

LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF ALPINE

Teola L. Tremayne
Executive Officer

P.O. Box 158
Markleeville, CA 96120

Telephone 530-694-2281
FAX: 530-694-2491

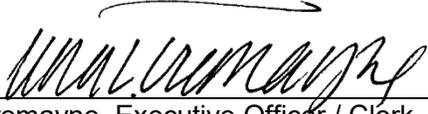
County Counsel

AGENDA
JULY 5, 2022
2:30 P.M.
IN-PERSON AND VIRTUAL MEETING

Notice is hereby given that the Local Agency Formation Commission of the County of Alpine (LAFCO) will meet on July 5, 2022 at 2:30 p.m. (or as soon thereafter as possible following the regular meeting of the Board of Supervisors), at Board Chambers, Alpine County Government Center, 99 Water Street, Markleeville, California.

Join Zoom Meeting or dial (346)248-7799
<https://us06web.zoom.us/j/82887265973>
Meeting ID: 828 8726 5973

1. **CALL TO ORDER / PLEDGE OF ALLEGIANCE**
Commissioners January Riddle, Terry Woodrow, Ron Hames, Kris Hartnett and Evan Mecak, Bob Epstein, Douglas Mitarotonda. Alternate Commissioners David Griffith and Lewis Ames and one alternate public member vacancy.
2. **ORAL COMMUNICATIONS / PUBLIC COMMENT**
Opportunity for members of the public to address the Local Agency Formation Commission on matters not appearing on the agenda. No action may be taken.
3. **APPROVAL OF MINUTES**
 - 3.1 Approval of regular meeting minutes of June 21, 2022.
4. **PUBLIC HEARINGS**
 - 4.1 Public hearing regarding Kirkwood Meadows Public Utility District's (KMPUD) annexation request to include Caltrans Peddler Hill Maintenance Station into the KMPUD electrical service area.
5. **UNFINISHED BUSINESS**
 - 5.1 Continued discussion and possible direction regarding the 2022/2023 Local Agency Formation Commission budget.
 - 5.2 Continued discussion and possible direction regarding the Alpine County Municipal Service Review and Sphere of Influence.
6. **NEW BUSINESS**
 - 6.1 Discussion and possible direction regarding updating the LAFCO Handbook Policies, Standards, and Procedures
7. **EXECUTIVE OFFICER'S UPDATE** None
8. **ADJOURNMENT**
The Local Agency Formation Commission will adjourn to the next regular meeting at the County Government Center.



Teola L Tremayne, Executive Officer / Clerk
Alpine County Local Agency Formation Commission

LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF ALPINE

ITEM NO. 3.1

Teola L. Tremayne
Executive Officer

P.O. Box 158
Markleeville, CA 96120

Telephone 530-694-2281
FAX: 530-694-2491

Margaret Long
County Counsel

MINUTES
MAY 17, 2022
2:00 P.M.

IN-PERSON AND VIRTUAL MEETING

Unapproved!
Subject to Correction

1. **CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Commissioners Terry Woodrow, Ron Hames, Kris Hartnett were present in person. Commissioners January Riddle and Evan Mecak were present on Zoom. Alternate Commissioner David Griffith was absent and there is one alternate public member vacancy.

2. **ORAL COMMUNICATIONS / PUBLIC COMMENT**

None.

3. **APPROVAL OF MINUTES**

3.1 Approval of regular meeting minutes of March 1, 2022.

MOTION Hartnett / SECOND Hames approving the regular meeting minutes of March 1, 2022.

Commissioner Riddle: AYE

Commissioner Mecak: AYE

Commissioner Hartnett: AYE

Commissioner Hames: AYE

Chair Woodrow: AYE

MOTION CARRIED.

4. **PUBLIC HEARINGS** None.

5. **UNFINISHED BUSINESS**

5.1 **Continued discussion and possible direction regarding the 2022/2023 Local Agency Formation Commission budget.**

Chair Woodrow suggested increasing the stipend line item because it currently only covered 5 Commissioners for 5.6 meetings; adjusting the budget to possibly reflect the addition of 2 more Commissioners for a total of 6 meetings; increasing the travel line item; adding funding to pay for a consultant to complete the Municipal Service Agreement and the Spheres of Influence; and allocating funding to allow for the Executive Officer to consult with Amador County's LAFCO Executive Director.

Commissioner Hames suggested adding funding to allow for commissioners to attend trainings.

Commissioner Mecak suggested focusing on the big unknown costs with the Consulting Fees.

In response to Commissioner Hartnett's question regarding the time constraints on approving a final budget, County Counsel Margaret Long reported that it would be ideal to align with the County's budget approval that was coming up in August.

Commissioners agreed, by consensus to direct staff to bring a preliminary budget which included Consulting fees back to the Commission at the next meeting.

County Counsel Margaret Long confirmed that staff was to bring back a recommended budget that included consultation fees, travel and training.

5.2 Continued discussion and possible direction regarding the Alpine County Sphere of Influence.

In response to Commissioner Riddle's suggestion that the Commission adopt the 11-year old Sphere of Influence that was never adopted, County Counsel Margaret Long advised against adopting a document that had inaccurate information, but that it could be used as a starting point moving forward and stated that updating and adopting a new Sphere of Influence needed to be a priority.

6. NEW BUSINESS

6.1 Request adoption of a resolution of establishing terms and procedures for LAFCO Special District Members, requiring districts to pay 50% of the net actual costs, accepting Special District election results and appointing two Special District Members and one Special District Alternate to LAFCO.

MOTION Mecak / SECOND Hartnett adopting Resolution No.LAFCO2022-02 establishing terms and procedures for LAFCO Special District Members, requiring districts to pay 50% of the net actual costs, accepting Special District election results and appointing two Special District Members and one Special District Alternate to LAFCO.

**Commissioner Riddle: AYE
Commissioner Mecak: AYE
Commissioner Hartnett: AYE
Commissioner Hames: AYE
Chair Woodrow: AYE
MOTION CARRIED**

7. EXECUTIVE OFFICER'S UPDATE

7.1 Report regarding Kirkwood Meadows Public Utility District's request for initiating the annexation of Caltrans Peddler Hill Maintenance Station.

Executive Officer Teola Tremayne submitted a written report.

8. ADJOURNMENT

The Local Agency Formation Commission will adjourn to the next regular meeting of June 21, 2022 at 2:00PM at the County Administrative Office Building.

Teola L Tremayne, Executive Officer / Clerk
Alpine County Local Agency Formation Commission



COUNTY OF ALPINE
Office of the County Clerk

Teola L. Tremayne, County Clerk
 ex officio Local Agency Formation Commission
 Executive Officer

Project Title: Kirkwood Meadows Public Utility District annexation of
 Caltrans Peddler Hill Maintenance Station into electric
 service area

Project No.: AC2022-01

APN: 039-290-002-000

Date Rec'd: 09/23/2021

Submitted by: Kirkwood Meadows Public Utility District Resolution No. 21-07

Subject Agencies: Kirkwood Meadows Public Utility District/Caltrans

SUMMARY OF RECOMMENDATION

LAFCO has received an application from Kirkwood Meadows Public Utility District (KMPUD) requesting consideration of an annexation for the Caltrans Peddler Hill Maintenance Station to the District's Electric Service area. The proposed agreement would allow KMPUD to provide electricity to the Caltrans Peddler Hill Maintenance Station.

Staff is recommending that the Commission adopt the draft Resolution approving the annexation request.

EXECUTIVE OFFICER'S REPORT:

On September 23, 2021 the Alpine County Clerk's Office received Resolution No. 21-07 from KMPUD requesting annexation of El Dorado County Assessor Parcel No. 039-290-002-000 to provide electric services to the Caltrans Peddler Hill Maintenance Station that currently operates via diesel generators into the District's electrical service area. A LAFCo application was filed on March 29, 2022 by KMPUD General Manager Erik Christeson.

No residential units are located within the Caltrans Maintenance Station. The application contains 100% written consent of the property owner – United States Forest Service 18.25 acres under a Special Use Permit, which was then amended to include improved underground electrical line to connect power to the maintenance station. The US Forest Service "support the electrical annexation of parcel 039-290-002-000 to Kirkwood Municipal Public Utility District."

Pursuant to USDA Forest Service Amador Ranger District's letter dated September 13, 2018, an Archeological Survey Report was submitted and authorized to proceed. The letter addressed adhering to the Noxious Weed Plan, Aquatic and Terrestrial Wildlife and Cultural resource requirements.

The Final Environmental Impact Statement/Environmental Impact Report for the Kirkwood Meadows Power Line Reliability was published in January 2012. Alpine County Planning Department published a "Kirkwood Recirculated Revised Final Environmental Impact Report in 2002 prepared by Cirrus Ecological Solutions, LC and a Notice of Determination was filed with the Alpine County Clerk in January 2012. A copy of this report is available upon request (480 pages).

On June 24, 2022, the Notice of Public Hearing was sent electronically to Amador County LAFCO and El Dorado LAFCO. No response was received regarding the public hearing. The public notices were posted on the homepage of the Alpine County Website and distributed to 14 posting places.

Application Packet

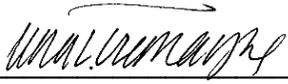
In accordance to LAFCO law and the Commission's adopted policy, this type of application requires several documents. The following section summarizes these items:

- **Attachment 1: Resolution** – Resolution No. 21-07 was filed with the County Clerk's Office on September 23, 2021.
- **Attachment 2: Application Form** – Commission policy requires a signed LAFCO application. This application was signed and received on March 24, 2022.
- **Attachment 3: Consent Letters** – Documentation showing consent from the affected property owner as part of the application. The property owner of APN 039-290-002-000 signed a special use authorization letter dated August 13, 2021 and amended August 24, 2021.
- **Attachment 4: Environmental Review** – Commission Policy indicates that all matters that are reviewable pursuant to environmental regulations are subject to the applicable provisions of the California Environmental Quality Act. Alpine County filed a Notice of Determination of no significant effect on the environment.
- **Attachment 5: Maps** – All maps must be professionally drawn or copied and clearly indicate all existing roads and highways within and adjacent to the subject territory.
- **Attachment 6: Fee** – Commission Policy indicates that an annexation request costs \$750 plus the notification fee. A check in the amount of \$750 was received from KMPUD on May 19, 2022.

CONCLUSION

The application and supporting documents confirm that the proposed annexation meets all the requirements under state law and the Commission's adopted policy.

Approval of the annexation will allow KMPUD to provide electrical power to the Peddler Hill Maintenance Station. The Executive Officer's Report and Resolution were submitted to County Counsel for review and approval. No comments were received from El Dorado LAFCO or Amador LAFCO. Staff is recommending that the Commission adopt the attached resolution.



Teola L. Tremayne, ex officio Executive Officer
Local Agency Formation Commission of Alpine County

Dated: 06/27/2022

ATTACHMENT 1: RESOLUTION

**RESOLUTION NO. 21-07
OF THE BOARD OF DIRECTORS OF THE
KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT
INITIATING THE ANNEXATION OF CALTRANS PEDDLER HILL MAINTENANCE
STATION**

WHEREAS, in accordance with the Kirkwood Meadows Public Utility District Act, territory within the Kirkwood Meadows Public Utility District ("District") may be annexed whether or not contiguous thereto;

WHEREAS, CalTrans Peddler Hill Maintenance Station ("Applicant") has petitioned the District to annex Assessors Parcel Number 039-290-002-000 to the District's Electric Service Area;

WHEREAS, the District has sufficient Electric facilities available to serve Applicant's property;

WHEREAS, the District is willing to annex Applicant's property to its Service Area, subject to Alpine County LAFCO approval;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the District as follows:

1. The Board of Directors intends to annex the property of Applicant to its Service Area so Electric service may be provided to said property.
2. The boundaries of the property proposed to be annexed are shown on Exhibit "A" attached hereto and made a part hereof ("Property").
3. The Board of Directors finds that the proposed annexation will be of special benefit to the lands shown on Exhibit "A".
4. The Property and Electric service thereto shall be subject to the District Ordinances, Policies, Rules and Regulations, and all applicable rules, regulations, rates, charges, fees, standby charges or assessments, taxes and special assessments related thereto, as they now exist or may hereafter be changed or modified as provided by law.
5. The Applicant has requested Electric service to the Property. The District will calculate equivalent dwelling units and connection fees. Applicant shall not make the connection to the system until such payment of connection fees has been made.
6. The Applicant shall be responsible for all facilities needed to provide Electric service to the Property.

BE IT FURTHER RESOLVED that a public hearing will be scheduled and properly noticed, by the Kirkwood Meadows Public Utility District Board of Directors, concerning the

annexation of the Property to the District's Service Area, and to discuss the boundaries of the proposed annexation and the matters discussed above, as well as other related matters.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Kirkwood Meadows Public Utility District at a regular meeting held on this 11th day of September, 2021 by the following vote:

AYES: Directors Epstein, Dombrook, and Schroeder

NOES: Director Perraud

ABSENT: President Richert

ABSTAIN: None

Signed and approved by me after its passage this 20th day of September, 2021.
Date

By: Eric Richert
Eric Richert, President
Board of Directors

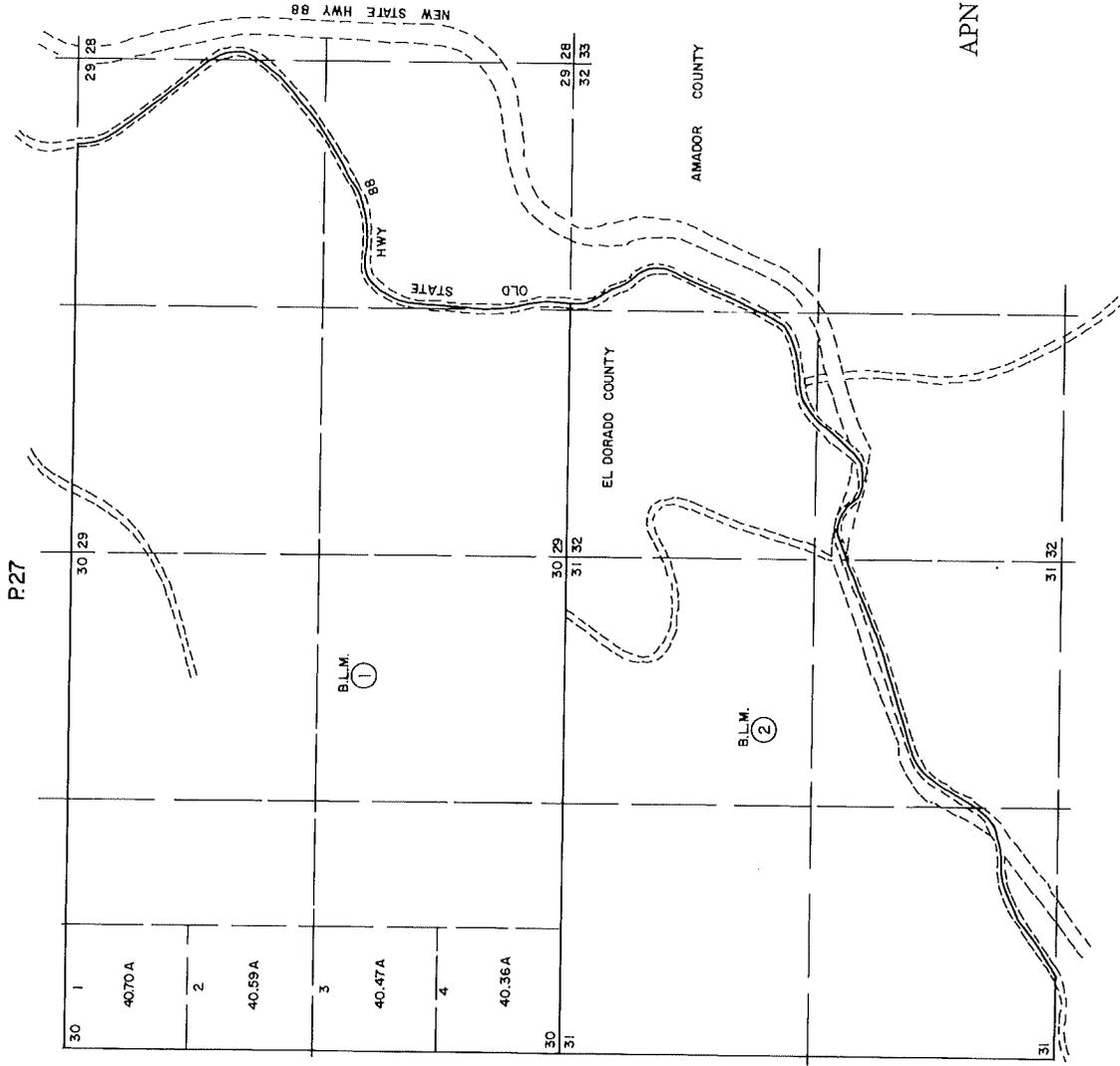
ATTEST:

J. Gillies
Jessica Gillies
Clerk of the Board of Directors

SECS. 29 THRU 32., T.9N., R.16E., M.D.M.

Tax Area Code

39:29



APN 039-290-002

THIS MAP IS NOT A SURVEY, It is prepared by the El Dorado Co. Assessor's office for assessment purposes only.

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 39 - Pg. 29
County of El Dorado, California

ATTACHMENT 2: APPLICATION FORM

LAFCO APPLICATION

Petition for proceedings pursuant to
 "The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2010"

The undersigned hereby petition(s) the Local Agency Formation Commission of Alpine County for approval of a proposed change of organization or reorganization, and stipulate(s) as follows:

Applicant's Name		Kirkwood Meadows Public Utility District	
Site Address		Telephone Number	
41951 Highway 88		209-258-4444	
City	State	Zip Code	
Kirkwood	CA	95646	
Name of proposal Peddler Hill Maintenance Station			
1	This proposal is made pursuant to California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).		
2	The specific change(s) of organization proposed is/are:		
	<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Sphere of Influence	<input type="checkbox"/> Other
	<input type="checkbox"/> Detachment	<input type="checkbox"/> Consolidation	
	<input type="checkbox"/> Incorporation	<input type="checkbox"/> Formation of _____	
3	The boundaries of the territory(ies) included in the proposal are as described in Exhibit(s) Attached hereto and by this reference incorporated herein, _____ El Dorado County Assessor Parcel #039-290-002, USFS Special Use Permit Exhibit B		
4	The territory(ies) included in the proposal is/are:		
	<input type="checkbox"/> inhabited (12 or more registered voters reside)		
	<input checked="" type="checkbox"/> uninhabited		
5	Is this proposal consistent with the sphere of influence of the affected city and/or district(s).		
	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	

6 The reason(s) for the proposed annexation _____ (annexation, detachment, reorganization, etc.) is/are: (Describe in detail – use attached sheet if necessary).
to provide electric service to the Caltrans Peddler Hill Maintenance Station that currently operates via diesel generators.

7 The proposed annexation _____ is requested to be made subject to the terms and conditions:
None.

8 The person(s) signing this petition have signed as registered voters or owners of land (check only one).
Special Use Permit Holders

9 Would this proposal create an island of unincorporated territory?
 YES NO
If YES, please explain.

10 If the formation of a new district(s) is included in the proposal:

(a) The principal act(s) under which said district(s) is/are proposed to be formed is/are:
N/A

(b) The proposed name(s) of the new district(s) is/are:
N/A

(c) The boundaries of the proposed new district(s) are as described in Exhibits N/A _____, _____, heretofore incorporated herein.

11	Is there a good likelihood of a significant increase in population in the subject area within the next ten years? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO In unincorporated areas? <input type="checkbox"/> YES <input type="checkbox"/> NO In incorporated areas?
12	How many parcels are included in the proposal? <u>1</u> List all Assessors' Parcel Numbers in subject territory. <u>El Dorado County Assessor Parcel #039-290-002</u> <hr/>
13	Does the application contain 100% written consent of each property owner in the subject territory? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
14	Total land area: (Acres) <u>[Net] 18.25</u> <u>[Gross] 18.25</u>
15	What is the planned General Plan designation of the area by the affected city? <u>N/A</u> <hr/> <hr/> <hr/>
16	Describe any special land use concerns expressed in the above plans. <u>None</u> <hr/> <hr/> <hr/>
17	Specify any and all existing land use(s). <u>Caltrans Maintenance Station</u> <hr/> What is the proposed land use(s)? <u>Caltrans Maintenance Station</u> (Describe your project in detail) <u>Electrical connection to the Caltrans Peddler Hill Maintenance Station from the Kirkwood Meadows PUD Out Valley electric transmission line.</u> <hr/> <hr/>

18	What is the existing County zoning? <u>FR-160 (Forest Resource 160 acre minimum)</u> What is the proposed County zoning? <u>N/A</u>
19	Has or is the area been/being pre-zoned? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO What is the pre-zoning classification? _____ What date was this pre-zoned? _____
20	Will the annexed territory be liable for its share of existing bonded indebtedness? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
21	Will the annexed territory be included within any particular Tax Division or Zone of the annexing territory? Please specify. <u>No</u> _____ _____
22	If the proposal includes the consolidation of special districts, the proposed name of the consolidated district is <u>N/A</u> _____ _____

NOTICE:

Prior to the effective date of any jurisdictional change (i.e. annexation, detachment, etc.) the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change shall meet to determine the amount of property tax revenues to be exchanged between and among such affected agencies. Notwithstanding any other provisions of law, no such jurisdictional change shall become effective until each county included in such negotiation agrees, **BY RESOLUTION**, to accept the negotiated exchange of property tax revenues.

NOTE: The resolutions referred to above shall be attached to this application prior to filing with the Local Agency Formation Commission. The Executive Officer of the Local Agency Formation Commission shall not issue a Certificate of Completion of Filing (COF) until such resolution is filed with LAFCO.

Please complete the names and addresses of persons who are furnished copies of the Agenda and Executive Officer's Staff Report and who are to be given mailed notices of the hearing of this proposal.

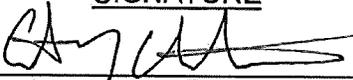
NAME

ADDRESS

TELEPHONE

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signature(s) as follows:

Chief Petitioners (not to exceed three):

<u>DATE</u>	<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>RESIDENCE ADDRESS</u>
03/24/2022	Erik M. Christeson		PO Box 246, Kirkwood CA 95646
03/24/2022	Mauricio Serrano	<i>Mauricio Serrano</i>	P.O. Box 2048, Stockton, CA 95201

ATTACHMENT 3: CONSENT LETTERS

**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
AMENDMENT
FOR
SPECIAL-USE AUTHORIZATION
Amendment #1**

This amendment is attached to and made a part of the AMA107102 special use authorization for WAREHOUSE AND STORAGE YARD issued to CALIFORNIA DEPARTMENT OF TRANSPORTATION on 06/04/2008 which is hereby amended as follows:

This amendment adds primary electrical power to the Peddler Hill Maintenance Station. The Special Use Permit improvements will include an underground electrical line (approximately 570 feet), connecting at the sectionalized cabinet 13A on Forest Service road 8N31 and running from the cabinet to the generator building at the maintenance station. See attachment A for plans.

This Amendment is accepted subject to the conditions set forth herein, and to conditions to attached hereto and made a part of this Amendment.

Fees for this use have been exempted or waived in full pursuant to 36 CFR 251.57, or revisions thereto, and direction in FSH 2709.11, chapter 30.

HOLDER NAME: CA Dept. of Transportation

U.S. DEPARTMENT OF AGRICULTURE
Forest Service

By: Charly Modrell
(Holder Signature)

By: RICHARD HOPSON
Digitally signed by RICHARD HOPSON
Date: 2021.08.13 12:32:21 -07'00'
(Authorized Officer Signature)

Title: Charla Modrell,
Maintenance Mountain Region Manager

Title: Richard G. Hopson, District Ranger

Date: 8/13/2021

Date: 8/13/2021

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one (1) hour per response, including the time

for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.



United States
Department of
Agriculture

Forest
Service

Eldorado
National
Forest

Amador Ranger District
26820 Silver Drive
Pioneer, CA 95666
209-295-4251

File Code: 1950, 2360
Date: September, 13 2018

Gina Pippenger,
Dept. of Transportation
Attn: Right of Way, G. Pippenger
P.O. Box 2048
Stockton, CA 95201-2048

Dear Gina Pippenger,

In April of 2018, you submitted data by email to the Amador Ranger District for a project proposal to construct an underground power line at the Peddler Hill Maintenance Station. You provided us with the proposed, project location, description of the project as well as *Archeological Survey Report (ASR) for Peddler Hill Maintenance Station Salt Shed and Electrical Line Installation, 6/30/2017*.

Provided the following design criteria are met, your project is authorized to proceed.

Sensitive Plants and Noxious Weeds

To ensure that new infestations of noxious weeds are not created by activities associated with the project, prevention measures will be implemented. These measures include adhering to the Noxious Weed Plan prescriptions for seed, mulch, and fertilizer use on National Forest System lands and ensuring that all off-road equipment moved into the project area is free of soil, seed, vegetative material, or other debris that could contain or hold seeds of noxious weeds. Should noxious weed infestations occur, they shall be incorporated into the current noxious weed treatments and treated as specified in the Noxious Weed Plan.

- All equipment and vehicles used for project implementation must be free of invasive plant material before moving into the project area. Equipment will be considered clean when visual inspection does not reveal soil, seeds, plant material or other such debris.
- All gravel, fill, rock or other material would be weed free.
- Any straw or mulch used for erosion control would be certified weed-free. A certificate from the county of origin stating the material was inspected is required.

Aquatic and Terrestrial Wildlife

- Should any TES species be located during project implementation, a biologist should be informed, and appropriate mitigation measures be taken to protect TES species.



Cultural Resources

Should any previously unrecorded cultural resources be encountered during implementation of this project, all work should immediately cease in that area and the District Archaeologist be notified immediately. Work may resume after approval by the District Archaeologist; provided any recommended Standard Protection Measures are implemented. Should any cultural resources become damaged in unanticipated ways by activities proposed in this project; the steps described in the Regional PA for inadvertent effects will be followed.

Should the project boundaries or activities be expanded beyond the current APE, Section 106 compliance for this project will be incomplete until additional cultural resource review is completed.

The District Archaeologist will be kept informed of the status of various stages of the project, so that subsequent field work can proceed in a timely fashion. Monitoring of the area may occur after the project has been completed.

Provided the above conditions are met, consider this letter approval to move forward with the project.

If you have any questions in regards to our approval of this work, please contact Sean McGinness at the Amador Ranger District at (209) 295-5984.

Sincerely,



RICHARD G. HOPSON
District Ranger



United States
Department of
Agriculture

Forest
Service

Eldorado
National
Forest

Amador Ranger District
26820 Silver Drive
Pioneer, CA 95666
209-295-4251

File Code: 2700
Date: August 24, 2021

Caltrans
Attn: Nicholas Guzman
1976 E. Dr. Martin Luther King Jr. Blvd
Stockton, CA 95205

Dear Mr. Guzman,

In April of 2018, you submitted a project proposal to install an underground power line at the Peddler Hill Maintenance Station. At that time Forest Service staff reviewed the proposed project information and provided design criteria to ensure forest resources are protected. In a letter dated September 13, 2018, I provided conditions in which the project can move forward.

The special use permit AMA107102 has been amended to include the improved underground electrical line to connect power to the maintenance station. We support the electrical annexation of parcel 039-290-002-000 to Kirkwood Municipal Public Utility District.

This project is approved contingent on the design criteria from the September 13, 2018 letter being met. If you have any questions with regards to our approval of this work, please contact Rick Hopson at the Amador Ranger District at (209) 295-5910 or richard.hopson@usda.gov

Sincerely,

RICHARD HOPSON

Digitally signed by RICHARD
HOPSON
Date: 2021.08.24 17:33:59 -07'00'

RICHARD G. HOPSON
District Ranger



EXHIBIT B2 -SPECIAL USE PERMIT

SPECIAL USE PERMIT - Form 2700-4

Page 3

9. The permittee agrees to take all reasonable precautions to avoid damage to property and resources of the United States and diligently to undertake suppression action in the event of fire resulting from the exercise of the privileges herein granted.

12. Upon abandonment, termination, revocation or cancellation of this permit, the permittee shall remove within a reasonable time all structures and improvements, except those owned by the United States, and shall restore the site unless otherwise agreed upon in writing or in this permit. In the event permittee fails to do this within a reasonable time, the Forest Service shall request in writing that the permittee advise it within thirty (30) days of whether it intends to abandon the property subject to this permit, or what disposition it intends to make of it. Should the permittee fail to remove the property subject to this permit and restore the site, the Forest Service may perform this work or have it done, and the permittee shall assume liability for the cost of this removal and restoration of the site.

13. The permittee may terminate this permit at any time during the term thereof upon giving the Regional Forester, U.S. Forest Service, U.S. Department of Agriculture, written notice at least ninety (90) days prior to the effective date of such termination.

16. In the event there is a breach of any of the provisions of this permit the Forest Service shall advise the permittee thereof in writing and the permittee shall have thirty (30) days from the date of such notice to cure the default. If the default is not cured by the permittee in the allowed time or any extension of time granted by the Forest Service in writing, then this permit may be terminated by the Forest Service for breach of its provisions. Notwithstanding the above, however, this permit will terminate upon cessation of the use for purposes authorized.

18. During the performance of this permit, the permittee agrees:

- a. In connection with the performance of work under this permit, including construction, maintenance, and operation of the facility, the permittee shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
- b. The permittee and his employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, religion, sex, or national origin by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally.
- c. The permittee shall include and require compliance with the above nondiscrimination provisions in any subcontract made with respect to the operations under this permit.
- d. Signs setting forth this policy of nondiscrimination to be furnished by the Forest Service will be conspicuously displayed at the public entrance to the premises, and at other exterior or interior locations as directed by the Forest Service.

EXHIBIT B2 - SPECIAL USE PERMIT

SPECIAL USE PERMIT - Form 2700-4

Page 4

19. The permittee shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest lands under this permit.

20. Avalanches, rising waters, high winds, falling limbs or trees, and other hazards are natural phenomenon in the forest that present risks which the permittee assumes. The permittee has the responsibility of inspecting his site, lot, right of way, and immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and, after securing permission from the Forest Service, of removing such hazards.

21. This permit is granted with the express understanding that should future location of Government improvements or road rights of way require the relocation of the permittee's improvements, such relocation will be done by the permittee at his expense within sixty (60) days following request to relocate.

22. Unless sooner terminated or revoked by the Regional Forester, in accordance with the provisions of the permit, this permit shall expire and become void on December 31, 1980, but a new permit to occupy and use the same National Forest land may be granted provided the permittee will comply with the then-existing laws and regulations governing the occupancy and use of National Forest lands and shall have notified the Regional Forester not less than one (1) year prior to said date that such new permit is desired.

23. The permittee shall perform all work with explosives in such a manner as not to endanger life or property. All storage places for explosives and flammable material shall be marked "DANGEROUS". The method of storing and handling explosives and flammable materials shall conform to recommended procedures contained in the "Blasters Handbook," published by E. I. du Pont de Nemours & Co., and in all Federal, State laws and regulations.

24. The permitted area will be maintained to present a clean, neat, and orderly appearance. Trash, debris, unusable machinery, improvements, etc., will be disposed of currently. Building materials, firewood, etc., will be neatly stacked.

25. The permittee shall take reasonable precautions to prevent pollution of or deterioration of lands or waters which may result from the exercise of the privileges extended by this permit.

26. No waste or byproducts shall be discharged if it contains any substances in concentrations which will result in substantial harm to fish and wildlife, or to human water supplies.

Storage facilities for materials capable of causing water pollution, if accidentally discharged, shall be located so as to prevent any spillage into waters, or channels leading into water, that would result in substantial harm to fish and wildlife or to human water supplies.

27. The permittee shall protect the scenic esthetic values of the area under this permit, and the adjacent land, as far as possible with the authorized use, during construction, operation, and maintenance of the improvements.

EXHIBIT B2 - SPECIAL USE PERMIT

SPECIAL USE PERMIT - Form 2700-4

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28. All earth cut or fill slopes favorable to revegetation or other areas on which ground cover is destroyed in the course of construction, will be revegetated to grasses or other suitable vegetation as required by the Forest Supervisor.
29. All butane, propane, or other liquified-petroleum-gas equipment shall be installed and operated in accordance with the laws and regulations of the State.
30. Violation of any of the conditions of this permit shall be sufficient cause for its revocation: Provided, however, That this permit will not be deemed terminated except upon formal revocation thereof by an officer superior in rank to the issuing officer, and until the permittee shall have had a reasonable time--not to exceed ninety (90) days--within which to show cause why such revocation should not be made.
31. The permittee shall do everything reasonably within its power and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon request of the Forest Service to prevent and suppress fires on or near the lands to be occupied under this permit.
32. The permittee agrees to permit the free and unrestricted access to and upon the premises at all times for all lawful and proper purposes not inconsistent with the intent of the permit or with the reasonable exercise and enjoyment by the permittee of the privileges thereof.
33. The permittee shall join the Forest Service in preparing a fire plan which shall set forth in detail the plan for prevention, control, and extinguishing of fires on the permitted areas and within his area of responsibility defined on an included map. Such plans shall be jointly reviewed and revised at intervals of not less than three (3) years.
34. The permittee shall prepare grading plans, profiles, and cross-sections to show precise elevations, excavations, and other details related to the installation of buildings, structures, or improvements on the permitted-use area. Such plans shall include provisions for drainage, retaining structures, seeding, and planting, to be made for the prevention and control of erosion on the permitted area and the National Forest lands adjacent to the permitted area, insofar as the latter may be influenced by the permitted use.
- a. The site and development plans will be reviewed with the Forest Service during interim stages and will become part of this permit upon final approval by the permittee and the Forest Service.
 - b. All buildings must harmonize with the Forest setting, and must be of a permanent nature. Bright colors and synthetic materials incompatible with the forest environment will not be allowed. The actual color of improvements will be approved in writing by the District Ranger.

EXHIBIT B2 - SPECIAL USE PERMIT

SPECIAL USE PERMIT - Form 2700-4

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c. Actual location of all improvements will be approved on-the-ground by the District Ranger.

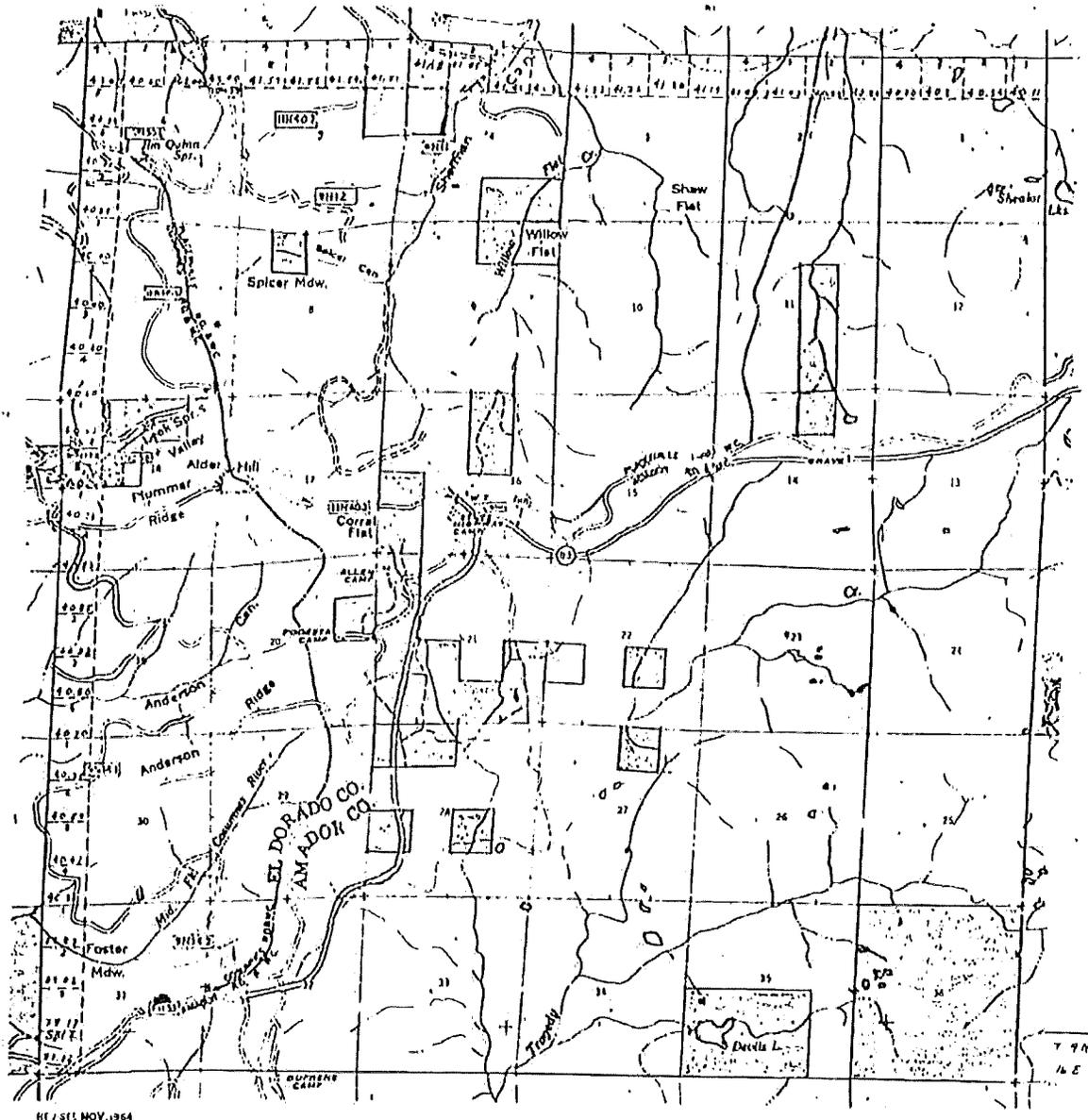
35. This permit is contingent upon the installation layout and development plans as submitted by the permittee and approved as a part of this permit for this specific location. Any and all subsequent relocations, alterations, revisions, additions, construction, or reconstruction of housing and mounting facilities, including antenna towers or masts, shall require advance notification and approval of the Forest Service and advance modification of this permit.

- LEGEND**
- () — U.S. Highway Route
 - () — State Highway Route
 - () — County or Open Road
 - () — Forest Highway and Development Road
 - () — Existing Landing Field (- Planned)
 - () — Existing Helipad (- Planned)
 - () — Planned Highway or Road
 - () — Planned Trail
 - () — Road Section Termini
 - () — County Line Boundary
 - () — Ranger District Boundary
 - () — Working Circle Boundary
 - () — Found Section Corner
 - () — Existing Highway or Road
 - () — Existing Trail
 - () — Private Land within NF

EXHIBIT B2 - SPECIAL USE PERMIT

MDM NER, T.9N., R.16E

ELDORADO FOREST
 Calif. Div. of Highways
 Peddler Hill Mtce Sta



ACTIVITY LEGEND

Peddler Hill Mtce Sta Site (Permit Area)

'EXHIBIT A'

ATTACHMENT 4: ENVIRONMENTAL REVIEW

FILED
BARBARA HOWARD
ALPINE COUNTY CLERK
JANUARY 17, 2012
Barbara Howard
Appendix D

Notice of Determination

To:
 Office of Planning and Research
For U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
County of: Alpine
Address: PO Box 158, Markleeville, CA 96120

From:
Public Agency: Kirkwood Meadows PUD
Address: PO Box 247
Kirkwood, CA 95646
Contact: Michael Sharp
Phone: 209-258-4444

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): #2009022100

Project Title: Kirkwood Meadow Power Line Reliability

Project Applicant: Kirkwood Meadows Public Utility District

Project Location (include county): See attached Map; In Alpine County project is located within Kirkwood

Project Description:

The project proposes to construct a 34.5kV power line that connects the KMPUD service area (in Alpine, Amador, and El Dorado Co.) to an existing 115 kV transmission line owned by PG&E located near Salt Springs Reservoir. The project utilizes an existing 12 kV overhead line for 3.1 miles from Salt Springs Reservoir to Bear River Reservoir. The remaining 25 of power line to Kirkwood would be buried in a route located within Bear River Road, portions of the Old Alpine Highway, the Highway 88 corridor, and private roads within Kirkwood.

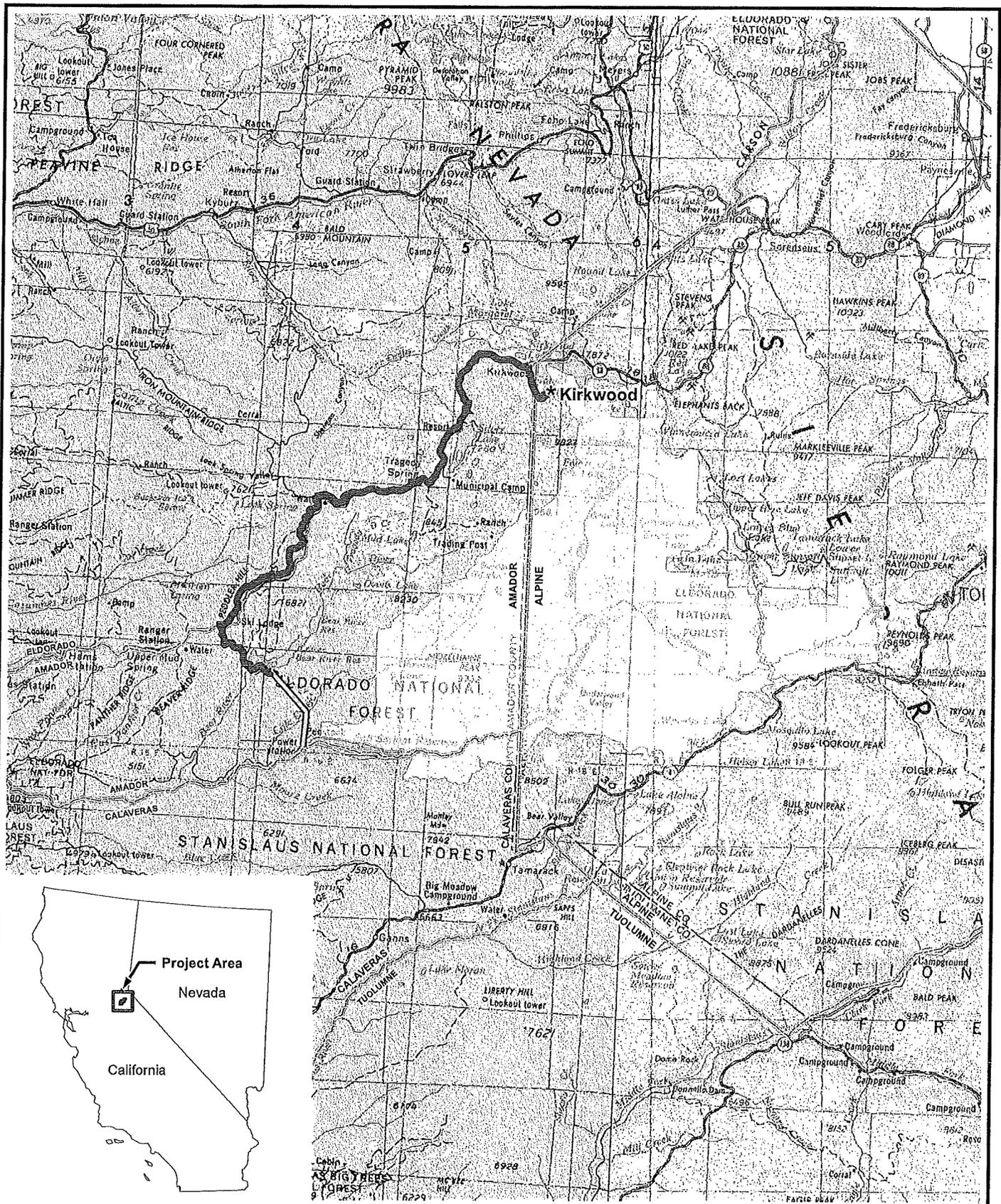
1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Kirkwood Meadows Public Utility District Office, 33540 Loop Road, Kirkwood, CA 95646

Signature (Public Agency): *Mr. Milner* Title: *President, KMPUD*

Date: *1/12/2012* Date Received for filing at OPR: _____



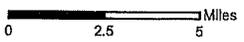
- Legend**
- Proposed Buried Power Line
 - Overbuild of Existing Line
 - Mokolumne Wilderness Area

Figure 1
Vicinity Map
 Kirkwood Meadows Power Line Reliability Project



 This Map was Prepared by:

 Resource Concepts, Inc.


 Miles

RESOURCE CONCEPTS, INC.



United States
Department of
Agriculture

Forest
Service

Pacific
Southwest
Region

Eldorado
National
Forest

R5-MB-237

January 2012



State Clearing House
#2009022100



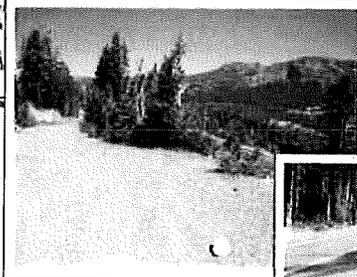
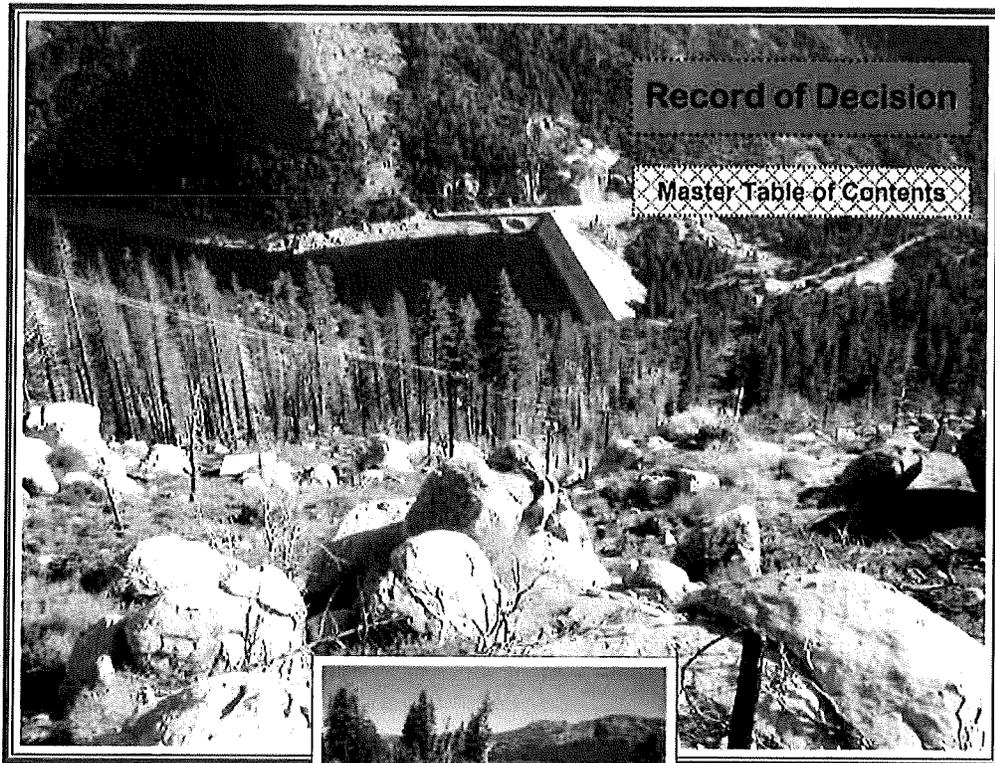
Final Environmental Impact Statement/ Environmental Impact Report

Kirkwood Meadows Power Line Reliability

Eldorado National Forest
Placerville, California 95667

Volume I

Volume II



KIRKWOOD MEADOWS
PUBLIC UTILITY DISTRICT

Final
Environmental Impact Statement/
Environmental Impact Report

Kirkwood Meadows Power Line Reliability Project

Amador, Alpine &
El Dorado Counties, California

NEPA Lead Agency: USDA Forest Service
CEQA Lead Agency: Kirkwood Meadows Public Utility District
Responsible Official: Kathryn D. Hardy, Forest Supervisor
Eldorado National Forest
100 Forni Road, Placerville CA 95667

For Information Contact: Susan A. Rodman, Forest Planner
Eldorado National Forest
100 Forni Road, Placerville CA 95667
(530) 621-5298

Abstract: The Kirkwood Meadows Public Utility District proposes to construct a 34.5 kV power line for approximately 28 miles from interconnection to an existing PG&E-owned 115 kV power line near Salt Springs Reservoir in Amador County to Kirkwood, California. The project includes construction of two new KMPUD-owned substations and supporting power line facilities.

This Final Environmental Impact Statement / Report documents the analysis of four project alternatives. Alternative 1 is the No Action / No Project Alternative, and electric power for the Kirkwood Valley and mountain resort would continue to be generated by an in-valley powerhouse operated on diesel generators. Alternative 2 proposes a power line route that utilizes existing disturbance corridors to the greatest extent possible, while minimizing encroachment within the Caltrans right-of-way. Alternative 3 includes the same general route as Alternative 2, but provides several interchangeable segment alignments within Highway 88 to avoid environmental, cultural, and land ownership concerns. Alternative 4 is an alternative substation location that was developed in response to public scoping comments received which would reduce impacts to recreation and visual resources. Alternative 4 could be implemented in conjunction with either power line route described in Alternatives 2 and 3. The Agency Preferred Alternative selects segments from Alternative 2 and Alternative 3 power line routes and incorporates the Alternative 4 KM Green substation location at Cole Creek Road. The Agency Preferred Alternative would balance the encroachment of the Caltrans right-of-way with avoidance of impacts to cultural and natural resources. The Preferred Alternative would also reduce the hazard risk for snow mobile users, avoid potential impacts to recreational residence cabin owners, and reduce visual effects to recreation users and scenic resources.

Record of Decision
Kirkwood Meadows Power Line Reliability
USDA Forest Service
Eldorado National Forest
Amador, Alpine, and El Dorado Counties, California

Decision

Based on my review of the environmental impact statement, I have decided to select the Agency Preferred Alternative in the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) as the Selected Alternative for this decision. My decision is to issue a Special Use Authorization to Kirkwood Meadows Public Utility District (KMPUD) for construction of a 34.5kV power line connecting the KMPUD service area (in Alpine, Amador, and El Dorado Counties) to an existing 115 kV transmission line owned by PG&E located near Salt Springs Reservoir in Amador County, as detailed in Chapter 2 of the EIS/EIR. The project will overbuild an existing overhead power line for 3.1 miles from Salt Springs Reservoir to its termination at Bear River Reservoir. For the remaining 25 miles to Kirkwood, the power line will be buried within Bear River Road, portions of the Old Alpine Highway, the Highway 88 corridor, and private roads within Kirkwood Valley. When construction is complete, I will issue a long-term easement for operation and maintenance of the power line in accordance with current Forest Service policy.

The Selected Alternative for this decision is the Preferred Alternative in the Final EIS/EIR, which is a modification of Alternative 2 (the Proposed Action) that substitutes power line alignment segments 6, 18, and 21 from Alternative 3 and includes the Alternative 4 substation location suggested through public comments. The details of the Preferred/Selected Alternative are described in detail in Chapter 2 of the EIS/EIR, and maps are found in figures 37.1 – 37.3 in Volume 2 of the EIS/EIR. Also included are the supporting structural features necessary for function and maintenance of the power line that apply to all action alternatives, as described below.

- **Two Substations** - A substation for interconnection from the existing electrical grid to the proposed power line to step down the voltage from 115 kV to 34.5 kV, and a substation to step down the voltage from 34.5 kV to 12.5 kV for residential distribution.
- **Sectionalizing Cabinets and Underground Vaults** –Above ground sectionalizing cabinets and underground vaults would be installed to splice buried power line segments together (installation of a 28-mile power line as a single cable is not feasible). Sectionalizing cabinets are also needed for line maintenance, including segment isolation for testing, and fault detection. Buried vaults would be used to minimize impacts to aesthetics and maintain public safety along Highway 88 and Bear River Road. Underground vaults are not proposed throughout the project because they provide less line maintenance function and worker safety than above ground sectionalizing cabinets.
- **Fiber Optic Line and Communication Handholes** - Fiber optic lines for communication between the substations would be buried or strung with the power line. Fiber optic line would be attached at the top of each pole in overhead line sections. For the buried line,

fiber optic line would be located in conduit within the trench, with communication handholes for splicing the fiber optic lines and to allow safe maintenance and repair.

The environmental effects of the Selected Alternative were thoroughly analyzed in the EIS/EIR alternatives and the effects of the Selected Alternative are within the range of impacts disclosed in the EIS/EIR. The Selected Alternative was developed specifically to maximize the use of existing disturbance areas and corridors during construction and minimize impacts to environmental, visual and cultural resources.

The Selected Alternative also responds to California Department of Transportation (Caltrans) concerns for public safety and operation of Highway 88. Approximately 7.7 miles of the buried line would be located within the Caltrans right-of-way along Highway 88, 5.5 miles of which would be located in the shoulder of the road and 2.2 miles would be located near the outer edges of the right-of-way. The Selected Alternative is designed to provide a cost effective and reliable energy generation system that meets both current and future demand for the Kirkwood community and mountain resort.

The Selected Alternative was developed using the best available science. The Kirkwood Meadows Power Line Reliability Final EIS/EIR documents the analysis and conclusions upon which this decision is based. My conclusion is based on a review of the record that shows a thorough review of relevant scientific information. Implementation of the Selected Alternative is a course of action that is consistent with the relevant scientific findings available at the present time.

An indirect beneficial effect of my decision is increased public health and safety and reduced risk to other resources. The projected reduced need for diesel fuel will result in fewer diesel fuel tanker truck trips on Highway 88, which will reduce the risk of a hazardous spill. Implementation of my decision will also reduce emissions from diesel generated electricity and improve air quality within Kirkwood Valley. The fire that destroyed the electrical generating facility at Kirkwood also supports my decision to implement the Selected Alternative in order to reduce the risk of future total loss of electrical power in the Kirkwood Valley area that could jeopardize public safety and public recreation opportunities.

I find the design features to reduce environmental effects in Chapter 2 and the monitoring in Chapter 4 of the EIS/EIR adequate to provide quality control for implementation of project activities and to evaluate the effectiveness of the project design.

The Selected Alternative includes two non-significant Eldorado National Forest Land and Resource Management Plan (Forest Plan) amendments needed to allow selection of any action alternative by correcting errors and inconsistencies within the Forest Plan and to assure that all action alternatives are consistent with the Forest Plan.

The first amendment applies to the Mokelumne Archeological District in Management Area 4. The Mokelumne Archeological District is the largest (12,200 acres) of the 14 special interest areas scattered across the Forest in MA4. The purpose of the Mokelumne Archeological District is to protect and manage archaeological resources. However, the Mokelumne Archeological District currently includes several transportation and utility corridors that pre-date issuance of the Forest Plan. Because all action alternatives would overbuild an existing power line crossing the Mokelumne Archeological District, this situation leads to uncertainty about whether adding a new power line (as proposed) is consistent with the Forest Plan. To remedy this inconsistency, the Forest Plan will be amended by adding a Standard and Guideline to Management Practice 98 specific to the Mokelumne Archeological District (detailed in Chapter 2 of the EIS/EIR). This

amendment would be consistent with other Management Practices that apply to MA 4, where S&Gs specific to the Mokelumne Archeological District are included to recognize existing developments in this large and diverse area (Forest Plan pp. 4-143, 4-144, 4-146). The non-significant Forest Plan amendment would add the following S&G specific to the Mokelumne Archeological District to Management Practice 98 in MA 4:

- “The Mokelumne Archeological District is an avoidance area for locating new transportation-utility corridors. New utilities or transportation facilities may utilize existing corridors.”

The need for the second Forest Plan amendment surfaced in response to public comments on the Draft EIS/EIR. An error was discovered in the visual quality standards and guidelines for Management Area 20 – Visual Foreground Retention. Standards and guidelines limit activities within MA 20 to maintain a high level of visual quality. However, developments, including powerlines and roads, are present within MA 20 that reduce visual quality from Retention to Partial Retention in some areas. This Forest Plan amendment corrects a word omission error in Management Practice 15 S&Gs for MA 20, captures the original intent to allow some places in MA 20 to be below the retention level, and corrects the S&G consistent with visual quality standards and guidelines found elsewhere in the Forest Plan. The amendment for MA 20 adds a single word to the S&G for Management Practice 15 (Forest Plan 4-222) as follows (*in italics*):

- “Manage to a Visual Quality Objective of *Partial* Retention on those portions of this Management Area that do not currently meet Retention. This is an acceptable level until opportunity exists to upgrade to Retention.”

I find that the two Forest Plan amendments proposed for all action alternatives comply with the four criteria in FSM 1926.51 for determining they are not significant:

1. They “do not significantly alter the multiple-use goals and objectives for long-term land and resource management”. Both amendments would not change multiple-use goals and objectives, they would provide S&Gs that are consistent with standards and guidelines found elsewhere in the Forest Plan that apply to these Management Areas
2. They “do not adjust management area boundaries” for either Management Area.
3. They are “Minor changes in standards and guidelines”. The first amendment will add a S&G for MA 4 specific to the Mokelumne Archeological District to resolve uncertainty and clarify that adding utilities or transportation facilities in an existing corridor is consistent with the Forest Plan. The second amendment adds a single word (*Partial*) to the existing S&G for Management Practice 15 in MA 20 to correct an omission error.
4. These amendments result from “Opportunities for additional projects or activities that will contribute to achievement of the management prescription” because these amendments are needed for any of the action alternatives that will meet direction in Executive Order 13212 that encourages increased production and transmission of energy in a safe and environmentally sound manner, and instructs agencies to expedite their review of permits or take other actions as necessary to accelerate the completion of this type of project

I also find that these two Forest Plan amendments do not meet the two criteria in FSM 1926.52 that would determine them to be significant amendments:

1. They do not cause “Changes that would significantly alter the long-term relationship between levels of multiple-use goods and services originally projected”, because both amendments are limited in scope to only two Management Areas, and a single S&G for

each Management Area which does not change the management emphasis for either Management Area.

2. They do not result in “Changes that may have an important effect on the entire land management plan or affect land and resources throughout a large portion of the planning area during the planning period” because they affect a small portion of two management areas that only constitute two and five percent respectively of the total Forest acres.

Background

Located in the Sierra Nevada Mountains, Kirkwood is a unique community, consisting of approximately 700 full and part-time residences and Kirkwood Mountain Resort. Located 60 miles east of Jackson, California and 35 miles southwest of Lake Tahoe, Kirkwood is physically isolated from large regional electric energy and natural gas distribution networks. Electricity has been provided to the Kirkwood community and resort through a locally operated generator system using diesel fired internal combustion engines since Kirkwood Mountain Resort opened in 1972.

Because the Kirkwood community is surrounded by National Forest System lands, the USDA Forest Service has a major role in approving access to any outside power supply. The action to improve the power supply system at Kirkwood is consistent with the 2001 National Energy Policy goals to increase domestic energy supplies, modernize and improve our nation's energy infrastructure, and improve the reliability of energy delivery from its sources to points of use. Presidential Executive Order 13212 encourages increased production and transmission of energy in a safe and environmentally sound manner.

Providing high quality recreation facilities and access to recreation opportunities on National Forest System lands is an important management activity for the Eldorado National Forest. The Kirkwood Valley area provides a diversity of recreation opportunities to the public, in both private and National Forest settings. The Kirkwood Mountain Resort provides a high level of recreation visitor services to the public on the Eldorado National Forest. My decision will support maintaining these recreation opportunities for the public with a reliable power source needed for ski area operations.

The scenic resources of the project area are highly valued by Forest visitors and area residents. Highway 88 is both a designated California State Scenic Highway and a Forest Service Scenic Byway. Scenic quality plays an intrinsic role in visitors' experiences and will be protected by this project's buried power line location. The Selected Alternative maintains the scenic values of Highway 88 and is consistent with the Highway 88 Scenic Byway Management Guidelines and the Highway 88 Planning Agreement jointly developed by the US Forest Service, Federal Highway Administration, Caltrans and the Counties of El Dorado, Alpine, and Amador.

Land ownership patterns in the project present a challenge to project implementation. Approximately 85 percent of the power line route is on National Forest lands. Successful power line construction will require effective coordination by KMPUD with private land owners and regulatory agencies.

Purpose and Need for Action

- KMPUD has a need for reliable electrical service within their jurisdiction.
- KMPUD has a need to reduce the health risks associated with diesel particulates, and reduce greenhouse gas production from their current power generation system.
- The Forest Service has a need to respond to KMPUD's application for an electrical power line across National Forest System lands from Salt Springs Reservoir to the Kirkwood Valley.
- The Forest Service has a need for two Forest Plan amendments to correct inconsistencies within the standards and guidelines of Management Areas 4 and 20 (Forest Plan p. 4-148 and p. 4-222) that apply to this project, as discussed above and in the EIS/EIR.

Objectives

In meeting the above needs, project implementation will also achieve the following objectives:

- Maximize the use of existing disturbance areas and corridors during construction to minimize impacts to environmental, visual and cultural resources.
- Meet scenic quality objectives for the project area and for Highway 88 as a Forest Service National Scenic Byway and a California Scenic Highway.
- Avoid impacts to public safety and Caltrans operations on Highway 88 to the extent compatible with balancing the needs of other forest resources. Locating most of the buried power line on Forest roads and other areas outside of Highway 88 reduces travel interruptions for the public and Caltrans operations during construction and ongoing maintenance of the power line.
- Comply with Executive Order 13212 direction to modernize and improve our nation's energy infrastructure and improve the reliability of the delivery of energy from its sources to points of use.

Decision Rationale

The choice of the Selected Alternative best meets the needs of KMPUD to modernize electrical energy infrastructure and improve the reliability of the delivery of energy to the isolated Kirkwood Valley, while minimizing impacts to forest resources in the project area: water, soil, air, wildlife, heritage, scenic, and recreation resources. The Selected Alternative is a modification of Alternative 2 (the Proposed Action) that draws elements from Alternatives 3 and 4 that are clearly within the range of environmental effects analyzed. The Selected Alternative specifically reduces environmental impacts while meeting the identified need for reliable electrical energy.

My decision to choose the Selected Alternative responds directly to comments received on the Draft EIS/EIR. A suggestion from the public for an improved substation location resulted in additional interdisciplinary team fieldwork to evaluate environmental effects of incorporation of the commenter substation location into Alternative 4, the Preferred Alternative in the Final EIS/EIR, and the Selected Alternative in this decision. The substation location adjustment is a minor change that reduces visual and recreation impacts without a measureable increase in impacts to any other forest resource. Public input from Kirkwood residents resulted in KMPUD's recommendation for modifications to segment 21.

Further evaluation of cultural and environmental impacts in segments 6 and 18 of Alternative 2 resulted in the choice of Alternative 3 for those segments of the power line route in the Selected Alternative. My decision to choose the Selected Alternative will help to preserve historic and pre-historic resources that would be damaged or lost under Alternative 2. The Selected Alternative will protect an intact section of the Carson-Mormon Emigrant Trail, which is a National Historic Trail and eligible for the National Register of Historic Places. This decision will also protect a section of the Old Alpine Highway that was found eligible for the National Register of Historic Places by the California Department of Transportation (Caltrans) as an example of historic engineering.

The Selected Alternative retains all other segments from Alternative 2 in response to Caltrans concerns for operation of Highway 88. The Selected Alternative will have a short term impact on the public and on recreation opportunities because construction operations will require traffic control operations to protect public safety.

Analysis of cumulative watershed effects (CWE) for all action alternatives shows that no action alternative would cause any of the watersheds in the project area to exceed its threshold of concern for CWE, and the Selected Alternative avoids impacts to Sierra Nevada yellow-legged frog habitat (Chapter 3).

The design features described in Chapter 2 of the EIS/EIR will mitigate negative environmental effects to the maximum extent practical, as described in Chapter 3 of the EIS/EIR, while achieving the purpose and need for this project. The net effect of the Selected Alternative is to reduce the environmental impacts to cultural, scenic, water, and riparian resources.

I considered input from collaboration with the public, the Washoe Tribe of Nevada and California, Tri-TAC, Caltrans, Pacific Gas & Electric, and county boards of supervisors, both for the alternatives analyzed in the Draft and Final EIS/EIR, and in making my decision. I fully considered the environmental documents and reports prepared for the project in order to come to an informed decision. The decision to move forward with the Selected Alternative is a course of action that responds to the concerns and needs within the communities of the project area, while reducing environmental impact to greatest extent practical.

Public Involvement

A Notice of Intent (NOI) and Notice of Preparation (NOP) to prepare a joint Environmental Impact Statement/Environmental Impact Report for the Kirkwood Meadows Power Line Reliability Project were published in the Federal Register on February 27, 2009 (Federal Register Vol. 74, No. 38, page 8896-8899). The NOI initiated the public scoping for the EIS/EIR document, provided information about the proposed project, and served as an invitation for other federal, state, regional, and local agencies and members of the public to provide comments. The 45-day comment period, as published in the NOI, concluded on April 13, 2009.

In addition to publication of the NOI in the Federal Register, the Forest Service published the NOI in both the Mountain Democrat newspaper in Placerville, California and the Amador Ledger Dispatch newspaper in Jackson, California. The Forest Service also mailed a copy of the NOI to various interested and/or affected persons, organizations and other interested parties who have previously requested notice of actions undertaken by the Forest Service.

Copies of the NOI were posted at the Eldorado National Forest Supervisor's Headquarters, the Amador Ranger District Office, Kirkwood Meadows Public Utility District Office, and county

libraries in El Dorado, Alpine, and Amador Counties. Public notification has been ongoing via the KMPUD and Forest Service websites at: www.kmpud.com and www.fs.fed.us/r5/eldorado/projects.

In compliance with CEQA, the KMPUD filed its NOP with the California State Clearing House on February 27, 2009 (SCH# 2009022100) and mailed to federal, state, regional and local agencies, elected officials, community and environmental organizations and potentially affected property owners. The NOP was also advertised in the Amador Ledger Dispatch, published in Jackson, California and the Mountain Democrat, published in the City of Placerville, El Dorado County, California. The NOP summarized the proposed Project, background, purpose, and need, proposed alternatives, and requested comments from interested parties. The comment period was extended to 45 days to correspond with the comment period as stated in the NOI.

As part of the public involvement process, the Forest Service also held two public scoping meetings. Legal notices of the dates, times, and locations of public scoping meetings were published in both the Mountain Democrat and Amador Ledger-Dispatch on March 27, 2009. The public scoping meetings were held on April 7, 2009 at the Jackson Civic Center in Jackson, California and on April 8, 2009 at the KMPUD Board Room and Offices in Kirkwood, California.

During the public scoping period, KMPUD contacted potentially affected public agencies in an effort to inform these agencies about the proposed project, and to consult with city and county representatives regarding potential concerns or issues. Agency consultation was implemented by KMPUD in an effort to facilitate open communications with district agencies, counties, regional agencies, state agencies and federal agencies regarding the proposed project.

A number of meetings and field visits were held with Caltrans personnel for coordination of the location and design of the power line to accommodate highway operations, maintenance, and snow removal within the Highway 88 corridor.

Approximately 39 comments on the proposed action were received through both the NOI and NOP notification scoping process.

In compliance with the National Environmental Policy Act, a Notice of Availability of the Draft EIS/EIR was published in the Federal Register on April 1, 2011. In compliance with the California Environmental Quality Act, the Draft EIS/EIR was filed with the California State Clearinghouse on May 23, 2011. A 60-day public comment period followed and ended on July 6, 2011. Two public meetings were held to accept public comments and provide clarification on project details. Meetings were held on April 30, 2011 in Kirkwood and on May 3, 2011 in Jackson, California. Public comments and responses from the Forest Service and KMPUD are provided in Appendix L of the Final EIS/EIR.

Issues

During the scoping period three preliminary alternative routes were identified for analysis by KMPUD and presented to the public: Carson Spur alignment (Proposed Action), Silver Lake alignment, and the Long Valley alignment. Multiple comments were received concerning the Silver Lake and Long Valley alternative routes. The Silver Lake and Long Valley alternative routes were not carried forward as action alternatives in the EIS/EIR because opposition was almost unanimous by the public and they would cross the Tragedy-Elephants Back Roadless Area; which would be inconsistent with the 2001 Roadless Rule.

After reviewing the public scoping comments, the Deciding Officer approved the following significant issues to generate alternatives for the Draft EIS/EIR, as given in Chapter 1 of the EIS/EIR:

- **ISSUE:** The proposed action could negatively impact scenic vistas along Highway 88, the scenic character of Highway 88, the natural beauty of the area, private residences, and public recreation areas. The public requested that alternatives be developed both in regards to alignments and technology utilized that would mitigate visual impacts and preserve visual resources of the project corridor. In response to this issue, the Proposed Action (Alternative 2) would reduce the miles of alignment along Highway 88. Negative impacts to the scenic integrity of Highway 88 would be minimized because all of the alignment within the Highway 88 right-of-way would be underground.
- **ISSUE:** Installing underground power lines along Highway 88 could negatively affect the California Department of Transportation (Caltrans) right-of-way along Highway 88 by severely constraining future highway projects due to increased costs related to utility relocation issues. The Proposed Action responds to this issue by reducing miles of alignment along Highway 88.
- **ISSUE:** The proposed action could negatively impact known features areas of historical importance, such as Tragedy Spring, the Carson-Mormon Emigrant Trail, and the Old Alpine Highway, as well as archeological sites in the area. The public requested the alignment follow Highway 88 using underground cable. Alternative 3 responds to this issue with an increase in miles of alignment along Highway 88 to avoid and minimize negative impacts to archaeological sites.
- **ISSUE:** Cabin owners at the Bear River Recreation Residence Tract stated four (4) reasons they objected to the KM Green substation location on Forest Service Road 08N17. The proposed action and construction of the KM Green substation would: 1) negatively impact recreational use of the surrounding forest for cabin owners, 2) detract from the forest experience by the visual impact and sound the equipment would make, 3) pose a safety risk, and 4) the substation would be seen from Peddler Hill Scenic Vista and Shot Rock Vista on Highway 88. The cabin owners requested that alternative site locations be developed to reduce impacts to recreation and aesthetics, and suggested alternative locations. Alternative 4 was developed to respond to this issue with an alternate KM Green substation site located adjacent to Cole Creek Road.

Alternatives Considered

In addition to the Selected Alternative, I considered 3 other alternatives in detail, which are discussed below. A more detailed comparison of these alternatives and their effects can be found in the EIS/EIR, in table form at the end of Chapter 2, and throughout Chapter 3. Since alternative 4 is incorporated into the Selected Alternative it is not addressed here.

Alternative 1 – Under the No Action Alternative, no power line or supporting structures would be constructed as proposed. No ground disturbance or associated environmental impacts would occur. No scenery would be affected and Caltrans operations would continue without incident. Electricity for the Kirkwood community would continue to be generated through diesel fossil fuel combustion to provide power for both the community and Kirkwood Mountain Resort. Continued reliance on diesel fuel combustion or expansion of the in-valley diesel fueled generation system would continue to contribute to the deterioration of local air quality and increase health risks

within the Kirkwood Valley. Under Alternative 1 diesel tanker truck traffic is projected to nearly double due to continued build-out of the Kirkwood community, with a corresponding increase for the risk of hazardous spills on Highway 88.

Alternative 2 – Alternative 2 is the Proposed Action. The Proposed Action would authorize a power line project that includes overbuilding 3.1 miles of existing overhead lines between Salt Springs Reservoir and Bear River Reservoir, and constructing approximately 25 miles of buried electrical line from Bear River Reservoir to Kirkwood. All supporting structures, construction techniques, and maintenance activities are the same as for the Selected Alternative above, (details described in Chapter 2). Approximately 5.2 miles of the power line alignment are located within the shoulder of Highway 88 with an additional 1.1 miles along the outer edges of the Caltrans right-of-way.

Alternative 3 – Alternative 3 is the Environmentally Preferred Alternative. Alternative 3 includes the same general route as Alternative 2, but increases alignments within Highway 88 for several segments to reduce environmental and cultural effects, and avoid land ownership concerns. All supporting structures, construction techniques, and maintenance activities are the same as for the Selected Alternative above (details described in Chapter 2). Approximately 8.6 miles of the alignment would be located within the shoulder of Highway 88 and 1.2 miles would be located along the outer edges of the Caltrans right-of-way. Alternative 3 would increase miles of power line alignment along Highway 88 and increase negative effects to Caltrans management of Highway 88 more than the Proposed Action.

Findings Required by Other Laws and Regulations

National Forest Management Act of 1976 [NFMA] (Public Law 94-588)

This decision is consistent with the Eldorado National Forest Land and Resource Management Plan (Forest Plan), as amended. Two non-significant Forest Plan amendments to correct errors and inconsistencies within the Forest Plan are included in this decision, as discussed previously and detailed in Chapter 2 of the EIS/EIR. This project is responsive to guiding direction contained in the Forest Plan, is consistent with the standards and guidelines contained in the Forest Plan, and is consistent with the requirements for management prescriptions. The project was designed to implement Forest Plan direction for management of the land allocations where project activities are expected to occur, including overlapping allocations for aquatic and terrestrial wildlife, riparian conservation areas, streamside environment zones, visual quality objectives, and designated recreation uses. The Selected Alternative fully meets the National Forest Management Act of 1976 [NFMA] (Public Law 94-588).

National Environmental Policy Act of 1969 [NEPA] (Public Law 91-190)

The National Environmental Policy Act of 1969 [NEPA] (Public Law 91-190) requires that Federal agencies provide detailed disclosure on proposed actions and alternatives to the proposed action that may significantly affect the quality of the human environment. The purpose of the environmental impact statement is twofold: 1) to provide decision makers with a detailed accounting of the likely environmental effects of a proposed action and any alternatives prior to adoption of an action, and 2) to inform the public and allow comment on those environmental effects. This decision is based on an EIS analysis of the alternatives and disclosure of their effects in detail. The procedural requirements of NEPA have been met.

Clean Water Act (Public Law 92-500)

The Selected Alternative meets the terms of the Clean Water Act (Public Law 92-500) KMPUD will obtain necessary authorizations under Sections 404 and 401 of the Clean Water Act.

Clean Air Act (Public Law 84-159)

The Selected Alternative meets the terms of the Clean Air Act (Public Law 84-159). The project area lies within the Amador County Air District, the Great Basin Unified Air Pollution Control District (Alpine County), and the El Dorado Air Quality Management District. KMPUD will obtain the necessary authorizations from the appropriate Air Quality District for construction dust control.

Endangered Species Act of 1973 (Public Law 93-205)

The Selected Alternative complies with the Endangered Species Act of 1973 (Public Law 93-205). Although candidate species Sierra Nevada yellow-legged frog (SNYF) habitat may exist within the project analysis area, recent amphibian surveys found no occurrences of the species within the project treatment area. Formal consultation was not required for the KMPUD Power Reliability project because no threatened or endangered species, or their associated critical habitat, would be affected by this project. (BE/BA, J. O. Williams, 2011; project record, FEIS Chapter 3 for analysis and findings).

Migratory Bird Treaty Act of 1918 as amended (16 USC 703-712)

This decision is consistent with the Migratory Bird Treaty Act of 1918 as amended (16 USC 703-712). Because forestlands provide a substantial portion of breeding habitat, land management activities within the Eldorado National Forest can have an impact on local populations. Implementation of the Selected Alternative will have no effect on habitats used by a number of migratory bird species.

National Historic Preservation Act (Public Law 89-665)

This decision is in conformance with regulations of the National Historic Preservation Act, 1966, as amended (P.L. 89-665, 80 Stat.9.5) and its implementing regulations 36 CFR 800; the National Environmental Protection Act (1969), Archaeological Resources Protection Act of 1979, Native American Grave Protection and Repatriation Act (1990: P.L. 101-601), and the American Indian Religious Freedom Act (1978: P.L. 95-341). The California State Historic Preservation Office has reviewed the EIS/EIR, and compliance with Section 106 is complete.

Wild and Scenic Rivers Act (Public Law 90-542, as amended)

The Selected Alternative is consistent with provisions of the Wild and Scenic Rivers Act (Public Law 90-542, as amended), which regulates forest management activities within the National Wild and Scenic Rivers System. There would be no impact to the North Fork Mokelumne Recommended Wild and Scenic River from the project, because all project activities are located outside of the Wild and Scenic River management zone.

Environmental Justice (Executive Order 12899)

The Selected Alternative is consistent with Executive Order 12898 that requires that all federal actions to consider potentially disproportionate effects on minority and low-income communities. Any adverse environmental or human health conditions created by the Selected Alternative would not affect any minority or low income neighborhood disproportionately. Conversely, there is no evidence that any individual, group, or portion of the community will benefit unequally from any of the actions in the Selected Alternative.

Permits and Coordination

The Kirkwood Meadows Public Utility District (KMPUD) is the lead agency for CEQA, and will receive the special use permits and easement from the Forest Service for this project. KMPUD is responsible for obtaining all other permits and licenses for this project.

Administrative Review (Appeal) Opportunities

In accordance with Forest Service regulations, this decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. An appeal under the 215 regulations must be filed (regular mail, fax, email, hand-delivery, or express delivery) with the Appeal Deciding Officer: Randy Moore, Regional Forester, USDA Forest Service, Pacific Southwest Region, R5 Regional Office, 1323 Club Dr. Vallejo, CA 94592.

For hand-delivered appeals, office hours are 8:00 AM to 4:30 PM, Monday through Friday. E-mailed appeals must be submitted in plain text (.txt), rich text (.rtf), Adobe (.pdf) or Word (.doc) formats to: appeals-pacificsouthwest-regional-office@fs.fed.us. The identity of the appellant must be identifiable. Appeals must be filed within 45 days from the publication date of the legal notice of this decision in the Mountain Democrat, of Placerville, California. The publication date in the newspaper of record is the exclusive means for calculating the 45-day appeal period for this decision. If you wish to appeal under 36 CFR 215, you should rely only upon dates and timeframe information provided by the newspaper legal notice.

The appeal regulations prohibit extending the length of the appeal period. Appeals received after the 45-day appeal period will not be considered.

I am willing to meet with you to hear and discuss any concerns or issues you have related to this decision. Only those who submitted substantive comments on the Draft EIS/EIR have standing to appeal this decision.

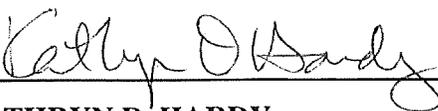
Implementation

If no appeal is filed on this decision, implementation of the decision may begin on, but not before, the fifth business day following the close of the appeal filing period (36 CFR 215.0(a)).

Contact

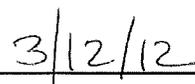
For additional information concerning this decision contact:

Sue Rodman, Forest Service Interdisciplinary Team Leader, Eldorado National Forest
100 Forni Road, Placerville, CA 95667
phone: (530) 621-5298



KATHRYN D. HARDY

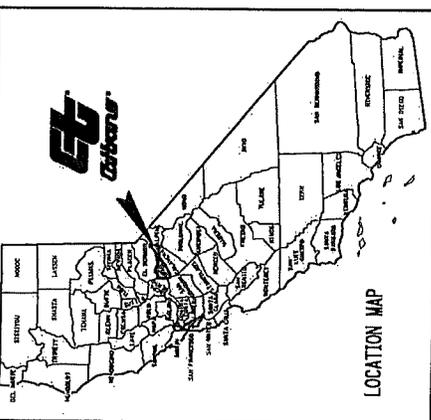
Forest Supervisor



Date

ATTACHMENT 5: MAPS

DIST	COUNTY	ROUTE	TOTAL PROJECT	SHEET TOTAL
10	Alameda	88	54.0	54.0



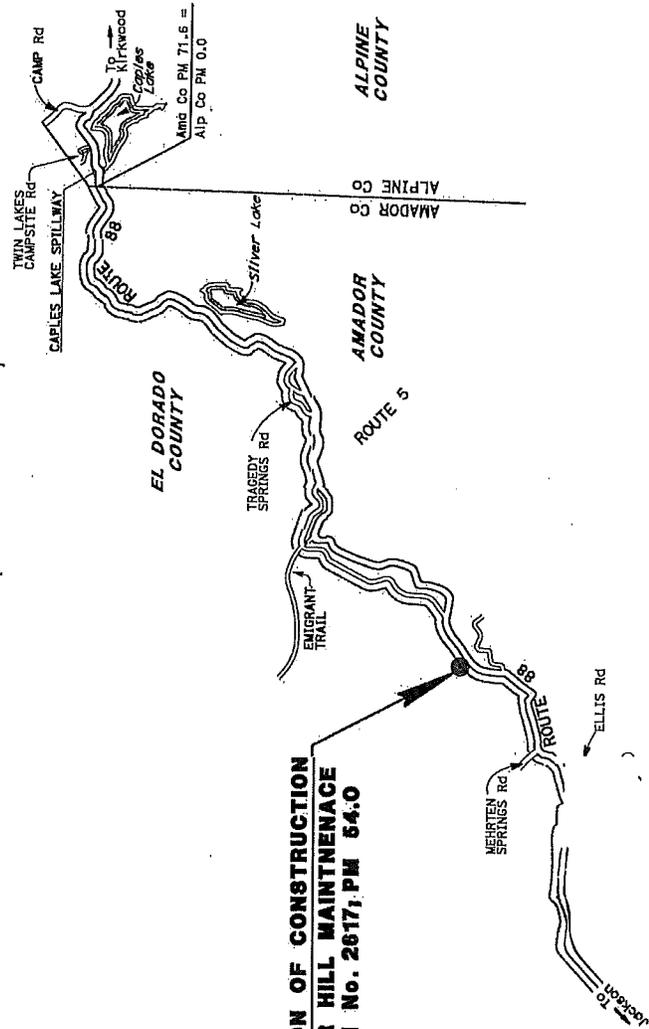
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
PROJECT PLANS FOR CONSTRUCTION ON
STATE HIGHWAY
IN AMADOR COUNTY
AT THE PEDDLER HILL MAINTENANCE STATION
 TO BE SUPPLEMENTED BY STANDARD PLANS DATED 2015
EXHIBIT A - SYSTEM
(DRAFT PLANS)

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	TITLE AND LOCATION MAP
2-4	CONSTRUCTION DETAILS
5	SUMMARY OF QUANTITIES
6-7	REVISED STANDARD PLANS

BUILDING PLANS
 XX-XX GENERAL PLANS AND BUILDING DATA
 XX-XX ARCHITECTURAL PLANS
 XX-XX STRUCTURAL PLANS
 XX-XX MECHANICAL PLANS
 XX-XX ELECTRICAL PLANS

THE STANDARD PLANS LIST APPLICABLE TO THIS CONTRACT IS INCLUDED IN THE NOTICE TO BIDDERS AND SPECIAL PROVISIONS BOOK.



LOCATION OF CONSTRUCTION
PEDDLER HILL MAINTENANCE
STATION No. 2617, PM 54.0

NO SCALE



JOSE A. ALGEA, P.E.
 PROJECT ENGINEER
 DATE: 06/29/11
 REGISTERED CIVIL ENGINEER

PLANS APPROVAL DATE: 06/29/11
 THE STATE OF CALIFORNIA OR ITS
 OFFICIALS ARE NOT RESPONSIBLE FOR THE
 ACCURACY OR COMPLETENESS OF THE
 INFORMATION OR SCANNED COPIES OF THIS PLAN SHEET.

CONTRACT No.	10-1C6104
PROJECT ID	1014000142
PROJECT NUMBER & PHASE	10140001421

DATE PLOTTED: 27-JUN-2018
 TIME PLOTTED: 11:41 AM
 USER: NAME: 1116141
 DON FILE: 1014000142.dgn

BORDER LAST REVISED 7/2/2010 CALTRANS WEB SITE IS: [HTTP://WWW.DOT.CA.GOV/](http://www.dot.ca.gov/)

ALVIN MARGINDIN PROJECT MANAGER	ALVIN MARGINDIN DESIGN ENGINEER
------------------------------------	------------------------------------

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION	FUNCTIONAL SUPERVISOR	ALVIN MANGINDIN	CHECKED BY	ALVIN J. MANGINDIN	DATE REVISION	11/15/16
MAINTENANCE	DESIGNED BY	JOSE A. ALICEA II	REVISION	JM		

BORDER LAST REVISED 7/2/2010

USERNAME: j0145493
 PWR FILE: j0145493.dgn

RELATIVE BORDER SCALE
 IS IN INCHES

UNIT 2593

PROJECT NUMBER & PHASE

10140001421

CONSTRUCTION DETAILS

C-1

NO SCALE

DATE PLOTTED => 27-JUN-2010
 TIME PLOTTED => 13:41

Sheet	COUNTY	ROUTE	POST MILE	TOTAL PROJECT	POST MILE	SHEET NO.	TOTAL SHEETS
10	Alameda	88	54.0	54.0	???	???	???

REGISTERED CIVIL ENGINEER
 ALICEA II
 No. 54847
 CIVIL

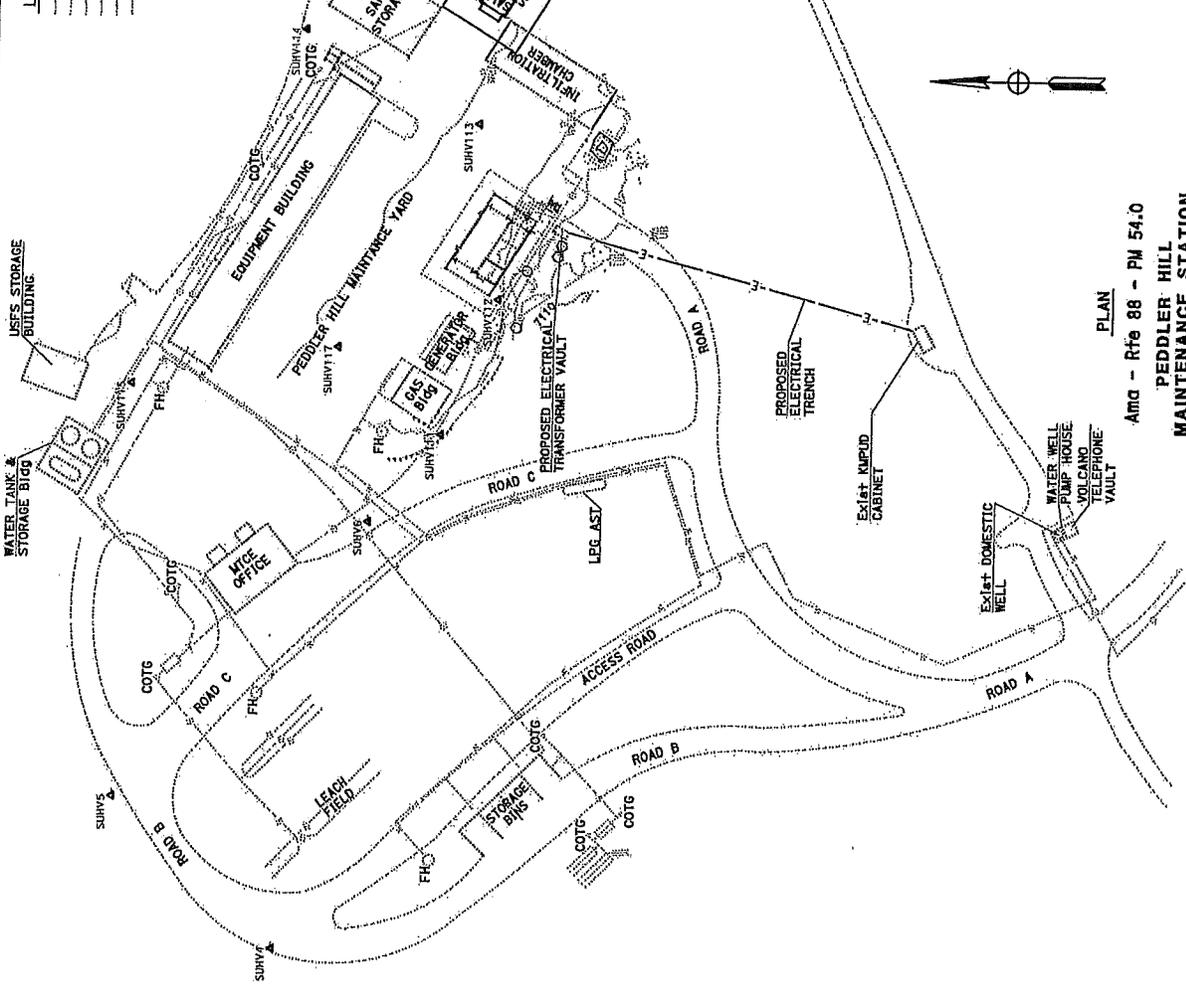
PLANS APPROVAL DATE: XX-XX-16
 RECEIVED ON 11/15/16

REGISTERED CIVIL ENGINEER
 ALICEA II
 No. 54847
 CIVIL

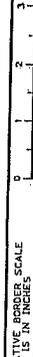
PLANS APPROVAL DATE: XX-XX-16
 RECEIVED ON 11/15/16

FOR ALL WORK ON THIS PROJECT
 THE ENGINEER SHALL BE RESPONSIBLE FOR THE
 ACCURACY OF THE INFORMATION AND THE
 COMPLETION OF ALL NECESSARY PERMITS
 AND ALL OTHER LEGAL MATTERS.

- LEGEND**
- ELECTRIC
 - WATER
 - GAS
 - TELEPHONE
 - SEWER
 - COMPRESSED AIR
 - ABOVEGROUND STORAGE TANK
 - UNDERGROUND STORAGE TANK
 - LIQUID PROPANE GAS
 - FIRE HYDRANT
 - CLEAN OUT TO GRADE
 - KMPUD - KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT
 - AST
 - LST
 - LFG
 - FH
 - COTG
 - KMPUD



PLAN
 Amd - Rte 88 - PM 54.0
 PEDDLER HILL
 MAINTENANCE STATION



ATTACHMENT 6: FEE



COUNTY OF ALPINE
Office of the County Clerk

Teola L. Tremayne, County Clerk
Local Agency Formation Commission (LAFCo)
Executive Officer

INVOICE

Invoice #100
Date: 05/12/2022

To:

Kirkwood Meadows Public Utility District
PO Box 246
Kirkwood, CA 95646

QUANTITY	DESCRIPTION	TOTAL
1	Annexation request for the <u>Peddler Hill Maintenance Station project</u> – to provide electric service to the Caltrans Peddler Hill Maintenance Station that currently operates via diesel generators.	\$750
TOTAL DUE		\$750

Make all checks payable to Alpine County
If you have any questions concerning this invoice, contact: 530.694.2281

**KIRKWOOD MEADOWS
PUBLIC UTILITY DISTRICT
GENERAL ACCOUNT**

PO Box 247 (209) 258-4444
KIRKWOOD, CA 95646

BANK OF THE WEST
90-78/1211

DATE 05/13/2022 CHECK NO. 37081

AMOUNT \$750.00

PAY *Seven Hundred Fifty and 00/100---Dollars*

TO THE ORDER OF: ALPINE COUNTY CLERK
P.O. BOX 158-99
WATER STREET
MARKLEEVILLE CA 96120


AUTHORIZED SIGNATURE MP

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

⑈03708⑈ ⑆121100782⑆ 028672204⑈

KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT / GENERAL ACCOUNT

VendorID: ALPI009

ALPINE COUNTY CLERK

KIRKWOOD MEADOWS PUD

<u>InvDate</u>	<u>InvNbr</u>	<u>PONbr</u>	<u>Description</u>	<u>Amount</u>
05/12/2022	100		Annexation Request - Peddler Hill	750.00

Check Date: 05/13/2022

Check Number: 37081

Check Amount: 750.00

RECEIVED
MAY 19 2022
ALPINE COUNTY CLERK

RECORDING REQUESTED BY:
Alpine County
Local Agency Formation Commission
PO Box 158
Markleeville CA 96120

ALPINE COUNTY LOCAL AGENCY FORMATION COMMISSION

CERTIFICATE OF COMPLETION

I, Teola L Tremayne, Executive Officer of the County of Alpine Local Agency Formation Commission (“LAFCO”), issue this Certificate of Completion pursuant to Government Code Sections 57200 and 57201 for a change of organization of Kirkwood Meadows Public Utility District to include Peddler Hill Maintenance Station to provide electric services.

LAFCO has completed all of the actions required by Part 3 of Title 5 of Division 3 of the Government Code, commencing with Section 56650, including the time period allowed to file and act upon requests for reconsideration pursuant to Government Code Section 56895.

There are no conditions contained in the LAFCO Resolution No. LAFCO2022-03 making determinations that are required to be completed prior to filing this Certificate of Completion.

LAFCO has completed all of the proceedings required by Part 4 (of Title 5 of Division 3 of the Government Code, commencing with Government Code Section 57000.

The name of the existing local agency for which a change of organization or reorganization was ordered is Kirkwood Meadows Public Utility District (KMPUD).

The name of the county within which the existing local agencies are located is Alpine County, California. The area to be included in the service area is located in El Dorado County, California.

The type of change of organization ordered is the activation of the latent power of KMPUD to provide electric service to Caltrans Peddler Hill Maintenance Station.

A description of the boundaries of the territory affected by the change of organization is contained in the map and legal description showing the boundaries attached to this certificate as Exhibit A.

The change of organization is approved without conditions.

The date of the adoption of the LAFCO Resolution No. LAFCO2022-03 ordering the change of organization is July 5, 2022, and attached hereto as Exhibit B.

I declare under the penalty of perjury in the State of California that the foregoing is true and correct.

Dated: _____

Teola L Tremayne, Executive Officer
LAFCO of Alpine County, CA

Attachments: Exhibit A (boundary description of addition of service area)
Exhibit B (LAFCO Resolution No. LAFCO2022-03)

INDEX OF PLANS

SHEET No.	DESCRIPTION
1	TITLE AND LOCATION MAP
2-4	CONSTRUCTION DETAILS
5	SUMMARY OF QUANTITIES
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THE STANDARD PLANS LIST APPLICABLE TO THIS CONTRACT IS INCLUDED IN THE NOTICE TO BIDDERS AND SPECIAL PROVISIONS BOOK.

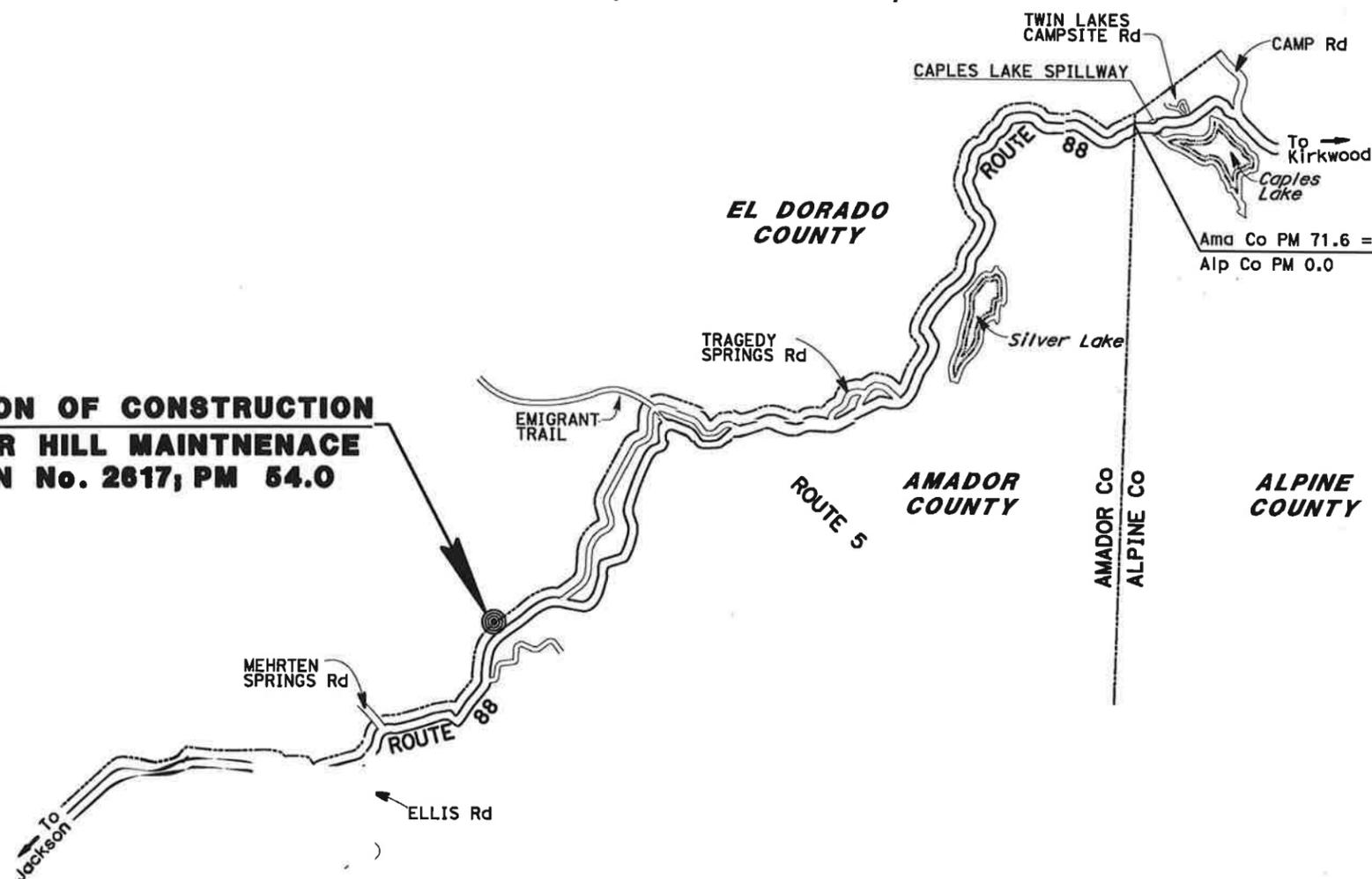
STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
**PROJECT PLANS FOR CONSTRUCTION ON
 STATE HIGHWAY
 IN AMADOR COUNTY
 AT THE PEDDLER HILL MAINTENANCE STATION**

TO BE SUPPLEMENTED BY STANDARD PLANS DATED 2015

**EXHIBIT A - SYSTEM
 (DRAFT PLANS)**



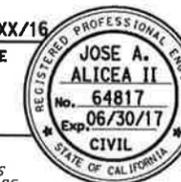
**LOCATION OF CONSTRUCTION
 PEDDLER HILL MAINTNENACE
 STATION No. 2617; PM 54.0**



NO SCALE

PROJECT MANAGER
ALVIN MANGINDIN
 DESIGN ENGINEER
ALVIN MANGINDIN

JAlicea II XX/XX/16
 PROJECT ENGINEER DATE
 REGISTERED CIVIL ENGINEER

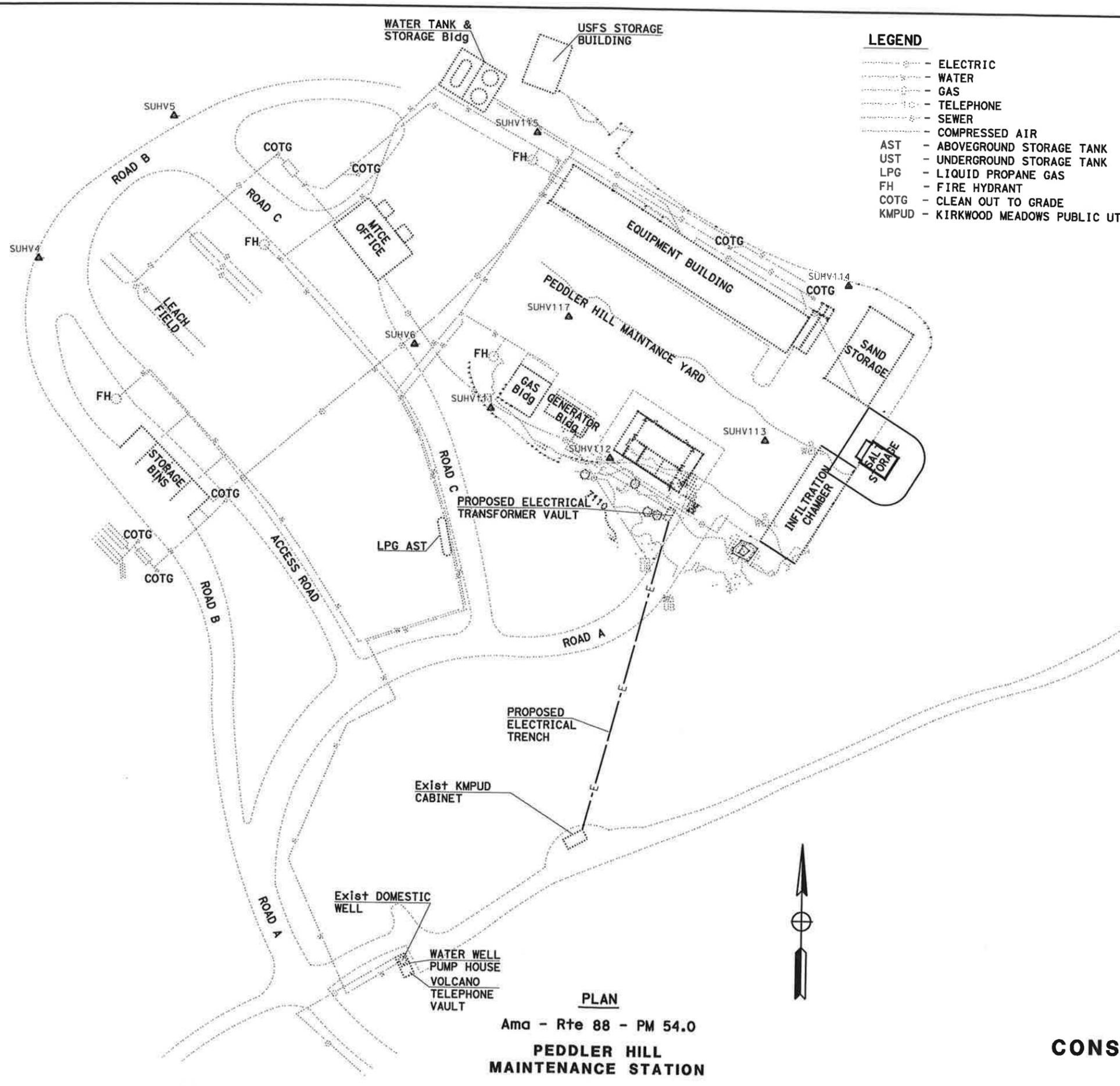


PLANS APPROVAL DATE
 THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

CONTRACT No.	10-1C6104
PROJECT ID	1014000142

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

FUNCTIONAL SUPERVISOR	ALVIN MANGINDIN
CHECKED BY	ALVIN MANGINDIN
DESIGNED BY	ALVIN MANGINDIN
REVISOR	ALVIN MANGINDIN
DATE	11/15/16
BY	JAA



- LEGEND**
- - - - - ELECTRIC
 - - - - - WATER
 - - - - - GAS
 - - - - - TELEPHONE
 - - - - - SEWER
 - - - - - COMPRESSED AIR
 - AST - ABOVEGROUND STORAGE TANK
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 - FH - FIRE HYDRANT
 - COTG - CLEAN OUT TO GRADE
 - KMPUD - KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT

DIST	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
10	Ama	88	54.0	???	???

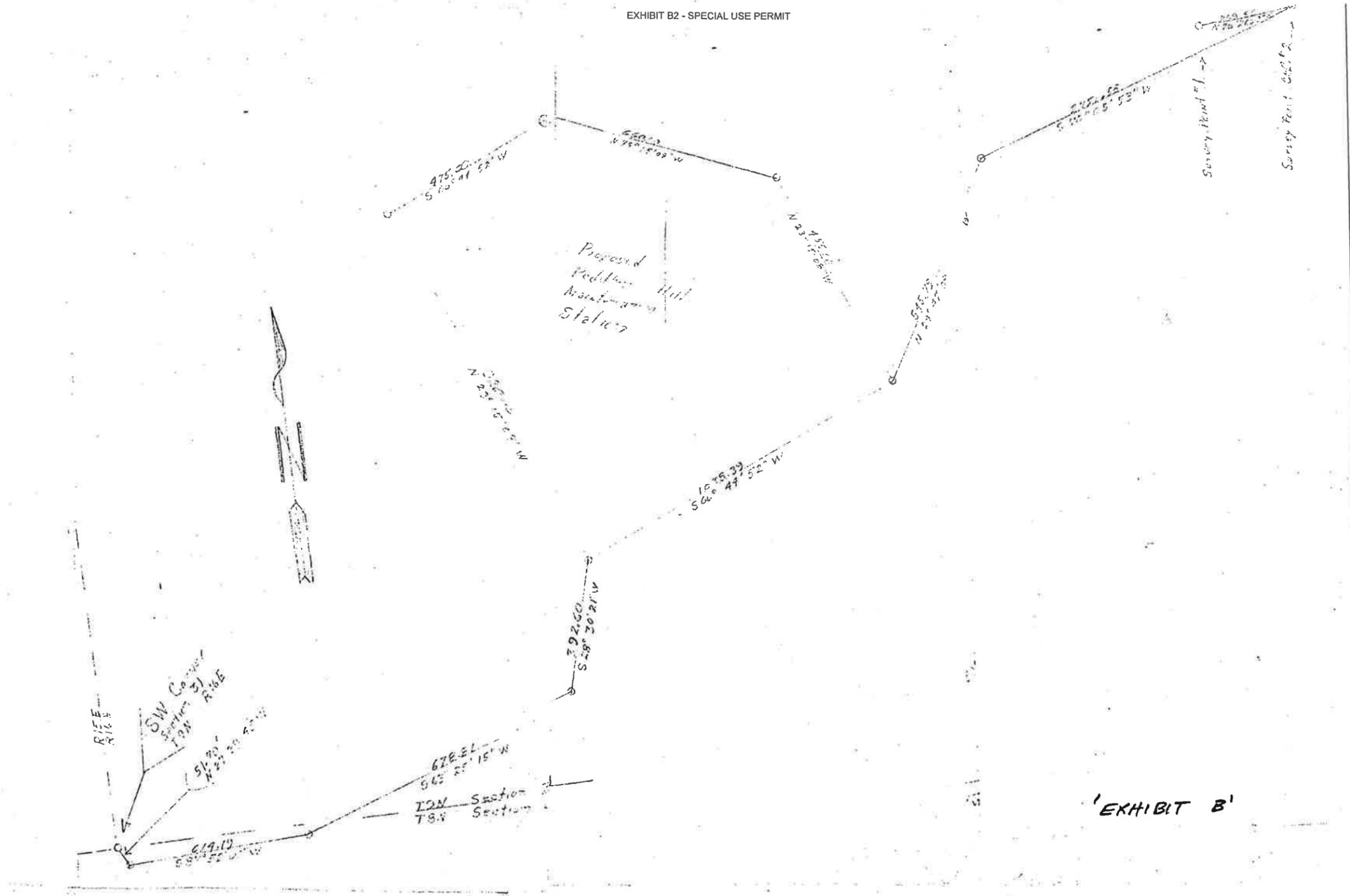
REGISTERED CIVIL ENGINEER
 JOSE A. ALICEA II
 No. 64817
 Exp. 6/30/17
 CIVIL
 STATE OF CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
 JOSE A. ALICEA II
 No. 64817
 Exp. 6/30/17
 CIVIL
 STATE OF CALIFORNIA

THE STATE OF CALIFORNIA OR ITS OFFICERS OR AGENTS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETENESS OF SCANNED COPIES OF THIS PLAN SHEET.

PLAN
 Ama - Rte 88 - PM 54.0
PEDDLER HILL MAINTENANCE STATION

CONSTRUCTION DETAILS
 NO SCALE
C-1



'EXHIBIT B'

RESOLUTION NO. LAFCO2022-03
OF THE
LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF ALPINE, STATE OF CALIFORNIA
AUTHORIZING THE ANNEXATION BY KIRKWOOD MEADOWS PUBLIC UTILITY
DISTRICT TO PROVIDE ELECTRIC SERVICE TO CALTRANS PEDDLER HILL
MAINTENANCE STATION

WHEREAS, Kirkwood Meadows Public Utility District filed with the Alpine County Local Agency Formation Commission (LAFCO) an application for annexation to include Caltrans Peddler Hill Maintenance Station in the electric service area; and

WHEREAS, supporting documents were submitted as required by the Government Code, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and LAFCO Policies, Standards, and Procedures; and

WHEREAS, Kirkwood Meadows Public Utility District filed Resolution No. 21-07 with LAFCO as the affected local agency pursuant to Government Code Section 56654(a); and

WHEREAS, the Executive Officer of LAFCO reviewed the documents described above and found them to be complete and in compliance with the requirements of the Government Code and issued a certificate of filing pursuant to Government Code Section 56658(f); and

WHEREAS, the Kirkwood Meadows Public Utility District's request for annexation before the Alpine County LAFCO includes: Kirkwood Meadows Public Utility District Resolution 22-07; LAFCO application, Consent Letter, Environmental Review documentation, Maps and the appropriate fee; and

WHEREAS, a public hearing notice was posted on June 23, 2022 on the Alpine County website, distributed to 14 posting places within the County, and sent electronically to the Amador LAFCO and the El Dorado LAFCO; and

WHEREAS, a public hearing was scheduled for July 5, 2022 before the Alpine County LAFCO on the request for annexation to the Kirkwood Meadows Public Utility District to provide electric services to the Caltrans Peddler Hill Maintenance Station; and

WHEREAS, the public comment period on the request for annexation to the Kirkwood Meadows Public Utility District to provide electric services was open until July 5, 2022. During the comment period, the Alpine County LAFCO received zero written comments and objections for inclusion in the administrative record; and

WHEREAS, all of the determinations and conclusions made by the Alpine County LAFCO pursuant to this Resolution are based upon the entire record before the Alpine County LAFCO and not solely on the information provided in this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Alpine County LAFCO determines as follows;

1. LAFCO has considered all of the factors (a) through (q) below pursuant to Government Code 56668.3 and has determined that the project has met the requirements:

- (a) Population and population density; land area and land use; assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; and the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- (b)(1) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; and probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.
(2)"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.
- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
- (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities in Section 56377.
- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.
- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- (g) A regional transportation plan adopted pursuant to Section 65080.
- (h) The proposal's consistency with city or county general and specific plans.
- (i) The sphere of influence of any local agency that may be applicable to the proposal being reviewed.
- (j) The comments of any affected local agency or other public agency.
- (k) The ability of the newly formed or receiving entity to provide the services that are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
- (l) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.
- (m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.
- (n) Any information or comments from the landowner or landowners, voters, or residents of the affected territory.
- (o) Any information relating to existing land use designations.

- (p) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.
- (q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal

2. The Alpine County LAFCO approves the request of the Kirkwood Meadows Public Utility District for annexation of Caltrans Peddler Hill Maintenance Station to provide electric services within the District's jurisdictional boundaries as a new function.

3. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the Alpine County Government Center, 99 Water Street, Markleeville, CA 96120. The Custodian of Records for these materials is Teola L Tremayne, LAFCO Executive Director.

PASSED AND ADOPTED by the Local Agency Formation Commission, County of Alpine, State of California, this 5th day of July 2022 by the following vote:

AYES:

NOES:

ABSENT:

Terry Woodrow, Chair Alpine County LAFCO,
County of Alpine, State of California

ATTEST:

Teola L Tremayne, County Clerk & LAFCO
Executive Officer, County of Alpine,
State of California
By: Patricia Griffin, Assistant County Clerk

APPROVED AS TO FORM:



Mark A. Wasser, Interim County Counsel



Alpine County, CA

ITEM NO. 5.1
Budget Comparison Report
 Account Summary

Account Number		2019-2020 Total Activity	2020-2021 Total Activity	2021-2022 YTD Activity Through Jun	Parent Budget	Comparison 1 Budget	Comparison 1 to Parent Budget	%
					2021-2022 Adopted	2022-2023	Increase / (Decrease)	
Fund: 100 - GENERAL FUND								
Revenue								
100-179-390000	CONTRIBUTIONS	0	0	0	0	0	0	0
	Total Revenue:	0	0	0	0	0	0	0
Expense								
100-179-500110	ELECTED	0	0	0	0	0	0	0
100-179-501010	POSITION #01	0	0	0	0	0	0	0
100-179-501250	EXTRA HELP	0	0	0	0	0	0	0
100-179-502100	PERS-RETIREMENT MISC.	0	0	0	0	0	0	0
100-179-505000	FICA-MEDICARE INSURANCE F	0	0	0	0	0	0	0
100-179-505100	FICA-SOCIAL SECURITY PORTI	0	0	0	0	0	0	0
100-179-520400	MEMBERSHIPS & DUES	1075	1015	1016	1075	0	-1075	-100
100-179-522600	OFFICE SUPPLIES	0	0	0	0	0	0	0
100-179-522650	POSTAGE	0	0	0	0	0	0	0
100-179-528820	STIPENDS	0	0	550	1400	0	-1400	-100
100-179-529100	TRAVEL	0	0	0	500	0	-500	-100
	Total Expense:	1075	1015	1566	2975	0	-2975	-100
	Total Fund: 100 - GENERAL FUND:	-1075	-1015	-1566	-2975	0	2975	-100
	Report Total:	-1075	-1015	-1566	-2975	0	2975	-100

LAFCO Proposed 22/23 Budget

Stipends

(Every other month)

	members	stipend		total
	7	\$ 50		
regular meetings	6		\$	2,100
special meetings	3		\$	1,050
			\$	<u>3,150</u>

(Quarterly)

	members	stipend		total
	7	\$ 50		
regular meetings	4		\$	1,400
special meetings	3		\$	1,050
			\$	<u>2,450</u>

Professional Services

MSR/SOI			Range	
		\$	40,000	\$ 70,000

Membership

\$1,066

Conference Reg

2 \$ 595 \$ 1,190

Travel

	2 people			
hotel	\$ 200	<i>night</i>	3 <i>days</i>	\$ 1,200
car	\$ 0.625	<i>p/mile</i>	462 <i>miles</i>	\$ 578
per diem	\$ 55	<i>p/d</i>	3 <i>days</i>	\$ 330
reimb travel				\$ <u>500</u>
				\$ 2,608

Office Supplies

\$ 200

Postage

\$ 100

Alpine Local Agency Formation Commission

Commissioner's Handbook

POLICIES, STANDARDS and PROCEDURES

Adopted June 21, 2011

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A. HISTORICAL BACKGROUND

The end of World War II saw California experiencing a tremendous population increase, which resulted in the sporadic formation of cities and special service districts. The results of this development boom became evident as more of California's agricultural land was converted to urban uses. Premature and unplanned development resulted in inefficient, expensive public services delivery systems, as well as the formation of various small units of local government.

In 1959, in recognition of this problem, Governor Edmund G. Brown appointed the Commission on Metropolitan Area Problems. The Commission's charge was to study and make recommendations on the "misuse of land resources" and the growing complexity of overlapping, local governmental jurisdictions. The Commission's recommendations on local governmental reorganization were introduced in the Legislature in 1963, resulting in the creation of a Local Agency Formation Commission, or "LAFCo", operating in each County except San Francisco.

In 1965, the Legislature approved the District Reorganization Act (DRA). This Act combined separate laws governing special district boundaries into a single law. Another law, the Municipal Organization Act of 1977 (MORGA) consolidated various laws on city incorporation and annexation into one law.

These three laws contained many parallel and duplicative provisions. However, similar procedures varied slightly from one law to another, and the procedures necessary for one type of boundary change were found in vastly different sections of the three laws. All three laws contained application and hearing procedures for LAFCOs, but there were inconsistencies among them. This made city and district boundary changes unnecessarily confusing and complicated for local agencies and LAFCOs, as well as for residents and property owners.

In California, the Cortese-Knox Local Government Reorganization Act of 1985 followed several years of cooperative effort between Assembly Member Dominic Cortese, former Chair of the Assembly Local Government Committee, and the California Association of Local Agency Formation Commissions (CALAFCO). The Act, which became operative January 1, 1986, consolidated three major laws, which were previously used by California's local governments for boundary changes, into a single unified law.

The Cortese-Knox-Hertzberg Local Governmental Reorganizational Act of 2000 (AB 2838) further enabled LAFCOs to play a lead role in the orderly development of all local agencies. Government Code Section 56001 reiterates and emphasized the State Legislature's policies of:

- Discouraging Urban Sprawl and Promoting Orderly Development
- Accommodating Growth Within the Agencies Which Can Best Provide Services
- Efficiently Extending Government Services
- Collaboration Amongst Local Officials in Addressing Regional Growth Issues
- Preserving Open-Space
- Providing Housing for People of all Incomes
- Giving Responsibility to the Agency that can Best Provide Government Services

B. THE ROLE OF LAFCO

LEGISLATIVE INTENT

LAFCos review proposals for the formation of new local governmental agencies and changes of organization in existing agencies. In California there are 58 LAFCos working with nearly 4,000 governmental agencies in 58 counties, over 500 cities and over 3,000 special districts. Agency boundaries are often unrelated to one another and sometimes overlap at random, often leading to higher service costs to the taxpayer and general confusion regarding service area boundaries. LAFCo decisions strive to balance the State's competing needs for affordable housing, economic opportunity, and conservation of natural resources.

In enacting the Cortese-Knox Local Government Reorganization Act, the Legislature set forth the intent, purpose and responsibilities of the Local Agency Formation Commission (LAFCo). Guidance as to the primary purpose of LAFCo, provided in Section 56001, states in part:

“The Legislature finds and declares that it is the policy of the state to encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the state. The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development...

... The Legislature finds and declares that a single governmental agency, rather than several limited purpose agencies, is in many cases better able to access and be accountable for community service needs and financial resources and, therefore, is the best mechanism for establishing community service priorities.”

Section 56301 specifies the purposes of the Commission. Among the purposes of a commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies in each county and to shape the development of local agencies based upon local conditions and circumstances. One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities.

The Legislature provides further guidance to the Commission regarding the importance of maintaining open space within urban development patterns in Section 56377 of the Act:

“In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate or lead to the conversion of open space lands to uses other than open-space uses, the commission shall consider the following policies and priorities:

- (a) Development or use of land for other than open-space shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned orderly, efficient*

- development of an area.”*
- (b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of the local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing sphere of influence of the local agency.”*

In addition to these specific policy statements, LAFCo must also consider the legislative intent and policy statements contained in the California Environmental Quality Act of 1970 (CEQA). Commissioners are referred to the CEQA Handbook for further information regarding CEQA.

DECISION MAKER

LAFCo is a quasi-legislative decision making body which is separate from, yet responsive and sensitive to the needs of each local governmental agency as well as the public-at-large. The members of the Commission, by majority action, establish public policy in the areas of annexations, urban patterns, provision of public services, and jurisdictional relationships between local governmental agencies. Clearly, LAFCo must maintain a regional, long-range perspective in exercising its authority and jurisdiction.

The wide range of duties and responsibilities of the Commission require each member to weigh the evidence and render: (1) Technical decisions based upon the need for and adequacy of public services, compatibility of proposals with long-range plans, and financial viability; and (2) Policy decisions regarding such matters as urban sprawl, agricultural preservation, orderly growth and development, and environmental concerns. In considering these two aspects of the decision making process, the Commission must balance often conflicting concerns for short-term gain versus long-range goals and objectives.

C. THE COMMISSION

The Local Agency Formation Commission is established as an independent body. In consideration of LAFCo's underlying purposes, the Commission should be independent in weighing and reviewing information and in making determinations upon the particular matter under review. The Commission should not allow itself to become unduly influenced by a single point-of-view.

MEMBERSHIP

LAFCo Commissioners are selected from the groups most affected by its decision: the special districts, the County, and the public at large. Since there are no cities in Alpine County, LAFCo is composed of five members serving a four-year term. The expiration date of the term of office for each member is the first Monday in May, in the year the term expires. Membership may be further augmented pursuant to Sections 56332 and 56332.5. These members include: (See 56329, 56331, 56332, 56332.5)

- Three appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a fourth supervisor who is an alternate member of the commission. The alternate member may serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in

a meeting of the commission. If the office of a regular county member becomes vacant, the alternate member may serve and vote in place of the former regular county member until the appointment and qualification of a regular county member to fill the vacancy.

- Two representing the general public appointed by the other three members of the commission. The commission may also appoint one alternate public member who may serve and vote in place of a regular public member who is absent or who disqualified himself or herself from participating in a meeting of the commission. If the office of a regular public member becomes vacant, the alternate member may serve and vote in place of the former regular public member until the appointment and qualification of a regular public member to fill the vacancy. Selection of the public members and alternate public member shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities. No person appointed as a public member or alternate public member pursuant to this chapter shall be an officer or employee of the county or any city or district with territory in the county.

PROCEDURES FOR SELECTION OF PUBLIC MEMBERS

Prior to selecting a LAFCo public or alternate public member, the following procedures shall be followed and carried out by LAFCo staff:

1. Distribute a Notice of Vacancy to all posting places which:
 - a) Solicits nominations and applications
 - b) Specifies a one-month filing period
 - c) Briefly explains LAFCo's function
 - d) Indicates where forms can be acquired and identifies a contact person
2. Forward application forms to any interested individuals.
3. Receive the applications and prepare a list of applicants.

LAFCo shall:

1. Review the submitted applications at the next regularly scheduled meeting following the receipt of applications. The commission may appoint two members to interview the applicants if there are several applications submitted.
2. Select the public or alternate public member.

Through the particular interests and expertise that each member brings to LAFCo, LAFCo has both the local and regional perspective necessary to implement policies per the Cortese-Knox-Hertzberg Act. Decisions relating to the most efficient form of local government and the preservation of agriculture land inherently involve the balancing of potentially competing interests of jurisdiction because applications for change in organization may involve the interests of the County, a City, and one or more Special Districts. In addition, such determinations usually affect the public at large because of various options for the delivery of services. The legislative direction to LAFCo Commissioners is to bring their experience and perspectives to bear in a manner, which carries out the best policy from a regional perspective. Commissioners are not selected merely to cast the vote of their appointing agencies. In fact, to the contrary, they are expected to bring the unique perspective of the public, to decisions, which carry out the regional mandate of the Cortese-Knox-Hertzberg Act. It is for this reason that the Cortese-Knox-Hertzberg Act specifically authorizes members of LAFCo to vote on issues, which may affect their jurisdictions since these members are appointed to carry out objectives and approved

policies concerning regional issues. It is assumed that their combined participation will benefit the majority rather than the minority or any special interest group.

POLITICAL REFORM ACT, CONFLICT OF INTEREST

The Political Reform Act of 1974, California Government Code Section 81000, et seq., and specifically with Section 87300 et seq., requires that each agency adopt a Conflict of Interest Code. The Alpine County Local Agency Formation Commission adopts the Conflict of Interest Code for the County of Alpine, as amended from time to time to incorporate any changes made by the County or the Fair Political Practices Committee, included as Appendix D.

MEETING SCHEDULE OF ALPINE COUNTY LAFCo

The Commission establishes the meeting schedule at their first meeting of the year. Typically, the regular meeting of the Alpine County Local Agency Formation Commission is held on the third Tuesday of every other month, beginning with February and commencing at 1:30 p.m. in the Board of Supervisors Chambers at the Administrative Office Building, 99 Water Street, Markleeville, California.

Special meetings of the Commission may be called at the discretion of the Chairperson or upon request of a majority of the members of the Commission. The order calling a special meeting shall specify the time and place of the special meeting and the business to be transacted.

D. LAFCo POWERS AND DUTIES

LAFCo POWERS

Proceedings for changes of organization of special districts or cities are subject to LAFCo review, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000, et. seq.). Section 56375 of the Act specifies LAFCo's powers, which include the authority to review and approve, conditionally approve, modify or disapprove proposals for change of organization or reorganization.

Changes in organization mean any of the following (Government Code Section 56021):

- A city incorporation
- A district formation
- An annexation to, or detachment from a city or district
- A disincorporation of a city
- A district dissolution
- A consolidation of cities or special districts
- A merger or establishment of a subsidiary district
- A proposal for the exercise of new or different functions or classes of services, or divestiture of the power to provide particular functions or classes of services, within all or part of the jurisdictional boundaries of a special district.

The following local government agencies are specifically excluded from LAFCo jurisdiction:

- A school district or community college district
- A special assessment district
- An improvement district

- A community facilities district formed pursuant to the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5, commencing with Section 53311 of Part 1 of Division 2 of Title 5)
- A permanent road division formed pursuant to Article 3 (commencing with Section 1160) of Chapter 4 of Division 2 of the Streets and Highways Code
- An air pollution control district or an air quality maintenance district.
- A zone of any special district, including but not limited to, the following:
 - A fire protection district
 - A mosquito abatement and vector control district
 - A public cemetery district
 - A recreation and park district
 - A community services district
 - A county service area
- A unified or union high school library district
- A bridge or highway district
- A joint highway district
- A transit or rapid transit district
- A metropolitan water district
- A separation of grade district

LAFCoS have the authority to initiate proposals involving district consolidation, dissolution, mergers, and the establishment of subsidiary special districts, or a reorganization that includes any of these changes or organization. Proposals initiated by the Commission must be consistent with a recommendation or conclusion of a special study or sphere of influence study prepared by the Commission (Cortese-Knox Local Government Reorganization Act, Section 56375(a)).

A city or district may provide new or extended services by contract or agreement outside its boundaries only if it first requests and receives written approval from LAFCo (Cortese-Knox Local Government Reorganization Act, Section 56133).

As per SB558, the requirement for voter approval under the Public Utilities Code does not apply when cities sell, lease, or transfer their utilities under the CKH Act.

Effective January 1, 2007, AB2223 requires LAFCoS to approve, after notice and hearing, an annexation to a city of unincorporated island territory if the annexation is initiated on or after January 1, 2000, and before January 1, 2014, and other conditions are met. AB2223 also extends until January 1, 2014 the requirement that a LAFCo waive the protest hearing for annexations of unincorporated islands of 150 acres or less.

County Services Areas (CSAs) are County-governed special districts. They provide governmental services and facilities within their boundaries that the County is authorized to perform, provided the County does not perform such services to the same extent on a countywide basis. Specific types of services and facilities that CSAs can provide are enumerated in Section 23213. After receiving LAFCo approval, the CSA may exercise that latent power. LAFCo's authority, however, is restricted since it cannot authorize a CSA to exercise a latent power if it determines another local agency already provides substantially similar services or facilities to the territory where the CSA proposed to exercise the latent power.

If a board of supervisors desires that a CSA exercise a currently unauthorized power, the County shall first receive LAFCo approval. (County Service Area Law, Section 25213.5)

In reviewing changes or organization and reorganization, pursuant to the Cortese-Knox Local Government Reorganization Act, Section 56375, LAFCo has the authority to:

1. Require pre-zoning.
2. Review definiteness and certainty of boundaries.
3. Determine whether the proposal is inhabited (12 or more registered voters), or uninhabited.
4. Determine exchange of property tax revenue for formation or incorporation.
5. Designate the conducting authority (Local City or District responsible for conducting a public hearing to discuss the proposal, and holding an election if a certain number of protests are received at the hearing.)
6. Require election both in the city and in the annexing territory where assessed value of land and number of voters in annexing territory is equal to or exceeds 50% of the city's assessed value and voters.
7. Determine the number of registered voters for an incorporation.
8. Approve annexation of non-contiguous city-owned land as specified.
9. Authorize island annexation under certain circumstances.

It is important to note that the Commission may not impose any condition directly regulating land use. The Cortese-Knox Local Government Reorganization Act Section 56375(a)(6) specifically states that:

“A commission shall not impose any conditions which would directly regulate land use density or intensity, property development, or subdivision requirements.”

FACTORS TO BE CONSIDERED IN REVIEWING A PROPOSAL

The Commission is guided by its mandated purpose of discouraging urban sprawl and encouraging the orderly development of local governmental agencies. The Cortese-Knox Local Government Reorganization Act Section 56668 specifies certain factors which the Commission must consider in reaching its determination. No particular weight is given to these factors and the Commission is free to add additional factors in response to local conditions and circumstances. Those factors which the Commission must consider are:

1. Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, drainage basins' and the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next 10 years.
2. Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporations, formation, annexation, or exclusion, and alternative courses of action regarding the cost and adequacy of services and controls in the area and adjacent areas. “Services,” as used in this subdivision, refers to governmental services (whether or not the services are services which would be

provided by local agencies subject to this division) and includes the public facilities necessary to provide those services.

3. The effect of the proposed action and of alternative action, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
4. The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.
5. The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.
6. Environmental justice when acting on boundary changes and consideration of comments from voters and residents of the affected territory (SB 162).
7. The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment of ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
8. Consistency with city or county general and specific plans.
9. The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
10. The comments of any affected local agency.

CEQA, ENVIRONMENTAL REVIEW

As a public agency, LAFCo must comply with the provisions of the California Environmental Quality Act (CEQA). CEQA required public agencies to assess the potential environmental impact of their actions. LAFCo is responsible for complying with CEQA when it considers an action that constitutes a “project” as defined by CEQA. These projects typically involve jurisdictional changes (e.g., district and city annexations, detachments, incorporations, etc.) and the adoption of or amendments to spheres of influence.

To provide the criteria and procedures for compliance with CEQA, the Commission has adopted the State CEQA Guidelines, as amended annually. The following is a summary of the relevant CEQA provisions that apply to Alpine LAFCo. For further information on CEQA, refer to Public Resources Code Sections 21000 et seq. For information about the State CEQA Guidelines, consult Division 6, Title 14 of the California Administrative Code, Section 15000, et seq.

In accordance with CDQA, one of the following environmental determinations must be made by a city, a special district, the county, or LAFCo for actions that constitute a project:

1. The project is exempt from the provisions of CEQA and a Notice of Exemption is prepared.
2. A Negative Declaration is filed after an initial study finds that no significant impact will occur to the environment.
3. An Environmental Impact Report, which identifies mitigation measures and alternatives, is prepared and certified after an initial study reveals that significant impacts will occur.

The Executive Officer’s written determination requiring either an EIR or a Negative Declaration may be appealed to LAFCo. All appeals shall be submitted in writing no later than 10 working days after the Executive Officer’s determination. The decision of LAFCo regarding the adequacy of environmental documents and/or appeals shall be final.

If a city, special district, or the county is the proponent, that entity usually assumes the role of lead agency. Lead agency responsibilities include conducting an environmental review, making the appropriate environmental determination in accordance with CEQA. Typically, LAFCo is the lead agency for proposals such as city incorporations and district formations. It is sometimes lead agency for district consolidations, mergers, and adoption of spheres of influence. In cases where another public agency has not acted as lead agency, LAFCo must carry out that function.

Passage of AB 1335 granted LAFCo the authority to initiate specific changes of organization such as district consolidations, dissolutions, mergers, as well as the establishment of subsidiary special districts, or a reorganization that included any of these changes of organization (Government Code Section 56375). In these instances, LAFCo would be the lead agency. To ensure that the environmental documents address the concerns of all agencies, LAFCo will solicit comments on its environmental documents from other affected agencies.

More often, Alpine LAFCo functions as a responsible agency. As a responsible agency, LAFCo will review and consider the lead agency's environmental documents before making its own project decisions. This involves participation in the development of the lead agency's document and the review, evaluation, and certification of an environmental document previously prepared for the project by the lead agency. As responsible agency, LAFCo must be given the opportunity to provide input and comments to the lead agency during the preparation of all environmental documents. In this way, the Commission ensures that environmental documents address LAFCo's concerns. LAFCo is typically a responsible agency for proposals such as city annexations and detachments, district initiated annexations, detachments and consolidations, and authorization of latent powers.

LAFCo has specific responsibility for evaluating certain impacts and environmental issues to fulfill its responsibilities under the Cortese/Knox Act. Issues that should typically be addressed in an environmental document, and which are of particular jurisdictional importance to LAFCo, include the following:

- Cumulative and regional impacts.
- Impacts to public service agencies including, but not limited to, water supply and distribution systems; wastewater treatment and sewer collection systems; solid waste disposal capacity and collection; fire protection; and public facilities maintenance districts.
- Premature conversion of prime agricultural land to urban uses and protection/preservation of prime agricultural lands and resources.
- Growth inducement.
- Lead agency commitment to implement and monitor appropriate mitigation measures (when LAFCo is a responsible agency).

In addition to those issues where Alpine LAFCo has jurisdiction as a responsible agency, the lead agency is responsible for preparation of the environmental document which must address all significant environmental issues associated with a proposed action, in compliance with the requirements of CEQA.

TERMS AND CONDITIONS OF LAFCo'S APPROVAL

In the review of proposed changes of organizations, LAFCos have broad powers to amend proposals or attach conditions of approval.

The following are examples of such powers:

1. LAFCo can amend the boundaries of a proposal either by adding or deleting territory. No further changes can be made in a proposal's boundaries without LAFCo approval.
2. In the case of a city annexation, LAFCo can require that the city of which annexation is proposed pre-zone the territory before annexation.
3. LAFCo can require, as a condition of any of the above proposals, that another change of organization for a related or overlapping agency be initiated, conducted, and completed. For example, if a proposal is for the annexation of territory to a city, LAFCo can require that the territory also be annexed to or detached from special districts.
4. LAFCo can require establishment of special assessment or improvement districts to finance capital facilities or improvements needed in the affected territory.
5. LAFCo can impose conditions relative to the distribution of assets, financial contracts, or obligations, among affected agencies.
6. LAFCo may impose conditions related to a local agency's employee salaries, benefits, and other personnel rights.

SPHERES OF INFLUENCE

The Local Agency Formation Commission is required to adopt a sphere of influence for each local governmental agency in the county within LAFCo jurisdiction. A sphere of influence is defined as a plan for the probable physical boundaries and service area of a local government agency as determined by the commission, such as a city or special district (Government Code Sections 56076, 56301, 56378 and 56425).

An adopted sphere of influence is primarily a planning tool which provides guidance in reviewing individual proposals, promotes efficient provision of organized community services, and prevents duplication of services. Inclusion within an agency's sphere does not indicate that an affected area will automatically be annexed. An adopted sphere of influence is one of several factors the Commission must consider in reviewing individual proposals.

In determining a sphere of influence, the Commission is required pursuant to Government Code Section 56425 to consider and make written determinations with respect to the following factors:

1. The present and planned land uses in the area, including but not limited to, residential, commercial, industrial development and agricultural and open space lands.
2. The present and probably need for public facilities and services in the area.
3. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.
4. The existence of social and economic interdependence and interaction between the area within the boundaries of a local governmental agency and the area which surrounds it and which could be considered within the agencies sphere of influence.

In addition, the Commission has also required that the additional factors below be considered in determining a sphere of influence.

1. The maximum possible service area of the agency based upon present and future service capabilities of the agency.
2. The range of services the agency is providing or could provide.
3. The projected future population growth of the area.
4. Local governmental agencies presently providing services to such area and the present level range and adequacy of services provided by such existing local governmental agencies.

5. The existence of agricultural preserves in the area which could be considered within an agency's sphere of influence and the effect on maintaining the physical and economic integrity of such preserves in the event that such preserves are within a sphere of a local governmental agency.

There are three different types of Sphere of Influence designations. These are:

1. An "expanded" sphere of influence.
2. A "zero" sphere of influence.
3. A "status quo" sphere of influence.

An "expanded" sphere of influence designation would imply that the district will, at some future time, be expected to expand its physical boundaries and service area. A "zero" sphere of influence would indicate that future dissolution of the district is either anticipated or desirable. A "status quo" sphere of influence would indicate that the district does not want to or cannot provide services outside the district's current service area. In spheres of this nature, district boundaries and sphere boundaries are coterminous.

The report itself is typically organized into five components or elements as follows: (1) Introduction; (2) Statistics; (3) Analysis; (4) Maps and (5) Environmental Document.

The Introduction element of the report discusses the background of the Cortese/Knox Local Government Reorganization Act of 2000, the purpose of sphere of influence reports, the required findings that the Commission must make, and the three different types of sphere designations.

The Statistics element includes but is not limited to a project location description, a reference to the principal act establishing the district's powers, a discussion of the services provided by the district, a discussion of any latent powers granted the district, a discussion of the composition and selection of the district Board of Directors, the number of parcels within the district, the potential number of parcels within the district, a discussion of the population and population projections within the district, a discussion of any other service providers within the district (e.g. CDF), a discussion of the district's finances, including revenue sources, and an analysis of the district's current capacity and capacity at total build out, consistent with current land use and zoning designations.

The Analysis element includes general background information about the district, including when it was formed, how it was formed, why it was formed and the description of services provided by the district. In addition, this section should also include an analysis of any Community Plan policies as they relate to the area. The final component of this section includes a discussion and analysis of the required findings the Commission must make when designating the type of sphere and adopting the Sphere of Influence report.

Once the report has been prepared and the environmental document has been circulated for public and agency review, staff schedules the report for the Commission's consideration, determination and adoption, pursuant to Government Code Section 56427.

OTHER FUNCTIONS

In addition to the specific powers and responsibilities vested in the Commission discussed in this Chapter, the Legislature has given LAFCo several general powers of significance.

1. The Commission may adopt standards and procedures for the evaluation of proposals, including standards for each of the factors enumerated in Government Code Section 56841. This commission has adopted the general "Proposal Evaluation Policies" included as Appendix B.
2. The Commission may adopt and enforce rules and regulations for the orderly and fair conduct of hearings. Such rules and regulations have been adopted as part of this Commission's "Rules and Regulations" which are included as Appendix C.
3. The Commission may appoint and assign staff personnel and employ or contract for professional or consulting services to carry out and affect the functions of the Commission.
4. The Commission is also required to adopt and enforce a "Conflict of Interest Code" governing the disqualification of members for financial conflicts of interest. This Code also guides the members and staff in the preparation of annual financial disclosure statements. A copy of this Commission's Conflict of Interest Code is included as Appendix D.
5. The Commission is also required to prepare and transmit to the Board of Supervisors an estimate of the expenses for the coming fiscal year on or before the 10th day of June.

Effective January 1, 2009, AB 1263, classifies the process by which a LAFCo may use fees or services to recover their costs (Caballero, Chapter 64). The Commission is authorized to establish a schedule of fees for the costs of proceeding for filing and processing applications filed with the Commission, proceedings undertaken by the Commission and any reorganization committee, amending a sphere of influence, and reconsidering a resolution to make determinations.

APPENDIX A

BASIC PROCEDURES AND APPLICATION SUBMITTAL REQUIREMENTS

BASIC PROCEDURES AND APPLICATION SUBMITTAL REQUIREMENTS

LAFCo PROCEDURES

The following is general information related to the procedures followed by Alpine County LAFCo in considering proposed changes in local government organization. All references in this section are to the Government Code unless otherwise specified.

Preliminary Steps

1. Proponent reviews proposal with LAFCo staff. (Although this step is not required, a brief discussion with LAFCo staff before submitting an application could save the applicant time and needless frustration.) The following steps are suggested:
 - A. Call for an application assistance appointment.
 - B. Bring the following information:
 - (1) Assessor's parcel number for individual lots or project map for complex proposals.
 - (2) General Plan and zoning designations.
 - (3) Development plans, if applicable. LAFCo generally requires approved development plans, such as a tentative map, specific plan, etc., when vacant territory is proposed for annexation to a city or district. A key consideration in LAFCo's review of annexation requests is the timing of the action. LAFCo discourages the annexation of vacant land until it can be demonstrated that services are needed in the near future. Without approved development plans, it cannot be demonstrated that services are required. Approved development plans also provide the information necessary to evaluate a proposal. The plans show what land uses are planned, the level of services required, how services will be provided, and the conditions under which service will be extended. They also enable LAFCo to evaluate the impact of a jurisdictional change on adjacent areas.
 - C. LAFCo staff will review procedures, information requirements, and fees.
 - D. Applicant should obtain application forms and ascertain what environmental documentation will be necessary.
2. Proponent prepares application material for proposal. More complex proposals are treated separately in this guide, but all proposals must include the following:
 - A. A certified resolution* or petition of landowners/registered voters making application. A petition/application shall include all of the following (56700):
 - (1) State that the proposal is made pursuant to the Cortese/Knox Local Government Reorganization Act of 2000.
 - (2) State the nature of the proposal and list all proposed changes of organization.
 - (3) Set forth a description of the boundaries of the affected territory accompanied by a map showing the boundaries (see items B and C below).
 - (4) Set forth any proposed terms and conditions.
 - (5) State the reason or reasons for the proposal.
 - (6) State whether the petition is signed by registered voters or owners of land.
 - (7) Designate not to exceed three persons as chief petitioners, setting for their names and mailing addresses.

- (8) State whether the proposal is consistent with the spheres of influence for any affected city or district.
- (9) Request that proceedings be taken for the proposal pursuant to this part.
- (10) A completed application. Contact LAFCo staff for an application.

**Resolution of application must contain the same information as petition, except for signatures (56700 and 56800).*

B. Maps

- (1) All maps must be professionally drawn or copied. Rough sketches or pictorial drawings will be rejected.
- (2) Every map shall bear a scale and a north arrow. Every map shall be of a sufficient size to allow Tax Area Services (California Board of Equalization) to plot the boundary without difficulty. Every map shall be of a scale common to the industry (see item 8). All lettering and numbers on the map must be legible.
- (3) A vicinity map shall be included. It is strongly recommended that the filing be accompanied by a copy of the Board of Equalization tax rate are map (or portion thereof) with the subject territory delineated in red for the purpose of site location only. This shall be considered supporting documentation.
- (4) The point of beginning shall be clearly shown on the map and referenced to a known geographical point.
- (5) All dimensions needed to plot the boundaries must be given on the map of the subject territory. The relationship of the subject territory to streets right-of-ways and street centerlines must be clearly indicated.
- (6) The boundaries of the subject territory shall be distinctively delineated on the map without obliterating any essential geographic or political features. Boundary lines that are delineated by a line that exceeds 1.5 millimeter in width shall be rejected by the Board of Equalization. The use of graphic tape or broad tip marking pens to delineate the boundary is not acceptable.
- (7) Every map must clearly indicate all existing streets, roads and highways within and adjacent to the subject territory, together with the current names of those thoroughfares. Other pertinent physical features should be included.
- (8) Maps of the subject territory shall be drawn to these standard minimum scales: (For a multiple-area filing, the size of each single area should govern the map scale.)

ACREAGE WITHIN PROJECT AREA	MINIMUM MAP SCALES
1-40 acres	1" = 100'
41-200 acres	1" = 200'
201-1000 acres	1" = 400' or 1" = 800'
Over 1001 acres	1" = 800' or 1" = 1200'

- (9) If any segment of the boundary is shorter than 1/40 of the map scale (e.g., 10 feet on a 1" = 400' scale map) that segment should be shown enlarged in a marginal sketch.
- (10) When the boundary of the subject territory is of a complex nature, an index table listing the various courses with the bearing and distances shall be shown on the map.
- (11) When it is necessary to use more than one map sheet to show the boundaries of the subject territory, the sheet size shall be uniform. A small key map giving the

relationship of the several sheets shall be furnished. Match lines between adjoining sheets shall be sed. While the geography on adjoining sheets may overlap, the project boundaries must stop at the match lines.

- (12) If the subject territory has interior islands of exclusion or the boundary has a peninsula of exclusion (or inclusion) that area(s) shall be shown enlarged in a marginal sketch. This sketch shall be of sufficient size and scale to allow Tax Area Services to plot the boundary without difficulty. The parcels in the sketch that touch the boundary shall be clearly labeled with the assessor parcel numbers.
- (13) All parcels within the subject territory that touch the new boundary must be clearly labeled with the assessor's parcel number. It is recommended that assessor parcel maps with the subject territory delineated in red accompany the filing as supporting documentation.
- (14) The use of assessor parcel maps and copies of Board of Equalization maps shall be in addition to and shall not be a substitute for the required project map.
- (15) The applicant shall submit ten (10) reduced copies not exceeding 11 x 17 inches in size.
- (16) The applicant shall submit one full scale map (see item 8 for scale) of the area. All existing boundaries of entities shall be delineated in red; the boundaries of the proposal shall be delineated in green.

C. Boundary Descriptions

- (1) Every written geographical description must be self-sufficient within itself and without the necessity of reference to any extraneous document. The written geographic description shall be a document separate from any maps. The polygon traverse of the written description must be within acceptable limits for error of closure.
- (2) The use of secondary references in the written description is cause for rejection. The cartographic staff must be able to plot the boundaries from the written description.
- (3) The written description shall be of the subject territory only. The legal description should include roadways on the proposal boundaries and avoid using centerlines of such roadways as boundaries. If a complete description of the special district is filed, that portion of the subject territory shall be clearly identified.
- (4) The point of beginning of the geographic description shall be clearly shown on the map and referenced to a known geographic position. It is recommended that the known point be described by the California state plane coordinate system. It is preferred that this point be either the point of beginning or the point of departure from and the point of return to an existing district boundary. Effective January 1, 2000, every description shall contain a minimum of one GPS point that is referenced to the California state plane coordinate system.
- (5) When writing a metes and bounds description of a contiguous annexation, all details of the contiguous portion(s) of the existing boundary may be omitted.
- (6) A specific parcel description in sectionalized land (e.g., The SW $\frac{1}{4}$ of Section 22, T1N, R1W) is permissible without a metes and bounds description of the perimeter boundary.
- (7) A parcel description making reference only to a subdivision or a lot within a subdivision is not acceptable unless accompanied by a copy of the recorded subdivision map.

- (8) The written description shall state the acreage for each separate single area and the combined total acreage of subject territory. Acreage shall be rounded off to the nearest whole acre.
- D. One copy of any environmental documents (pursuant to CEQA) associated with the project; however, if an environmental impact report (EIR) associated with the subject property was prepared, 10 copies of the certified EIR must be submitted with the application. Only one copy of the EIR appendices is required.
- E. If the proposal includes annexation to a city, indication that the annexing city has pre-zoned the property, such as the city council resolution approving the pre-zoning.
- F. Processing deposit and cost reimbursement acknowledgement.
- 3. Like other public agencies, Alpine County LAFCo is required to comply with the California Environmental Quality Act (CEQA) for purposes of considering the environmental impact of its actions. Each proposal must receive the appropriate environmental review for consideration by the Commission in making its decision. For a detailed discussion of environmental requirements please refer to Page 12 of these guidelines and the "A CEQA Handbook" document.

LAFCo Proceedings

- 4. Proponent delivers to the Executive Officer a complete application (Section 56652).
- 5. The Executive Office determines if:
 - A. The petition is sufficient as required by law and issues a determination on its sufficiency within 30 days of submittal.
 - B. LAFCo is to be the lead agency. If so, then the environmental review is undertaken by LAFCo.
 - C. A satisfactory exchange of property tax has taken place. Master property tax agreements may be applicable or separate property tax exchange resolutions may be required. If negotiations leading to adoption of separate resolutions are required, the county and any affected city must agree to a tax exchange or the county must negotiate a property tax exchange on behalf of any special district (Revenue and Taxation Code, Section 99).
- 6. The Executive Officer reviews the proposal and within 30 days of its receipt either:
 - A. Determines that the application is complete (and that all property tax agreements are on file) and issues a certificate of filing, setting the commission hearing within 90 days; or
 - B. Determines that the application is not complete and notifies the proponent.
- 7. The Executive Officer requests review of any information for the proposal from affected county departments, affected agencies, and other affected counties' LAFCos.
- 8. Proponents and/or LAFCo staff provide for a meeting with affected residents or landowners to give information and receive comments on the proposal (OPTIONAL).
- 9. The Executive Officer at least 21 days prior to the date set for hearing, gives notice by:
 - A. Publication in a newspaper of general circulation. (Currently there is no newspaper of general circulation in Alpine County.)

- B. Posting in the 13 designated County posting places and near the door of the hearing room.
- C. Mailing to each affected agency which contains territory or whose sphere of influence contains territory within the proposal, chief petitioner(s), persons requesting notice, each city within three miles, and the county in the case of incorporation or formation.

NOTE: Some commission actions can be made without notice and hearing, such as annexations and detachments, with written consent of all landowners. Notice and opportunity to request a public hearing must be given to agencies whose boundaries are affected. (56662)

- 10. The Executive Officer reviews the applications and any comments received. A written report, including recommendations, is then prepared. The report reviews pertinent factors and policies, spheres of influence, and general and specific plans.
- 11. The Executive Office mails the report at least five days prior to the hearing to each commissioner, each person named in the application to receive a report, each affected local agency requesting a report, each agency whose boundaries or sphere of influence will be changes, and the Executive Officer of the LAFCo of any other affected county. (56665)
- 12. The Commission hears the proposal on the noticed date and time. The hearing may be continued for up to 70 days. The Commission must consider a number of factors and policies in compliance with State law. Among the factors considered by the Alpine County LAFCo in making its determination are: (56668)
 - A. Population, density, land area and land use, per capita assessed valuation, topography, natural boundaries, drainage basins, proximity to populated areas, and likelihood of significant growth during the next ten years.
 - B. Need for organized community services, present cost and adequacy of government services and controls, probable future needs, probable effect of change of organization and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.
 - C. The effect of the proposed action of alternative actions on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
 - D. Conformity of the proposal to Commission policies on providing planned, orderly, efficient patterns of urban development, and with state policies and priorities of conversion of open-space issues.
 - E. Effect of the proposal on maintaining the physical and economic integrity of lands in an agricultural preserve in open-space uses.
 - F. Definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment and ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
 - G. Conformity with appropriate city or county general and specific plans.
 - H. The sphere of influence of any agency which may be applicable to the proposal being reviewed.
- 13. Within 35 days of the hearing the Commission will adopt a resolution of determination taking the following actions:

- A. Approve or deny with or without conditions or revisions to the proposal. If denied, no new proposal can be made for one year unless waived by LAFCo. If the proposal included incorporation of consolidation of a city, no new proposal can be made for two years unless waived by LAFCo.
 - B. Determine if the territory is inhabited or uninhabited (inhabited territory means territory within which there resides 12 or more registered voters).
 - C. Designate the conducting authority (56029).
 - D. Assign a short-term designation.
 - E. Authorize proceedings without notice, hearing, or an election, if there is 100% consent and only annexations, detachments, and CSA formations.
14. The Executive Officer sends the Commission's resolution to the chief petitioners, if any, to each agency whose boundaries will be changed, and to the conducting authority by certified mail. The Commission may waive conducting authority proceedings entirely if all of the following conditions apply:
- A. The subject area is uninhabited.
 - B. All of the owners of land within the affected territory have given their written consent to the change of organization or reorganization.
 - C. All affected agencies that will gain territory as a result of the change of organization or reorganization have consented in writing to a waiver of conducting authority proceedings.

Conducting Authority Proceedings

15. If conducting authority proceedings are not waived by the Alpine County LAFCo, the clerk of the conducting authority sets the proposal for hearing within 35 days of the Commission's resolution date and gives notice. If authorized by the Commission, the conducting authority may approve the proposal without notice and hearing. Notice must be given by the clerk at least 21 days prior to the hearing, and shall be:
- A. Publication in a newspaper of general circulation. (Currently there is no newspaper of general circulation in Alpine County.)
 - B. Posting in the 13 designated County posting places and near the door of the hearing room.
 - C. Mailing to each affected agency which contains territory or whose sphere of influence contains territory within the proposal, the LAFCo Executive Officer, chief petitioner(s), if any, persons requesting notice, and landowners within territory to be formed into or annexed to, or detached from an improvement district (57025).
16. The conducting authority hears the proposal at the noticed time and date. The hearing may be continued for up to 60 days. Any written protests must be filed with the clerk prior to the conclusion of the hearing and must be signed, have the signature date, and must have the address or location of the property. The value of written protests must be determined (57050 and 57052).
17. The conducting authority shall adopt a resolution doing one of the following:
- A. Ordering the change if the area is uninhabited and if no majority land value protest is received; or if it is inhabited and less than 25% voter or landowner protest is received.
 - B. Ordering the change subject to an election if the land is inhabited and 25% to 50% of the registered voters or landowners protest. A resolution calling for an election on the question is adopted and forwarded to the Elections Clerk and

Executive Officer. If the conducting authority has called for an election, the Executive Officer shall prepare an impartial analysis on the question for Commission approval. If it is approved by the voters, a resolution ordering the change is adopted. If it is denied, a resolution ordering the change to be terminated is adopted.

- C. Terminate proceedings if a written protest is received from landowners having a majority of the land value in uninhabited territory, or from a majority of the registered voters in inhabited territory. A city detachment or district annexation may be terminated by the conducting authority. If a proposal is terminated, the same proposal cannot be submitted to LAFCo before one year from the date of adoption of the conducting authority resolution, or two years if an incorporation was included (57090).

Conducting authority proceedings and resolutions for changes of organization other than annexations and detachments may vary from the procedures described above. The applicable sections of law for the conducting authority should be consulted.

Completion and Effective Date

18. The clerk of the conducting authority shall file a certified copy of the conducting authority resolution approving, denying, or confirming an election with the Executive Officer. The clerk must also submit fees for the State Board of Equalization with Alpine County LAFCo.
19. The Executive Officer determines compliance of the conducting authority resolution with the Commission resolution. If it is in compliance, the Executive Officer issues a certificate of completion, which completes the proceedings. If it is not in compliance, the resolution is returned to the conducting authority for correction. The certificate is recorded with the County Recorder. If no effective date is specified in the Commission resolution, the recordation date is the effective date. A statement of boundary change or creation is issued by the Executive Officer and filed with the appropriate fees with the State Board of Equalization and County Assessor. If it is a city change, a notice is given to the Secretary of State. Property tax resolutions, if any, are forwarded to the County Auditor for property tax transfer.
20. The Executive Officer gives the notice of completion and effective date to the conducting authority, agencies whose boundaries are affected and affected county departments.
21. The affected agencies recognize completion of the jurisdictional change: property and sales tax transfers, police and fire protection responsibilities, planning and inspection controls, etc.

APPENDIX B

PROPOSAL EVALUATION POLICIES

PROPOSAL EVALUATION POLICIES

1. To the greatest extent possible, boundaries should follow existing political boundaries and natural or man-made features such as rivers, lakes, railroad tracks, and roads. Where roads form a portion of the boundary, the boundary should not be drawn so as to divide the road along its centerline. Roads should either be fully included or excluded along the boundary of the proposal. Where boundaries are not in conformance with this policy, the proponent shall justify the reasons for non-conformance in writing.
2. Boundaries should not be drawn so as to create an island, corridor or strip, either within or immediately adjacent to the proposal. Where such island, corridor or strip is created, the proponent shall justify the reasons for non-conformance in writing.
3. Boundaries should avoid dividing an existing identifiable community, commercial district, or other area having social or economic homogeneity. Where such division occurs, the proponent shall justify the reasons for nonconformance with this policy in writing.
4. Where undeveloped or under-developed territory is proposed for annexation to an existing city, LAFCo requires that such territory be pre-zoned prior to submittal to LAFCo. Any required environmental review shall be conducted by the affected city at the time of pre-zoning.
5. Proposals shall take into account not only the present needs of the subject area, but also the future services which may be required to accommodate future growth and expansion.
6. If the proposal could result in significant or serious operational or economic problems, or in the disruption of existing services in the remaining adjacent territory, the proponent shall justify, in writing, why the boundaries of the proposal should not be adjusted in recognition of such problems.
7. New, expanded or consolidated services should be reviewed by one of the following governmental agencies shown in descending order of preference:
 - A. Annexation to an existing city.
 - B. Annexation to an existing multi-purpose district.
 - C. Annexation to an existing single purpose district.
 - D. Annexation to an existing county service area (CSA).
 - E. Incorporation of a new city.
 - F. Formation of a new multi-purpose district.
 - G. Formation of a new single purpose district.
 - H. Formation of a new county service area (CSA).
8. If the proposal is for the formation of a new agency, the proponent shall demonstrate that the required services cannot be feasibly provided by an existing agency.
9. If the proposal is for the formation of a new agency, the proponent shall demonstrate the economic feasibility of the proposed formation, taking into account any and all potential sources of revenue.

10. In addition to the above, consideration of the following will be given in evaluating all proposals:
 - A. Conformance to the land use provisions of the General Plan for Alpine County and the affected City.
 - B. Demonstrated ability to finance the required government services at a reasonable level.
 - C. Demonstrated capacity to serve the proposed territory with required facilities and personnel.
 - D. Conformance with the adopted Sphere of Influence of the affected agency.

APPENDIX C
RULES AND REGULATIONS

RULES AND REGULATIONS

SECTION 1. - GENERAL PROVISIONS

- Item 1.1 Authority: These rules shall apply to the Alpine County Local Agency Formation Commission and are adopted pursuant to the authority vested in the Commission by Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5 of the California Government Code.
- Item 1.2 Repealed: All rules and regulations for the conduct of business previously adopted by this Commission are hereby repealed, and the rules and regulations herein adopted shall be the rules and regulations of this Commission.
- Item 1.3 Amendment: Amendment or repeal of any of these rules and regulations shall be by majority vote of the Commission, provided, however that no such amendment shall affect any matter pending before the Commission.

SECTION 2. - COMMISSION MEETINGS

- Item 2.1 Regular Meetings: The Commission at their first meeting of the year adopts a meeting schedule for the remainder of the year. Typically, the regular meeting of the Local Agency Formation Commission shall be held on the third Tuesday of every other month, beginning with February and commencing at 1:30 p.m. in the Board of Supervisors Chambers at the Administrative Office Building, 99 Water Street, Markleeville California. Should a meeting date fall on a legal holiday, the meeting shall be rescheduled on a date and time to be determined at a regular meeting of the preceding month or at the discretion of the Chair or upon request of a majority of the members of the Commission.
- Item 2.2 Special Meetings: Special meetings of the Commission may be called in the manner provided by law at the discretion of the Chair or upon request of a majority of the members of the Commission. The order calling a special meeting shall specify the time and place of the special meeting and business to be transacted. The time set for a special meeting shall be at least 24 hours after the order thereof is received by Commissioners. No business other than that specified in the order calling the meeting shall be transacted at a special meeting. The Executive Officer shall cause notice of a special meeting to be delivered to Commission members and be posted in accordance with law.
- Item 2.3 Adjourned Meeting: Any meeting or public hearing may be adjourned to a date, time and place established by the Commission. Any adjourned meeting or public hearing shall be deemed to be part of the original meeting or hearing so adjourned.

SECTION 3. - MEMBERSHIP AND ATTENDANCE

Item 3.1 Regular Members: The Commission shall consist of five (5) regular members selected in conformance with Section 56329 of the Government Code. The terms of office of said Commissioners shall be as prescribed in Government Code Section 56334.

Item 3.2 Alternate Members: In addition to the five (5) regular members of the Commission, two (2) alternate members shall be appointed pursuant to Section 56329 of the Government Code. The terms of office of said alternate Commissioners shall be as prescribed in Government Code Section 56334.

Alternate Commission members shall serve on the Commission and vote in place of a regular Commissioner when that Commissioner is absent or disqualified pursuant to Section 7 of these rules.

Item 3.3 Attendance: In order to maintain continuity in Commission business and remain current on issues before LAFCo, all Commissioners, including alternates, shall, if possible, attend all regular and special meetings of the Commission.

Item 3.4 Absence: In the event a regular or alternate Commissioners intends to be absent for a Commission meeting or to disqualify himself/herself from voting on a proposal or proposals for reasons other than those stated in Items 7.1 and 7.2 he or she shall also notify the Executive Officer at the earliest possible date in advance of the meeting.

If a regular or alternate Commissioner is absent for three (3) consecutive meetings, or a total of five (5) meetings in any twelve (12) month period, the Chairman, may with the concurrence of a majority of the Commission, request and recommend that the absent Commissioner's selecting body review his/her attendance record and select a replacement Commissioner for the remainder of the unexpired term.

SECTION 4. - CHAIRPERSON AND VICE-CHAIRPERSON

Item 4.1 Election of a Chairperson: At its first regular meeting in February, the Commission shall annually elect a person to the position of Chairperson from among its members. The Chairperson shall serve until a successor is elected.

Item 4.2 Duties of Chairperson: The Chairperson shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed by law and by these rules. The Chairperson shall preserve order and decorum and shall decide all questions of order and procedure subject to the concurrence of a majority of the Commission.

The Chairperson of the Commission shall not be prohibited from making motions or voting on any issue before the Commission if not prohibited by Section 7 of these rules.

- Item 4.3 Vice-Chairperson: At its first regular meeting in February, the Commission shall annually elect a Vice-Chairperson from among its members. The Vice-Chairperson shall have all the powers and duties of the Chairperson during the absence or disqualification of the Chairman.

SECTION 5. - COMMISSION STAFF

- Item 5.1 Executive Officer: The Commission may appoint an Executive Officer who shall conduct the day-to-day business of the Commission in addition to those duties prescribed by law and direction of the Commission. In the absence of a Commission appointed Executive Officer, the County Clerk shall act as the Executive Officer.
- Item 5.2 Legal Counsel: The County Counsel for the County of Alpine shall provide for legal counsel for the Commission. All questions of law shall be referred to legal counsel for opinion.
- Item 5.3 Clerk to the Commission: Among other duties as may be assigned, the Clerk shall attend all meetings of the Commission, maintain a record of all proceedings, prepare agendas, minutes and distribute same for Commission review and approval.
- Item 5.4 Additional Staff: The Commission may, as required by work load or special projects, appoint additional staff personnel to assist in carrying out the purposes and mandates of the Commission.

SECTION 6. - CONDUCT OF MEETINGS

- Item 6.1 Quorum: A majority of the members of the Commission constitute a quorum for the transaction of business. In the absence of a quorum, the Commissioners present shall adjourn the meeting to a stated time and place in accordance with Item 2.3 of these rules.
- Item 6.2 Vote Requirements: No act of the Commission shall be valid, legal or binding unless a majority of the Commission concurs through an affirmative vote.
- The Commission may act by resolution or motion (which shall be evidenced by a minute order). All final determinations of the Commission on proposals, spheres of influence, and contracts shall be made by resolution.
- Item 6.3 Voting Procedure: The roll need not be called in voting upon a motion or adoption of a resolution except when requested by a member. Prior to calling the roll, the clerk shall repeat the motion for the record. If the roll is not called, in the absence of an objection, the Chairperson may order a vote by asking "all in favor?" then "Commissioners opposed?" When the roll is called on any motion or adoption of a resolution, any member present who does not vote in an audible voice shall be recorded as voting "aye".

Item 6.4 Meeting Procedure: Unless otherwise ordered by the Chairperson, business at each regular meeting shall be taken up for consideration and disposition in the following order:

1. Call to Order/Roll Call of Members
2. Oral Communications/Public Comment
3. Approval of Minutes
4. Public Hearings
5. Unfinished Business
6. New Business
7. Executive Officer's Report
8. Adjournment

Item 6.5 Public Participation: All meetings of the Commission shall be open to the public. Any interested person may address the Commission on public hearing matters. Upon approval of the Chairperson, public participation may be received regarding non-public hearing matters. The Chairperson may regulate the order of such presentations and reserves the right to limit the time allowed for each person to speak.

Upon being recognized by the Chair, persons addressing the Commission shall be required to step up to the speaker's podium and state their name and address for the record.

SECTION 7. - DISQUALIFICATION

Item 7.1 Conflict of Interest: A regular or alternate Commissioner shall disqualify himself/herself from voting on matters in which the Commissioner has a reportable financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision of the Commission.

Item 7.2 Disqualified Commissioners: No provision of Item 7.1 regarding disqualification shall prevent a Commissioner from addressing the Commission during the consideration of a proposal as a private property owner, resident or officer of the affected city or district.

Item 7.3 Changes of Organization/Reorganization: No regular or alternate Commissioner shall be required to disqualify himself/herself from participating and voting on matters affecting the boundaries or organization of the city or district of which he/she is an officer.

Item 7.4 Spheres of Influence: No regular or alternate Commissioner shall be required to disqualify himself/herself from voting on sphere of influence determinations which affect the city or district of which the Commissioner is an officer.

Item 7.5 Closed Sessions: No regular or alternate Commissioner shall attend or participate in a closed session held by the Commission to discuss pending or proposed litigation by the Commission against such Commissioner or against the

City, District or other entity of which such Commissioner is an officer or employee; or by such Commissioner against the Commission, or by a City, District or other entity of which such Commissioner is an officer or employee against the Commission.

SECTION 8. - SUBMISSION OF PROPOSALS

- Item 8.1 Form: Proposals submitted for consideration and determination by the Commission shall be in the form prescribed by the Executive Officer in accordance with the provisions of State Law. Please refer to Appendix A for basic general information application submittal requirements.
- Item 8.2 Filing Fee: Each submittal shall be accompanied by a deposit filing fee as determined by the Commission. The project proponent shall be responsible to pay for all actual costs involved in processing the application. No action shall be taken upon any application until the applicable filing fee has been deposited LAFCo.
- Item 8.3 Filing: No proposal shall be set for hearing or consideration before this Commission until and unless a "Certificate of Filing" has been executed and issued by the Executive Officer. The filing date of a proposal shall be the date of issuance of the "Certificate of Filing."
- Item 8.4 Pre-zoning: The Commission may, by resolution, authorize the LAFCo Executive Officer to require the pre-zoning of city annexations and shall be done prior to the issuance of the Certificate of Filing. The Commission may waive the pre-zoning requirements if the proposed annexation is determined to be exempt or excluded from the requirements of CEQA.
- Item 8.5 Withdrawal: Proponents may withdraw a proposal at any time prior to the date and time set for hearing or consideration by the Commission without prejudice for re-filing. Refund of filing fees shall be at the discretion of a majority of the Commission. Withdrawal shall be in the form of a written request therefore filed with the Executive Officer.
- Item 8.6 Continuance: Proponents may request continuance of a hearing or consideration of a proposal in writing. Such request must be filed with the Executive Officer prior to the date and time set for hearing or consideration by the Commission. The Commission, by motion duly made and adopted, may grant or deny a request for continuation.
- Item 8.7 Information Requests. Any request for public information, which exceeds one hour of staff time, shall be made in writing and be accompanied by a deposit filing fee as determined by the Commission. No action shall be taken upon any information request until the applicable filing fee has been deposited with LAFCo.

SECTION 9. - COMPENSATION OF COMMISSIONERS

Item 9.1

Compensation: Commissioners shall receive a stipend of \$50 plus mileage expenses for attending Commission meetings.

Alternate Commission members shall receive compensation at the same rate as regular members for each meeting at which they are in attendance.

APPENDIX D
CONFLICT OF INTEREST CODE

Note: The Local Agency Formation Commission is using the Alpine County Conflict of Interest Code. Appendix D will be revised whenever Alpine County amends/adopts their Code.

**CONFLICT OF INTEREST CODE
OF THE
ALPINE COUNTY**

The following Conflict of Interest Code of Alpine County was adopted by Resolution No. 2010- 62 of the Alpine County Board of Supervisors on December 21, 2010.

CONFLICT OF INTEREST CODE
OF THE
COUNTY OF ALPINE

(Adopted December 21, 2010)

The Political Reform Act (Government Code § 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. § 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations § 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation (attached) and the attached Appendix designating officials and employees and establishing disclosure categories shall constitute the conflict of interest code of the County of Alpine (the "County").

All Officials, employees and consultants required to submit a statement of economic interests shall file their statements with the Clerk of the Board as the County's Filing Officer. The Filing Officer shall make and retain a copy of all statements filed by Officials listed in Government Code Section 87200, and forward the originals of such statements to the Fair Political Practices Commission. The Filing Officer shall retain the originals of the statements of all other Designated Employees. The Filing Officer will make all retained statements available for public inspection and reproduction (Gov. Code Section 81008).

ADDENDUM

REFERENCE DEFINITIONS FOR CONFLICT OF INTEREST CODE

This Addendum of Definitions is provided for convenience of reference only and is not to be relied on as authority. The areas of law involving conflicts of interest are complex. When issues or problems arise, it is strongly recommended that you seek guidance and legal advice from your agency counsel.

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DEFINITIONS

1. “Other Public Officials Who Manage Public Investments”:

(a) As used in the Agency’s Conflict of Interest Code and the Act, this term means:

(1) Members of boards and commissions, including pension and retirement boards or commissions, or of committees thereof, who exercise responsibility for the management of public investments;

(2) High-level officers and employees of the Agency who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers. This definition shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers; and

(3) Individuals who, pursuant to a contract with the Agency, perform the same or substantially all the same functions that would otherwise be performed by the public officials described in this definition.

(b) The following definitions shall apply to this Section:

(1) *“Public Investments”* means the investment of public moneys in real estate, securities, or other economic interests for the production of revenue or other financial return.

(2) *“Public Moneys”* means all moneys belonging to, received by, or held by the Agency, or by an officer thereof acting in his or her official capacity, and includes the proceeds of all bonds and other evidence of indebtedness, trust funds held by public pension and retirement systems, deferred compensation funds held for investment by public agencies, and public moneys held by a financial institution under a trust indenture to which the Agency is a party.

(3) *“Management of public investments”* means the following non-ministerial functions:

(A) Directing the investment of public moneys;

(B) Formulating or approving investment policies;

(C) Approving or establishing guidelines for asset allocations; or

(D) Approving investment transactions.

(c) Those public officials coming within the definition contained in Subsection (a) above are subject to the conflict-of-interest disclosure requirements of Article 2, Chapter 7 of the Political Reform Act and must file a Statement of Economic Interests accordingly. [2 Cal. Code of Regs. § 18701(b)]

2. “Designated Employee”: Any officer, employee, member or consultant of the Agency whose position is so designated in the Appendix of the Agency’s Conflict of Interest Code. The Appendix sets forth those positions which entail the making or participation in the making of decisions which may foreseeably have a material effect on financial interests, but does not include any unsalaried member of any board or commission which serves a solely advisory function, or any public official specified in Government Code Section 87200. [Gov. Code § 82019]

3. “Public Official”: Any natural person who is a member, officer, employee or consultant of the Agency. The term *“public official”* also includes individuals who perform the same or substantially the same duties as an individual holding an office or a position listed in Government Code Section 87200 or the Conflict of Interest Code including

“other public officials who manage public investments” as defined in Definition No. 1, above.

(a) **“Member”** shall include, but not be limited to, salaried or unsalaried members of committees, boards or commissions with decision-making authority. A committee, board or commission possesses decision-making authority whenever:

- (1) It may make a final governmental decision;
- (2) It may compel a governmental decision, or it may prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto that may not be overridden; or
- (3) It makes substantive recommendations that are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or the Agency.

(b) A committee, board, or commission does not possess decision making authority under subsection (a) if it is formed for the sole purpose of researching a topic and preparing a report or recommendation for submission to another governmental body that has final decision making authority.

(c) **“Consultant”** means an individual who, pursuant to a contract with the Agency:

- (1) **Makes a governmental decision** whether to:
 - (A) Approve a rate, rule, or regulation;
 - (B) Adopt or enforce a law;
 - (C) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;
 - (D) Authorize the Agency to enter into, modify, or renew a contract provided it is the type of contract which requires Agency approval;
 - (E) Grant Agency approval to a contract which requires Agency approval and in which the Agency is a party or to the specifications for such a contract;
 - (F) Grant Agency approval to a plan, design, report, study, or similar item;
 - (G) Adopt, or grant Agency approval of, policies, standards, or guidelines for the Agency, or for any subdivision thereof; or
- (2) Serves in a staff capacity with the Agency and in that capacity participates in making a governmental decision as defined in Definition 5, below, or performs the same or substantially all the same duties for the Agency that would otherwise be performed by an individual holding a position specified in the Agency’s Conflict of Interest Code. [Gov. Code § 82048; 2 Cal. Code of Regs. § 18701(a)]

4. “Making Governmental Decisions”: A public official *“makes a governmental decision,”* except as provided in Definition 5(b) herein, when the official, acting within the authority of his or her office or position:

- (a) Votes on a matter;
- (b) Appoints a person;
- (c) Obligates or commits the Agency to any course of action;
- (d) Enters into any contractual agreement on behalf of the Agency;
- (e) Determines not to act, within the meaning of Subsections (a), (b), (c), or (d), unless such determination is made because of his or her financial interest.

When the determination not to act occurs because of the official's financial interest, the official's determination may be accompanied by an oral or written disclosure of the financial interest.

When an official with a disqualifying conflict of interest abstains from making a governmental decision in an open session of the Agency, board or committee and the official remains on the dais or in his or her designated seat during deliberations of the governmental decision in which he or she is disqualified, his or her presence shall not be counted toward achieving a quorum.

During a closed meeting of the Agency, board or committee, a disqualified official shall not be present when the decision is considered, or obtain or review a recording or any non-public information regarding the governmental decision. [2 Cal. Code of Regs. § 18702.1]

5. "Participating in the Making of Governmental Decisions":

(a) A public official "***participates in the making of a governmental decision,***" except as provided in Subsection (b) of this definition, when the official, acting within the authority of his or her office or position:

(1) Negotiates, without significant substantive review, with a governmental entity or private person regarding a decision to:

(A) Approve a rate, rule, or regulation;

(B) Adopt or enforce a law;

(C) Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;

(D) Authorize the Agency to enter into, modify, or renew a contract provided it is the type of contract which requires Agency approval;

(E) Grant Agency approval to a contract which requires Agency approval and in which the Agency is a party, or to the specifications for such a contract;

(F) Grant Agency approval to a plan, design, report, study, or similar item;

(G) Adopt, or grant Agency approval of, policies, standards, or guidelines for the Agency, or for any subdivision thereof; or

(2) Advises or makes recommendations to the decision-maker, either directly or without significant intervening substantive review, by:

(A) Conducting research or making any investigation which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision as referenced in Subsection 5(a)(1) above; or

(B) Preparing or presenting any report, analysis, or opinion, orally or in writing, which requires the exercise of judgment on the part of the official and the purpose of which is to influence a governmental decision as referenced in Subsection 5(a)(1), above. [2 Cal. Code of Regs. § 18702.2]

(b) "***Making***" or "***participating in making***" a governmental decision shall not include:

(1) Actions of officials which are solely ministerial, secretarial, manual or clerical;

(2) Appearances by a public official as a member of the general public before the Agency or another agency in the course of its prescribed governmental function to represent himself or herself on matters

related solely to the official's personal interests as defined in Definition 6(c), below [2 Cal. Code of Regs. § 18702.4(b)(1)]; or

(3) Actions by public officials relating to their compensation or the terms or conditions of their employment or contract. In the case of public officials who are "*consultants*," as defined in Definition 3(b), above, this includes actions by consultants relating to the terms or conditions of the contract pursuant to which they provide services to the Agency, so long as they are acting in their private capacity. [2 Cal. Code of Regs. §§ 18702.2, 18702.4(a)]

6. "Using or Attempting to Use Official Position to Influence":

(a) With regard to a governmental decision which is within or before the Agency, or an agency appointed by or subject to the budgetary control of the Agency, an official is attempting to use his or her official position to influence a decision if, for the purpose of influencing the decision, the official contacts, or appears before, or otherwise attempts to influence, any member, officer, employee or consultant of the Agency or any other agency. Attempts to influence include, but are not limited to, appearances or contacts by the official on behalf of a business entity, client, or customer.

(b) With regard to a governmental decision which is within or before an agency not covered by Subsection (a), above, the official is attempting to use his or her official position to influence the decision if, for the purpose influencing the decision, the official acts or purports to act on behalf of, or as the representative of, the Agency to any member, officer, employee or consultant of an agency. Such actions include, but are not limited to the use of official stationery. [2 Cal. Code of Regs. § 18702.3]

(c) Notwithstanding Subsections (a) and (b) of this definition, an official is not attempting to use his or her official position to influence a governmental decision of the Agency if the official:

(1) Appears in the same manner as any other member of the general public before the Agency or any other agency in the course of its prescribed governmental function solely to represent himself or herself on a matter which is related to his or her personal interests. An official's "*personal interests*" include, but are not limited to:

(A) An interest in real property which is wholly owned by the official or members of his or her immediate family;

(B) A business entity wholly owned by the official or members of his or her immediate family; or

(C) A business entity over which the official exercises sole direction and control, or over which the official and his or her spouse jointly exercise sole direction and control.

(2) Communicates with the general public or the press.

(3) Negotiates his or her compensation or the terms and conditions of his or her employment contract.

(4) Prepares drawings or submissions of an architectural, engineering or similar nature to be used by a client in connection with a proceeding before the Agency or any other agency. However, this provision applies only if the official has no other direct oral or written contact with the agency with regard to the client's proceeding before the agency except for necessary contact with agency staff concerning the processing or evaluation of the drawings or submissions prepared by the official.

(5) Appears before a design or architectural review committee or similar body of which he or she is a member to present drawings or

submissions of an architectural, engineering or similar nature which the official has prepared for a client if the following three criteria are met:

(A) The review committee's sole function is to review architectural or engineering plans or designs and to make recommendations in that instance concerning those plans or designs to a planning commission or other agency;

(B) The ordinance or other provision of law requires that the review committee include architects, engineers or persons in related professions, and the official was appointed to the body to fulfill this requirement; and

(C) The official is a sole practitioner. [2 Cal. Code of Regs. § 18702.4(b)]

7. **"Public Identification of a Conflict of Interest for Section 87200**

Filers":

(a) Government Code Section 87105 and 2 California Code of Regulations Section 18702.5 apply when a public official who holds an office specified in Government Code Section 87200 has a financial interest in a decision within the meaning of Government Code Section 87100, and the governmental decision relates to an agenda item which is noticed for a meeting subject to the provisions of the Bagley-Keene Act (Gov. Code §§ 11120 et seq.) or the Brown Act (Gov. Code §§ 54950 et seq.).

(b) **Content & Timing of Identification:** The public official shall, following the announcement of the agenda item to be discussed or voted upon but before either the discussion or vote commences, do all of the following:

(1) The public official shall publicly identify:

(A) Each type of economic interest held by the public official which is involved in the decision and gives rise to the conflict of interest (i.e. investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts), and

(B) The following details identifying the economic interest(s):

(i) if an investment, the name of the business entity in which each investment is held;

(ii) if a business position, a general description of the business activity in which the business entity is engaged as well as the name of the business entity;

(iii) if real property, the address or another indication of the location of the property, unless the property is the public official's principal or personal residence, in which case, identification that the property is a residence;

(iv) if income or gifts, then identification of the source; and

(v) if personal financial effect, then identification of the expense, liability, asset or income affected.

(2) **Form of Identification:** If the governmental decision is to be made during an open session of a public meeting, the public identification shall be made orally and shall be made part of the official public record.

(3) **Recusal/Leaving the Room:** The public official must recuse himself or herself and leave the room after the identification required by subdivisions (b)(1) and (b)(2) of 2 California Code of Regulations Section

18702.5 is made. He or she shall not be counted toward achieving a quorum while the item is discussed.

(c) **Special Rules for Closed Session:** If the governmental decision is made during a closed session of a public meeting, the public identification may be made orally during the open session before the body goes into closed session and shall be limited to a declaration that his or her recusal is because of a conflict of interest under Government Code Section 87100. The declaration shall be made part of the official public record. The public official shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the governmental decision.

(d) **Exceptions:**

(1) **Uncontested Matters:** The exception from leaving the room granted in Government Code Section 87105(a)(3) for a "matter [that] has been placed on the portion of the agenda reserved for uncontested matters" shall mean agenda items on the consent calendar. When the matter in which the public official has a financial interest is on the consent calendar, the public official must comply with subdivisions (b)(1) and (b)(2) of 2 California Code of Regulations Section 18702.5, and recuse himself or herself from discussing or voting on that matter, but the public official is not required to leave the room during the consent calendar.

(2) **Absence:** If the public official is absent when the agenda item subject to subdivision (a) of 2 California Code of Regulations Section 18702.5 is considered, then Government Code Section 87105 and this regulation impose no public identification duties on the public official for that item at that meeting.

(3) **Speaking as a Member of the Public Regarding an Applicable Personal Interest:** When a personal interest found in 2 Cal. Code of Regs. § 18702.4(b) is present, a public official may speak as a member of the general public if he or she complies with subdivisions (b)(1) and (b)(2) of 2 California Code of Regulations Section 18702.5, recuses himself or herself from voting on the matter and leaves the dais to speak from the same area as the members of the public. He or she may listen to the public discussion of the matter with the members of the public. [2 Cal. Code of Regs. § 18702.5]

8. "Financial Interest": An official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family, or on:

(a) Any business entity in which the public official has a direct or indirect investment worth \$2,000 or more;

(b) Any real property in which the public official has a direct or indirect interest worth \$2,000 or more;

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made;

(d) Any business entity in which the official is a director, officer, partner, trustee, employee, or holds any position of management; or

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more in value provided to, received by, or promised to the

public official within 12 months prior to the time when the decision is made. The amount of the value of gifts by this subdivision shall be adjusted biennially by the FPPC.

(f) **“Indirect Investment or Interest”**: Any investment or interest owned by the spouse or dependent child of a public official, held or owned by an agent on behalf of a public official, or by a business entity or trust in which the official, the official’s agents, spouse and dependent children own directly, indirectly or beneficially, a 10% interest or greater. [Gov. Code § 87103]

9. “Investment”: Any financial interest in or security issued by a business entity, including but not limited to common stock, preferred stock, rights, warrants, options, debt instruments and any partnership or other ownership interest owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family, if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property within the jurisdiction, or does business or plans to do business within the jurisdiction, or has done business within the jurisdiction at any time during the two years prior to the time any statement or other action is required under the Agency’s Conflict of Interest Code. No asset shall be deemed an investment unless its fair market value equals or exceeds \$2,000.

Investments of an individual include a pro rata share of investments of any business entity, mutual fund, or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10% interest or greater.

The term *“investment”* does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission under the Investment Company Act of 1940 or a common trust fund which is created pursuant to Section 1564 of the Financial Code, or any bond or other debt instrument issued by any government or government agency. [Gov. Code § 82034]

10. “Doing Business in the Jurisdiction”: A person is “doing business in the jurisdiction” if that person has business contacts on a regular or substantial basis with a person who maintains a physical presence in the jurisdiction of a public official. “Business contacts” include, but are not limited to, manufacturing, distributing, selling, purchasing, or providing services or goods. “Business contacts” do not include marketing via the Internet, telephone, television, radio, or printed media. [2 Cal. Code of Regs. § 18230]

11. “Interest in Real Property”: Includes any leasehold, beneficial or ownership interest, or an option to acquire such an interest in real property located within the jurisdiction owned directly, indirectly or beneficially by the public official, or other filer, or his or her immediate family if the fair market value of the interest is two thousand dollars (\$2,000) or more. Interests in real property of an individual include a pro rata share of interests in real property of any business entity or trust in which the individual or immediate family owns, directly, indirectly or beneficially, a 10% interest or greater. [Gov. Code § 82033]

12. “Real Property Within the Jurisdiction”: Jurisdiction is the region, county, city, district, or other geographical area in which the Agency has control. Real property shall be deemed to be *“within the jurisdiction”* if the property or any part of a parcel of real property is located within or not more than two miles outside the boundaries of the jurisdiction of the Agency or within two miles of any land owned or used by the Agency. [Gov. Code § 82035]

13. “Income”:

(a) *“Income”* means, except as provided in Subsection (b), a payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds of any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share

of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly, or beneficially, a 10% interest or greater.

(b) *"Income,"* other than a gift, does not include:

(1) Income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the jurisdiction, or not having done business within the jurisdiction during the two years prior to the time any statement or other action is required;

(2) Campaign contributions required to be reported under Chapter 4 of the Political Reform Act of 1974;

(3) Salary and reimbursement for expenses or per diem, social security, disability, or other similar benefit payments received from a state, local or federal government agency, and reimbursement for travel expenses and per diem received from a bona fide nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code;

(4) Any devise or inheritance;

(5) Interest, dividends or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency;

(6) Dividends, interest or any other return on a security which is registered with the Securities & Exchange Commission of the United States government or a commodity future registered with the Commodity Futures Trading Commission of the United States government, except proceeds from the sale of these securities and commodities futures;

(7) Redemption of a mutual fund;

(8) Alimony or child support payments;

(9) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status;

(10) Any loan from or any payments received on a loan made to an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt or first cousin, or the spouse of any such person, provided that a loan or loan payment received from any such person shall be considered income if he or she is acting as an agent or intermediary for any person not covered by this paragraph;

(11) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status;

(12) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

(13) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States government or from the sale of commodities futures registered with the Commodity Futures Trading Commission of the United States government if the filer sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser. [Gov. Code § 82030]

14. "Salary and Reimbursement for Expenses or Per Diem Received":

(a) *"Salary"* means any and all payments made by a government agency to a public official, or accrued to the benefit of a public official, as consideration for the public official's services to the government agency. Such payments include wages, consultants' fees, pension benefits, health and other insurance coverage, rights

to compensated vacation and leave time, free or discounted transportation, payment or indemnification of legal defense costs, and similar benefits.

(b) *“Per Diem”* from an agency means payment of a fixed sum of money, accruing daily to a public official when the public official is required to incur increased daily living expenses.

(c) *“Reimbursement for Expenses”* received from an agency means a payment to a public official, in compensation for otherwise uncompensated actual expenses incurred or to be incurred within 60 days by the public official in the course of his or her official duties. [2 Cal. Code of Regs. § 18232]

15. “Gift”:

(a) Except as provided in Subsection (b), below, a gift is any payment that confers a personal benefit on the recipient to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value. [Gov. Code § 82028]

(b) **Exceptions:** None of the following is a gift and none is subject to any limitation on gifts:

(1) Informational material which serves primarily to convey information and which is provided for the purpose of assisting the recipient in the performance of his or her official duties or the duties of the elective office he or she seeks. Informational material may include:

(A) Books, reports, pamphlets, calendars, periodicals, audio or video recordings, or free or discounted admission to informational conferences or seminars;

(B) Scale models, pictorial representations, maps, and other such items, provided that where the item has a fair market value in excess of the gift limit amount, the burden shall be on the recipient to demonstrate that the item is informational material;

(C) On-site demonstrations, tours or inspections designed specifically for the purpose of assisting the official in the performance of his or her official duties or the duties of the elective office he or she seeks.

No payment for transportation to an inspection, tour, or demonstration site, nor reimbursement for any expenses in connection therewith, shall be deemed *“informational material”* except insofar as such transportation is not commercially available. [Gov. Code § 82028(b)(1); 2 Cal. Code of Regs. § 18942.1]

(2) Except for passes and tickets as provided in Regulation 18946.1, a gift that is not used and that, within 30 days after receipt, is returned or donated pursuant to Regulation 18943, or for which reimbursement is paid pursuant to said Regulation 18943.

(3) [See 2 Cal. Code of Regs. § 18944 re Gifts to Members of an Official’s or Candidate’s Family.]A gift from an individual’s spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, unless the donor is acting as an agent or intermediary for any person not identified by this paragraph.

(A)

(4) Campaign contributions required to be reported under Chapter 4 of the Act.

(5) Any devise or inheritance.

(6) Personalized plaques or trophies with an individual value of less than \$250.

(7) The cost of hospitality (including food, beverages, or occasional lodging) provided to an official by an individual in the individual's home when the individual is present, unless one of the following provisions applies:

(A) Any part of the cost of the hospitality is paid directly or reimbursed by another person.

(B) Any person deducts any part of the cost of such hospitality as a business expense on any government tax return.

(C) There is an understanding between the individual extending the hospitality and another person that any amount of compensation the individual receives from that person includes a portion to be utilized to provide gifts of hospitality in the individual's home

(D) In determining the applicability of this "hospitality" exemption, the following apply:

(a) The cost of providing hospitality does not include any part of the value or rental cost of the home nor does it include any depreciation value on the home where the hospitality is extended.

(b) An official may presume that the cost of home hospitality is paid by the host unless the host discloses to the official, or it is clear from the surrounding circumstances at the time the hospitality is provided, that a person, other than the host, paid the cost of the hospitality. [See Reg. 189422 for definition of "Home Hospitality."]

(8) Gifts exchanged between an individual who is required to file a statement of economic interests and another individual, other than a lobbyist, on holidays, birthdays, or similar occasions to the extent that the gifts exchanged are not substantially disproportionate in value. For purposes of this subdivision, and notwithstanding Regulation 18946.2(b), "gifts exchanged" includes food, beverages, entertainment, and nominal benefits provided at the occasion by the honoree or another individual, other than a lobbyist, hosting the event.

(9) Leave credits, including vacation, sick leave, or compensatory time off, donated to an official in accordance with a bona fide catastrophic or similar emergency leave program established by the official's employer and available to all employees in the same job classification or position. This shall not include donations of cash.

(10) Payments received under a government agency program or a program established by a bona fide charitable organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code designed to provide disaster relief or food, shelter, or similar assistance to qualified recipients if such payments are available to members of the public without regard to official status.

(11) Free admission, and refreshments and similar non-cash nominal benefits provided to an official during the entire event at which the official gives a speech, participates in a panel or seminar, or provides a similar service,

and transportation and any necessary lodging and subsistence that is exempt under Regulation 18950.3. These items are not payments and need not be reported by any filer.

(12) The transportation, lodging, and subsistence specified by Regulation 18950.4 (in connection with campaign activities).

(c) The following items, if they are otherwise gifts, are exempt from the limitations on gifts described above:

(1) Payments for transportation, lodging, and subsistence that are exempt from limits on gifts by Government Code Section 89506 and Regulation 18950, et seq.

(2) Wedding gifts.

(A)

16. “Honorarium”:

(a) *“Honorarium”* is any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering.

(b) In addition to the exceptions contained in Definition 15(b), above, (2 Cal. Code of Regs. § 18942), the term *“honorarium”* does not include:

(1) Earned income for personal services which are customarily provided in connection with the practice of or employment in a bona fide business, trade, or profession, such as teaching, practicing law, medicine, insurance, real estate, banking, or building contracting, unless the sole or predominant activity of the business, trade, or profession is making speeches.

(2) Any honorarium which is not used and, within 30 days after receipt is either returned to the donor or delivered to the Agency for donation to the Agency’s general fund or equivalent without being claimed as a deduction from income for tax purposes. [Gov. Code § 89501; 2 Cal. Code of Regs. § 18932]

17. “Economic Interests”: The term “economic interest” includes interests in business entities, real property, source of income, source of gifts, and personal financial effect. For purposes of disqualification, see these terms defined below:

(a) **Economic Interest - Business Entities:** A public official has an *economic interest* in a business entity if any of the following are true:

(1) The public official has a *direct* or *indirect* investment worth \$2,000 or more in the business entity.

(2) The public official is a director, officer, partner, trustee, employee, or holds any position of management in the business entity.

(3) An official has an *economic interest* in a business entity which is a *parent or subsidiary of, or is otherwise related to,* a business entity in which the official has one of the interests defined in this Definition. [See 2 Cal. Code of Regs. § 18703.1(d) for definition of “*Parent, Subsidiary, Otherwise Related Business Entity.*”]

(4) Although a public official may not have an *economic interest* in a given business entity pursuant to Subsections (1)-(3), above, the public official may nonetheless have an *economic interest* in the business entity if it is a source of income to him or her.

(b) **Economic Interest - Real Property:** A public official has an *economic interest* in any real property in which the public official has a direct or indirect interest worth \$2,000 or more in fair market value. [See Definition 11, above, for detailed definition of *interest in real property.*]

(c) **Economic Interest - Source of Income:** A public official has an *economic interest* in any person from whom he or she has received income, including commission income and incentive compensation as defined in 2 Cal. Code of Regs. § 18703.3, aggregating \$500 within 12 months prior to the time when the relevant government decision is made. For purposes of Government Code Sections 87100 and 87103(c), a public official's *income* includes income which has been promised to the public official but not yet received by him or her, if he or she has a legally enforceable right to the promised income. [See 2 Cal. Code of Regs. § 18703.3 regarding related business entities, former employers, sources of commission income to brokers, agents and salespersons, and sources of incentive compensation.]

(d) **Economic Interest - Source of Gifts:** A public official has an *economic interest* in any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. [See Definition 15, above, for detailed definition of *Gift*.]

(e) **Economic Interest - Personal Finances:** A public official has an *economic interest* in his or her personal finances and those of his or her immediate family. A governmental decision will have an effect on this economic interest if the decision will result in the personal expenses, income, assets, or liabilities of the official, or his or her immediate family increasing or decreasing. [See Definition 13, above, for detailed definition of *income* and see Definition 23, below, for detailed definition of *immediate family*.] [2 Cal. Code of Regs. §§ 18703 - 18703.5]

18. “Directly or Indirectly Involved”: In order to determine if a governmental decision's reasonably foreseeable financial effect on a given economic interest is material, it must first be determined if the official's economic interest is directly involved or indirectly involved in the governmental decision.

(a) **Business Entities, Sources of Income, Sources of Gifts:** A person, including business entities, sources of income, and sources of gifts, is directly involved in a decision before an official's agency when that person, either directly or by an agent:

(1) Initiates the proceeding in which the decision will be made by filing an application, claim, appeal, or similar request, or;

(2) Is a named party in, or is the subject of, the proceeding concerning the decision before the official or the official's agency. A person is the subject of a proceeding if a decision involves the issuance, renewal, approval, denial or revocation of any license, permit, or other entitlement to, or contract with, the subject person.

If a business entity, source of income, or source of a gift is directly involved in a governmental decision, apply the materiality standards in 2 Cal. Code of Regs. § 18705.1(a), 18705.3(a) or 18705.4(a), respectively. If a business entity, source of income, or source of a gift is not directly involved in a governmental decision, apply the materiality standards in 2 Cal. Code of Regs. § 18705.1(b), 18705.3(b), or 18705.4(b), respectively.

(b) **Interest in Real Property:** Real property in which a public official has an economic interest is directly involved in a governmental decision if that real property is the subject of the governmental decision, or if any part of that real property is located within 500 feet of the boundaries (or proposed boundaries) of the real property which is the subject of the governmental decision. Real property is the “subject of the governmental decision” if:

(1) The governmental decision involves the zoning or rezoning, annexation or de-annexation, sale, purchase, or lease, or inclusion in

or exclusion from any city, county, district or other local governmental subdivision, of the real property in which the official has an interest or a similar decision affecting such real property. For purposes of this Section, the terms “zoning” and “rezoning” shall refer to the act of establishing or changing the zoning or land designation on the subject real property. The terms “zoning” and “rezoning” shall NOT refer to an amendment of an existing zoning ordinance or other land use regulation (such as changes in the uses permitted, or development standards applicable, within a particular zoning category) which is applicable to all other properties designated in that category, which shall be analyzed under 2 Cal. Code of Regs. § 18705.2(b).

(2) The governmental decision involves the issuance, denial or revocation of a license, permit or other land use entitlement authorizing a specific use or uses of such real property.

(3) The governmental decision involves the imposition, repeal or modification of any taxes or fees assessed or imposed on such real property.

(4) The governmental decision is to designate the survey area, to select the project area, to adopt the preliminary plan, to form a project area committee, to certify the environmental document, to adopt the redevelopment plan, to add territory to the redevelopment area, or to rescind or amend any of the above decisions; and real property in which the official has an interest, or any part of it is located within the boundaries (or the proposed boundaries) of the redevelopment area. For purposes of this Section, real property is located “within 500 feet of the boundaries (or proposed boundaries) of the real property which is the subject of the governmental decision” if any part of the real property is within 500 feet of the boundaries (or proposed boundaries) of the redevelopment project area.

(5) The governmental decision involves construction of, or improvements to, streets, water, sewer, storm drainage or similar facilities, and the real property will receive new or improved services. As used in this Section, “new or improved services” does NOT include repairs, replacement, or maintenance of existing streets, water, sewer, storm drainage or similar facilities.

(6) Real property in which a public official has an interest is not directly involved in a governmental decision, but is instead indirectly involved if:

(A) The decision solely concerns the amendment of an existing zoning ordinance or other land use regulation (such as changes in the uses permitted, or development standards applicable, within a particular zoning category) which is applicable to all other properties designated in that category, which shall be analyzed under 2 Cal. Code of Regs. § 18705.2(b).

(B) The decision solely concerns repairs, replacement, or maintenance of existing streets, water, sewer, storm drainage or similar facilities.

(C) The decision solely concerns the adoption or amendment of a general plan and all of the following apply:

(i) The decision only identifies planning objectives or is otherwise exclusively one of policy. A decision will not qualify under this subdivision if the decision is initiated by the public official, by a person that is an economic interest of the public official, or by a person representing either the public official or an economic interest of the public official.

(ii) The decision requires a further decision or decisions by the public official's agency prior to implementing the planning or policy objectives. Examples of further decisions include, but are not limited to, permitting, licensing, rezoning, or the approval of or change to a zoning variance, land use ordinance, or specific plan or its equivalent.

(iii) The decision does not concern an identifiable parcel or parcels or development project. A decision does not "concern an identifiable parcel or parcels" solely because, in the proceeding before the agency in which the decision is made, the parcel or parcels are merely included in an area depicted on a map or diagram offered in connection with the decision, provided that the map or diagram depicts all parcels located within the agency's jurisdiction and economic interests of the official are not singled out.

(iv) The decision does not concern the agency's prior, concurrent, or subsequent approval of, or change to, a permit, license, zoning designation, zoning variance, land use ordinance, or specific plan or its equivalent.

(v) The following definitions apply to this subsection.

a. A decision "*solely concerns the adoption or amendment of a general plan*" when the decision, in the manner described in Government Code Sections 65301 and 65301.5, grants approval of, substitutes for, or modifies any component of, a general plan, including elements, a statement of development policies, maps, diagrams, and texts, or any other component setting forth objectives, principles, standards, and plan proposals, as described in Government Code Sections 65402 and 65303.

b. "*General Plan*" means "general plan" as used in Government Code, Title 7 (Planning and Zoning), Division 1 (Local Planning), Article 5, sections 65300, et seq.

c. "*Specific plan or its equivalent*" means a "specific plan" or any equivalent plan adopted by the jurisdiction to meet the purposes described in Government Code, Title 7 (Planning and Zoning), Division 1 (Local Planning), Article 8, sections 65450, et seq.

(vi) Determining the applicable materiality standard

a. If the real property in which the public official has an economic interest is directly involved in a governmental decision, apply the materiality standards in California Code of Regulations Section 18705.2(a).

b. If a real property interest is not directly involved in a governmental decision, apply the materiality standards in California Code of Regulations Section 18705.2(b).

(c) **Economic Interest in Personal Finances:** A public official or his or her immediate family are deemed to be directly involved in a governmental decision which has any financial effect on his or her personal finances or those of his or her immediate family. [2 Cal. Code of Regs. §§ 18704 - 18704.5]

19. “Materiality Standards”:

(a) **Specific Rules.** In order to determine if a governmental decision’s reasonably foreseeable financial effect on a given economic interest is material:

(1) For governmental decisions which affect economic interests in business entities -- apply 2 Cal. Code of Regs. § 18705.1;

(2) For governmental decisions which affect economic interests in real property -- apply 2 Cal. Code of Regs. § 18705.2;

(3) For governmental decisions which affect economic interests in sources of income -- apply 2 Cal. Code of Regs. § 18705.3;

(4) For governmental decisions which affect economic interests in sources of gifts -- apply 2 Cal. Code of Regs. § 18705.4;

(5) For governmental decisions which affect the personal expenses, income, assets or liabilities of the public official or his or her immediate family (personal financial effect) apply 2 Cal. Code of Regs. § 18705.5.

(b) **General Rule.** Whenever the specific provisions of 2 Cal. Code of Regs. § 18705.1 through 18705.5, inclusive, cannot be applied, the following general rule shall apply:

The financial effect of a governmental decision is material if the decision will have a significant effect on the official or a member of the official’s immediate family, or on the source of income, the source of gifts, the business entity, or the real property, which is an economic interest of the official.

(c) **Special Rules.** Notwithstanding 2 Cal. Code of Regs. § 18705.1 through 18705.5, inclusive, an official does not have to disqualify himself or herself from a governmental decision if:

(1) Although a conflict of interest would otherwise exist under 2 Cal. Code of Regs. § 18705.1 through 18705.4, inclusive, and 18706, the decision will have no financial effect on the person or business entity who appears before the official, or on the real property in which the official holds a direct or indirect interest, or on the personal finances of the official and/or his immediate family. [2 Cal. Code of Regs. § 18705]

20. “Public Generally”: Notwithstanding a determination that the reasonably foreseeable financial effect of a governmental decision on a public official’s economic interests is material, a public official does not have a disqualifying conflict of interest in the governmental decision if the governmental decision affects the public official’s economic interests in a manner which is indistinguishable from the manner in which the decision will affect the public generally, as set forth in 2 Cal. Code of Regs. 18707 - 18707.9.

(a) To determine if the effect of a decision is not distinguishable from the effect on the public generally as set forth above, apply Steps One through Four below:

(1) **Step One:** Identify each specific person or real property (economic interest) that is materially affected by the governmental decision.

(2) **Step Two:** For each person or real property identified in Step One, determine the applicable “significant segment” rule according to 2 Cal. Code of Regs. § 18707.1(b).

(3) **Step Three:** Determine if the significant segment is affected by the governmental decision as set forth in the applicable “significant segment” rule. If the answer is “no,” then the analysis ends because the first prong of a two-part test set forth in Section 18707.1(b) is not met, and the public official cannot participate in the governmental decision. If the answer is “yes,” proceed to Step Four.

(4) **Step Four:** Following the provisions of 2 Cal. Code of Regs. § 18707.1(b)(2), determine if the person or real property identified in Step One is affected by the governmental decision in “substantially the same manner” as other persons or real property in the applicable significant segment. If the answer is “yes” as to each person or real property identified in Step One, then the effect of the decision is not distinguishable from the effect on the public generally and the public official may participate in the decision. If the answer is “no” as to any person or real property identified in Step One, the public official may not participate in the governmental decision unless one of the special rules set forth in 2 Cal. Code of Regs. § 18707.2 - 18707.9 applies to each person or real property triggering the conflict of interest. [2 Cal. Code of Regs. § 18707]

21. “Determining Whether a Material Financial Effect is Reasonably

Foreseeable”:

(a) A material financial effect on an economic interest is reasonably foreseeable if it is substantially likely that one or more of the materiality standards applicable to that economic interest will be met as a result of the governmental decision.

(b) In determining whether a governmental decision will have a reasonably foreseeable material financial effect on an economic interest as defined in subsection (a) above, the following factor should be considered. These factors are not intended to be an exclusive list of the relevant facts that may be considered in determining whether a financial effect is reasonably foreseeable, but are included as general guidelines:

(1) The extent to which the official or the official’s source of income has engaged, is engaged, or plans on engaging in business activity in the jurisdiction;

(2) The market share held by the official or the official’s source of income in the jurisdiction;

(3) The extent to which the official or the official’s source of income has competition for business in the jurisdiction;

(4) The scope of the governmental decision in question; and

(5) The extent to which the occurrence of the material financial effect is contingent upon intervening events, not including future governmental decisions by the official’s agency, or any other agency appointed by or subject to the budgetary control of the official’s agency.

(c) Possession of a real estate sales or brokerage license, or any other professional license, without regard to the official’s business activity or likely business activity, does not in itself make a material financial effect on the official’s economic interest reasonably foreseeable. [2 Cal. Code of Regs. § 18706]

22. “Business Entity”: Any organization or enterprise operated for profit, including but not limited to, a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association. [Gov. Code § 82005]

23. “Immediate Family”: Immediate Family means the spouse and dependent children.

24. “Spouse”: The term “spouse” shall include domestic partners registered with the California Secretary of State’s Office and recognized by California State Law. [2 Cal. Code of Regs. § 18229; Fam. Code § 297]

APPENDIX
CONFLICT OF INTEREST CODE
OF THE
COUNTY OF ALPINE

(Adopted December 16, 2008)

EXHIBIT “A”

The Members of the Board of Supervisors and Planning Commission, County Administrative Officer, County Counsel, District Attorney, Judges of the Superior Court, County Treasurer, and all Other County Officials who manage public investments as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the County’s Code but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)]

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the positions listed below are Other County Officials who manage public investment¹s. These positions are listed here for informational purposes only.

Investment Consultant

¹ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS
GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Assessor	1, 2
Auditor-Controller	1, 2
Building Official	2, 3, 6, 7
Chief Probation Officer	6
Community Development Director	2, 3, 6, 7
County Clerk	6
County Engineer	2, 3, 6, 7
County Superintendent of Schools	1, 2
Deputy District Attorney	1, 2
Deputy Purchasing Agent/Support Services	5
Director of Library and Archives	6
Environmental Health Specialist	2, 3, 7
Health and Human Services Director	6
Local Agency Formation Commission, Executive Officer	1, 2
Public Health Officer	6
Public Works Director	1, 2
Sheriff-Coroner	6
Staff Services Manager	6
Undersheriff	6

DESIGNATED EMPLOYEES'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

MEMBERS OF BOARDS,

COMMITTEES & COMMISSIONS

Bear Valley Sign Review Committee	1, 2
Board of Appeals	1, 2
Economic Development Advisory Committee	1, 2
Family Support and Child Abuse Prevention	1
Fish & Game Commission	1, 2
In-Home-Supportive-Services Advisory Committee	2, 6
Library Commission	2, 6
Local Agency Formation Commission (Public Members)	1, 2
Markleeville Design Review Historic Committee	1, 2
Mental Health Board	1, 2
Social Services Transportation Advisory Council	2, 6
South Tahoe Public Utility District Contract Commission	1, 2

Consultant²

² Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The County Administrative Officer to the Board may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based on that description, a statement of the extent of disclosure requirements. The County Administrative Officer to the Board’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

EXHIBIT “B”

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, including gifts, loans and travel payments, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

CATEGORY 1: All investments and business positions in business entities, and sources of income that are located in, that do business in, or that own real property within the jurisdiction of the County.

CATEGORY 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the County.

CATEGORY 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the County.

CATEGORY 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

CATEGORY 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the County.

CATEGORY 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee’s Department.

CATEGORY 7: All investments and business positions in, and sources of income from, business entities subject to the regulatory, permit, or licensing authority of the Designated Employee’s Department.

REGULATIONS OF THE FAIR POLITICAL PRACTICES COMMISSION

TITLE 2, DIVISION 6, CALIFORNIA CODE OF REGULATIONS

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies. 1

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of

the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to

have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Government Code section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to 2 Cal. Code Regs. section 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure. When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of

management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which

that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.

3. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code section 83114 and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section 91003.

1 Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code section 81004.

2 See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

3 For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

4 Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

5 A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

6 Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300- 87302, 89501, 89502 and 89503, Government Code.

APPENDIX E
EXECUTIVE OFFICER'S JOB DESCRIPTION

LAFCo Executive Officer

DESCRIPTION OF BASIC FUNCTION AND RESPONSIBILITY:

To perform a variety of professional field and office work related to changes in local governmental jurisdiction, policy formation, and administration.

TYPICAL DUTIES:

- Prepares State mandated sphere of influence reports which establish the maximum feasible service area of cities and special districts.
- Analyzes and presents alternatives and makes recommendations concerning the reasonable and proper boundaries, financial requirements, service level impacts and feasibility of specific proposals.
- Develops information and prepares plans for future expansion of governmental services.
- Receives, processes and analyzes applications and petitions for reorganization or annexations to entities of local governments such as city or special district annexations, special district formations, consolidations, dissolution's, detachments, incorporation's and other organizational changes.
- Researches and performs specialized studies relating to proposals and feasibility reports before Local Agency Formation Commission.
- Researches and reports on each LAFCo application and recommends proper action.
- Advises and counsels applicants, governmental agencies, engineers and developers on methods of creating or annexing to an entity to acquire municipal services.
- Informs all interested parties of LAFCo actions and final decisions.
- Attends and/or participates in statewide conferences and speaks at public meetings.
- Discusses proposals during processing with governmental officials, County department heads and staff, attorneys and others.
- Attends meetings and provides information to the public and governmental officials regarding the technical requirements for processing jurisdictional changes to cities and special districts
- Ensures that proposals are processed in accordance with all public notice and time limit requirements.
- Prepares and/or reviews environmental assessments, negative declaration, and environmental impact reports.
- Establishes, revises and updates policies regarding LAFCo operations for Commission adoption.
- Attends, provides staff support and analysis, and prepares agendas for all regular and special LAFCo meetings.
- Responsible for maintaining LAFCo files and records and daily administration of the LAFCo office.
- Prepares annual LAFCo budget and monitors financial transactions.
- Responsible for hiring and supervising clerical staff and any other LAFCo employees or consultants.
- Performs related duties as required.

JOB REQUIREMENTS:

- Possession of a valid California Driver's License.
- Knowledge of:

- The principles, methods, and techniques related to the formation and organization of local governmental entities.
- State laws, codes, guidelines, and requirements related to local governmental reorganization, including the Cortese-Knox Local Government Reorganization Act and the California Environmental Quality Act (CEQA).
- Social, economic, and financial principles and practices associated with local governmental entities.
- Budget preparation.
- Ability to:
 - Communicate effectively in oral and written form.
 - Identify and analyze complex problem situations, establish priorities for action based on such analysis, and take appropriate steps to resolve those problems identified.
 - Prepare and present technical reports.
 - Establish and maintain effective working relationships with staff, County and public officials, and the general public.

DESIRABLE QUALIFICATIONS:

- Bachelor's degree in planning or related field; three years of professional experience in public or private planning including some experience in a lead or supervisory capacity; or an equivalent combination of education and experience.

DISTINGUISHING CHARACTERISTICS:

- This classification performs work which consists of complex professional duties at the advanced journey level and which is specifically related to the functions and responsibilities of the Local Agency Formation Commission. Employees in this classification receive limited supervision within a framework of Commission policy and State law.

APPENDIX F
ALPINE COUNTY SPECIAL DISTRICTS

ALPINE COUNTY GOVERNMENTAL AGENCIES

SUBJECT TO LAFCo JURISDICTION

INCORPORATED CITIES

None

COUNTY SERVICE AREA

CSA #1

OTHER DISTRICTS

Bear Valley Water District

Kirkwood Meadows PUD

Markleeville PUD