- **May 25** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 4** – Completed Nomination packet due
- **September 4** – Request for an absentee/electronic ballot due
- **September 4** – Voting delegate name due to CALAFCO
- **September 20** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **September 20** – Distribution of requested absentee/electronic ballots.
- **September 28** – Absentee ballots due to CALAFCO
- **October 4** - Elections

Returning the nomination form prior to the deadline ensures your nominee is placed on the ballot. Names will be listed in the order nominations were received should there be multiple candidates. Electronic filing of nomination forms and materials is encouraged to facilitate the recruitment process. Please send e-mails with forms and materials to info@calafco.org. Alternatively, nomination forms and materials can be mailed or faxed to the address or fax number below. Please forward nominations to:

CALAFCO Election Committee c/o Executive Director
California Association of Local Agency Formation Commissions
1215 K Street, Suite 1650
Sacramento, California 95814
FAX: 916-442-6535
EMAIL: info@calafco.org

Questions about the election process can be sent to the Chair of the Committee, Bill Kirby, at wkirby@calafco.org or by calling him at 530-889-4097. You may also contact CALAFCO Executive Director Pamela Miller at pmiller@calafco.org or by calling 916-442-6536.

Members of the 2018/2019 CALAFCO Election Committee are:

Bill Kirby, Chair wkirby@calafco.org	Placer LAFCo (Central Region) 530-889-4097
Debra Lake dlake@calafco.org	Humboldt LAFCo (Northern Region) 707-445-7508
Jo MacKenzie jmackenzie@calafco.org	San Diego LAFCo (Southern Region) 530-295-2707
Margie Mohler mmohler@calafco.org	Napa LAFCo (Coastal Region) 707-259-8645

Attached please find a copy of the CALAFCO Board of Directors Nomination and Election Procedures as well as the current listing of Board Members and corresponding terms of office.

Please consider joining us!

Enclosures

Board of Directors Nomination and Election Procedures and Forms

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.⁸
- b. The Board shall appoint one of the members of the Election Committee to serve as Chairman. The CALAFCO Executive Officer shall appoint a CALAFCO staff member to serve as staff for the Election Committee in cooperation with the CALAFCO Executive Director.⁸
- c. Each region shall designate a regional representative to serve as staff liaison to the Election Committee.⁸
- d. Goals of the Committee are to provide oversight of the elections process and to encourage and solicit candidates by region who represent member LAFCoS across the spectrum of geography, size, and urban suburban and rural population if there is an open seat for which no nominations papers have been received close to the deadline.⁸

2. ANNOUNCEMENT TO ALL MEMBER LAFCoS:

- a. No later than three months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCo for distribution to each commissioner and alternate. The announcement shall include the following:⁸
 - i. A statement clearly indicating which offices are subject to the election.
 - ii. A regional map including LAFCoS listed by region.
 - iii. The dates by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCo marked "Received too late for Elections Committee action."⁸
 - iv. The names of the Election Committee members with the Committee Chairman's LAFCo address and phone number, and the names and contact information for each of the regional representatives.⁸
 - v. The address to send the nominations forms.
 - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
- b. No later than four months before the annual membership meeting, the Election Committee Chairman shall send an announcement to the Executive Director for distribution to each member LAFCo and for publication in the newsletter and on the web site. The announcement shall include the following:⁸

Key Timeframes for Nominations Process	
<u>Days*</u>	
90	Nomination announcement
30	Nomination deadline
14	Committee report released
<small>*Days prior to annual membership meeting</small>	

- i. A statement clearly indicating which offices are subject to the election.
 - ii. The specific date by which all nominations must be received by the Election Committee. Nominations received after the closing dates shall be returned to the proposing LAFCo marked "Received too late for Election Committee action."⁸
 - iii. The names of the Election Committee members with the Committee Chair's LAFCo address and phone number, and the names and contact information for each of the regional representatives.⁸
 - iv. Requirement that nominated individual must be a commissioner or alternate commissioner from a member in good standing within the region.
- c. A copy of these procedures shall be posted on the web site.

3. THE ELECTION COMMITTEE:

- a. The Election Committee and the regional representatives have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.⁸
- b. At the close of the nominations the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated seats. Caucus elections must be held prior to the annual membership meeting at the conference. The Executive Director or assigned staff along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the staff and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.⁸
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.⁸
- f. Post the candidate statements/resumes organized by region on a bulletin board near the registration desk.
- g. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election.⁸
- h. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.⁸

4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING⁶ Limited to the elections of the Board of Directors

- a. Any LAFCo in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCos requesting an electronic ballot shall do so in writing no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the annual meeting.
- d. LAFCo must return the ballot electronically to the executive director no later than three days prior to the annual meeting.
- e. LAFCos voting under this provision may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCos voting under this provision may only vote for the candidates nominated by the Election Committee and may not vote in any run-off elections.⁸

5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:

- a. The Election Committee Chairman, another member of the Election Committee or the Chair's designee (hereafter called the Presiding Officer) shall:⁸
 - i. Review the election procedure with the membership.
 - ii. Present the Election Committee Report (previously distributed).
 - iii. Call for nominations from the floor by category for those seats subject to this election:
 - 1. For city member.
 - 2. For county member.
 - 3. For public member.
 - 4. For special district member.
- b. To make a nomination from the floor, a LAFCo, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy.
- e. The Presiding Officer shall then conduct the election:
 - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
 - 1. Name the nominees and offices for which they are nominated.
 - 2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
 - ii. For categories where there are more candidates than vacancies, the Presiding Officer

shall:

1. Poll the LAFCoS in good standing by written ballot.
 2. Each LAFCo in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.
 3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.⁸
 4. With assistance from CALAFCO staff, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
1. The nominee receiving the majority⁶ of votes cast is elected.
 2. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).⁶
 3. In case of tie votes⁶:
 - a. A second run-off election shall be held with the same two nominees.
 - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.
 4. In the case of two vacancies, any candidate receiving a majority of votes cast is elected.⁶
 - a. In the case of no majority for either vacancy, the three nominees receiving the three highest number of votes cast shall face each other in a run-off election.
 - b. In the case of no majority for one vacancy, the two nominees receiving the second and third highest number of votes cast shall face each other in a run-off election.
 - c. In the event of a tie, a second run-off election shall be held with the tied nominees. If there remains a tie after the second run-off election the winner shall be determined by a draw of lots.

6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names will be listed in the order nominated.
- b. The Election Committee Chair shall announce and introduce all Board Members elected at the Regional Caucuses at the annual business meeting.⁸
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCo may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new board members for the purpose of electing officers, determining meeting

places and times for the coming year, and conducting any other necessary business.

7. LOSS OF ELECTION IN HOME LAFCO

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

8. FILLING BOARD VACANCIES

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

These policies and procedures were adopted by the CALAFCO Board of Directors on 12 January 2007 and amended on 9 November 2007¹, 8 February 2008², 13 February 2009³, 12 February 2010⁴, 18 February 2011⁵, 29 April 2011⁶, 11 July 2014⁷ and 27 October 2017⁸. They supersede all previous versions of the policies.

CALAFCO Regions

FOUR REGIONS



The counties in each of the four regions consist of the following:

Northern Region

Butte
Colusa
Del Norte
Glenn
Humboldt
Lake
Lassen
Mendocino
Modoc
Nevada
Plumas
Shasta
Sierra
Siskiyou
Sutter
Tehama
Trinity
Yuba

CONTACT: Steve Lucas
Butte LAFCo
slucas@buttecounty.net

Southern Region

Orange
Los Angeles
Imperial
Riverside
San Bernardino
San Diego

CONTACT: Carolyn Emery
Orange LAFCo
cemery@oclafco.org

Coastal Region

Alameda
Contra Costa
Marin
Monterey
Napa
San Benito
San Francisco
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
Solano
Sonoma
Ventura

CONTACT: Martha Poyatos
San Mateo LAFCo
mpoyatos@smcgov.org

Central Region

Alpine
Amador
Calaveras
El Dorado
Fresno
Inyo
Kern
Kings
Madera
Mariposa
Merced
Mono
Placer
Sacramento
San Joaquin
Stanislaus
Tulare
Tuolumne
Yolo

CONTACT: Christine Crawford, Yolo LAFCo
christine.crawford@yolocounty.org

**Board of Directors
2018/2019 Nominations Form**

Nomination to the CALAFCO Board of Directors

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCo of the _____ Region

Nominates _____

for the (check one) City County Special District Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.

LAFCo Chair

Date

<p>NOTICE OF DEADLINE</p> <p>Nominations must be received by September 4, 2018 to be considered by the Election Committee. Send completed nominations to: CALAFCO Election Committee CALAFCO 1215 K Street, Suite 1650 Sacramento, CA 95814</p>

Board of Directors 2018/2019 Candidate Resume Form

Nominated By: _____ LAFCo Date: _____

Region (please check one): Northern Coastal Central Southern

Category (please check one): City County Special District Public

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

Personal and Professional Background:

LAFCo Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

NOTICE OF DEADLINE

Nominations must be received by **September 4, 2018** to be considered by the Election Committee. Send completed nominations to:
CALAFCO Election Committee
CALAFCO
1215 K Street, Suite 1650
Sacramento, CA 95814

CALAFCO Board Members 2017-18*(as of May 15, 2018)*

Board Member Name	LAFCo - Region	Type (Term Expires)
Cheryl Brothers	Orange - <i>Southern</i>	City (2018)
Bill Connelly	Butte - <i>Northern</i>	County (2019)
Shiva Frentzen	El Dorado - <i>Central</i>	County (2018)
Gay Jones – Chair	Sacramento - <i>Central</i>	District (2018)
Michael Kelley - Treasurer	Imperial - <i>Southern</i>	County (2019)
Dr. William Kirby	Placer - <i>Central</i>	City (2019)
Debra Lake	Humboldt - <i>Northern</i>	District (2019)
John Leopold	Santa Cruz - <i>Coastal</i>	County (2018)
Gerard McCallum	Los Angeles - <i>Southern</i>	Public (2018)
Michael McGill - Secretary	Contra Costa - <i>Coastal</i>	District (2018)
Jo MacKenzie	San Diego - <i>Southern</i>	District (2019)
Margie Mohler	Napa - <i>Coastal</i>	City (2019)
Anita Paque	Calaveras - <i>Central</i>	Public (2019)
Ricky Samayoa	Yuba - <i>Northern</i>	City (2018)
Josh Susman – Vice Chair	Nevada - <i>Northern</i>	Public (2018)
Susan Vicklund-Wilson	Santa Clara - <i>Coastal</i>	Public (2019)

Date: 25 May, 2018

To: LAFCo Commissioners and Staff
CALAFCO Members
Other Interested Organizations

From: CALAFCO Achievement Awards Committee

Subject: **2018 CALAFCO Achievement Award Nominations**

**CALAFCO
2018
AWARDS**



Each year, CALAFCO recognizes outstanding achievements by dedicated and committed individuals and/or organizations from throughout the state at the Annual Conference Achievement Awards Ceremony.

Recognizing individual and organizational achievements is an important responsibility. It provides visible recognition and support to those who go above and beyond in their work to advance the principles and goals of the Cortese-Knox-Hertzberg Act. We invite you to use this opportunity to nominate the individuals and organizations you feel deserve this important recognition. *Please carefully review the nomination instructions and note the form has changed with the addition of a new section.*

To make a nomination, please use the following procedure:

1. Nominations may be made by an individual, a LAFCo, a CALAFCO Associate Member, or any other organization. There is no limit to the number of nominations you can submit.
2. Please use a separate form (attached) for each nomination. Nominations must be submitted with a completed nomination form. The form is your opportunity to highlight the most important points of your nomination.
3. Nominations must be limited to no more than 1500 words or 3 pages in length maximum. You are encouraged to write them in a clear, concise and understandable manner. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount will be returned.
4. All supporting information (e.g. reports, news articles, etc.) must be submitted with the nomination. Limit supporting documentation to no more than 5 pages. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount will be returned.
5. All nomination materials must be submitted at one time and must be received by the deadline. Electronic submittals are encouraged.
6. **Nominations and supporting materials must be received no later than 5:00 p.m., Friday, August 3, 2018.** Send nominations via e-mail, or U.S. mail to:

Stephen Lucas, CALAFCO Executive Officer
c/o Butte LAFCo
1453 Downer Street, Suite C
Oroville, CA 95965
slucas@calafco.org

Members of the 2018 CALAFCO Board of Directors Awards Committee are:

Mike Kelley, Committee Chair (Imperial LAFCo, Southern Region)
Cheryl Brothers (Orange LAFCo, Southern Region)
Debra Lake (Humboldt LAFCo, Northern Region)
Margie Mohler (Napa LAFCo, Coastal Region)
Anita Paque (Calaveras LAFCo, Central Region)

mkelley@calafco.org
cbrothers@calafco.org
dlake@calafco.org
mmohler@calafco.org
apaque@calafco.org

Please contact Steve Lucas, CALAFCO Executive Officer, at slucas@calafco.org or (530) 538-7784 with any questions. A list of the previous Achievement Award recipients is attached to this announcement.



Nomination Form

NOMINEE - Person or Agency Being Nominated:

Name:

Organization:

Address:

Phone:

E-mail:

NOMINATION CATEGORY (check one – see category criteria on attached sheet)

- Outstanding CALAFCO Member
- Most Effective Commission
- Outstanding Commissioner
- Outstanding LAFCo Professional
- Outstanding LAFCo Clerk
- Outstanding CALAFCO Associate Member
- Project of the Year
- Distinguished Service Award
- Government Leadership Award
- Legislator of the Year (must be approved by the full CALAFCO Board)
- Mike Gotch Courage and Innovation in Local Government Award
- Lifetime Achievement Award

NOMINATION SUBMITTED BY:

Name:

Organization:

Address:

Phone:

E-mail:



2018 Achievement Award Nominations

NOMINATION SUMMARY

In no more than 250 words, summarize why this recipient is the most deserving of this award.

ACHIEVEMENTS

Please indicate the reasons why this person or agency deserves to be recognized (Remember to keep this portion to 1500 words or 3 pages maximum and use additional sheets as needed):



2018 Achievement Award Nominations

CALAFCO ACHIEVEMENT AWARD CATEGORIES

CALAFCO recognizes excellence within the LAFCo community and the full membership by presenting the *Achievement Awards* at the CALAFCO Annual Conference. Nominations are being accepted until *Friday, August 3, 2018* in the following categories:

Outstanding CALAFCO Member	Recognizes a CALAFCO Board Member or staff person who has provided exemplary service during the past year.
Distinguished Service Award	Given to a member of the LAFCo community to recognize long-term service by an individual.
Most Effective Commission	Presented to an individual Commission to recognize innovation, streamlining, and/or initiative in implementing LAFCo programs; may also be presented to multiple Commissions for joint efforts.
Outstanding Commissioner	Presented to an individual Commissioner for extraordinary service to his or her Commission.
Outstanding LAFCo Professional	Recognizes an Executive Officer, Staff Analyst, or Legal Counsel for exemplary service during the past year.
Outstanding LAFCo Clerk	Recognizes a LAFCo Clerk for exemplary service during the past year.
Outstanding CALAFCO Associate Member	Presented to an active CALAFCO Associate Member (person or agency) that has advanced or promoted the cause of LAFCos by consistently producing distinguished work that upholds the mission and goals of LAFCos, and has helped elevate the roles and mission of LAFCos through its work. Recipient consistently demonstrates a collaborative approach to LAFCo stakeholder engagement.
Project of the Year	Recognition for a project-specific program that involved complex staff analysis, community involvement, or an outstanding solution.
Government Leadership Award	Presented to a decision-making body at the city, county, special district, regional or state level which has furthered good government efforts in California.
Legislator of the Year	Presented to a member of the California State Senate or Assembly in recognition of leadership and valued contributions in support of LAFCo goals. Selected by CALAFCO Board.
Mike Gotch Courage and Innovation in Local Government Award	Presented to an individual who has taken extraordinary steps to improve and innovate local government. This award is named for Mike Gotch: former Assembly Member, LAFCo Executive Officer and CALAFCO Executive Director responsible for much of the foundations of LAFCo law and CALAFCO. He is remembered as a source of great inspiration for staff and legislators from throughout the state.
Lifetime Achievement Award	Recognizes any individual who has made extraordinary contributions to the LAFCo community in terms of longevity of service, exemplary advocacy of LAFCo-related legislation, proven leadership in approaching a particular issue or issues, and/or demonstrated support in innovative and creative ways of the goals of LAFCos throughout California. At a minimum, the individual should be involved in the LAFCo community for at least ten years.



CALAFCO ACHIEVEMENT AWARD RECIPIENTS

2017

Most Effective Commission	Los Angeles LAFCo
Outstanding CALAFCO Member	Sblend Sblendorio, Alameda LAFCo
Outstanding Commissioner	John Marchand, Alameda LAFCo
Outstanding LAFCo Professional	Paul Novak, Los Angeles LAFCo
Outstanding LAFCo Clerk	Richelle Beltran, Ventura LAFCo
Outstanding CALAFCO Associate Member	Policy Consulting Associates
Project of the Year	County Services MSR, Butte LAFCo Santa Rosa Annexation, Sonoma LAFCo San Luis Obispo County Public Works Dept.
Government Leadership Award	Kathy Rollings McDonald (San Bernardino)
Lifetime Achievement Award	

2016

Distinguished Service Award	Peter Brundage, Sacramento LAFCo
Most Effective Commission	San Luis Obispo LAFCo
Outstanding CALAFCO Member	John Leopold, Santa Cruz LAFCo
Outstanding Commissioner	Don Tatzin, Contra Costa LAFCo
Outstanding LAFCo Professional	Steve Lucas, Butte LAFCo
Outstanding LAFCo Clerk	Cheryl Carter-Benjamin, Orange LAFCo
Project of the Year	Countywide Water Study, (Marin LAFCo)
Government Leadership Award	Southern Region of CALAFCO
Lifetime Achievement Award	Bob Braitman (retired Executive Officer)

2015

Mike Gotch Courage & Innovation in Local Government Leadership Award	Yuba County Water Agency
Distinguished Service Award	Mary Jane Griego, Yuba LAFCo
Most Effective Commission	Butte LAFCo
Outstanding CALAFCO Member	Marjorie Blom, formerly of Stanislaus LAFCo
Outstanding Commissioner	Matthew Beekman, formerly of Stanislaus LAFCo
Outstanding LAFCo Professional	Sam Martinez, San Bernardino LAFCo
Outstanding LAFCo Clerk	Terri Tuck, Yolo LAFCo
Project of the Year	Formation of the Ventura County Waterworks District No. 38 (Ventura LAFCo) and 2015 San Diego County Health Care Services five-year sphere of influence and service review report (San Diego LAFCo)
Government Leadership Award	The Cities of Dublin, Pleasanton, Livermore and San Ramon, the Dublin San Ramon Services District and the Zone 7 Water Agency
CALAFCO Associate Member of the Year	Michael Colantuono of Colantuono, Highsmith & Whatley
Legislators of the Year Award	Assembly member Chad Mayes
Lifetime Achievement Award	Jim Chapman (Lassen LAFCo) and Chris Tooker (formerly of Sacramento LAFCo)

2014

Mike Gotch Courage & Innovation in
Local Government Leadership Award
Distinguished Service Award
Most Effective Commission
Outstanding CALAFCO Member
Outstanding Commissioner
Outstanding LAFCo Professional
Outstanding LAFCo Clerk
Project of the Year

Government Leadership Award

Legislators of the Year Award
Lifetime Achievement Award

David Church, San Luis Obispo LAFCo

Kate McKenna, Monterey LAFCo

Santa Clara LAFCo

Stephen Lucas, Butte LAFCo

Paul Norsell, Nevada LAFCo

Kate McKenna, Monterey LAFCo

Paige Hensley, Yuba LAFCo

LAFCo Procedures Guide: 50th Year Special Edition,
San Diego LAFCo

**Orange County Water District, City of Anaheim, Irvine
Ranch Water District, and Yorba Linda Water District
Assembly member Katcho Achadjian**

Susan Wilson, Orange LAFCo

2013

Mike Gotch Courage & Innovation in
Local Government Leadership Award
Distinguished Service Award
Most Effective Commission
Outstanding CALAFCO Member
Outstanding Commissioner
Outstanding LAFCo Professional
LAFCo Outstanding LAFCo Clerk
Project of the Year
Government Leadership Award

Legislators of the Year Award
Lifetime Achievement Award

Simón Salinas, Commissioner, Monterey LAFCo

Roseanne Chamberlain, Amador LAFCo

Stanislaus LAFCo

Harry Ehrlich, San Diego LAFCo

Jerry Gladbach, Los Angeles LAFCo

Lou Ann Texeira, Contra Costa

Kate Sibley, Contra Costa LAFCo

Plan for Agricultural Preservation, Stanislaus LAFCo

Orange County LAFCo Community Islands Taskforce,
Orange LAFCo

Senators Bill Emerson and Richard Roth

H. Peter Faye, Yolo LAFCo; **Henry Pellissier**, Los Angeles
LAFCo; **Carl Leverenz**, Butte LAFCo; **Susan Vicklund-Wilson**,
Santa Clara LAFCo.

2012

Mike Gotch Courage & Innovation in
Local Government Leadership Award
Distinguished Service Award
Most Effective Commission
Outstanding CALAFCO Member
Outstanding Commissioner
LAFCo Outstanding LAFCo Professional
Outstanding LAFCo Clerk
Project of the Year

Government Leadership Award
Lifetime Achievement Award

Bill Chiat, CALAFCO Executive Director

Marty McClelland, Commissioner, Humboldt LAFCo
Sonoma LAFCo

Stephen A. Souza, Commissioner, Yolo LAFCo and
CALAFCO Board of Directors

Sherwood Darington, Monterey

Carole Cooper, Sonoma LAFCo

Gwenna MacDonald, Lassen LAFCo

Countywide Service Review & SOI Update, Santa Clara
LAFCo

North Orange County Coalition of Cities, Orange LAFCo

P. Scott Browne, Legal Counsel LAFCos



2018 Achievement Award Nominations

2011

Mike Gotch Courage & Innovation in
Local Government Leadership Award
Distinguished Service Award
LAFCo Most Effective Commission
Outstanding CALAFCO Member
Outstanding Commissioner
Outstanding LAFCo Professional
Outstanding LAFCo Clerk
Project of the Year

Government Leadership Award

Martin Tuttle, Deputy Director for Planning, Caltrans
Mike McKeever, Executive Director, SACOG

Carl Leverenz, Commissioner and Chair, Butte

San Bernardino LAFCo

Keene Simonds, Executive Officer, Napa LAFCo

Louis R. Calcagno, Monterey LAFCo

June Savala, Deputy Executive Officer, Los Angeles LAFCo

Debbie Shubert, Ventura LAFCo

Cortese-Knox-Hertzberg Definitions Revision

Bob Braitman, Scott Browne, Clark Alsop, Carole Cooper,
and George Spiliotis

Contra Costa Sanitary District

**Elsinore Water District and Elsinore Valley Municipal Water
District**

2010

Mike Gotch Courage & Innovation in
Local Government Leadership Award
Distinguished Service Award

Most Effective Commission

Outstanding CALAFCO Member

Outstanding Commissioner

Outstanding LAFCo Professional

Outstanding LAFCo Clerk

Project of the Year

Government Leadership Award

Special Achievement

Helen Thompson, Commissioner, Yolo LAFCo

Kathleen Rollings-McDonald, Executive Officer, San
Bernardino LAFCo

Bob Braitman, Executive Officer, Santa Barbara LAFCo
Tulare LAFCo

Roger Anderson, Ph.D., CALAFCO Chair, Santa Cruz LAFCo

George Lange, Ventura LAFCo

Harry Ehrlich, Government Consultant, San Diego LAFCo

Candie Fleming, Fresno LAFCo

Butte LAFCo

Sewer Commission - Oroville Region Municipal Service
Review

**Nipomo Community Services District and the County of San
Luis Obispo**

Chris Tooker, Sacramento LAFCo and CALAFCO Board of
Directors

2009

Mike Gotch Courage & Innovation in
Local Government Leadership Award

Distinguished Service Award

Most Effective Commission

Outstanding CALAFCO Member

Outstanding Commissioner

Outstanding LAFCo Professional

Outstanding LAFCo Clerk

Project of the Year

Government Leadership Award

Legislator of the Year Award

Paul Hood, Executive Officer, San Luis Obispo LAFCo

William Zumwalt, Executive Officer, Kings LAFCo
Napa LAFCo

Susan Vicklund Wilson, CALAFCO Vice Chair
Jerry Gladbach, CALAFCO Treasurer

Larry M. Fortune, Fresno LAFCo

Pat McCormick, Santa Cruz LAFCo Executive Officer

Emmanuel Abello, Santa Clara LAFCo

Orange LAFCo Boundary Report

**Cities of Amador City, Jackson, Ione, Plymouth & Sutter
Creek; Amador County; Amador Water Agency; Pine
Grove CSD** – Countywide MSR Project

Assembly Member Jim Silva



2018 Achievement Award Nominations

2008

Distinguished Service Award	Peter M. Detwiler , Senate Local Government Committee Chief Consultant
Most Effective Commission	Yuba LAFCo
Outstanding Commissioner	Dennis Hansberger , San Bernardino LAFCo
Outstanding LAFCo Professional	Michael Ott , San Diego LAFCo Executive Officer Martha Poyatos , San Mateo Executive Officer
Outstanding LAFCo Clerk	Wilda Turner , Los Angeles LAFCo
Project of the Year	Kings LAFCo City and Community District MSR and SOI Update
Government Leadership Award	San Bernardino Board of Supervisors
Legislator of the Year Award	Assembly Member Anna M. Caballero

2007

Outstanding CALAFCO Member	Kathy Long , Board Chair, Ventura LAFCo
Distinguished Service Award	William D. Smith , San Diego Legal
Counsel Most Effective Commission	Santa Clara LAFCo
Outstanding Commissioner	Gayle Uilkema , Contra Costa LAFCo
Outstanding LAFCo Professional	Joyce Crosthwaite , Orange LAFCo Executive Officer
Outstanding LAFCo Clerk	Debby Chamberlin , San Bernardino LAFCo
Project of the Year	San Bernardino LAFCo and City of Fontana Islands Annexation Program
Government Leadership Award	City of Fontana - Islands Annexation Program
Lifetime Achievement	John T. "Jack" Knox

2006

Outstanding CALAFCO Member	Everett Millais , CALAFCO Executive Officer and Executive Officer of Ventura LAFCo
Distinguished Service Award	Clark Alsop , CALAFCO Legal Counsel
Most Effective Commission Award	Alameda LAFCo
Outstanding Commissioner Award	Ted Grandsen , Ventura LAFCo Chris Tooker , Sacramento LAFCo
Outstanding LAFCo Professional Award	Larry Calemine , Los Angeles LAFCo Executive Officer
Outstanding LAFCo Clerk Award	Janice Bryson , San Diego LAFCo Marilyn Flemmer , Sacramento LAFCo
Project of the Year Award	Sacramento Municipal Utility District Sphere of Influence Amendment and Annexation; Sacramento LAFCo
Outstanding Government Leadership Award	Cities of Porterville, Tulare, and Visalia and Tulare LAFCo Island Annexation Program
Legislator of the Year Award	Senator Christine Kehoe



2018 Achievement Award Nominations

2005

Outstanding CALAFCO Member	Peter Herzog , CALAFCO Board, Orange LAFCo
Distinguished Service Award	Elizabeth Castro Kemper , Yolo LAFCo
Most Effective Commission Award	Ventura LAFCo
Outstanding Commissioner Award	Art Aseltine , Yuba LAFCo
	Henri Pellissier , Los Angeles LAFCo
Outstanding LAFCo Professional Award	Bruce Baracco , San Joaquin LAFCo
Outstanding LAFCo Clerk Award	Danielle Ball , Orange LAFCo
Project of the Year Award	San Diego LAFCo MSR of Fire Protection and Emergency Medical Services
Outstanding Government Leadership Award	Sacramento Area Council of Governments (SACOG)

2004

Outstanding CALAFCO Member	Scott Harvey , CALAFCO Executive Director
Distinguished Service Award	Julie Howard , Shasta LAFCo
Most Effective Commission Award	San Diego LAFCo
Outstanding Commissioner Award	Edith Johnsen , Monterey LAFCo
Outstanding LAFCo Professional Award	David Kindig , Santa Cruz LAFCo
Project of the Year Award	San Luis Obispo LAFCo Nipomo CSD SOI Update, MSR, and EIR

2003

Outstanding CALAFCO Member	Michael P. Ryan , CALAFCO Board Member
Distinguished Service Award	Henri F. Pellissier , Los Angeles LAFCo
Most Effective Commission Award	San Luis Obispo LAFCo
Outstanding Commissioner Award	Bob Salazar , El Dorado LAFCo
Outstanding LAFCo Professional Award	Shirley Anderson , San Diego LAFCo
Outstanding LAFCo Clerk Award	Lori Fleck , Siskiyou LAFCo
Project of the Year Award	Napa LAFCo Comprehensive Water Service Study
Special Achievement Award	James M. Roddy

2002

Outstanding CALAFCO Member	Ken Lee , CALAFCo Legislative Committee Chair
Most Effective Commission Award	San Diego LAFCo Outstanding
Commissioner Award	Ed Snively , Imperial LAFCo
Outstanding LAFCo Professional Award	Paul Hood , San Luis Obispo LAFCo
Outstanding LAFCo Clerk Award	Danielle Ball , Orange LAFCo
Project of the Year Award	San Luis Obispo LAFCo
Outstanding Government Leadership Award	Napa LAFCo , Napa County Farm Bureau , Napa Valley Vintners Association , Napa Valley Housing Authority , Napa County Agricultural Commissioner's Office , Napa County Counsel Office , and Assembly Member Patricia Wiggins



2018 Achievement Award Nominations

2001

Outstanding CALAFCO Member	SR Jones , CALAFCO Executive Officer
Distinguished Service Award	David Martin , Tax Area Services Section, State Board of Equalization
Outstanding Commissioner Award	H. Peter Faye , Yolo LAFCo
Outstanding LAFCo Professional Award	Ingrid Hansen , San Diego LAFCo
Project of the Year Award	Santa Barbara LAFCo
Outstanding Government Leadership Award	Alameda County Board of Supervisors, Livermore City Council, Pleasanton City Council
Legislator of the Year Award	Senator Jack O'Connell

2000

Outstanding CALAFCO Member	Ron Wootton , CALAFCO Board Chair
Distinguished Service Award	Ben Williams , Commission on Local Governance for the 21st Century
Most Effective Commission Award	Yolo LAFCo
Outstanding Commissioner	Rich Gordon , San Mateo LAFCo
Outstanding LAFCo Professional Award	Annamaria Perrella , Contra Costa LAFCo
Outstanding LAFCo Clerk Award	Susan Stahmann , El Dorado LAFCo
Project of the Year Award	San Diego LAFCo
Legislator of the Year Award	Robert Hertzberg , Assembly Member

1999

Distinguished Service Award	Marilyn Ann Flemmer-Rodgers , Sacramento LAFCo
Most Effective Commission Award	Orange LAFCo
Outstanding Executive Officer Award	Don Graff , Alameda LAFCo
Outstanding LAFCo Clerk Award	Dory Adams , Marin LAFCo
Most Creative Solution to a Multi-Jurisdictional Problem	San Diego LAFCo
Outstanding Government Leadership Award	Assembly Member John Longville
Legislator of the Year Award	Assembly Member Robert Hertzberg

1998

Outstanding CALAFCO Member	Dana Smith , Orange LAFCo
Distinguished Service Award	Marvin Panter , Fresno LAFCo
Most Effective Commission Award	San Diego LAFCo
Outstanding Executive Officer Award	George Spiliotis , Riverside LAFCo
Outstanding Staff Analysis	Joe Convery , San Diego LAFCo Joyce Crosthwaite , Orange LAFCo
Outstanding Government Leadership Award	Santa Clara County Planning Department

1997

Most Effective Commission Award	Orange LAFCo
Outstanding Executive Officer Award	George Finney , Tulare LAFCo
Outstanding Staff Analysis	Annamaria Perrella , Contra Costa LAFCo
Outstanding Government Leadership Award	South County Issues Discussion Group
Most Creative Solution to a Multi-Jurisdictional Problem	Alameda LAFCo and Contra Costa LAFCo
Legislator of the Year Award	Assembly Member Tom Torlakson

**Please join us for the
CALAFCO Annual Conference
October 3 – 5, 2018
Yosemite, California**



CORRESPONDENCE – IN THE NEWS

Newspaper Articles

- The Ceres Courier, May 16, 2018, “General Plan Update Approved.”
- West Side Index, May 17, 2018, “Water rights at stake in annexations”
- West Side Index, May 17, 2018, “City lands new sewer permit.”
- Patterson Irrigator, May 17, 2018, “Planning Commission: Affordable Housing Supporters get their say.”
- The Modesto Bee, May 23, 2018, “Water plant service Ceres, Turlock stalls over MID counsel’s fear of eroding rights.”
- The Modesto Bee, May 24, 2018, “Fire district run amok: Grand Jury finds shoddy records, a shouting board and worse.”
- The Modesto Bee, May 28, 2018, “Salida Fire looks to bill insurance for some of its calls.”
- The Modesto Bee, June 1, 2018, “360,000 Californians have unsafe drinking water. Are you one of them?”
- West Side Index, June 7, 2018, “Ambulance board stipends on table.”

IN THE NEWS – The Ceres Courier, May 16, 2018

GENERAL PLAN UPDATE APPROVED

By Jeff Benziger

The Ceres City Council approved an updated city General Plan Monday after two and a half years of planning.

The new General Plan is intended to guide the growth in Ceres through 2035, said Community Development Director Tom Westbrook. Part of crafting a new general plan required the city to analyze the impacts on the environment as dictated by the California Environmental Quality Act and to adopt mitigation measures.

"It's a very exciting day," said Westbrook on Monday evening. "We're at the goal line of the general plan update process."

The process began in November 2015 with visioning workshops with residents and stakeholders. The public review closed on March 26. On April 30 the Ceres Planning Commission voted to recommend that the City Council approve the update and certify the accompanying Environmental Impact Report (EIR).

Two sticky points of the update was:

- How to treat Faith Home Road, which originally has been planned for decades as a six-lane expressway;
- Zoning for land at McGee and Roeding roads near the Berryhill school campus occupied as Whitmore Charter schools. Originally the city wanted to zone the area for light industrial use but commissioners recommended taking it to low-density residential.

The Planning Commission agreed that Faith Home - which is now a two lane road - should be a four-lane road through Ceres. The council agreed on Monday.

Like she has done in the past, rural resident Patricia Cousins lobbied for Faith Home to remain two lanes but said four lanes was "certainly better than six but two is better than four." She said the city should remain committed to preserving prime ag land surrounding the city.

Ray Dias, who owns property on Faith Home Road, asked the city to assess all traffic needs in the future rather than impact the estimated 60 residents who live along its many miles. He stated his opposition to the designation as an expressway.

The county is planning to develop Faith Home Road as an alternative route for truckers to access the Beard Industrial Tract from Highway 99 by constructing a new bridge spanning the Tuolumne River, which would connect Ceres with Garner Road north of the river.

Mayor Chris Vierra suggested that the Faith Home project is a "much bigger undertaking than most people understand" but said planning is necessary.

"It's not saying we're going to be building it today or tomorrow or even in my lifetime but it's something that we need to properly plan for which is what I think they did in 1997 when they thought they needed six lanes and we're going four," said Vierra.

Ceres Unified School District Supt. Scott Siegel spoke in favor of nixing the light industrial zoning plans near the Berryhill campus.

IN THE NEWS – The Ceres Courier, May 16, 2018 (continued)

"The district's position is that it should be a residential area adjacent to the school - it should not be light industrial," said Siegel. "That is due to the health and welfare impacts that a light industrial usage on those lots directly adjacent to our playgrounds would have."

Councilman Ken Lane suggested perhaps designating the zoning for higher density residential near the school. Councilwoman Linda Ryno disagreed with Lane. He motioned for the change but it failed in the vote.

The general plan encompasses 14,700 acres, including the city limits, Ceres' sphere of influence, adjacent unincorporated areas and Mancini Park. The boundaries for the updated General Plan are nearly the same of the boundaries of the 1997 plan but are being tweaked largely by future road designs, including the Service/Mitchell freeway interchange.

The selected alternative, the Southern Industrial Cluster, would create a cluster of industrial uses within southeast portion of the planning area. The alternative would provide greater industrial development close to the freeway on a wider variety of parcel sizes than currently exists. The cluster would take the place of currently designated (but undeveloped) residential uses. Parcels along Highway 99 have been designated Regional Commercial and further along 99 are designated as Service Commercial. It would take a large area designated for residential use south of Service Road and west of Highway 99 and turn it into General Industrial.

The new General Plan has the capacity for Ceres to produce about 6,500 new housing units and with it an additional 22,000 residents; and over 12 million to 14 million square feet of new non-residential development, or commercial, industrial and office space.

Sophie Martin, the consultant's project manager on the General Plan update, said the General Plan's development capacity is not likely to be what could develop over the 20-year time frame. She said "there is more than enough land capacity within the General Plan planning area to serve the city's needs much beyond the year 2035, so really it's going to be the market and other forces that determine how much development occurs."

The growth plan alternatives may also could result in four times the amount of existing office space, six times the commercial space, and two times the industrial space currently in the city. Westbrook said any of the three alternatives has the capacity to accommodate a 50 percent increase in Ceres' population of 47,000 and a 400 percent increase jobs.

State law mandates that each city and county adopt a comprehensive, long-term general plan. The purpose is to plan for important community issues such as new growth, housing needs, and environmental protection. For example, a general plan is used to project future demand for services such as sewer, water, roadways, parks, and emergency services.

The general plan consists of six elements. They are the Land Use and Community Design, Transportation & Circulation, Agricultural and Natural Resources, Health & Safety, Public Facilities and Services and Economic and Community Development. The Housing Element is not included in the update as it is on its own schedule.

The environmental document is available for download from the city of Ceres' website at www.ci.ceres.ca.us or from the Ceres General Plan Update website at www.ceresgeneralplanupdate.com

Water rights at stake in annexations

Coveted Central California Irrigation District water rights were a point of discussion on pending annexations of property into Gustine and Newman.

And, those water rights were a key factor in the decision of local leaders in each city to scale back the scope of their annexations.

Moving forward, the Southeast Gustine project (comprised mainly of single-family home subdivisions) and the Northwest Newman project (a mix of commercial, business park, residential and other uses) will be annexed in phases rather than one fell swoop.

The larger areas are still part of the overall master plans for each project, city officials explained, but by phasing annexations the lands least likely to be developed in the near future remain out of the city limits with existing uses and water rights intact.

Chris White, general manager for the Central California Irrigation District, recently explained the impacts of annexation on water rights.

The district currently makes two types of water deliveries to landowners, White told Mattos Newspapers, including "in-district" and "Class II."

The Class II deliveries, he said, involve the sale of well water to users.

Class II has important distinctions from in-district water deliveries, White added.

For one, the district provides water to Class II lands on an "if and when available" basis. Water is not provided to Class II lands during a critical water year, when CCID's allocation of surface waters.

In a "non-critical" year, such as 2018, cost is the issue.

The in-district water deliveries cost growers \$13 an acre-foot, White said, while Class II water is priced at \$40 an acre-foot this year.

"I encourage any Class II landowner to have an on-site well," White commented.

When a property is annexed into a city, it is detached from the district.

"Upon detachment, we will convert you from in-district into Class II until such time that development occurs. Once development occurs, we terminate deliveries," White explained.

Owners of annexed properties may be able to transfer their in-district water rights if they are able to acquire a like amount of acreage which can be annexed into the CCID. If they are unable to do so in two years, landowners of detached properties may ask the district to auction their Class II rights to other Class II owners.

"They can get some compensation," White commented.

There is one exception to the policy, White noted. Owners of parcels larger than 20 acres who have protested annexation at the Local Agency Formation Commission (LAFCO) could enter into a recordable agreement with CCID to stay in-district until it subdivides. The process outlined involving Class II lands would also be offered to such property owners.

One reason properties are detached from the district upon annexation is to keep the voting bloc which makes decisions on CCID matters rural in nature.

If properties stayed within the CCID upon annexation, White said, those property owners would have voting rights - and interests which may differ from those of the farming community.

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"We are trying to protect our ag base," he commented.

White said the CCID board has given its permission to work with the city of Newman to determine if, during critical water years, in-district deliveries to city-owned property could be shifted to property slated for first-phase annexation in Northwest Newman.

"I feel fairly positive we can work something out," he commented.

White said CCID has an ongoing relationship with both Gustine and Newman, and has conducted joint groundwater studies with each.

As part of the annexation process, each city will be required to prepare a water supply assessment that will be reviewed by CCID.

The water supply assessments for the pending annexations have not yet been reviewed by the district, CCID engineer Jarrett Martin said earlier this month.

City lands new sewer permit

Water softener restrictions will apply in future years

NEWMAN - The city has received a new discharge permit for its wastewater treatment plant, laying the groundwork for the expansion needed to accommodate planned growth.

City staff members have been working with the state water board for some 13 years on a new permit, according to City Manager Michael Holland.

"This is very significant for the city," he stated when announcing to the City Council in April that the new permit had been received.

The current permit and treatment capacity of the plant as it exists would be sufficient for full build-out of the current city, Holland explained. The new permit sets forth parameters for the plant expansion needed to serve land outside the current city limits but within the sphere of influence where future growth is anticipated.

The sphere of influence includes the 350-acre Northwest Newman project, a mix of commercial, business park and residential uses west of Highway 33 at the north edge of Newman.

"There is still some existing capacity because the city is not built out, but in order to expand past that we will need to do some upgrades and renovations (to the plant)," Holland said. "If Northwest Newman is coming in, we can borrow some existing capacity, but we need to start getting some design issues resolved and plan the first upgrades.

"With Northwest Newman, Phase I is all about jobs. We need to have that capacity to bring in new businesses and jobs for the community," he added.

The initial phase of sewer plant upgrades will most likely be a retrofit to improve efficiency with new technology, Holland said.

"We will be able to process more (flow) within the same footprint," he stated. "After Phase I, we have not determined a long-range plan."

Residents will be impacted by two elements within the discharge permit requirements.

Because of salinity concerns, Holland said, the city is being required to adopt new water softener regulations.

By December 2019, the city must adopt an ordinance which prohibits the installation of new self-regenerating water softener systems (those which discharge sodium, chloride or other saline substances).

By December 2022, the city must adopt an ordinance which prohibits the installation of self-regenerating water softeners to replace existing systems which are failing.

"We went round and round (with the state) on this," he said of the required regulations. "That is one requirement that will have an impact on our residents."

User rates could also be impacted to a degree in the future, Holland said, due to the cost of conducting the added monitoring and groundwater testing required as a condition of the new discharge permit.

Planning Commission: Affordable Housing Supporters get their say

While a large crowd turned out for the April 26 Planning Commission meeting, the group assembled at last Thursday night's commission meeting was smaller, but equally determined to be heard.

They had come to speak regarding a possible reduction of the inclusionary housing mandate in the city's Housing Element that had been on the agenda for the April 26 Planning Commission meeting. (Inclusionary housing is a type of affordable housing).

The change, which has been tabled indefinitely, would have reduced the percentage of inclusionary housing required from the current 15 percent to five.

As the inclusionary housing mandate change was not on this Thursday night's agenda, some of the audience members addressed their concerns during the public comment period of the meeting, the time when anyone attending can bring up issues or concerns that a governing body isn't scheduled to discuss.

John Mataka protested the way the issue was handled during the April 26 Planning Commission meeting. No discussion of the item was allowed during the public comment period of that meeting, and the item was pulled without a public hearing, with the net effect that no public comment was allowed on the item at any point during the meeting.

"I'm very disappointed with the way the meeting was handled," he said, "the (city) attorney put all of you in a bad situation... they took us (the audience members) out of the whole equation and didn't allow us to say anything."

Ernestina Diaz told the council that she has lived in the Patterson area for 30 years, but hadn't been able to afford to buy a house. She raised six daughters in a mobile home, she said, adding, "people (in the audience) know what it's like to live in a small house with a large family."

She said she had come to the meeting in support of the Self-Help housing project because her daughter has applied for a home through the program.

Planning Commission Chairman Ron West sought to clarify that the proposed change, if it had not been pulled, would not have affected the current Self-Help affordable housing project that many in the audience had applied for.

(Generally, a government entity cannot change the rules for a construction project or new business once an application or other process for it has been received or begun.)

"The item has been withdrawn... hopefully you understand that what you'd hoped for has been accomplished," West said. "Even so, we (the Planning Commission) are still willing to listen... We have done nothing to slow down the Villages (which includes the Self-Help project at Walnut Avenue and North First Street). Everybody on this commission wants housing," he added.

A couple of the speakers addressed the experience of living in substandard housing. "We had problems with the sewer," one speaker said. "In 1996, during the floods, we couldn't use the toilets; we couldn't shower – water came up through the drains in the shower. The conditions were horrible. Water came up to the house and we couldn't even leave," she said, adding, "and we lived in that house for 15 years.

The thing that stood out the most is when I was a child during the rainy season," she continued, "there was no pavement, and there was debris all over the streets. The bus stop was half a mile away, so we had to put bags on our shoes because we had to walk on the dirt and mud... So, for us, it's a hope to have a house that we can actually live well in and can afford."

IN THE NEWS – Patterson Irrigator, May 17, 2018 (Continued)

Another speaker spoke against any possible future change to the low-income housing mandate. "The only reason I was able to live in a decent home was a program like this, where my parents were able to help build their house. I understand this would not affect the current project," she said. "I lived in a small house, and slept with three sisters in the same bed. It's not about the current project," she continued, "but 15 percent is really important for low income people like me here in Patterson."

Chairman West repeated that the issue is off the table, adding that "when and if it comes back... I would like to see it come back (for discussion) with all of the kinds of issues that relate to affordable housing. Affordable housing is not easy to do... but with Self-Help," it's possible, he said.

"It was as disappointing for as us as it was for you not to get a chance to talk about it," West said.

Activist Miguel Donoso pushed for agendas and other informational materials to be published in both Spanish and English.

Donoso also questioned the minutes of the April 26 meeting, which made no mention of the fact that there were a large number of attendees, none of whom was allowed an opportunity to speak on the issue.

The planning commissioners agreed. Before the minutes were approved, Planning Commission members and city officials discussed wording to more accurately reflect what had occurred.

City Attorney Tom Hallinan said the minutes "should mention that our office (made the) mistake" of not allowing comment on the item.

Water plant serving Ceres, Turlock stalls over MID counsel's fear of eroding rights

By Garth Stapley

A proposed water plant for Ceres and Turlock faces potentially significant opposition from the Modesto Irrigation District, whose attorney fears potential erosion of water rights because the cities' environmental studies aren't up to snuff, the attorney said.

General Counsel Ronda Lucas in late April blasted the cities' plan in an official letter on behalf of MID, saying, "We have no other option but to object to the project."

Her comments had the effect of halting progress on the water plant, an important project aimed at providing a new tap water source for Ceres and Turlock. Both rely exclusively on groundwater; the plant would treat Tuolumne River water before delivery to the cities.

But Lucas didn't consult with MID board members, some of whom don't agree with her stance, the board's John Mensinger said. MID has a close relationship with the Turlock Irrigation District, which hopes to build and operate the water plant for the two cities.

"For a lot of reasons, I regret the fact that these comments were made," Mensinger said. "I think we should be supporting the plant. I understand the water rights concern, but I think it's unlikely that our water rights would be threatened."

Lucas did not respond to a request for comment Tuesday afternoon. Board chairman Nick Blom said he was aware that Lucas had been preparing the opposition.

The flap was to be aired at an MID board meeting Tuesday morning, but players backed down and said they'll resolve problems at the staff level. A private meeting is set for next week.

TID expressed no such opposition when MID built a similar water plant for the city of Modesto, more than 20 years ago.

The regulatory environment has changed since then, and the sister irrigation districts face significant threats to their water supplies on the Tuolumne at both the state and federal levels.

The partnership of Ceres and Turlock, known as the Stanislaus Regional Water Authority, hopes to begin construction in 2020 at a site along the river near Hughson, and the plant is expected to cost up to \$200 million. Lucas' comments were based on the authority's draft Environmental Impact Report, required by state law for such projects.

"MID does not have adequate assurances the project will not adversely affect our jointly held (with TID) water right," Lucas wrote, charging that the draft EIR contains "deficiencies" and "run(s) counter to the intent" of state environmental law.

Mensinger said, "I understand it's the general counsel's job to be very protective of our water rights. I just would have preferred that this be resolved before the comments were made."

After the MID meeting Tuesday, the board met in closed session on items including evaluating Lucas' performance. No action was taken, MID spokeswoman Melissa Williams said.

The dispute prompted Turlock Mayor Gary Soiseth's resignation three weeks ago as chairman of the Stanislaus Regional Water Authority. He had been a vocal cheerleader for the water plant, including a discussion last month in Washington, D.C. with U.S. Rep. Jeff Denham, R-Turlock, but Soiseth's day job is analyzing state and federal legislation for MID.

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"I made the decision to step down from the SRWA board out of an abundance of caution," Soiseth said Tuesday. "I didn't want my employment to be perceived as a conflict."

Ceres Mayor Chris Vierra, also an authority member, said Lucas' comments were "a little concerning," but added, "I'm hopeful after some discussions there won't be any issues."

"Water rights in California are sacred," said Ceres City Manager Toby Wells. "Everyone is concerned about those; we get it."

"But we're all on the same side of this," Wells said, "and I'm confident we can get to resolution."

Fire district run amok: Grand jury finds shoddy records, a shouting board and worse

By Ken Carlson

When the Stanislaus County civil grand jury turned over some stones at Burbank-Paradise Fire District, it found the district had employed a chief who was married to a board member.

Twice last year, sheriff's deputies were called to board meetings in the fire station to settle fierce arguments between members of the board.

It found disregard for conflict-of-interest rules, sloppy record-keeping and a \$600,000 station remodel that was approved without the board considering more than one bid.

And then there was the sale of an old fire truck.

In a report on the investigation, released this week, the grand jury concluded the fire district is dysfunctional and should be dissolved if reforms recommended in the report are not implemented. District officials attributed the problems to prior management and said they have worked to improve matters.

Burbank-Paradise, founded in 1942, is a small district based in west Modesto that protects a 3-square-mile area with two paid firefighters and 26 volunteers.

Last July, attention was drawn to the fire district when Chief Mike Hillar was fired after being placed on unpaid leave the previous month. In his 26 years with the district, Hillar had a history of friction with the Stanislaus Regional 911 dispatch center and the Modesto Fire Department, but the reasons for his termination were not disclosed.

The grand jury investigated a Sept. 30 complaint alleging Brown Act violations and financial irregularities by the Burbank-Paradise board.

The watchdog agency received no response to its requests for documents other than an abusive call from a board member, the report says.

During the investigation, grand jurors visited the fire station on Beverly Drive to collect documents. They attended board meetings and conducted interviews with the complainant and 10 other people.

The investigation concluded the board was dysfunctional; its elected members lacked training, leadership skills and the ability to communicate.

The report detailed a dozen other findings from a lack of conflict-of-interest policies and bylaws to not providing agendas and minutes for board meetings, failing to provide financial statements and audits and a need for employee job descriptions and grievance procedures.

The husband-and-wife team of Mike Hillar and Pam Hillar, a board member who finally resigned in February, created acrimony and discord among district leaders, the grand jury found.

Witnesses testified that Mike Hillar's spouse did not recuse herself from a closed-door discussion on the chief's termination last year. Under conflict of interest laws for public entities, a board member with a financial interest in a decision should not participate in the discussion or the vote.

Board meetings attended by grand jurors were "loud and argumentative", with directors interrupting each other and holding side conversations. During one closed-door session, board members yelled so loud that grand jurors standing outside the fire station could hear the angry exchanges.

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Often, a board member took minutes by jotting notes on his copy of the agenda and claimed the papers were his personal copies. Other board members claimed they recorded the minutes for their personal use.

Disputes over the details of board decisions led to the use of a voice recorder at meetings. A clerk transcribed the recordings word for word and some of the minutes were stored on a home computer. The grand jury concluded that the district's "meeting minutes failed to meet the minimum requirement for conducting public business."

In other findings:

- The district has spent more than \$30,000 for an attorney hired to defend the district against a potential wrongful termination suit, nearly twice the budgeted amount.
- The district placed financial reports in an unlocked filing cabinet, and kept district credit cards in an unlocked desk for anyone to use.
- A state policy handbook on bidding procedures instructs a fire agency to obtain at least three written bids for a construction project and award the contract to the lowest bidder that meets the agency's needs.

The grand jury never got to the bottom of the sale of a surplus fire truck for \$1,900. Witnesses testified that a buyer paid cash for the vehicle. The money was put in an envelope and placed in former Chief Hillar's desk. "No record is available authorizing the sale or verifying the disposition of the funds received," the report says.

Board Chairman Curtis King said Thursday there's no evidence the \$1,900 was deposited in a district account. "It would not have been reported missing if we knew where it was at," King said. Efforts to reach Hillar were not successful.

The grand jury's portrayal of a fire district in turmoil comes more than two years after Burbank-Paradise voters approved a special tax of \$75 a year for owner-occupied homes, a \$27 increase for homeowners. The fire station remodel was a stated reason for the increase as well as costs of emergency services.

Peter Golling, the current fire chief, said the board has made a lot of changes to comply with public meeting laws and correct other problems in response to the investigation. He noted that district credit cards are now locked up and purchases must be approved by the fire chief.

"I would say this report comes almost a year later," Golling said. "I would say 90 percent of the issues have been resolved since last year."

District officials said they've been advised it's not illegal for married couple Rudy Caro and Dianne Culwell-Caro to serve on the board. Both were first appointed and then elected in November.

County Supervisor Terry Withrow, who is running for re-election, agreed the district has been dysfunctional in the past. He disagreed with the recommendation to consider dissolving the fire district, however.

"At this point, I want to give them a chance to get back on their feet," said Withrow, who expressed confidence in the new chief. "Leadership is everything. They serve a purpose for (the residents and property owners) in the district."

Sara Lytle-Pinhey, executive officer of the Local Agency Formation Commission, which oversees local government boundaries, said Thursday she did not know if the commission would consider dissolving the district without first reading the report. "If there is a dissolution, someone else would have to take over the services," she said. "We would look at how the services would be provided and how it would be financed."

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The grand jury established deadlines for implementing its recommendations between Aug. 1 of this year and Jan. 1, 2019, which suggests it could follow up on the report. It recommends that LAFCo consider elimination of the district and consolidation with another fire department by June 30, 2019.

Salida Fire looks to bill insurance for some of its calls

By Kevin Valine

The Salida Fire Protection District intends to bill the insurance of the people it helps, including when its firefighters respond to car crashes and house fires, though it will not bill for emergency medical calls.

This comes as the Modesto Fire Department and the Stanislaus Consolidated Fire Protection District look to bill for some services as many fire agencies feel pinched by expenses — including pension costs — growing faster than revenues.

The Salida district's board this month voted 5-0 in support of a resolution that lets the district charge for some services. The board also voted 5-0 to hire Fire Recovery USA to send out the bills and collect the payments. Fire Recovery will keep 20 percent of what it collects.

The costs could range from \$487 for a car crash and \$1,461 if firefighters have to free someone trapped in a car to \$448 per hour for a fire engine responding to a fire.

The resolution said in some cases bills will be sent directly to people who receive services. But interim Fire Chief Vern Losh said the board's direction to him is to bill insurance.

"Our intent is not to send grandma to collections," he said. "This is about billing insurance carriers. That's our intent. It's not to go after someone who does not have the financial means to pay a bill."

Losh said the next step is for staff to develop a billing policy and bring that to the board for approval. The policy will spell out what to do if someone does not have insurance or if insurance won't pay. The policy could come to the board by as soon as late June.

State law prevents insurance companies from raising policy holders' rates if insurance companies get a bill, according to a Fire Recovery USA official. The official said insurers are collecting premiums for services provided by fire agencies. But he acknowledged the law could change in the future.

A spokesman with the Property Casualty Insurance Association of America's western regional office in California did not respond to a Thursday request for comment.

Salida plans on billing for services because it's financially strapped. Losh said the district is using \$164,000 in reserves to balance its current budget and will use reserves to balance its upcoming budget. He said billing for some services could bring in \$36,000 to \$40,000 annually.

District voters two years ago narrowly rejected a ballot measure that would have increased the annual fire suppression assessment from \$45 to \$156 per home. The district staffs one of its three fire stations and has eight paid employees, which it supplements with volunteer firefighters.

Stanislaus Consolidated's board held public hearings in April and May about billing for some services. The May hearing drew more than two dozen audience members and several spoke in opposition.

They said they already pay taxes for fire services, Consolidated should learn to live within its means, and seniors on limited incomes might not call 911 if it meant they would get a bill.

Consolidated's board has not decided whether to bill for services and whether it would just bill insurance. It also is considering using Fire Recovery USA. Consolidated estimates billing for some services could bring in \$332,000 annually. It also is using reserves to balance its budget.

The Modesto Fire Department is researching billing insurance companies for emergency medical calls. The department estimates that could bring in \$1 million annually. This proposal is in the early stages, and the City Council would have to approve it.

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Turlock and Ceres fire are not considering billing for fire services, though Turlock has been billing DUI drivers for several years when they crash their cars.

360,000 Californians have unsafe drinking water. Are you one of them?

By Dale Kasler, Phillip Reese and Ryan Sabalow

At the Shiloh elementary school near Modesto, drinking fountains sit abandoned, covered in clear plastic.

At Mom and Pop's Diner, a fixture in the Merced County town of Dos Palos, regulars ask for bottled water because they know better than to consume what comes out of the tap.

And in rural Alpaugh, a few miles west of Highway 99 in Tulare County, residents such as Sandra Meraz have spent more than four decades worrying about what flows from their faucets.

"You drink the water at your own risk," said Meraz, 77. "And that shouldn't be. We have families here with young children."

An estimated 360,000 Californians are served by water systems with unsafe drinking water, according to a McClatchy analysis of data compiled by the State Water Resources Control Board. In many communities, people drink, shower, cook and wash dishes with water containing excessive amounts of pollutants, including arsenic, nitrates and uranium.

The state's water problem, however, is far more pervasive than that number indicates. At least 6 million Californians are served by water providers that have been in violation of state standards at some point since 2012, according to McClatchy's analysis. In some areas, contaminated water is such a common occurrence, residents have almost come to expect it.

"It's ubiquitous," said Darrin Polhemus, the state water board's deputy director for drinking water. "It's pretty extensive across broad swaths."

Now, after years of half solutions, the state is considering its most comprehensive actions to date. Gov. Jerry Brown has asked the Legislature to enact a statewide tax on drinking water to fix wells and treatment systems in distressed communities. Residents and businesses would pay a tax on their monthly water bills, while agriculture would contribute through taxes on fertilizer purchases and fees paid by dairy farmers and feedlot operators.

For the average Californian, the tax would mean paying an additional \$11.40 per year

A two-thirds majority is required for passage of the tax, and a powerful consortium of urban water agencies is trying to defeat the bill, arguing they should not have to pay for what is largely a rural problem. The bill is due to be voted on this summer.

Whether or not the Legislature acts, voters might step in. Proposition 68, a parks-and-water bond on Tuesday's primary ballot, would earmark \$250 million to combat polluted drinking water. A second proposition, which has qualified for the November ballot, would set aside \$500 million to address the problem.

For those who lobby the Legislature on water issues, the influx of dollars would be long overdue. Contaminated water has been acknowledged as a significant problem for decades. In 1995, the U.S. Environmental Protection Agency said California needed \$34 billion to clean up its drinking supplies.

Isabel Solorio has had water issues since she and her husband moved to Lanare, a small farming community south of Fresno, 20 years ago. The water smelled like rotten eggs and had a yellowish color, she said.

In her role as president of the local advocacy group Community United, she travels to Sacramento to lobby on issues such as the drinking water tax.

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"The legislators of this state should have acted several years ago," she said. "It's not fair that we support the state economically, but we don't have clean water."

A greater awareness

Why all the attention to water now?

Six years ago, the Legislature passed the Human Right to Water Act, which recognizes that everyone "has the right to safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes."

The law is only one page long and doesn't appropriate any money or levy any taxes to fund its declaration. But along with California's epic five-year drought and the drinking-water scandal in Flint, Mich., the bill has generated considerable momentum for addressing the dilemma.

"There's more general awareness about drinking water being an issue," said Laurel Firestone, co-executive director of the advocacy group Community Water Center.

California has 3,015 independent water systems. As of May, 269 of these suppliers were out of compliance with state drinking water standards.

Of those 269 water systems, 141 are found in five counties of the San Joaquin Valley: Stanislaus, Madera, Fresno, Tulare and Kern. However, 38 of California's 58 counties have at least one water supplier in violation of state water standards.

In the Valley, 185,000 residents are served by water systems deemed out of compliance by the state water board. The region has some of the highest rates of nitrate contamination in the United States, a problem linked to the widespread application of fertilizer and the runoff from livestock in the nation's most productive farm belt.

High levels of nitrates can reduce oxygen levels in newborns' blood, suffocating them through a disorder called "blue baby syndrome." Studies also have linked nitrates to birth defects and various forms of cancer. Little research has been done, however, to determine whether more people are getting sick because of contaminated water in the Valley.

The Valley's troubles worsened during the drought, when desperate farmers pumped groundwater for irrigation. That lowered water tables throughout the region, bringing nitrates into contact with the intakes of communities' wells. Polhemus said pumping worsened the prevalence of naturally occurring arsenic, one of the biggest water contaminants in the state. Long-term exposure to high levels of the metal has been linked to lung, skin and bladder cancer, along with other illnesses.

In Dos Palos, where the water contains potentially harmful chemicals known as trihalomethanes, Joaquin Garcia has 5-gallon jugs of clean water delivered to his home. Trihalomethanes are found in water systems with inadequate or faulty purification. Long-term exposure to them has been linked to liver and kidney problems and an increased cancer risk.

On the outskirts of town, Victor Navarro's family installed a \$6,000 filtration system to clean the well water. "To be honest, I don't even know if it does anything," said Navarro, 25, who works as a truck driver.

Researchers at UC Davis who have studied the problem say unsafe drinking water goes hand-in-hand with another Valley issue: poverty. Farmworkers and other rural residents generally live in isolated, unincorporated communities served by water districts that lack the resources and expertise to address contamination.

UC Davis professor Jonathan London, lead author of a study published in February, said the prevalence of underfunded water providers is partly a legacy of the Valley's historical development, which segregated Latino workers in farm-labor camps or isolated communities, usually cut off from city services.

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"There are so many of these disadvantaged unincorporated communities, and the water districts have sort of followed," London said.

The result is tens of thousands of Valley residents, many of them poor, with substandard water coming out of their taps. The UC Davis study also said Valley residents often "pay a triple penalty" to obtain safe water: Not only do they face health risks, their water bills tend to be higher, and they have to buy expensive bottled water on top of that.

Water problems, however, aren't limited to the San Joaquin Valley. In San Miguel, not far from Paso Robles' tony wine country in San Luis Obispo County, students and teachers at Pleasant Valley Elementary School have gone without clean water on campus for more than five years because of excessive arsenic.

Children carry around personal water bottles supplied by the school. Water coolers sit next to the unused drinking fountains.

"We haven't gotten too many complaints," said school principal Wendy Nielsen. The school plans on installing a new well and treatment system, funded with state grants, by the end of summer.

State officials estimate 30 schools and day care centers, serving more 12,000 children, have unsafe water.

Tiny systems, big issues

For years, the water piped into Shannon Hoff's mobile home in Isleton, a tiny Delta town around 40 miles south of Sacramento, exceeded state standards for arsenic. The family uses bottled water to drink, cook and brush their teeth. But they have no choice when it comes to bathing.

"What's going to happen to these guys further down the road?" Hoff said, while her 10-month-old son, Hunter, played on the floor beside his 19-year-old sister, Taylor, on a recent afternoon.

The park's owners have spent more than \$500,000 on a new treatment system. After months of regulatory delays, it went online a few weeks ago. The cost of the upgrades will be passed along to the 250 people who live in the park, said Brock Kaveny, the president of Cascade Community Management, the property management firm that runs the park.

Last week, the system malfunctioned, sending gushes of dark brown water into toilets, sinks and showers. Kaveny said the problem was temporary.

"That's not indicative of the water served there," Kaveny said. But residents such as Hoff who have received stacks of notices over the years warning about contamination aren't giving up their bottled water any time soon.

Approximately 2,100 of the state's water systems serve fewer than 500 residents; many of the utilities serve fewer than 75 customers in a single trailer park, school or a subdivision. Often, they are privately run.

Small agencies account for 80 percent of the citations the state water board issues every year. Many are operated by a single employee or volunteers, yet they are required to perform the same duties as a well-funded municipal water district with dozens of staff members serving tens of thousands of people.

"They have almost no capacity," said Polhemus, the state water board official.

While the proliferation of underfunded districts is a widely acknowledged problem, state officials say they have only begun to chip away at it. SB 88, passed in 2015, gives the state water board the authority to force small distressed systems to merge with well-financed municipal water agencies, many of which have boundaries just a few hundred feet away.

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But only a handful of mergers have taken place since the bill passed. Municipal agencies have balked at taking on the expense of upgrading a troubled water system with rusty equipment, inadequate treatment systems and a history of violations, Polhemus said.

Statewide, the water board spent \$243 million in the past year helping local water districts with capital improvements under a joint state-federal program. Since 2014, it also has disbursed \$43 million in Proposition 1 water-bond funds for community water tanks, filtration systems and other upgrades. The state has spent \$14 million shipping bottled water to distressed water providers since 2014.

The Brown administration says far more money is needed to correct the problem.

'We are paying'

Enter the proposed drinking-water tax.

The bill would raise an estimated \$140 million a year, with most of the money going to help disadvantaged communities fix their contamination problems. Residential water bills across the state would increase by 95 cents per month. Low-income earners would be exempted from the tax. Businesses would pay \$4 to \$10 a month.

In addition to the \$110 million those taxes would generate, agriculture would kick in another \$30 million a year through a tax on fertilizer as well as dairy production and livestock feedlots, said Sen. Bill Monning, D-Monterey, who introduced a similar proposal last year. In return, farmers would receive some regulatory relief: As long as they follow "best practices" on limiting nitrate discharges, they would be freed from disciplinary action by the state water board, Monning said.

The bill's supporters include a strange-bedfellow alliance of farmers and environmental-justice advocates, but Monning said it will take "a big lift" to get the two-thirds majority the tax needs for passage in the Legislature. Two Republican senators co-authored the bill, but no Assembly Republicans have voiced support for it, said Assembly Republican leader Brian Dahle, R-Bieber.

The Association of California Water Agencies, which represents the big urban suppliers, is trying to kill the bill. Tim Quinn, the association's executive director, said a problem caused to a considerable degree by farming shouldn't be solved "by putting a charge on somebody's bill in Los Angeles or San Diego or San Francisco." He said other funding sources should be explored instead.

The Brown administration, however, said the problem of unsafe water isn't just agriculture's fault, so farmers shouldn't have to pay more than their fair share.

"We are paying, and we are volunteering to be part of the solution," said Anja Raudabaugh of Western United Dairymen, an association representing more than 1,000 of the state's dairy producers that supports the proposed tax.

In many communities solutions have been elusive.

In Lanare, the community service district received a \$1 million federal grant in 2006 to treat arsenic contamination. After six months, the plant had to be shut down because there weren't enough funds to operate it. The district later was put into receivership and a new board was elected. Now two new wells are scheduled to come online this fall.

They won't come soon enough for residents like Solorio, the local clean-water advocate.

"The water gives us life," she said. "But if the water is sick, it can also kill us."

Ambulance board stipends on table

Majority supports proposal

Those serving on the West Side Community Healthcare District Board of Directors, which oversees the local ambulance service, have long done so without compensation.

That could soon change.

A majority of ambulance board members recently endorsed the establishment of a monthly stipend of \$100, which would break the long-standing practice of serving without pay.

Director David Varnell broached the topic, saying that offering a stipend may help generate interest among residents of the district in serving on the ambulance board, which typically has great difficulty filling vacant seats.

He also proposed that the district provide its board members business cards and shirts emblazoned with the ambulance service name to be worn at board members or when directors are representing the organization in the community.

"I personally believe that we need to try to make a change (to look) more professional, and compensating the board a little bit to try to get future board members," Varnell said in presenting the idea.

Varnell added that he was not suggesting the compensation would be reason for somebody to be interested in the board, but said compensation may help offset some of the time and expenses that are inherent in serving.

"We're one of the few outfits that doesn't do it," he stated.

Board member Dennis Brazil agreed.

"The standard is that boards are compensated something for that reason (to offset ancillary costs)," Brazil stated.

He also agreed with the need for official shirts and business cards.

"We are a professional entity, and we should act and look like it," Brazil commented. "We should have pride in what we do."

Board member George Schmidt pointed out that any director who does not want to accept the stipend would have the option of declining compensation.

Newly-seated director Charles Tanner said he would support the establishment of a stipend.

Rick Daniel, the senior board member and board president, agreed with the need for official shirts and a business card.

He was, though, the only board member to speak out against a financial stipend.

"This board has never taken any kind of compensation. What little money we have we try to put where it needs to be, which is keeping cars on the street," Daniel stated. "I didn't get on the board for \$25 or \$50 a month."

He later reiterated his opposition.

The proposed stipend will cost the district up to \$500 a month, Daniel told Mattos Newspapers, pending the meeting attendance of each director.

"That is \$500 a month that we are basically taking out of the operation," he stated. "I think we could use that \$500 a month for better things."

IN THE NEWS – West Side Index, June 7, 2018 (Continued Page 2)

The direction of the board, however, was have a resolution drafted for consideration at its June meeting which would change the by-laws to allow compensation.

The proposal is to provide a stipend of \$100 per month, dependent on meeting attendance, and to provide two shirts and business cards for each member of the board of directors.

The discussion did not address when the board compensation would start.

**EXECUTIVE OFFICER'S AGENDA REPORT
JUNE 27, 2018**

TO: LAFCO Commissioners

FROM: Javier Camarena, Assistant Executive Officer

SUBJECT: MSR NO. 2018-02, SOI UPDATE 2018-03: MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR ROCK CREEK WATER DISTRICT

INTRODUCTION

This proposal was initiated by the Local Agency Formation Commission in response to State mandates, which require the Commission to conduct Municipal Service Reviews and Sphere of Influence Updates for all cities and special districts every five years, as needed. This current review is a routine update to the previous document adopted by the Commission in 2013 for the Rock Creek Water District. The District provides irrigation water to agricultural lands located on the northeastern portion of the County and also operates a small hydroelectric power generation facility.

DISCUSSION

The Municipal Service Review and Sphere of Influence Update process provides an opportunity for districts to share accurate and current data, accomplishments and information regarding the services they provide. LAFCO Staff sent the District requests for information, researched District reports and reviewed the District's most recent audits and financial statements. Once this data was collected, a revised Municipal Service Review and Sphere of Influence Update document was completed.

Minor changes have been made to the document. The proposed Municipal Service Review and Sphere of Influence Update are attached to this report as Exhibit 1. The relevant factors and determinations as put forth by the Cortese-Knox-Hertzberg Act are discussed for the District. No changes are being proposed for the District's Sphere of Influence at this time.

The District currently has adequate capacity to provide the necessary irrigation services to customers within its existing service area. The District delivers agricultural irrigation water to its customers via the Salt Spring Valley Reservoir, which is located due east of the town of Milton, in Calaveras County.

ENVIRONMENTAL REVIEW RECOMMENDATIONS

Pursuant to the California Environmental Quality Act (CEQA), the adoption of a municipal service review is considered to be categorically exempt from the preparation of environmental documentation under a classification related to information gathering (Class 6 – Regulation §15306). Further, LAFCO's concurrent reaffirmation of an existing sphere of influence qualifies for a General Exemption as outlined in CEQA Regulation §15061(b)(3), which states:

The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

As there are no land use changes, boundary changes, or environmental impacts associated with the Municipal Service Review and Sphere of Influence Update, an exemption from further environmental review is appropriate.

ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report and any testimony or additional materials that are submitted, the Commission should consider choosing one of the following options:

- Option 1:** APPROVE the Municipal Service Review and Sphere of Influence Update for the Rock Creek Water District.
- Option 2:** DENY the update.
- Option 3:** If the Commission needs more information, it should CONTINUE this matter to a future meeting (maximum 70 days).

RECOMMENDED ACTION

Approve Option 1. Based on the information presented, Staff recommends approval of Municipal Service Review and Sphere of Influence Update for the Rock Creek Water District. Therefore, Staff recommends that the Commission adopt Resolution No. 2018-11 which:

1. Determines that the Municipal Service Review and Sphere of Influence Update qualify for a General Exemption from further California Environmental Quality Act (CEQA) review based on CEQA Regulation §15061(b)(3);
2. Makes determinations related to the Municipal Service Review, as required by Government Code Section 56430; and,
3. Determines that the Sphere of Influence for the Rock Creek Water District should be affirmed as it currently exists.

Attachments:

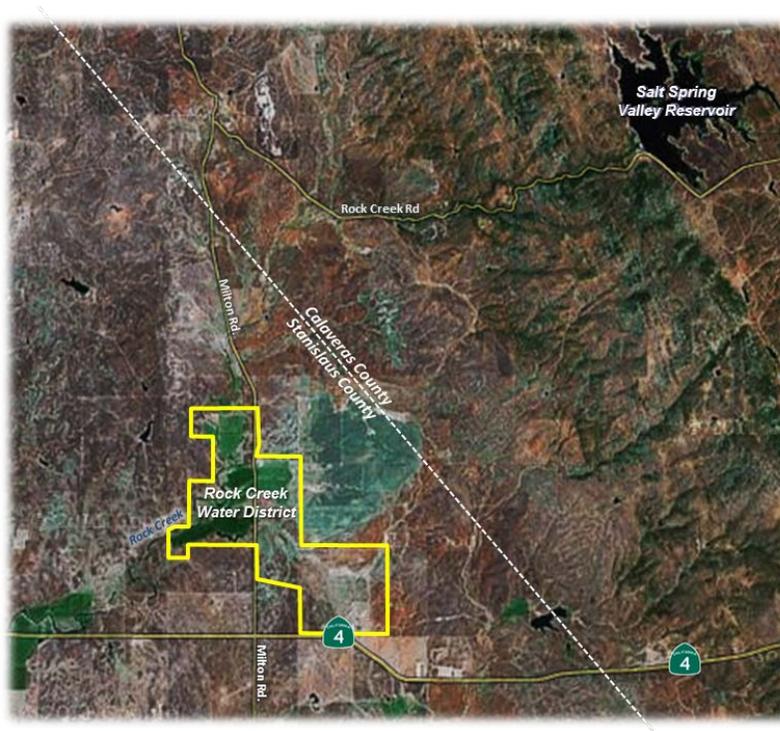
- Exhibit 1 - Municipal Service Review and Sphere of Influence Update for the Rock Creek Water District*
- Exhibit 2 - Resolution No. 2018-11*

EXHIBIT 1

Draft Municipal Service Review & Sphere of Influence Update - Rock Creek Water District

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MUNICIPAL SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR THE



ROCK CREEK WATER DISTRICT

Prepared By:

**Stanislaus Local Agency Formation Commission
1010 Tenth Street, Third Floor
Modesto, CA 95354
Phone: (209) 525-7660**

Adopted: TBD

STANISLAUS

LOCAL AGENCY FORMATION COMMISSION

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Javier Camarena, Assistant Executive Officer
Jennifer Goss, Commission Clerk
Rob Taro, Commission Counsel

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Municipal Service Review and Sphere of Influence Update For the Rock Creek Water District

Introduction

The Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 Act (CKH Act) requires the Local Agency Formation Commission (LAFCO) to update the spheres of influence (SOI) for all applicable jurisdictions in the County. A sphere of influence is defined by Government Code 56076 as "...a plan for the probable physical boundary and service area of a local agency, as determined by the Commission." The Act further requires that a municipal service review (MSR) be conducted prior to or, in conjunction with, the update of a sphere of influence (SOI).

The legislative authority for conducting a municipal service review is provided in Government Code Section 56430 of the CKH Act. The Act states, that "in order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area..." MSRs must have written determinations that address the following factors in order to update a Sphere of Influence. These factors were recently amended to include identification of disadvantaged unincorporated communities within or contiguous to the sphere of influence of an agency.

Municipal Service Review Factors to be Addressed

1. Growth and Population Projections for the Affected Area
2. The Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence
3. Present and Planned Capacity of Public Facilities, Adequacy of Public Services, and Infrastructure Needs or Deficiencies Including Needs or Deficiencies Related to Sewers, Municipal and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence
4. Financial Ability of Agencies to Provide Services
5. Status of, and Opportunities for, Shared Facilities
6. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies
7. Any Other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy

State Guidelines and Commission policies encourage cooperation among a variety of stakeholders involved in the preparation of a municipal service review. This MSR will analyze the existing and future services for the Rock Creek Water District. The MSR will also provide a basis for the District and LAFCO to evaluate, and if appropriate, make changes to the District's Sphere of Influence.

Sphere of Influence Update Process

A special district is a government agency that is required to have an adopted and updated sphere of influence. Section 56425(g) of the CKH Act calls for spheres of influence to be reviewed and updated every five years, as necessary. Stanislaus LAFCO processes municipal service reviews and sphere of influence updates concurrently to ensure efficient use of resources. For rural special districts, such as the Rock Creek Water District, which do not have the typical municipal-level services to review, this document will be used to determine what type of services the district is expected to provide and the extent to which it is actually able to do so. For this special district, the sphere will delineate its service capability and expansion capacity, if applicable.

Service Review – Rock Creek Water District

Authority

The District was organized under the California Water Code, Division 13, §34000 – 38501 (also known as the “Water District Act”). In addition, the Rock Creek Water District is considered a “landowner voter district”, as board members are elected by landowners within the District’s boundaries.

Background

No resource is more vital to California than water. From the agricultural areas, urban centers, industrial plants, to open space and recreational areas, the distribution of water has been critical to all land uses.

In California, there are hundreds of special water districts with a great diversity of purposes, governance structures, and financing mechanisms. Some districts are responsible for one type of specific duty, as in the case of the water district reviewed in this report, while other districts provide a wide range of public services.

Purpose

Water Districts that are formed pursuant to the Water District Act may be formed for purposes such as: to produce, store and distribute water for irrigation, domestic, industrial and municipal uses; to drain and reclaim lands; to collect, treat and dispose of sewage, waste and storm water; to generate hydroelectric power; to allocate water to crops and acreage; and, for districts that adopt a groundwater management plan, to protect groundwater from contamination.

Governance

A five member Board of Directors who are elected by landowners within the District boundaries, governs the District. Meetings are held on the third Tuesday of each month at 6:00 p.m. at the residence of Roma Orvis, located at 9601 E. Highway 4.

Formation

The Rock Creek Water District was formed on April 2, 1941.

Location and Size

The District encompasses approximately 1,844 acres, located in the rolling foothills at the base of the Sierra Nevada Mountain Range, in northeastern Stanislaus County, north of Highway 4. In 1949, the District annexed the Salt Spring Valley Reservoir, located in Calaveras County and all of its ditches.

Sphere of Influence

The Rock Creek Water District's Sphere of Influence (SOI) was originally adopted by the Commission in 1985. The most recent update, which proposed no changes to the District's SOI, was adopted in 2013. The current update serves to reaffirm the District's SOI, consistent with Government Code Section 56425. The District's Sphere of Influence is coterminous with its current boundaries.

Personnel

The District employs one part-time person, who operates the hydroelectric power generation facility during irrigation season. The District contracts out for legal, engineering and bookkeeping services.

Classification of Services

As part of the original MSR completed for the District, the District provided a listing of the services provided within their boundaries. The District is authorized to provide the functions or classes of services as identified in this report. Due to recent changes in the Cortese-Knox-Hertzberg Act, the District would have to seek LAFCO approval to exercise other latent powers not currently provided.

Services

The District delivers agricultural irrigation water to its customers via the Salt Spring Valley Reservoir, which is located due east of the town of Milton, in Calaveras County. The District annexed the reservoir in 1949, which included all of the ditches/pipelines. In addition, the District also sells irrigation water to one customer outside its Sphere of Influence. This agreement was part of an original pumping rights contract from the 1940s. The District also owns and operates a small hydroelectric power generation facility located at one of the main irrigation ditches. The District is authorized by the Federal Energy Regulatory Commission to sell power generated by this facility (up to 650 kw hours) to Pacific Gas & Electric (PG&E).

The District is part of a Groundwater Sustainability Agency (GSA) consisting of three regional partners, the Calaveras County Water District, Stanislaus County and Rock Creek Water District. The partnership was formed as required by the Sustainable Groundwater Management Act (SGMA) which requires local agencies with managing sustainable groundwater.

Support Agencies

The District maintains positive collaborative relationships with other agencies, including: Pacific Gas and Electric (PG&E), California Department of Water Resources, Federal Energy Commission, the US Fish and Wildlife Service, Calaveras County Water District and Stanislaus County.

Funding Sources

The District receives assessments and fees for providing agricultural water to its customers. The District also receives a large portion of its revenue from the sale of hydro-electrical power to PG&E. Revenues are also received from lease of the resort area near the Salt Spring Valley Reservoir.

Service Review Categories & Determinations

The following provides determinations related to the seven factors required by Section 56430 for a Municipal Service Review for the Rock Creek Water District:

1. Growth and Population Projections for the Affected Area

The District serves a rural area, in the northeastern portion of Stanislaus County, north of Highway 4, in the Rock Creek area. The area is designated as Agriculture on the County's General Plan and does not expect any significant population growth. The District currently serves four retail customers with irrigation water for agricultural purposes. Under a water rights agreement dating back to the 1940s, the District also serves one customer outside its boundaries (Groves Ranch).

2. The Location and Characteristics of Any Disadvantaged Unincorporated Communities Within or Contiguous to the Sphere of Influence

Based on annual median household income and as defined in Section 56033.5 of the Cortese-Knox-Hertzberg Act of 2000, no Disadvantaged Unincorporated Communities (DUCs) have been identified within or contiguous to the District's sphere of influence.

3. Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies Related to Sewers, Municipal Water and Industrial Water, and Structural Fire Protection in Any Disadvantaged, Unincorporated Communities Within or Contiguous to the Sphere of Influence

At the present time, the District has both the ability and the capacity to serve its service area and has no unmet infrastructure needs or deficiencies. There are no known DUCs within or contiguous to the District's sphere of influence. Additional services, such as sewer, domestic water and structural fire protection, are provided through other special districts or by way of private systems.

4. Financial Ability of Agencies to Provide Services

Currently, the District appears to have the necessary financial resources to fund adequate levels of irrigation service within the District's boundaries. There is no overlapping or duplication of services within the District boundaries. The District maintains its rate schedule to charge the minimum fees as possible.

5. Status of, and Opportunities for, Shared Facilities

At this time, the District does not share any facilities with other districts or agencies.

6. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies

It is reasonable to conclude that the District can adequately serve the area under its jurisdiction. A five member Board of Directors, elected by the landowners, governs the District. The Board conforms to the provisions of the Brown Act requiring open meetings. The District has a small, yet adequate staff to provide the necessary services to its customers.

7. Any other Matter Related to Effective or Efficient Service Delivery, as Required by Commission Policy

None.

Sphere of Influence Update

In determining a sphere of influence (SOI) of each local agency, the Commission shall consider and prepare determinations with respect to each of the following factors, pursuant to Government Code Section 56425:

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 that 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.
5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

The following determinations are made consistent with Government Code Section 56425 and local Commission policy for the Rock Creek Water District.

Sphere of Influence Determinations

1. Present and Planned Land Uses in the Area, Including Agricultural and Open-Space Lands

The Rock Creek Water District's Sphere of Influence (SOI) includes approximately 1,844 acres and is coterminous with the District's boundaries. Territory within the District boundaries consists of agricultural and rural land use areas. These uses are not expected to change. In addition, the District does not have the authority to make land use decisions. The responsibility for land use decisions within the District boundaries is retained by the County.

2. Present and Probable Need for Public Facilities and Services in the Area

The District's present and probable need for facilities and services in the area is not expected to change, as the District's landowners are dependent on the irrigation water they receive.

3. Present Capacity of Public Facilities and Adequacy of Public Services That the Agency Provides or is Authorized to Provide

The District currently has adequate capacity to provide irrigation water to areas within its existing sphere of influence.

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

There are no communities of interest within the District boundaries or Sphere of Influence.

5. For an Update of a Sphere Of Influence Of A City Or Special District That Provides Public Facilities Or Services Related To Sewers, Municipal And Industrial Water, Or Structural Fire Protection, The Present And Probable Need For Those Public Facilities And Services Of Any Disadvantaged Unincorporated Communities Within The Existing Sphere Of Influence.

No Disadvantaged Unincorporated Communities (DUCs) have been identified within or contiguous to the District's Sphere of Influence as defined in Section 56033.5 of the CKH Act. Additional services, such as sewer, domestic water and structural fire protection, are provided through other special districts or by way of private systems.

**APPENDIX “A”
DISTRICT SUMMARY PROFILE**

District:	ROCK CREEK WATER DISTRICT
Location:	Majority of District located in the northeastern portion of Stanislaus County, north of Highway 4, in the Rock Creek area.
Service Area:	Approximately 1,844 acres
Population*:	25 (estimate)
Land Use:	Agricultural
Date of Formation:	April 2, 1941
Enabling Act:	California Water Code, Division 13, Section 34000 et. seq. (Water District Act)
Governing Body:	5 Member Board of Directors, elected by landowners within District boundaries
Administration:	One part-time employee; the District also contracts out for engineering, legal and bookkeeping services
District Services:	Provision of irrigation water to agricultural lands and District-supplied electrical services via its own hydroelectric power generation facility
Budget:	Revenues: \$49,342 (Based on 2015 Audit) Expenses: \$80,046 (Based on 2015 Audit)
Revenue Sources:	Sale of Water and Hydro-Electrical Power

*Source: Population estimated utilizing Census 2010 data, 2010 aerial imagery, and the Stanislaus County ratio of 3.07 persons per household.

APPENDIX “B”

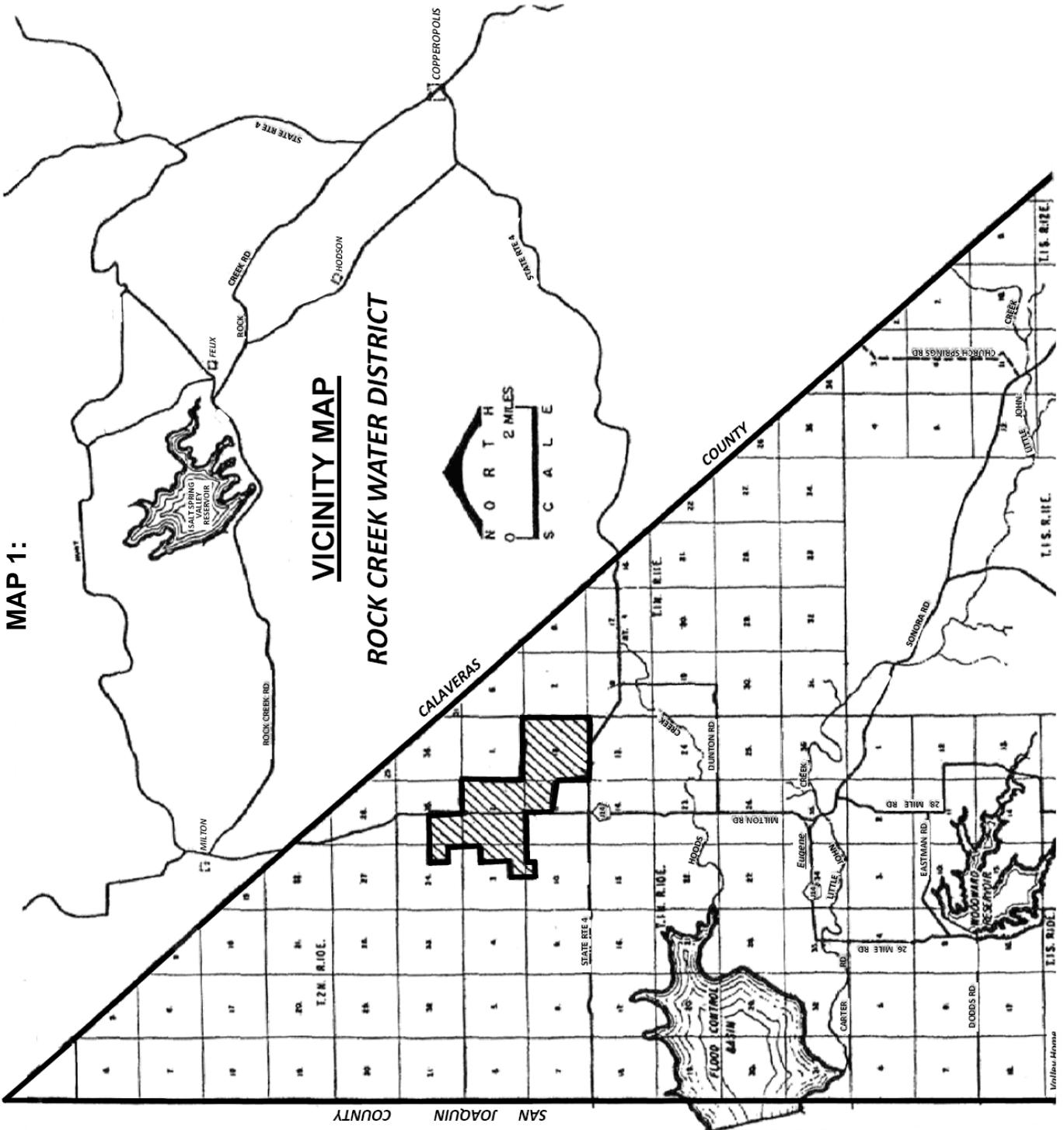
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2. Rock Creek Water District. *Resolution 2008-02: Amendment of Bylaws*. November 15, 2008.
3. Stanislaus LAFCO. *Executive Officer’s Agenda Report: Consideration and Adoption of a Sphere of Influence for the Rock Creek Water District*. May 22, 1985.
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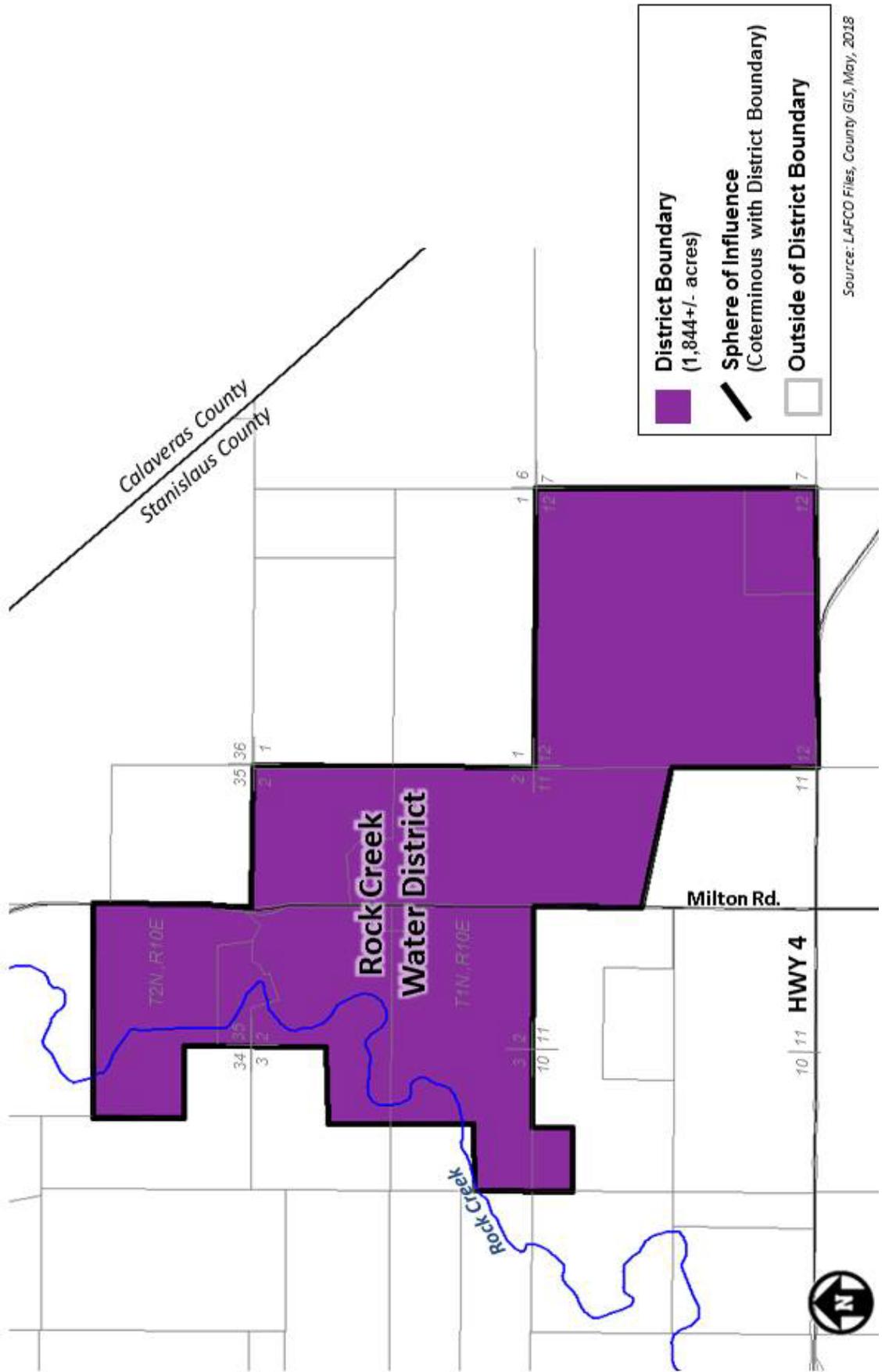
INDIVIDUALS AND AGENCIES CONTACTED

1. Don Harper. Board of Directors, Rock Creek Water District.

MAP 1:



**MAP 2: ROCK CREEK WATER DISTRICT
BOUNDARIES AND SPHERE OF INFLUENCE**



Source: LAFCO Files, County GIS, May, 2018

EXHIBIT 2

Draft LAFCO Resolution 2018-11

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**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: June 27, 2018

NO. 2018-11

SUBJECT: Municipal Service Review No. 2018-02 and Sphere of influence Update No 2018-03: Rock Creek Water District

On the motion of Commissioner _____, seconded by Commissioner _____, and approved by the following vote:

Ayes: Commissioners:
Noes: Commissioners:
Absent: Commissioners:
Ineligible: Commissioners:

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, a Service Review mandated by California Government Code Section 56430 and a Sphere of Influence Update mandated by California Government Code Section 56425, has been conducted for the Rock Creek Water District, in accordance with the Cortese-Knox-Hertzberg Reorganization Act of 2000;

WHEREAS, at the time and in the form and manner provided by law, the Executive Officer has given notice of the June 27, 2018 public hearing by this Commission on this matter;

WHEREAS, the subject document is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines;

WHEREAS, Staff has reviewed all existing and available information from the District and has prepared a report including recommendations thereon, and related information as presented to and considered by this Commission;

WHEREAS, the Commission has duly considered the draft Municipal Service Review and Sphere of Influence Update on the Rock Creek Water District and the determinations contained therein;

WHEREAS, the Rock Creek Water District was established to provide irrigation water services within its boundaries;

WHEREAS, pursuant to Government Code Section 56425(h), the range of services provided by the Rock Creek Water District are limited to those as identified above, and such range of services shall not be changed unless approved by this Commission; and

WHEREAS, no changes to the District's Sphere of Influence are proposed or contemplated through this review.

NOW, THEREFORE, BE IT RESOLVED by the Commission:

1. Certifies that the project is statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.
2. Approves the Service Review prepared in compliance with State law for the review and update of the Rock Creek Water District Sphere of Influence, and written determinations prepared by the Staff and contained herein.
3. Determines that except as otherwise stated, no new or different function or class of services shall be provided by the District, unless approved by the Commission.
4. Determines, based on presently existing evidence, facts, and circumstances filed and considered by the Commission, that the Sphere of Influence for the Rock Creek Water District should be affirmed as it currently exists, as more specifically described on the map contained within the Service Review document.
5. Directs the Executive Officer to circulate this resolution depicting the adopted Sphere of Influence Update to all affected agencies, including the Rock Creek Water District.

ATTEST: _____
Sara Lytle-Pinhey, Executive Officer

**EXECUTIVE OFFICER'S AGENDA REPORT
JUNE 27, 2018**

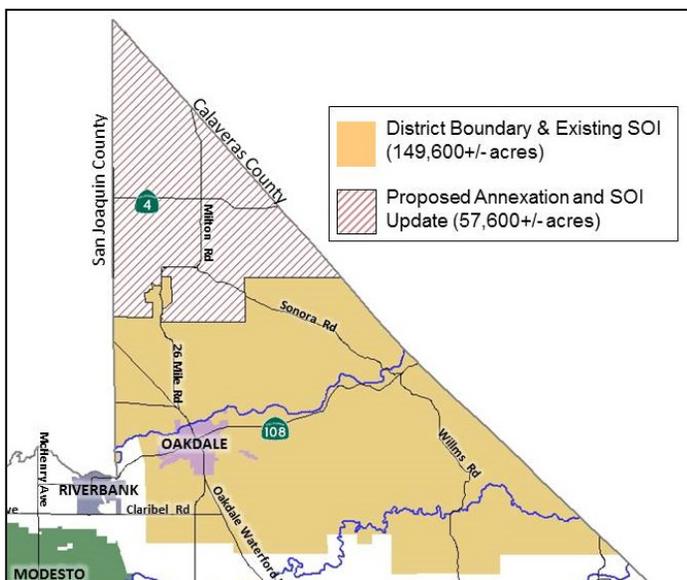
TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer *SLP*

**SUBJECT: LAFCO APPLICATION NO. 2017-03 & SPHERE OF INFLUENCE
MODIFICATION NO. 2017-07 – DIVISION 1 NORTH AREA CHANGE OF
ORGANIZATION TO THE OAKDALE RURAL FIRE PROTECTION DISTRICT
(Continued from April 25, 2018)**

BACKGROUND

On April 25, 2018, the Commission held a public hearing regarding the Oakdale Rural Fire Protection District's request to expand its sphere of influence and annex the northern area of the County, known as the Division 1 North Area. The District has historically responded to the Division 1 North Area, but because the area is located outside of the District, the District has not received operational revenues (in the form of its special tax). At the Commission's April hearing, there were three letters submitted in opposition to the proposal and two individuals speaking during the public hearing who were also in opposition. Following consideration of the staff report and testimony from interested parties, the Commission voted to continue the item, in order to allow for additional outreach by the District to property owners and registered voters in the area.



DISCUSSION

Following the April 25, 2018 public hearing, LAFCO Staff received a letter dated May 25, 2018 from William D. Ross, attorney for the Oakdale Rural Fire Protection District, attached as Exhibit A. The letter summarizes the District's efforts leading up to the Commission's April hearing. It also summarizes and responds to comments made at the hearing. The letter requests that the Commission proceed with its consideration of the item and also states:

If the Annexation does not proceed, the District confirms that it will no longer respond to the Division 1 North Area after October 31, 2018. In this time of limited public safety resources, it should be recognized that the other taxpayers of the Oakdale Fire Protection District cannot be expected to subsidize the continued gratuitous service to the Division 1 North Area.

Second Outreach Meeting

As recommended by the Commission, the Oakdale Rural Fire Protection District hosted an

**EXECUTIVE OFFICER'S AGENDA REPORT
JUNE 27, 2018
PAGE 2**

additional outreach meeting on May 30, 2018 at the Valley Home Fire Station. Representatives from the Oakdale Rural Fire Protection District, Stanislaus Consolidated Fire Protection District, CalFire, and LAFCO Staff were in attendance to answer questions. LAFCO Staff provided a brief overview of the role of LAFCO and the annexation process. Staff also informed attendees about their opportunity to comment and the potential for a protest hearing, should the Commission approve the proposal. Representatives from the Oakdale Rural Fire Protection District discussed their reasons for wanting to annex the area.

About a dozen property owners and residents of the area were in attendance at the outreach meeting. The majority were opposed to the annexation proposal. Comments and concerns from the property owners and residents included:

- Services are already being sufficiently provided by CalFire and/or Farmington Fire District.
- Oakdale Rural Fire Protection District's response time is too slow.
- Some property owners within the Division 1 North Area suppress fires on their property themselves or with the help of their neighbors.
- A number of traffic accidents occur in the area and property owners believe that they should not be responsible for funding emergency response to these incidents.
- Property owners already pay too many taxes.
- No increase in fire protection service would occur as a result of property owners paying the special tax.

Only one individual at the meeting was interested in annexing his property into the District and had questions for Staff regarding the process should the entire area not be approved as proposed by the District.

Incident Data for the Valley Home Fire Station Response Area

A question was raised at the Commission's April hearing regarding how many incidents were coming from Woodward Reservoir as compared to the remainder of the Division 1 North Area. The District provided a handout detailing the number of incidents in the Valley Home Fire Station response area from 2015-2017 (Exhibit B). The data is divided into number of responses to the Division 1 North Area and to the Woodward Reservoir. On average, the Valley Home Fire Station's response area has 16% of its total incidents come from the Division 1 North Area and about 21% from Woodward Reservoir.

Comment Letters Received

Staff has received several emails and phone calls from property owners and registered voters within the proposed annexation area. With the exception of the one individual at the outreach meeting, all have been in opposition to the proposal. Comment letters received as of June 19, 2018 are attached as Exhibit C of this report.

Annexation and Protest Process

If the Commission approves the annexation proposal, the annexation will be subject to a protest hearing. During the protest hearing, property owners and registered voters within the affected area would then have an opportunity to protest the annexation. (Those in support of the annexation are not required to take any action.) Depending on the number of protests received, the annexation would either be upheld, trigger an election, or be terminated.

Staff prepared a flow chart that gives a summary of the annexation process, the protest thresholds, and shows the different routes leading to approval or termination of the annexation (attached as Exhibit D). This chart was also mailed to property owners and registered voters in the area for their information along with the notice of public hearing.

If the Commission denies the annexation proposal, proceedings are terminated and no protest hearing will be held. There is a one-year restriction on any substantially similar application returning to LAFCO. However, the District could return to LAFCO with a new application for a reduced area for the Commission's consideration.

ALTERNATIVES FOR COMMISSION ACTION

Following consideration of this report and any testimony or additional materials that are submitted at the public hearing for this proposal, the Commission may take one of the following actions:

- Option 1** APPROVE the proposal, as submitted by the applicant.
- Option 2** DENY the proposal.
- Option 3** CONTINUE this proposal to a future meeting for additional information.

STAFF RECOMMENDATION

Commission policies encourage logical boundaries for service providers. Inclusion within a special district provides an opportunity for residents to have representation on the board of the district and improve district accountability. Annexation of the Division 1 North Area has long been a goal of the District, in order to match its service area with its boundaries and apply the District's special tax accordingly. LAFCO Staff's recommendation at the preparation of the April 25th report was for approval of the proposal.

Since that time, the Commission has received numerous letters and calls from property owners and registered voters who are in opposition to the proposal. Should the Commission approve the proposal, these property owners and registered voters could participate in the protest hearing process, which may trigger an election. If an election is triggered, the registered voters would have the final determination whether the annexation is upheld or terminated.

Based on discussion in this staff report, including the factors set forth in Government Code Section 56668 and 56425, and following any testimony or evidence presented at the meeting, Staff recommends the following actions are recommended should the Commission approve or deny the proposal:

Option 1 - Approval

Should the Commission approve the proposal as submitted by the District, it is recommended that the Commission adopt Resolution No. 2018-05 (Option 1 – Approval), attached as Exhibit E, which:

1. Certifies that the project is statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to Sections 15320 and 15061(b)(3) of the State CEQA Guidelines.
2. Finds the proposal to be consistent with State law and the Commission's adopted Policies and Procedures.
3. Determines that in accordance with Government Code Sections 56886(t) and 57330, the annexation area will be subject to all previously authorized charges, fees, assessments, and taxes of the Oakdale Rural Fire Protection District.
4. Determines the effective date of the annexation shall be the date of recordation of the Certificate of Completion.
5. Directs the Executive Officer to initiate Protest Proceedings.

Option 2 - Denial

Commission policy requires that LAFCO state the reason when denying a Sphere of Influence proposal. Therefore, should the Commission deny the proposal, Staff requests that the motion include the Commission's reason for denial along with adoption of Resolution No 2018-05 reflecting Option 2 – Denial (Exhibit E).

Attachments:

- Exhibit A: Letter dated May 25, 2018 from William D. Ross, attorney for Oakdale Rural Fire Protection District
- Exhibit B: Valley Home Fire Station Response Area Incident Data 2015-2017
- Exhibit C: Correspondence Received as of June 19, 2018
- Exhibit D: Guide to the LAFCO Annexation & Protest Process
- Exhibit E: Draft LAFCO Resolutions No. 2018-05 Option 1 – Approval and Option 2 – Denial

Provided Under Separate Cover: [April 25, 2018 LAFCO Staff Report](#)

EXHIBIT A

**Letter dated May 25, 2018 from
William D. Ross, attorney for
Oakdale Rural Fire Protection District**

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William D. Ross
Karin A. Briggs
David Schwarz

Kypros G. Hostetter
Of Counsel

Law Offices of
William D. Ross
400 Lambert Avenue
Palo Alto, California 94306
Telephone: (650) 843-8080
Facsimile: (650) 843-8093

Los Angeles Office:

P.O. Box 25532
Los Angeles, CA 90025

File No: 371/3

May 25, 2018

VIA ELECTRONIC TRANSMISSION

lafco@stancounty.com

gossj@stancounty.com

The Honorable Terry Withrow, Chair
and Members of the Stanislaus County
Local Agency Formation Commission
1010th Street, 3rd Floor
Modesto, CA 95354

Re: LAFCO App. No. 2017-03 & SOI Modification No. 2017-07 Division 1 North
Area Change of Organization to Oakdale Rural Fire Protection District

Dear Chair Withrow and Members of the Stanislaus County Local Agency Formation
Commission:

This communication responds on behalf of the Oakdale Fire Protection District (“District”) to issues raised at the April 25, 2018 Stanislaus Local Agency Formation Commission (“LAFCO”) public hearing concerning the above-entitled Sphere of Influence (“SOI”) Amendment and Change of Organization (collectively, the “Annexation”) regarding the area referred to as, “Division 1 North.” At that meeting, Messrs. Don Harper, and Tom Orviz, offered comments in opposition to the proposed Annexation. As a result of that testimony, LAFCO continued the matter to a date uncertain in order for the District to consider further communications with Messrs. Harper and Orviz, and potentially with members of the public with respect to the issues raised at your meeting.

A Community Information Meeting was held at the Valley Home District Station on April 4, 2018 concerning the Annexation. Among individuals in attendance was the Honorable Kristin Olsen, Supervisor for the District and the Division 1 North Area and Mr. Javier Camarena, Assistant Executive Officer for LAFCO. Also present at the meeting was Ms. Cathy Dominico of Capital Public Finance Group from Sacramento who prepared a detailed PowerPoint presentation (attached as Exhibit "A") which set forth the specific financing, and reasons, for the Annexation of the Division 1 North Area by the District. As the PowerPoint reflects, specific issues of allocation of costs and necessity for continuation of the service to

The Honorable Terry Withrow, Chair
and Members of the Stanislaus County
Local Agency Formation Commission
May 25, 2018
Page 2

provide emergency medical services to the Annexation area were addressed. At least four members of the public attended the Community Information Meeting after extensive notice was given by the District.

Individuals present were continually asked if they had any questions regarding the presentation or any aspect of the proposed Annexation. All questions asked were responded to with an indication by two of the individuals present that they would have to discuss the matter with their relatives.

At your LAFCO hearing Mr. Harper indicated that he was a landowner on State Highway 4 and that the highest number of District responses were associated with automobile accidents on Highway 4 for non-residents or “people passing through.” He stated that a primary question he had concerning the Annexation was whether either the Valley Home Station or the Knights Ferry Station, which he indicated are half-staffed, would be opened after the Annexation. He also indicated that mutual aid for the area from Farmington (a reference to a fire protection district in San Joaquin County) or Copperopolis (a like reference to a fire district in Calaveras County) would be more appropriate. He also maintained that Cal Fire would respond to the area as they are in the SRA and that Oakdale should consider charging for applicable medical responses. He offered that more than once CalFire, even though it only defended wildland, had protected structures in the area and that the protection included air support and suppression. He asked that his statement be recorded as a “no” to the proposed Annexation.

Mr. Tom Orviz stated that he and his family are longtime landowners in the area, which is characterized as “no-man’s-land” rather than “Division 1 North,” and that he agreed with all the issues and comments made by Mr. Harper. He stated that CalFire continually provided fire protection and that the area has always taken care of itself.

The District Board is not confused as to whether there should be an Annexation, as was suggested more than once during the LAFCO hearing.

District Board Director Vincent Victorine appeared and indicated that the Annexation was being pursued out of fairness to the existing taxpayers of the District and that some of the criticisms of the Mr. Harper and Mr. Orviz were acknowledged but that an extensive Community Information Meeting concerning the matter had been accomplished. He raised the issue that service could no longer be provided on a no cost basis and requested that LAFCO make a determination on whether the Annexation should be continued.

In addition to the remarks of Director Victorine, it is respectfully noted that there needs to be a provision for the adequate funding of EMS for the affected territory. If it is not provided

The Honorable Terry Withrow, Chair
and Members of the Stanislaus County
Local Agency Formation Commission
May 25, 2018
Page 3

by the District, then it has to be provided by some entity – a decision of the County EMS Authority. Another point of clarification, there can be *no mutual aid agreements* for the Annexation area because the area *is not served* by a fire agency such as the District. The County *cannot* execute mutual aid agreements as it is not authorized to provide fire services to the area. In other words, the comments about mutual aid covering the area are not accurate. Whatever service was provided was done so gratuitously as there is no legal entity in the County that could provide mutual aid to the providing agencies.

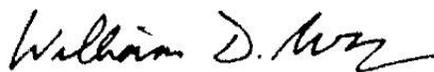
It is also respectfully noted that the SRA fire protection fees levied by the State of California in the area have been *eliminated* with a series of bills from the Legislature dealing with global warming.

Please be advised the District *has* noticed a further Community Information Meeting for Wednesday, May 30, 2018 at 6:00 p.m. at the Valley Home Station. Having scheduled this further informational meeting, the District requests that LAFCO notice its continued consideration of the Division 1 North Annexation at the scheduled LAFCO meeting of June 27, 2018.

If the Annexation does not proceed, the District confirms that it will no longer respond to the Division 1 North Area after October 31, 2018. In this time of limited public safety resources, it should be recognized that the other taxpayers of the Oakdale Fire Protection District cannot be expected to subsidize the continued gratuitous service to the Division 1 North Area.

Thank you for your review of this matter.

Very truly yours,



William D. Ross

WDR:bk

cc: Sara Lytle-Pinhey, Executive Officer
Stanislaus County LAFCO
pinheys@stancounty.com

Ray Martin, Chair
and Members of the District Board
Oakdale Fire Protection District

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Oakdale Fire Protection District

Community Meeting on Proposed
Annexation of Division 1 North Area
April 4, 2018



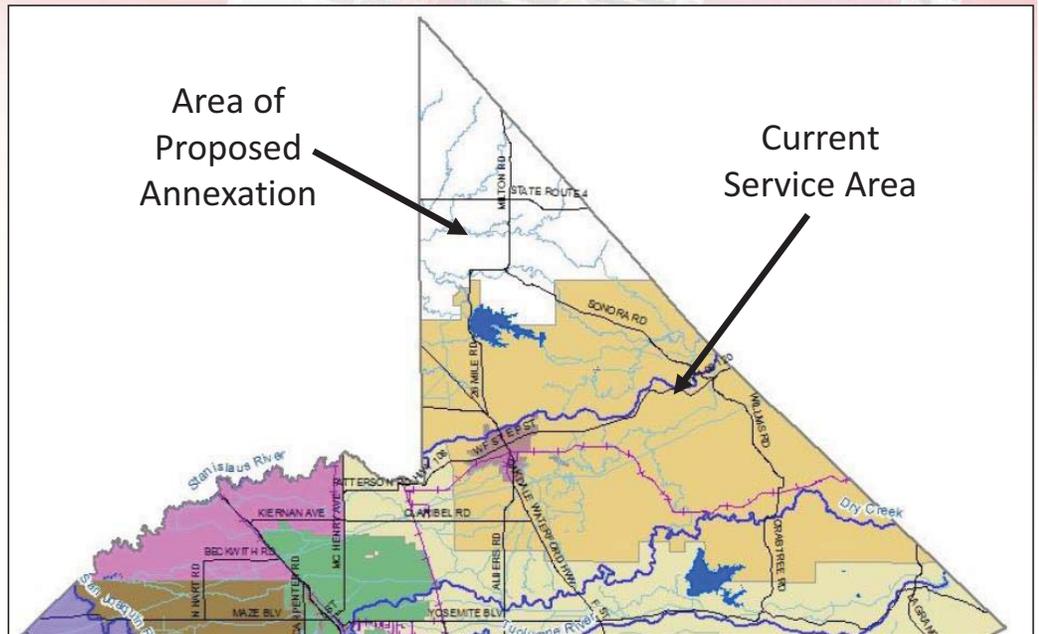
Oakdale FPD Background Information

- Established in 1945
- Provides:
 - fire suppression, emergency medical response, rescue services, hazardous materials response and response to any other request for service
- Service provided through contract with Stanislaus Consolidated FPD

Service Area



- Approx. 225 square miles
- Includes unincorporated communities surrounding Oakdale, Knights Ferry & Valley Home



3

Division 1 North Area



- Approx. 58,000 acres in the northeastern “triangle” of Stanislaus County
- Not part of any organized fire protection district
- The District has been responding to calls from the area due to its proximity to the District’s service area
 - No funding received from property owners in this area

4

Proposed Annexation

- In order for the District to continue to provide service to the Division 1 North area, a territory annexation application has been submitted to Stanislaus County LAFCO
 - Tax Sharing Agreement with Stanislaus County if the annexation is approved
 - Existing Special Tax would apply to annexed territory
 - The District would receive approximately \$40,000 per year of additional funding through the annexation

5

Current Special Tax Rates

Property Type	Annual Tax Rate
Residential Buildings	\$165 per unit + \$0.03 per sq. ft.
Mobile Homes	\$50 per unit
Misc. Structures	\$30 per structure
Poultry Houses	\$60 per parcel
Commercial Buildings	\$0.14 per sq. ft.
Industrial Buildings	\$0.14 per sq. ft.
Wildland Acres	\$0.20 per acre
Lumber Yards	\$500 per parcel

6

Process for Annexation

- Submit Annexation Application to LAFCO
- Execute Tax Sharing Agreement with Stanislaus County
- LAFCO Protest Proceeding on Proposed Annexation (protests must be submitted by May 23, 2018)
- Election (if protest threshold requires)

7

Comments & Questions

Please submit comment card to Clerk of the Board

County Supervisor Olsen, Fire District Board, Stanislaus Consolidated Staff and Annexation Consultant available to answer questions

Moderator will call on those with a comment/question and direct the question to the appropriate individual for response

8

EXHIBIT B

Valley Home Fire Station Response Area Incident Data 2015-2017

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2015

Stanislaus Station 30 (Valley Home)

Total Incident count of station 30 Response Area 2015:

301

2015 Division 1 North

Incident Type (Series)	# of Incidents Per Incident Type	% of call in Response zone (# of Incidents ÷ 59)	% of calls in Station Response Area (# of Incidents ÷ 301)
100	15	25.4	4.9
200	0	0	0
300	27	45.7	8.9
400	2	3.3	0.66
500	0	0	0
600	13	22	7.3
700	2	3.3	0.66
800	0	0	0
900	0	0	0

Total number of Incidents in Division 1 North:

59 or

19.6% of total incident volume

2015 Woodward Reservoir

Incident Type (Series)	# of Incidents Per Incident Type	% of call in Response zone (# of Incidents ÷ 52)	% of calls in Station Response Area (# of Incidents ÷ 301)
100	9	17.3	2.9
200	0	0	0
300	34	65.3	11.2
400	0	0	0
500	2	3.8	0.66
600	6	11.5	1.9
700	0	0	0
800	0	0	0
900	1	1.9	0.33

Total number of Incidents in Woodward Reservoir: **52** or
17.2% of total incident volume

2016

Stanislaus Station 30 (Valley Home)

Total Incident count of station 30 Response Area 2016: **260**

2016 Division 1 North

Incident Type (Series)	# of Incidents Per Incident Type	% of call in Response zone (# of Incidents ÷ 34)	% of calls in Station Response Area (# of Incidents ÷ 260)
100	5	14.7	1.9
200	0	0	0
300	21	61.7	8.0
400	0	0	0
500	2	5.8	0.76
600	5	14.7	1.9
700	0	0	0
800	0	0	0
900	1	2.9	0.38

Total number of Incidents in Division 1 North:

34 or
13.0% of total incident volume

2016 Woodward Reservoir

Incident Type (Series)	# of Incidents Per Incident Type	% of call in Response zone (# of Incidents ÷ 56)	% of calls in Station Response Area (# of Incidents ÷ 260)
100	8	14.2	3.0
200	0	0	0
300	26	46.4	10
400	1	1.7	0.38
500	4	7.1	1.5
600	16	28.5	6.1
700	1	1.7	0.38
800	0	0	0
900	0	0	0

Total number of Incidents in Woodward Reservoir: **56** or **21.5%** of total incident volume

2017

Stanislaus Station 30 (Valley Home)

Total Incident count of station 30 Response Area 2017: **291**

2017 Division 1 North

Incident Type (Series)	# of Incidents Per Incident Type	% of call in Response zone (# of Incidents ÷ 46)	% of calls in Station Response Area (# of Incidents ÷ 291)
100	7	15.2	2.4
200	0	0	0
300	24	52.1	8.2
400	1	2.1	0.34
500	0	0	0
600	12	26.0	4.1
700	1	2.1	0.34
800	0	0	0
900	1	2.1	0.34

Total number of Incidents in Division 1 North: **46** or **15.8%** of total incident volume

2017 Woodward Reservoir

Incident Type (Series)	# of Incidents Per Incident Type	% of call in Response zone (# of Incidents ÷ 69)	% of calls in Station Response Area (# of Incidents ÷ 291)
100	13	18.8	4.4
200	0	0	0
300	39	56.5	13.4
400	1	1.4	0.34
500	4	5.7	1.3
600	12	17.3	4.1
700	0	0	0
800	0	0	0
900	0	0	0

Total number of Incidents in Woodward Reservoir: **69** or **23.7%** of total incident volume

Incident Code Guide

Nation Incident Reporting System (NIFIRS) Incident Code Guide	
100 Series	Fire
200 Series	Overpressure / Explosion
300 Series	Rescue & EMS
400 Series	Hazardous Condition (No Fire)
500 Series	Service Call
600 Series	Good Intent
700 Series	False Alarm / False Call
800 Series	Severe Weather & Natural Disaster
900 Series	Special Incidents

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EXHIBIT C

**Correspondence Received as of
June 19, 2018**

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division 1 north change of organization to Oakdale Rural Fire Protection District

From: Sharon Hertlein <kingfisherslh@hotmail.com>
To: "lafco@stancounty.com" <lafco@stancounty.com>
Date: 4/19/2018 12:39 PM
Subject: division 1 north change of organization to Oakdale Rural Fire Protection District

To Lafco,

This letter is in regards to the proposed expansion and annexation of the division 1North area of Stanislaus county by Oakdale Rural Fire Protection District.

We are Kurt and Sharon Hertlein and we live in this area at 19001 Milton Rd. We would like to go on record as opposing this proposed annexation. We are presently covered by Cal Fire and they have done an excellent job protecting the acreage and dwellings in this area. Our fire fees go to them and they do an excellent job. I see no need to allow another fire district into this area.

The area out here mainly consists of larger acreages and is increasingly going into orchards. The increase of orchards in the area will actually reduce the chance of fire incidents due to the weed control that orchardists do. There are also a relatively low number of dwellings out here and we have been well protected by Cal Fire. When we have had an incident, Cal Fire has been very quick to arrive on scene, also providing aerial support. Farmington Volunteer Fire Department has also been willing and very able to assist this county with their support. And other fire support has always shown up as well.

We are perfectly happy with the present fire protection and see no need for another department to try and take over this area. We are opposed to this annexation attempt.

Thank you.

Kurt and Sharon Hertlein
19001 Milton Rd.
Farmington, Ca 95230
Stanislaus county resident
[209-872-0401](tel:209-872-0401)

Lafco Application No. 2017-03

From: wendy mcclendon <wendellya13@gmail.com>
To: <lafco@stancounty.com>
Date: 4/23/2018 1:27 PM
Subject: Lafco Application No. 2017-03

To whom it may Concern,

I , Wendy L. McClendon, Land owner of 17700 Milton Road, Farmington, CA 95230

OPPOSE, LAFCO Application No. 2017-03 and Sphere of Influence Modification No. 2017-07 -
Division 1 North Area Change of Organization to Oakdale Rural Fire Protection District.

Respectfully,

Wendy McClendon

Comments

LAFCO Meeting 4-25-20182

Item 7A Public Hearing Division Area 1 Annex to Oakdale Rural Fire Protection District

I am a resident of the Stanislaus Consolidated Fire Protection District which provides the fire and emergency services under a contract with Oakdale Rural Fire District. The property owners in the SCFPD pay a Prop 218 property assessment for fire services and it goes up each year (\$269 this year for single residential). There are also currently proposed mitigation fees (example, emergency : first responder \$261 for BLS/ALS per incident), this appears to only apply in the district. The contract between SCFD and ORFD (see exhibit) is dated 2014.

1. Pg. 31 F 2 states that the District (ORFD?) would provide protection after annexation. SCFPD provides protection for the ORFD. It is my understanding they are now providing the same protection to the proposed annexation area, who is paying the costs? Who is supposed to be currently responsible for fire and emergency calls in the proposed area. They indicate the service level will be maintained but they did not answer the rest of the question- how?

2. Pg. 55 shows the an annual tax rate (ORFD) for residential of \$165+0.03 per sq. ft. with no annual increase. Is this what the proposed annexed area would pay? Is this fire and emergency? The contract between SCFPD and ORFD is dated in 2104. Will it be negotiated to include the proposed annexation area?

3. There does not appear to be any documentation from SCFD as to their estimated costs for fire and emergency services for the annexed area. It appears that SCFPD fire board has not discussed this in an agenda meeting. There should have been a public hearing to allow SCFPD property owners to be given information on the proposed annexations and the costs for fire and emergency to Stanislaus Consolidated for calls to the proposed annexation area.

I am asking that you do not make a decision on this item until documentation is available from Stanislaus Consolidated Fire Protection District.

Thank you,

Evelyn Halbert

Jennifer Goss - Community information meeting

From: Roy and Anne Orlando <rjorlando@hotmail.com>
To: "pinheys@stancounty.com" <pinheys@stancounty.com>
Date: 5/30/2018 8:05 PM
Subject: Community information meeting

Sarah-I was at the meeting in Valley Home this evening regarding the annexation of Division 1 North Area into Oakdale Fire Protection District. I want register my wife and my opposition to the annexation. We live on Milton Rd north of Hwy 4 and feel the response time for Oakdale Fire Dept would be too long to try and save existing structures. We are only 10 miles from Farmington and Cal Fire responds to issues in our area. I feel our opposition coincides the great majority of people in Division 1 North. Roy and Anne Orlando,22957 Milton Road,Farmington

Sent from [Outlook](#)

Javier Camarena - Re: Possible expansion of Oakdale Fire Dept. territory

From: Javier Camarena
To: LAFCO LAFCO; Tom Orlando
Date: 6/12/2018 7:41 AM
Subject: Re: Possible expansion of Oakdale Fire Dept. territory
CC: Anne & Roy Orlando

Thank you Mr. Orlando. We will keep a record of your response and include it in our agenda packet to the Commission.

Javier Camarena
Assistant Executive Officer
Stanislaus LAFCO
[209-525-7660](tel:209-525-7660)
camarenaj@stancounty.com

>>> Tom Orlando <sloanorlando@gmail.com> 6/11/2018 9:11 PM >>>

Dear LAFCO,

My name is Tom Orlando and my permanent residence is 22957 Milton Rd., Farmington, Ca 95230 in Stanislaus County. I am NOT in favor of the Oakdale Fire Department expanding their sphere of influence. We already pay to many taxes and the thought of even more is not at all appealing. In our experience, Farmington Fire Dept and CalFire respond quicker to the accidents on highway 4 anyways.

Thank you for considering my opinion.

Sincerely,
Tom Orlando

Sent from my iPhone

Jennifer Goss - Oakdale Fire Dept Annexation proposal

From: Roy and Anne Orlando <rjorlando@hotmail.com>
To: "lafco@stancounty.com" <lafco@stancounty.com>
Date: 6/12/2018 4:02 PM
Subject: Oakdale Fire Dept Annexation proposal

To Whom it may concern-It sounds like at each stage our opinions need to be recorded so for the record once again we oppose the annexation to the Oakdale Fire dept. We are happy with the response from Cal Fire and the Farmington Fire Dept and do not want to incur any more expense.

Roy and Anne Orlando 22977 Milton Road Farmington,CA 95230

Catherine Fahey 22949 Milton Road Farmington,CA 95230

Sent from [Outlook](#)

Jennifer Goss - LAFCO App No-2017-03 (Protest Letter)

From: Bill Roche <roche1525@gmail.com>
To: <lafco@stancounty.com>
Date: 6/18/2018 11:13 AM
Subject: LAFCO App No-2017-03 (Protest Letter)
Attachments: LAFCO Opposition Roche 6-18-2018.pdf

LAFCO,

The attached letter is a protest letter for the annexation of our property into the Oakdale Fire District.

Thank you,

Bill Roche

Stanley D. Roche Ranch
(10213 Sonora Rd, Oakdale)
PO Box 23497
Pleasant Hill, CA.
94523

6-18-2018

LAFCO Application No. 2017-03

This letter is intended to document our intention to protest the proposal of annexation of our property which encompasses 2,008 acres into the Oakdale Rural Fire Protection District (Parcel numbers 001-012-008, 001-015-012, 002-021-001).

The annexation will assess additional taxes and fees on our property and this will not increase fire protection of structures on our property. Common sense dictates that any structure would be gone in a fire long before the district personnel would even arrive. Essentially we would be paying for nothing. We already pay taxes for fire service and we oppose this annexation.

Sincerely,



William Roche

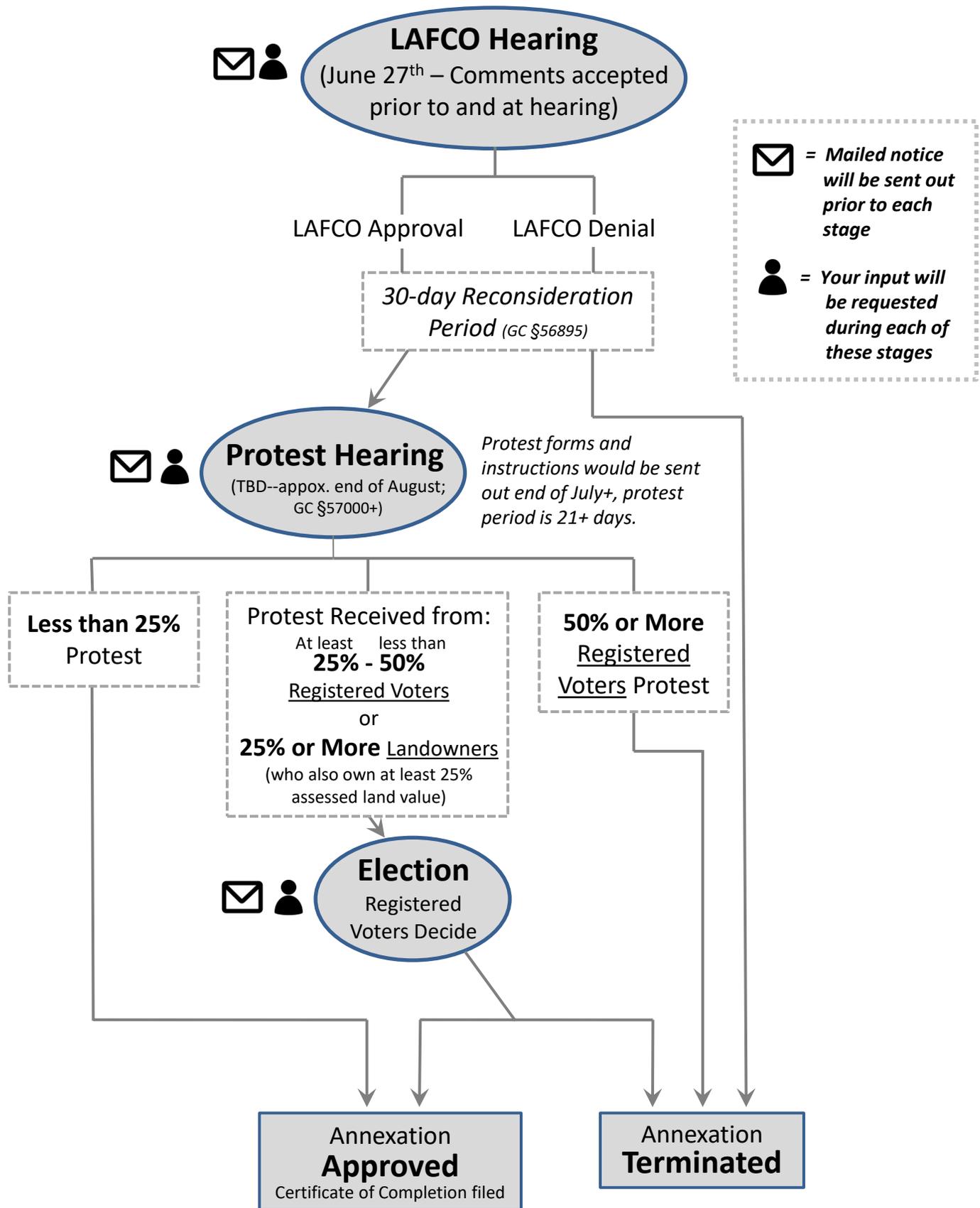
Via E-mail and Fax

EXHIBIT D

Guide to the LAFCO Annexation & Protest Process

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Guide to the LAFCO Annexation & Protest Process



This chart is a general summary of provisions found in the California Government Code (GC). If you have questions about any of the above, please contact LAFCO Staff at (209) 525-7660 or email us at lafco@stancounty.com.

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EXHIBIT E

**Draft LAFCO Resolutions No. 2018-05
Option 1- Approval and Option 2- Denial**

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**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: June 27, 2018

NO. 2018-05

SUBJECT: LAFCO Application No. 2017-03 & Sphere of Influence Modification No. 2017-07 –
Division 1 North Area Change of Organization to the Oakdale Rural Fire Protection
District

On the motion of Commissioner _____, seconded by Commissioner _____, and
approved by the following:

Ayes: Commissioners:
Noes: Commissioners:
Absent: Commissioners:
Ineligible: Commissioners:

THE FOLLOWING RESOLUTION WAS ADOPTED:

WHEREAS, a proposal was initiated by Resolution of Application from the Oakdale Rural Fire
Protection District; to modify the Sphere of Influence and simultaneously annex approximately
57,595 acres to the Oakdale Rural Fire Protection District;

WHEREAS, there are more than 12 registered voters within the area and it is thus considered
inhabited;

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the
Stanislaus Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local
Government Reorganization Act (Section 56000 et seq. of the Government Code);

WHEREAS, the proposal was initiated by a Resolution of Application from the Oakdale Rural Fire
Protection District;

WHEREAS, the purpose of the proposal is to allow the District to provide continued fire protection
services to the subject territory;

WHEREAS, proceedings for adoption and amendment of a Sphere of Influence and change of
organization are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act,
Section 56000 et seq. of the Government Code;

WHEREAS, California Government Code Section 56425 requires the Commission to prepare
written determinations with respect to certain factors outlined in this section;

WHEREAS, the District has established a special tax that will be applied to the subject territory and
will also receive funding pursuant to a tax sharing agreement with Stanislaus County;

WHEREAS, in the form and manner provided by law pursuant to Government Code Sections 56153 and 56157, the Executive Officer has given notice of the public hearing by the Commission on this matter;

WHEREAS, the Commission has, in evaluating the proposal, considered the report submitted by the Executive Officer, which included determinations and factors set forth in Government Code Sections 56425 and 56668, and any testimony and evidence presented at meetings held on April 25, 2018 and June 27, 2018; and

WHEREAS, as required by Section 57000 of the Cortese Knox Hertzberg Act, the change of organization is subject to protest proceedings.

NOW, THEREFORE, BE IT RESOLVED that the Commission:

1. Finds this proposal to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Sections 15320 and 15061(b)(3) of the CEQA Guidelines.
2. Adopts the written determinations pursuant to Government Code Section 56425, as described and put forth in the staff report dated April 25, 2018, and determines that the sphere of influence for the Oakdale Rural Fire Protection District will include the territory and be coterminous with its approved boundaries, as shown in Attachment 1.
3. Designates the proposal as the "Division 1 North Area Change of Organization to the Oakdale Rural Fire Protection District."
4. Finds the proposal to be consistent with State law and the Commission's adopted Policies and Procedures.
5. Approves the proposal subject to the following terms and conditions:
 - (a) The Applicant shall pay the required State Board of Equalization fees and submit a map and legal description prepared to the requirements of the State Board of Equalization and accepted to form by the Executive Officer.
 - (b) The Applicant agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval, and provide for reimbursement or assumption of all legal costs in connection with that approval.
 - (c) In accordance with Government Code Sections 56886(t) and 57330, the subject territory shall be subject to the levying and collection of all previously authorized charges, fees, assessments and taxes of the Oakdale Rural Fire Protection District.
 - (d) The effective date of the annexation shall be the date of recordation of the Certificate of Completion.

6. Directs the Executive Officer to initiate Protest Proceedings pursuant to Government Code Section 57000 et seq.
7. Adopts the Sphere of Influence modification contingent upon completion of the annexation.

ATTEST:

Sara Lytle-Pinhey
Executive Officer

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**STANISLAUS COUNTY LOCAL AGENCY
FORMATION COMMISSION**

RESOLUTION

DATE: June 27, 2018

NO. 2018-05

SUBJECT: LAFCO Application No. 2017-03 & Sphere of Influence Modification No. 2017-07 –
Division 1 North Area Change of Organization to the Oakdale Rural Fire Protection
District

On the motion of Commissioner _____, seconded by Commissioner _____, and
approved by the following:

Ayes: Commissioners:
Noes: Commissioners:
Absent: Commissioners:
Ineligible: Commissioners:

THE FOLLOWING RESOLUTION WAS ADOPTED:

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Protection District; to modify the Sphere of Influence and simultaneously annex approximately
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inhabited;

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the
Stanislaus Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local
Government Reorganization Act (Section 56000 et seq. of the Government Code);

WHEREAS, the purpose of the proposal was to allow the District to provide continued fire
protection services to the subject territory;

WHEREAS, proceedings for adoption and amendment of a Sphere of Influence and change of
organization are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act,
Section 56000 et seq. of the Government Code;

WHEREAS, in the form and manner provided by law pursuant to Government Code Sections
56153 and 56157, the Executive Officer has given notice of the public hearing by the Commission
on this matter; and,

WHEREAS, the Commission has, in evaluating the proposal, considered the report submitted by
the Executive Officer, which included determinations and factors set forth in Government Code
Sections 56425 and 56668, and any testimony and evidence presented at meetings held on April
25, 2018 and June 27, 2018;

NOW, THEREFORE, BE IT RESOLVED that the Commission:

1. Denies LAFCO Application No. 2017-03 & Sphere of Influence Modification No. 2017-07 – Division 1 North Area Change of Organization to the Oakdale Rural Fire Protection District.

ATTEST:

Sara Lytle-Pinhey
Executive Officer

**EXECUTIVE OFFICER'S AGENDA REPORT
JUNE 27, 2018**

TO: LAFCO Commissioners

FROM: Sara Lytle-Pinhey, Executive Officer ^{SLP}

**SUBJECT: RESPONSE TO THE 2017-2018 CIVIL GRAND JURY REPORTS RELATED TO
FIRE DISTRICTS**

RECOMMENDATION

Staff recommends that the Commission authorize the Chairperson to sign and submit a letter in response to the 2017-2018 Civil Grand Jury Reports related to fire districts.

DISCUSSION

The Stanislaus County Civil Grand Jury recently released two reports of interest to the Commission. They are attached for the Commission's review. Stanislaus LAFCO was listed as an invited responder on each report. The first report focuses on the Burbank-Paradise Fire Protection District's Board of Directors. The second report reviewed accountability and transparency of all the fire districts. While the focus of the report is on fire districts, the recommendations included in the report are beneficial to all special districts.

With regard to the Burbank-Paradise Fire Protection District (BPFDP), the Civil Grand Jury identified multiple governance and Brown Act issues and made associated recommendations to remedy these issues. The report also included the following recommendations referencing LAFCO:

- R1. LAFCO should consider dissolving BPFDP or consolidating it with another district by June 30, 2019.*
- R14. Ensure LAFCO website shows the correct monthly board meeting time and location and update when necessary by September 1, 2018.*

The report reviewing all the fire districts also included the following recommendation:

- R4. Fire districts are to ensure that meeting times and locations are posted consistently and accurately on district websites and with LAFCO.*

Staff has prepared a draft response to the Civil Grand Jury (attached to the end of this packet) that includes the following information pertaining to the above recommendations.

Dissolution or Consolidation

Dissolutions or consolidations can be initiated in three ways: by petition of property owners and/or voters, by the resolution from the district itself or another affected city or district, or by LAFCO when certain criteria are met. Many factors need to be considered by LAFCO prior to approval of a dissolution or consolidation of a district. These include, but are not limited to, determining how future services will be maintained and financed. Ultimately, the registered voters in the area would have the final determination whether or not to support the change.

EXECUTIVE OFFICER'S AGENDA REPORT
JUNE 27, 2018
PAGE 2

LAFCO-initiated consolidations and dissolutions are rare and must be initiated as the result of a reorganization study. This type of study would review governance options, financial options, and service needs. Studies of this type are typically performed by a consultant and can range in cost from \$50,000-100,000, depending on the number of agencies involved and whether the study is Countywide. Stanislaus LAFCO is currently funded by the cities and County and does not budget for additional special district studies.

A recent report by the Little Hoover Commission recognized the issue of limited funding for these types of studies and recommended the Legislature create a one-time grant funding opportunity for LAFCOs. Assembly Bill 2258 is currently making its way through the Legislature and would provide an opportunity to fund LAFCO activities that may have no other source of funding. One of the potential uses would be to fund reorganization studies (including those for dissolutions and consolidations). Stanislaus LAFCO recently provided a letter of support for the bill. It is unknown at this time whether Stanislaus LAFCO would be successful in obtaining grant funding. The process would be competitive amongst the LAFCOs throughout the State. In addition, the Commission would need to approve a proposed use of the grant funds, which could include studies for any of the various special districts in our County.

Dissolution or consolidation is typically the last resort for a special district when there is no other feasible option for the district to function efficiently on its own. When districts are identified as having managerial issues, Brown Act violations, or ethics violations, the first priority is to correct these issues rather than eliminate the district. The Civil Grand Jury's report for the Burbank-Paradise Fire Protection District contains numerous recommendations for the District that are reasonable and achievable.

District Meeting Times/Locations

Reports adopted by LAFCO, including Municipal Service Reviews, are often a "snapshot in time" with information being current as of the date of the report's adoption. Profiles of all the fire districts were included in the Commission's Municipal Service Reviews adopted in 2007 and 2016. (Both of these documents are available on the LAFCO website.) LAFCO Staff has added a disclaimer to the profile pages in those documents advising readers to verify individual meeting times/locations with the district. A link is now provided that directs readers to the most current reported contact information and listing of board members located on the County Clerk of the Board's website. Any updated information provided by the districts to LAFCO will also be shared with the Clerk of the Board to maintain consistency.

CONCLUSION

While the Commission is not required to respond to the reports, Staff recommends providing the aforementioned discussion as LAFCO's response to the Civil Grand Jury.

Attachments:

- Draft Response Letter from Stanislaus LAFCO
- 2017-2018 Stanislaus County Civil Grand Jury Reports
 - Burbank Paradise Fire District Board of Directors: Dynasty or Democracy (Case #18-06C)
 - Independent Special Fire Districts: Relics of the Past or Resources of the Future (Case #18-15GJ)

June 27, 2018

The Honorable Ricardo Cordova, Presiding Judge
Stanislaus County Superior Court
PO Box 3488
Modesto, CA 95353

SUBJECT: Stanislaus LAFCO's Invited Response to 2017-2018 Stanislaus County Civil Grand Jury Reports

Dear Judge Cordova:

The Stanislaus Local Agency Formation Commission (LAFCO) is in receipt of the 2017-2018 Civil Grand Jury reports related to the Burbank-Paradise Fire Protection District and all the fire districts (Case #s 18-06C and 18-15GJ). On behalf of Stanislaus LAFCO, this letter provides an invited response to the reports.

Dissolution or Consolidation

Dissolutions or consolidations can be initiated in three ways: by petition of property owners and/or voters, by the resolution from the district itself or another affected city or district, or by LAFCO when certain criteria are met. Many factors need to be considered by LAFCO prior to approval of a dissolution or consolidation of a district. These include, but are not limited to, determining how future services will be maintained and financed. Ultimately, the registered voters in the area would have the final determination whether or not to support the change.

LAFCO-initiated consolidations and dissolutions are rare and must be initiated as the result of a reorganization study. This type of study would review governance options, financial options, and service needs. Studies of this type are typically performed by a consultant and can range in cost from \$50,000-100,000, depending on the number of agencies involved and whether the study is Countywide. Stanislaus LAFCO is currently funded by the cities and County and does not budget for additional special district studies.

A recent report by the Little Hoover Commission recognized the issue of limited funding for these types of studies and recommended the Legislature create a one-time grant funding opportunity for LAFCOs. Assembly Bill 2258 is currently making its way through the Legislature and would provide an opportunity to fund LAFCO activities that may have no other source of funding. One of the potential uses would be to fund reorganization studies (including those for dissolutions and consolidations). Stanislaus LAFCO recently provided a letter of support for the bill. It is unknown at this time whether Stanislaus LAFCO would be successful in obtaining grant funding. The process would be competitive amongst the LAFCOs throughout the State. In addition, the Commission would need to approve a proposed use of the grant funds, which could include studies for any of the various special districts in our County.

Dissolution or consolidation is typically the last resort for a special district when there is no other feasible option for the district to function efficiently on its own. When districts are identified as having managerial issues, Brown Act violations, or ethics violations, the first priority is to correct

these issues rather than eliminate the district. The Civil Grand Jury's report for the Burbank-Paradise Fire Protection District contains numerous recommendations for the District that are reasonable and achievable.

District Meeting Times/Locations

Reports adopted by LAFCO, including Municipal Service Reviews, are often a "snapshot in time" with information being current as of the date of the report's adoption. Profiles of all the fire districts were included in the Commission's Municipal Service Reviews adopted in 2007 and 2016. (Both of these documents are available on the LAFCO website.) LAFCO Staff has added a disclaimer to the profile pages in those documents advising readers to verify individual meeting times/locations with the district. A link is now provided that directs readers to the most current reported contact information and listing of board members located on the County Clerk of the Board's website. Any updated information provided by the districts to LAFCO will also be shared with the Clerk of the Board to maintain consistency.

Stanislaus LAFCO appreciates the Civil Grand Jury's invitation to respond to the reports. We are hopeful that the districts involved in these reviews will benefit from the opportunity to improve their governance and transparency as recommended.

Should you or the Civil Grand Jury have any questions, please contact our office at (209) 525-7660.

Sincerely,

Terrance P. Withrow, Chairperson
Stanislaus Local Agency Formation Commission

**2017-2018 Stanislaus County Civil Grand Jury
Burbank-Paradise Fire District Board of Directors
Dynasty or Democracy?
Case #18-06C**

SUMMARY

The Stanislaus County Civil Grand Jury (SCCGJ) initiated an investigation in response to a complaint of alleged mismanagement by the board of directors of the Burbank-Paradise Fire District (BPFDD). The allegations included violations of the Brown Act and poor financial decisions. The investigation was expanded to determine compliance with selected articles of state law and generally accepted governance practices.

The investigation disclosed a board of directors and an organization marked by careless review, monitoring, and supervision practices. The Burbank-Paradise Fire District Board of Directors (BPFDD-BOD) was unable to provide any policies or procedures to deal with potential conflict of interest. Based on the testimony of witnesses and SCCGJ observations of open public meetings, the BPFDD-BOD appears to make decisions that affect BPFDD board members' personal financial, family, or other individual interests. Typically, government agencies develop and implement policies and procedures to deal with potential conflict of interest in areas such as family relationships (nepotism), business relationships, gifts, and honoraria.

Board members lacked knowledge of parliamentary procedures and failed to produce evidence of required ethics training and financial disclosure forms. At the time of this investigation, information vital to board meeting agendas, public meeting minutes, and financial information was not on the BPFDD website. In addition, this required information was not addressed or available to citizens who physically attended a board meeting and/or requested it. The board meeting notices were difficult to find. The signage and direction to the BPFDD meeting room is poorly marked and the meeting times, dates, and location were not scheduled with regularity.

The BPFDD-BOD failed to provide many documents requested by the SCCGJ to complete its investigation. Refer to Methodology and Findings sections of this report for more detail.

GLOSSARY

BPFDD	Burbank-Paradise Fire District
BPFDD-BOD	Burbank-Paradise Fire District Board of Directors
LAFCO	Local Agency Formation Commission
SCCGJ	Stanislaus County Civil Grand Jury
SCSD	Stanislaus County Sheriff's Department

BACKGROUND

On July 13, 2017 the Modesto Bee reported that the chief of BPFDD was dismissed following a vote by the BPFDD-BOD with one recusal from the vote. The SCCGJ received a complaint on September 20, 2017 alleging Brown Act and financial violations by the BPFDD-BOD.

BPFDD, established in 1942, serves over 8,300 residents in a 2.6 square mile area and has an annual budget of \$320,000. The district has one fire station that was recently remodeled. The majority of its calls are for emergency medical services. BPFDD is served by twenty-six volunteer firefighters, two paid firefighters, and one part-time employee.

At the time of this investigation, BPFDD was served by five elected board members. Some board members have served as long as twenty years. A change in fire management took place in July 2017.

BPFDD-BOD is a political subdivision of the State of California; neither the County of Stanislaus nor the State of California has authority over special districts once they are formed. This independent district's voters elect a board of directors to conduct the people's business. The BPFDD-BOD is responsible for ensuring compliance with state laws and accepted governance practices.

METHODOLOGY

The SCCGJ interviewed the complainant regarding a potential violation of the Brown Act by the BPFDD-BOD.

Ten other interviews were conducted.

Several board meetings were attended.

Documentation was requested as follows:

- Budgets for the past five fiscal years.
- Annual internal and audited financial statements for the past five years.
- Credit card authority and policy for use.
- Check signing authority and policy.
- Board meeting agendas for the past three years.
- Board meeting minutes for the past three years.
- Original district bylaws governing operations since inception.

- Form 700 Statement of Economic Interests.
- Proof of Ethics Training.
- Financial documents for the past three fiscal years including:
 - Vendor invoices and all documents supporting payments made.
 - Attorney invoices.
 - Bank statements.
 - Correspondence.
- Recent construction documents:
 - Plans and specifications and contract with architect.
 - Documents requesting bids.
 - Responses to requests for bids.
 - Construction contract.
 - Building permit showing final approval by government authority.
- Documentation requested by certified mail.
- Phone calls, visits to BPFDD to obtain documents.
- BPFDD-BOD digital voice recording of meetings reviewed.
- Reviewed Stanislaus County Sheriff's Department (SCSD) police reports.

DISCUSSION

Board Meeting Code of Conduct

A meeting code of conduct does not exist in BPFDD-BOD. Typically government agencies prescribe and enforce rules for their own governance. These rules must be consistent with state laws and regulations. A meeting code of conduct reduces the likelihood of conflict of interest situations where a BPFDD-BOD member or one of his family members has a personal or financial interest that could compromise his independent judgment or responsibilities. BPFDD-BOD is required to eliminate conflicts of interest, disclose ethical, legal, financial, and other conflicts. They must remove themselves from decision-making processes if they would otherwise be called on to act on a conflict involving themselves, their family members, or entities with which they or their family members are closely associated. A governing board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313.

In July 2017, the BPF-D-BOD voted to terminate the existing fire chief. This action resulted in feelings of acrimony and bitterness between the terminated chief and some board members. Anticipating legal action, the BPF-D-BOD consequently hired an attorney. During the SCCGJ observation of BPF-D board meetings, the attorney's role expanded to providing instructions on how to conduct a meeting.

The BPF-D-BOD meetings attended by the SCCGJ were loud and argumentative. BPF-D-BOD interrupted each other and held frequent side conversations. In a closed session the SCCGJ members standing outside of the building could hear word-for-word yelling between board members.

Based on a review of Stanislaus County Sheriff's Department (SCSD) police reports of June 23, 2017 and September 8, 2017 and the testimony of witnesses, the SCSD was called to settle arguments between board members.

Conflict of Interest

A history of conflicts of interest appear to be a factor in the BPF-D-BOD's decision making processes. The SCCGJ investigation revealed that two board members are married to each other. A sitting board member, who was the spouse of the former chief, defended her husband's actions when another board member complained that the chief performed his duties poorly. On July 12, 2017, the BPF-D-BOD voted to terminate the existing chief. Since the existing chief was married to a board member at the time of his termination, this resulted in an atmosphere of acrimony and discord between board members. Witnesses testimonies revealed the existing chief's spouse, a member of the board on July 12, did not recuse herself from the closed session discussion regarding termination.

Another board member's significant other was on the board at an earlier time. A paid part-time clerk was married to a person who had been on the board at the time of the clerk's hiring.

Financial

Monthly financial reports were kept in an unlocked filing cabinet along with other audit reports. Receipts for supplies and equipment repairs were kept in the accounts payable folder in the same unlocked filing cabinet, leaving this information available to anyone. Credit cards were kept in an unlocked desk making them available for anyone to use.

Credit cards were also used by the strike team while they were outside of the district and assigned to fight wildfires. A strike team is a crew of highly trained firefighters fully equipped and trained to respond to wildfires anywhere in the state. Under mutual aid agreements with Cal Fire, BPF-D provides strike teams as needed and is then reimbursed for the team's costs by the California Office of Emergency Services. As a practice, some of the CalOES reimbursement for the strike team has been taken by the chief for administrative duties, even though the chief did not accompany the strike team on its firefighting mission.

The district spent \$600,000 remodeling the fire station. BPF-D negotiated a loan to pay for the remodeling. BPF-D received only one bid for this project. The following is a quote from

California Fire and Rescue Training Authority policy handbook section 3080.5 Informal Bidding Procedures:

“Whenever this policy requires use of informal bidding procedures, the Manager shall obtain, if available, a minimum of three written or verbal quotations or proposals relative to the personal property or services to be acquired for the construction project. The Manager shall award the contract to the vendor or contractor whose quotation or proposal, in the Manager’s discretion, most adequately meets the needs of the Authority at the lowest price.”

Changes to the proposed work were approved by one or two individuals without board approval or without proper documentation. The loan required an audit of BPFD on an annual basis. An audit was not completed on the loan by the bank due to lack of available documentation.

A surplus fire truck was sold for \$1,900 with no documentation indicating its valuation or appraisal prior to its sale. According to witnesses, the fire truck was delivered to the purchaser, and payment was made in cash. The cash was placed in an envelope and put in the chief’s desk. No record is available authorizing the sale or verifying the disposition of the funds received.

Minutes

Because the minutes were not available, many comments and allegations were unsubstantiated by documentation. This created a “he said, she said” environment where voices were raised, and confrontations were common. Acrimony was exacerbated when one board member threatened legal action against the board regarding termination of the previous chief.

Anticipating legal action, the board hired an attorney to help protect the district from a possible wrongful termination lawsuit. The attorney’s job expanded to give guidance on conducting BPFD-BOD meetings. The attorney fees were originally budgeted at \$16,000. This expense has grown to nearly twice the amount budgeted to over \$30,000.

Minutes were often handwritten notes by a board member on a copy of the meeting agenda. These documents were considered personal copies of the board member. Several board members claimed to have recorded the actual minutes and believed their record as personal and private information. For the last year, due to disputes between board members regarding the content of the minutes that exist, a digital voice recorder was used at board meetings. The clerk started transcribing the recordings verbatim. Some records of minutes were maintained on a home computer. Closed session minutes were sometimes combined with regular open meeting minutes. The district board’s meeting minutes failed to meet the minimum requirement for conducting public business.

Documentation

On September 29, 2017, the SCCGJ requested documents by certified mail. With the exception of receiving an abusive telephone call from a BPF-D-BOD member to the SCCGJ, BPF-D-BOD did not respond to SCCGJ's initial request for information. A second SCCGJ request for information was sent by certified mail on October 19, 2017

BPF-D-BOD failed to provide the SCCGJ requested information in a timely fashion. Consequently, it became necessary for members of the SCCGJ to visit the fire station to collect the requested documents. During its search for the requested documents, SCCGJ found that incoming mail to the fire station was placed in an unsecured open box. The SCCGJ also learned that mail is sometimes delivered to board members at their home. Firefighters, who stay in a house next to the fire station, do not check the mail or distribute the mail daily. Apparently no individual has the responsibility to collect and distribute mail.

When the requested documents were obtained by the SCCGJ at the BPF-D office, certified mail sent to BPF-D from other businesses and organizations was found to be unopened and outdated.

The SCCGJ learned the BPF-D part-time paid clerk had no job description, specific hours, or workplace. The SCCGJ also discovered the chief has no job description, which should include a list of responsibilities and duties.

Witnesses stated that firefighters were concerned about their grievances of harassment by management that could result in retaliation or being blacklisted in their profession. The SCCGJ could not find any policies or procedures pertaining to harassment and how they could address their grievances.

FINDINGS

- F1. The BPF-D-BOD is dysfunctional. Board members lack training, leadership skills, and the ability to communicate effectively.
- F2. The lack of written conflict of interest policies and procedures is a frequent issue.
- F3. Legal fees have depleted the funds available for the district's core mission.
- F4. No records exist accounting for the cash funds received from the sale of the BPF-D fire truck.
- F5. State funds reimbursing the district for administrative costs for strike teams were improperly paid to an employee.
- F6. Credit cards were left unsecured with no written policy for their use.
- F7. BPF-D-BOD failed to provide financial statements and audit reports.
- F8. BPF-D-BOD failed to provide Form 700 Statement of Economic Interests and evidence of ethics training as required by California law.
- F9. BPF-D-BOD failed to provide board agendas and minutes as required by the Brown Act.
- F10. Agendas for special meetings were not posted as required by the Brown Act.

- F11. BPFDD-BOD has no written policies, procedures, or bylaws.
- F12. Employees have no job descriptions and therefore have little understanding of what their job responsibilities truly are.
- F13. BPFDD has no grievance procedure for protection against any form of abuse.

RECOMMENDATIONS

- R1. LAFDD should consider dissolving BPFDD or consolidating it with another district by June 30, 2019.
- R2. BPFDD-BOD must conduct public meetings in a professional manner led by the board chair in congruence with the district's adopted written policies, customary parliamentary procedures, and the Brown Act by August 1, 2018.
- R3. Develop procedures and rules for BPFDD-BOD on conducting public meetings by participating in state-approved courses on the Leadership of Special Districts Foundation in California by December 1, 2018.
- R.4 Develop and implement a conflict of interest policy and procedures to establish expectations of balancing the personal and business interests of BPFDD.
- R5. Retain Financial Disclosure Forms (Form 700) for a minimum of five years to be held at the BPFDD office and at the Stanislaus County Election Office by September 1, 2018.
- R6. Maintain Ethics training certificates for a minimum of three years to be held at BPFDD office by August 1, 2018.
- R7. Establish bylaws requiring new and returning BPFDD-BOD to complete biannual training in the Brown Act, Public Records Act (Government Code 1090-1098), and the Political Reform Act (Government Code 87100-87505) by December 1, 2018.
- R8. The BPFDD website should focus on governance information and financial transparency no later than August 1, 2018 by posting:
- Regular meeting agendas 72 hours prior to the meeting.
 - Special meeting agendas 24 hours prior to the meeting.
 - Emergency meeting agendas one hour prior to the meeting.
 - Board minutes.
 - Monthly budget reports.
 - Financial transaction reports.

- Annual audit information.
- R9. Use the BPFDF website to provide information about the district to encourage public attendance and participation by September 1, 2018.
- R10. Encourage public attendance and involvement by clearly posting BPFDF-BOD meeting dates, times, agendas, at locations visible to the public by August 1, 2018.
- R11. BPFDF-BOD needs to develop job descriptions and responsibilities for all employees and volunteers by December 1, 2018.
- R12. Develop a grievance procedure free from the fear of retaliation by January 1, 2019.
- R13. BPFDF-BOD is directed to support the current fire chief and assistant chief by encouraging them to connect with the Stanislaus County Fire Warden’s Office to assist this leadership staff with strategic planning, training, and other support services to effectively manage the district by August 1, 2018.
- R14. Ensure LAFCO website shows the correct monthly board meeting time and location and update when necessary by September 1, 2018.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Stanislaus County Civil Grand Jury requests responses as follows:

Burbank-Paradise Fire District Board of Directors – Recommendations R2-R13 within 90 days.

INVITED RESPONSES

BPFDF Fire Chief

LAFCO

Stanislaus County Board of Supervisor

BIBLIOGRAPHY

CALIFORNIA STATE LAW

GOVERNMENT CODE

- Title 1. General [100-7914]
 - Division 1. Cost Records to be Kept [4000-4007]
 - Division 4. Public Officers and Employees [1000-3599]

Chapter 1. General [1000-1241]
 Article 4. Prohibitions Applicable to Specified Officers [1090-1099]
Division 7. Miscellaneous [6000-7599.2]
 Chapter 3.5 Inspection of Public Records [6250-6276.48]
 Article 1. General Provision [6250-6270.5]
Title 3. Government of Counties [23000-33205]
 Division 2. Officers [24000-28085]
 Part 3. Other Officers [26500-27773]
 Chapter 4. Auditor [26900-26914]
 Article 1. Duties Generally [26900-26914]
Title 5. Local Agencies [50001-57550]
 Article 2.4 Ethics Training [53234-53235.2]
 Division 2. Cities, Counties and other Agencies [53000-55821]
 Part 1. Power and Duties [53000-54999.7]
 Chapter 9 Meetings Ralph M. Brown Act [54950-54963]
 Title 9. Political Reform [81000-91014]
 Chapter 7. Conflicts of Interest [87100-87505]
 Article 2. Disclosure [87200-87210]

HEALTH & SAFETY CODE

 Division 12. Fire and Fire Protection [13000-14960]
 Part 2.7. Fire Protection District Law of 1987 [13800-13970]
 Chapter 7. Finance [13890-13906]

PUBLIC CONTRACT CODE

 Division 2. General Provisions [1100-22355]
 Part 3. Contracting by Local Agencies [20100-20928]
 Chapter 1. Local Agency Public Construction Act [20100-20929]
 Article 53. Fire Protection Districts [20810-20813]

APPENDIX

SPECIAL AND FIRE DISTRICT ASSOCIATIONS

Institute for Local Government Good Governance Checklist	http://www.ca-ilg.org/
California Special District Association	http://www.csda.net/special-districts/
Fire District Association of California	http://www.csda.net/special-districts/
Special District Leadership Foundation	https://www.sdlf.org/

DISCLAIMER

This report of case number 18-06C of the Burbank-Paradise Fire District is issued by the 2017-2018 Stanislaus County Civil Grand Jury with the following exception: one member of the grand jury volunteered to recuse himself due to a perceived conflict of interest. This grand juror was excluded from all phases of the investigation, including interviews, deliberations, voting, and in writing and approval of this report. None of the information included in this report was obtained from the excluded grand juror as a means of mitigating a potential bias to the integrity of this report.

**2017-2018 Stanislaus County Civil Grand Jury
Independent Special Fire Districts
Relics of the Past or Resources for the Future?
Case #18-15GJ**

SUMMARY

Special districts are an important part of local government. Stanislaus County independent special fire districts administer \$26 million a year of tax payer money with little scrutiny from the citizens. Fire districts as a class have never been reviewed by the Stanislaus County Civil Grand Jury. This year all fourteen special fire districts were evaluated to assess the transparency and accountability of governance.

District accountability is confusing because the majority of boards are appointed by the Stanislaus County Board of Supervisors (SCBOS), not elected by the voters. Most boards do reasonably well in managing operations, but many board members are not adequately trained for effective governance. Few districts are in full compliance with state laws requiring transparency, accountability, and ethics training. Board meetings are often difficult to locate and are not welcoming to citizens. Websites lack required financial reports and contain inaccurate information. Public participation is absent at most meetings. Many board meetings lack the structure and formality expected when conducting the people's business.

GLOSSARY

LAFCO	Local Agency Formation Commission
SCBOS	Stanislaus County Board of Supervisors
SCCGJ	Stanislaus County Civil Grand Jury
SCFD	Stanislaus Consolidated Fire District

BACKGROUND

California law established special districts as independent state agencies to provide infrastructure or services of importance to the voters within specific limited boundaries. The districts are governed by boards that are accountable to the voters within the district boundaries. Stanislaus County is home to forty-two independent special districts including fourteen fire districts. California has over 2000 special districts. Turlock Irrigation District was the first to be formed after passage of the Wright Act in 1887. Independent special districts are created by the legislature. The SCBOS appoints the majority of board members. However, other districts elect their board members.

The Little Hoover Commission was formed by the California State Legislature in 1962 “...to secure assistance for the Governor and itself in promoting economy, efficiency and improved service in the transaction of the public business in the various departments, agencies and instrumentalities of the executive branch of the state government, and in making the operation of all state departments, agencies and instrumentalities, and all expenditures of public funds, more directly responsive to the wishes of the people as expressed by their elected representatives...”

In 2000, The Little Hoover Commission did a study of special districts in California titled *Special Districts: Relics of the Past or Resources for the Future?* The commission found “an expansive government sector, largely invisible, serving constituents who know little about them or how the money they provide is used”. In 2017, the Commission revisited special districts and issued a report in August titled *Special Districts: Improving Oversight and Transparency*. While many special districts had developed websites in the interim, many of the websites were of poor quality. Otherwise, the same issues that plagued districts in 2000 remained in 2017. For our purposes, the two areas of concern were:

- Oversight of special districts, specifically, opportunities to bolster the effectiveness of Local Agency Formation Commissions (LAFCOs).
- The continued need for districts to improve transparency and public engagement.

In 1963, the state legislature created fifty-eight LAFCOs with the authority to oversee local boundary decisions and to initiate special district consolidations or dissolutions. In 2000, LAFCOs were given authority to conduct Municipal Service Reviews to guide districts in performance improvement. To date, thirty of California’s fifty-eight counties have special district representatives on their LAFCOs. Each LAFCO is funded through its member organizations which in Stanislaus County include representatives from city and county government. The county’s independent special districts do not have representation in LAFCO.

METHODOLOGY

Board meetings were attended, and interviews conducted. The following documentation was requested from each fire district:

- Budgets for the past five fiscal years.
- Annual internal and audited financial statements for the past five years.
- Credit card authority and policy for use.
- Check signing authority and policy.
- Organizational chart.
- Name and responsibility of each board member.
- Board meeting agendas for the past three years.
- Board meeting minutes for the past three years.
- Original district bylaws governing operations since inception.
- Form 700 Statement of Economic Interests.
- Proof of Public Service Ethics Education.
- Policy on nepotism.

DISCUSSION

Board Meetings

All the districts posted the minimum required 72-hour notice for board meetings on letter-sized paper in front of the fire station. This inconspicuous notice doesn't effectively inform the voters or advertise the meeting. This may satisfy the minimum requirement of the open meeting laws but falls short of the spirit.

Some districts, such as Oakdale Rural, send agendas, board packets, and minutes by email to interested citizens. This takes little effort to set up and is a great way to reach the voters.

Some board meetings were conducted in facilities with multiple entrances. No signage directed attendees toward the meeting location. One meeting required following some strangers down a dark alley and through an unmarked door at the rear of the fire station. These are among the barriers to voter involvement.

Meeting information on some districts' websites was inconsistent with information available from LAFCO and the county. Meeting dates, times, and locations were often misleading. In one instance the meeting time was listed as 6:30 P.M. on LAFCO and county websites, 4:30 P.M. on the district website when the actual meeting time was 5:30 P.M.

Some meetings were conducted so informally that they were more like a group of friends meeting around the kitchen table than a board conducting the people's business. Citizen attendance at board meetings was rare. The SCCGJ was often the only "outsider" present at board meetings. Board members and staff were often anonymous as names were not displayed

and no roll call was taken. Discussions were often muted and difficult to hear. Acronyms known only to the board were used with no attempt to explain to the audience. These meetings were impressive in their attention to the districts operational and financial issues but lacked the structure and transparency expected of a governmental agency.

Of the meetings attended, Denair and Stanislaus Consolidated fire districts were an exception. The structure and formality of the meetings were excellent.

Selection and Accountability of Board Members

Board selection follows two paths. One is voter election. If no citizens seek the post, then the SCBOS appoints an individual to the board. Conversely other boards are defined as “appointed boards” and consist solely of appointees. The majority of fire district boards are appointed by the SCBOS. A lack of citizen awareness and interest appears to be the underlying cause behind many of the elected board vacancies.

For example, the boards for Stanislaus Consolidated, Oakdale Rural, Turlock Rural, and the Industrial fire districts are appointed by the county and various cities. These boards, like all other independent special districts, are accountable to the voters in their district. Confusion and difficulty occur since board members are appointed rather than elected. However, voters cannot install or remove these board members without the involvement of the appointing entity.

On October 10, 2017 a fire district contacted a county supervisor expressing concern about the SCCGJ document request (see methodology section). The concern was sent to county counsel who forwarded it to the SCCGJ. This indicates the district mistakenly believed it reported to the SCBOS. As another example, on March 9, 2007 a notice on the county website stated, “Industrial Fire Protection District ... is no longer under County oversight”. Both instances reinforce the misconception that special districts are accountable to the county.

Governance Documentation

The responses to the document request (see methodology) are shown in the graph below. Some of the districts created the documents after receiving the request. Others claimed they didn't need the requested policy or organizational structure.

Organization charts, board responsibilities, and policy manuals provide documents necessary for structure, ethics compliance, and continuity. Set policies on file allow for standardization. Controlling purchases and disbursements is the foundation of being a good steward of the people's money. Insuring a procedure for credit card use and check signing is basic. Nepotism can easily occur in a casual environment. These policies should be in place before they are needed.

EFFECTIVE GOVERNANCE

	ORGANIZATION CHART	BOARD MEMBER LIST AND RESPONSIBILITY	CREDIT CARD USE POLICY	CHECK SIGNING POLICY	DISTRICT BYLAWS OR POLICIES	NEPOTISM POLICY
FIRE DISTRICT						
Burbank-Paradise	None	None	None	None	None	None
Ceres	On file	On file	On file	On file	On file	None
Denair	On file	On file	On file	On file	On file	None
Hughson	On file	On file	None	On file	None	None
Industrial	On file	On file	On file	On file	On file	On file
Keyes	On file	On file	On file	On file	On file	On file
Mountain View	On file	On file	None	None	On file	None
Oakdale Rural	None	On file	None	On file	On file	None
Salida	On file	On file	On file	On file	On file	On file
Stanislaus	On file	On file	On file	On file	On file	On file
Turlock Rural	On file	On file	On file	On file	On file	None
Westport	On file	On file	None	On file	On file	None
West Stanislaus	On file	On file	On file	On file	None	None
Woodland Ave	None	On file	None	None	On file	None

Compliance with California Law

The SCCGJ initiated a request for common documents that should be readily available to evaluate compliance with the Public Records Act and the four California codes shown on the chart below. The documents were requested on October 2, 2017 with a due date of October 27, 2017. A fire district stated they could not comply by the due date because strike teams were fighting fires in Napa County causing a manpower shortage. The SCCGJ extended the due date one month. However, if documents were on file as required, staff or board members could have responded to the request because they were not on the strike team.

Denair Fire District responded first on October 30, 2017. Keyes responded last on January 18, 2018. The remaining districts responded within a few days of the extended due date.

The responses show that some districts are not complying with conflict of interest reporting required by the Political Reform Act or Ethics Training required by Title 5 of the California Government Code (see bibliography). Obeying these laws is a fundamental part of effective governance. The failure to follow them is unacceptable.

COMPLIANCE WITH CALIFORNIA LAW

FIRE DISTRICT	CALIFORNIA GOVERNMENT CODE			HEALTH & SAFETY CODE
	BROWN ACT	POLITICAL REFORM ACT	ETHICS TRAINING	FINANCIAL REPORTING
Burbank-Paradise	None	None	None	None
Ceres	Provided	Provided	Provided	Provided
Denair	Provided	Provided	Incomplete	Provided
Hughson	Provided	Provided	None	Provided
Industrial	Provided	Provided	Incomplete	Provided
Keyes	Provided	Provided	Incomplete	Provided
Mountain View	Provided	None	None	Provided
Oakdale Rural	Provided	Provided	Provided	Provided
Salida	Provided	Provided	Provided	Provided
Stanislaus	Provided	Provided	Incomplete	Provided
Turlock Rural	Provided	Provided	Provided	Provided
Westport	Provided	Provided	Incomplete	Provided
West Stanislaus	Provided	Provided	Incomplete	Provided
Woodland Ave	Provided	Provided	None	Provided

District Websites

District websites were reviewed at the beginning of the investigation to determine if required financial and governance information was posted. The following graph shows the results. Nine districts maintain websites. At the time of our review, none were current. Some content has been added since our initial review.

The website emphasis appears to be informing about the mission and community activities. They lack attention to financial and governance transparency. They are not used to encourage voter involvement or attendance at board meetings. Calendar modules are not updated. Board meeting locations and times are often inaccurate.

Current law mandates any special district with a website must post these requirements:

- Agendas must be posted 72 hours before a meeting occurs.
- Annual compensation reports, or a link to the State Controller’s website that contains the report, must be posted.
- Financial transaction reports, or a link to the State Controller’s website that contains the report, must be posted.

DOCUMENTS AVAILABLE ON WEBSITES

FIRE DISTRICT		FINANCIAL			BOARD MEETINGS		
NAME	MAINTAINS A WEBSITE	AUDIT	REPORT	BUDGET	SCHEDE	AGENDA	MINUTES
Burbank-Paradise	Yes	No	No	No	No	8/22/17	No
Ceres	No website						
Denair	Yes	No	No	No	No	No	No
Hughson	Yes	No	No	No	No	8/9/17	No
Industrial	No website						
Keyes	Yes	No	No	No	No	No	No
Mountain View	Yes	No	No	No	Yes	No	No
Oakdale Rural	No website						
Salida	Yes	6/30/15	No	No	No	8/21/17	No
Stanislaus	Yes	6/30/15	No	2017	Yes	8/10/17	No
Turlock Rural	No website						
Westport	No website						
West Stanislaus	Yes	No	No	No	Yes	8/14/17	No
Woodland Ave	Yes	No	No	No	No	8/10/17	No

Citizen Involvement

Citizen involvement was observed at two of the nine board meetings attended. The boards allowed time for public comment and were courteous and respectful of citizens. Board meetings with citizen involvement were conducted in an organized parliamentary manner.

The seven board meetings where no citizen involvement was observed were conducted in a casual and unstructured manner. This may discourage a citizen from attending a future meeting.

Board Member Training

The investigation disclosed no organized governance training for board members. The Director's Policy Manual for SCFD mentioned "Board development and excellence of performance". However, no specific curriculum was mentioned.

To function effectively Stanislaus County needs hundreds of volunteers to provide governance over special districts. Interest in public service may be enhanced by a well-trained board conducting the people's business with professional structure and formality. Training would increase the effectiveness of appointed and elected boards as well as encourage involvement in the democratic process and in preparing future civic leaders.

The current environment requires each board to recognize the need for training and then to seek and undertake a self-directed training program. A list of training resources is available in the appendix.

FINDINGS

- F1. Few districts are in full compliance with state laws in transparency, accountability, and governance.
- F2. Many board members are not adequately prepared to assume office. Stanislaus County lacks a standardized governance training program.
- F3. Most district board members are appointed by the SCBOS.
- F4. The SCCGJ observed that some fire districts perceive that they are accountable to the SCBOS. Conversely the SCBOS has no responsibility beyond appointment of board members.
- F5. Citizen participation is lacking at board meetings.
- F6. Most board meetings are not welcoming to citizens.
- F7. Many of the district websites lack required information about governance and finances.
- F8. No apparent effort exists to increase citizen participation and involvement.

- F9. The fire districts spend \$26 million yearly with little public scrutiny.
- F10. While the SCCGJ focused its investigation on independent special fire districts, our findings and recommendations should be of interest to all special districts in Stanislaus County.

RECOMMENDATIONS

- R1. All Stanislaus County fire districts boards should adhere to California law. All districts should have a written manual of generally accepted governance policies and procedures. The manual should include policies for nepotism, credit card control, and check signing. The manual should be completed by December 31, 2018 (see appendix).
- R2. All fire districts should establish a training requirement for board members in addition to that required by law. The curriculum is to be established no later than December 31, 2018 and shall include at least good governance, parliamentary procedure, Brown Act, nepotism, and conflict of interest (see appendix).
- R3. Certificates of ethics training and Financial Disclosure Form 700 must be on file in each fire district office for five years and at the Stanislaus County Elections Office.
- R4. Fire districts are to ensure that meeting times and locations are posted consistently and accurately on district websites and with LAFCO.
- R5. The fire districts and the community at large would benefit if the SCBOS would exert oversight of governance training.
- R6. The SCBOS should advise the forty-two special districts in Stanislaus County to obtain a copy of this report from the SCCGJ website for informational purposes.
- R7. All fire district boards must comply immediately with the requirements for meeting notices, posting of meeting agendas, publishing of minutes, and financial statements as required by California law.
- R8. Websites should be effectively maintained to abide by California law. The priority of websites should be to provide information and transparency about governance and finances. Current and prior agendas, minutes, financial statements, and audits should be posted (see appendix).
- R9. Board meeting locations and times should be boldly identified. Signage visible from the street should announce meeting dates and times. Signage should be in place to direct citizens to the meeting room. Meeting rooms should be well-lighted, provide adequate seating, and free of exhaust fumes.
- R10. Board meeting structure should routinely reflect the basic elements of accepted rules of order while conducting the people's business. They should start on time with a gavel or

announcement. Board members and officers should be identified by roll call. Names of board members should be visible. Topics and guest speakers should be clearly identified, and sidebars eliminated.

- R11. The districts should utilize local print media to seek candidates for the boards of directors. For example, the Modesto Bee's "Lend a Hand" section announces volunteer opportunities.

REQUEST FOR RESPONSES

Burbank-Paradise Fire Protection District
Ceres Fire Protection District
Denair Fire Protection District
Hughson Fire Protection District
Industrial Fire Protection District
Keyes Fire Protection District
Mountain View Fire Protection District
Oakdale Rural Fire Protection District
Salida Fire Protection District
Stanislaus Consolidated Fire Protection District
Turlock Rural Fire Protection District
Westport Fire Protection District
West Stanislaus Fire Protection District
Woodland Avenue Fire Protection District

INVITED RESPONSES

Local Agency Formation Commission
Stanislaus County Board of Supervisors

BIBLIOGRAPHY

CALIFORNIA STATE LAW

GOVERNMENT CODE

Title 1. General
 Division 4. Public Officers and Employees
 Chapter 1. General
 Article 4. Prohibitions Applicable to Specified Officers
 Chapter 4. Vacancies
 Division 5. Public Work and Public Purchases
 Chapter 1. Cost Records to be Kept
 Division 7. Miscellaneous
 Chapter 3.5 Inspection of Public Records
 Article 1. General Provision
Title 3. Government of Counties

Division 2. Officers
Part 3. Other Officers
Chapter 4. Auditor
Article 1. Duties Generally
Title 5. Local Agencies
Division 2. Cities, Counties and other Agencies
Part 1. Power and Duties
Chapter 2 Officers and Employees
Article 2.4 Ethics Training
Chapter 9 Meetings Ralph M. Brown Act
Title 9. Political Reform
Chapter 7. Conflicts of Interest
Article 2. Disclosure

HEALTH & SAFETY CODE

Division 12. Fire and Fire Protection
Part 2.7. Fire Protection District Law of 1987
Chapter 1. General Provisions
Chapter 3. Selection of Initial Board of Directors
Chapter 4. Existing Boards of Directors
Chapter 7. Finance

PUBLIC CONTRACT CODE

Division 2. General Provisions
Part 3. Contracting by Local Agencies
Chapter 1. Local Agency Public Construction Act
Article 53. Fire Protection Districts

APPENDIX

Institute for Local Government- Good Governance Checklist <http://www.ca-ilg.org/>
California Special District Association <http://www.csda.net/special-districts/>
Fire District Association of California <http://www.csda.net/special-districts/>
Special District Leadership Foundation <https://www.sdlf.org/>

FORM 700 STATEMENT OF ECONOMIC INTERESTS ONLINE

<http://www.fppc.ca.gov/Form700.html>

ETHICS TRAINING ONLINE

<http://locaethics.fppc.ca.gov/options.aspx>

DISCLAIMER

This report of case #18-15GJ regarding the Stanislaus County independent fire districts is issued by the 2017-2018 Stanislaus County Civil Grand Jury with the following exception: one grand juror recused voluntarily due to a perceived conflict of interest. This grand juror was excluded from all phases of the investigation, including interviews, deliberations, voting, and in writing and approval of this report. None of the information included in this report was obtained from the excluded grand juror as a means of mitigating a potential bias to the integrity of this report.