

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

Jim Jones  
Interim County Counsel

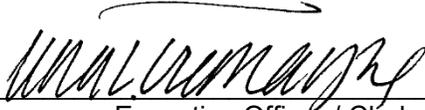
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**AGENDA**  
**DECEMBER 20, 2022**  
**1:30 P.M.**  
**IN-PERSON AND VIRTUAL MEETING**

Notice is hereby given that the Local Agency Formation Commission of the County of Alpine (LAFCO) will meet on December 20, 2022 at 1:30 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/87172715151>  
**Meeting ID: 871 7271 5151**

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 July 5, 2022.
4. **PUBLIC HEARINGS** None
5. **UNFINISHED BUSINESS**
  - 5.1 Continued discussion and direction to staff regarding the Alpine County Municipal Service Review and Sphere of Influence.
  - 5.2 Continued discussion and possible adoption of LAFCO Policy Handbook – Policies, Procedures, and Guidelines
6. **NEW BUSINESS** None
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

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**MINUTES**  
**JULY 5, 2022**  
**2:30 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 Evan Mecak, Bob Epstein, Douglas Mitarotonda were present on Zoom. Alternate Commissioner David Griffith was present. Commissioner January Riddle was absent. Alternate Commissioner Lewis Ames was absent and there was one alternate public member vacancy.

**2. ORAL COMMUNICATIONS / PUBLIC COMMENT**

None.

**3. APPROVAL OF MINUTES**

**3.1 Approval of regular meeting minutes of June 21, 2022.**

**MOTION Hartnett / SECOND Mecak approving the regular meeting minutes of June 21, 2022.**

**Commissioner Riddle: ABSENT**  
**Commissioner Mecak: AYE**  
**Commissioner Hartnett: AYE**  
**Commissioner Hames: AYE**  
**Commissioner Epstein: AYE**  
**Commissioner Mitarotonda: AYE**  
**Alt Commissioner Griffith: ABSTAIN**  
**Chair Woodrow: AYE**

**MOTION CARRIED.**

**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.**

LAFCO Executive Officer Teola Tremayne provided an explanation and report regarding the annexation request. Tremayne reported that El Dorado County did not provide comment regarding the project. Tremayne stated that staff recommended adopting the resolution.

In response to Supervisor Hames' question whether there were any residential units in the area, Interim County Counsel Jim Jones reported that there were currently none in the area.

Chair Woodrow opened the Public Hearing at 2:45pm

Hearing and seeing no public comment, Chair Woodrow closed the Public Hearing at 2:45pm.

In response to Commissioner Mecak's question regarding what benefits Kirkwood would receive from the annexation, Kirkwood Meadows Public Utility District General Manager Erik

Christeson reported that there was no benefit to Kirkwood, that Caltrans' goal was to get off of the diesel generators currently being used to power the maintenance station.

**MOTION Hames / SECOND Mitarotonda approving Kirkwood Meadows Public Utility District's (KMPUD) annexation request to include Caltrans Peddler Hill Maintenance Station into the KMPUD electrical service area.**

**Commissioner Riddle: ABSENT**  
**Commissioner Mecak: AYE**  
**Commissioner Hartnett: AYE**  
**Commissioner Hames: AYE**  
**Commissioner Epstein: AYE**  
**Commissioner Mitarotonda: AYE**  
**Alt Commissioner Griffith: AYE**  
**Chair Woodrow: AYE**  
**MOTION CARRIED.**

**5. UNFINISHED BUSINESS**

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

LAFCO Executive Officer Teola Tremayne created a proposed budget which included funding for a consultant to conduct the Municipal Service Review (MSR) and Sphere of Influence (SOI). After much discussion regarding the historical budget versus the proposed budget, the commission agreed to adopt the budget without the consultant fees.

In response to Alternate Commissioner Griffith's question regarding the need for travel and training for members, Cal LAFCO Representative Anita Pock provided information regarding Cal LAFCO resources and educational opportunities and their value to Commissioners. Markleeville Resident and Humboldt County LAFCO Clerk Crystal Heiney added that attendance at such conferences would allow for Alpine County LAFCO to be heard on a bigger stage and to network with experienced LAFCO members.

In response to Commissioner Mitarotonda's question regarding the Municipal Service Review and Sphere of Influence compliance being more than 5 years out of date, Tremayne reported that normally the duties of a LAFCO Director were assigned to a Planning Department or to an outside contractor, that there was no dedicated position to complete the work required for LAFCO.

In response to Commissioner Mitarotonda's question regarding what was new on the budget, Tremayne reported that the changes in comparison to the previous budget were; additional stipends, travel, conferences, miscellaneous office supplies, postage, and consultant fees to complete the Municipal Service Review and Sphere of Influence. Commissioner Mitarotonda shared concern for sharing the cost for the \$40,000-\$70,000 consultant fees with Kirkwood Meadows Public Utility District and was not confident that they would be able to budget for it.

Pock explained the process for completing the SOI and MSR to become compliant and reported that the State Legislature was making this compliance more of a priority. Pock urged the Commission to get started as soon as possible because the process would be lengthy.

Commissioner Epstein questioned what Kirkwood Meadows Public Utility District would be required to pay and shared concern for the costs. Commissioner Epstein added that it was believed that costs to participate in LAFCO would be nominal. Tremayne explained that Special Districts were required to pay 50% of the net actual costs incurred by the Commission. Epstein reported that the high costs were unexpected, that he was disappointed that this was not better explained, that those Districts who were members before, that let the compliance

fall so far behind should be help responsible for paying more to complete the requirements to reach compliance versus penalizing the new Districts.

Tremayne suggested creating an Ad hoc committee to complete the requirements. Commissioners discussed the option of the Ad hoc committee, and agreed, by consensus to conduct the meetings and completion of the compliance requirements as LAFCO in public meetings.

Markleeville Resident and Humboldt County LAFCO Clerk Crystal Heiney reported that the reports could be done one at a time and per district, but that it would be more cost effective to complete it all at the same time.

Alternate Commissioner Griffith stated that he would like to have time to discuss the budget with the Kirkwood Meadows Public Utility District Board of Directors before approval. Pock stated that postponing this will further postpone compliance.

Chair Woodrow reported that the Special District likely already have approved budgets and that these LAFCO additions would not make it into those budgets anyway. Woodrow stated that the Commission needed to adopt the Draft budget and come back to review it and make final changes later. Interim County Counsel Jim Jones stated that the Commission could adopt their budget, but that it would not bind the County to anything.

Commissioner Epstein stated that he would be comfortable approving the budget without the consulting fees and could revisit when actual costs could be figured out. Commissioner Mitarotonda added that training and travel should also be removed from the budget.

In response to Commissioner Hames' question regarding how far back removing the consulting fees from the budget will set Alpine County LAFCO, Pock provided insight on the process and reported that Alpine LAFCO was not the first or only county the was behind in the process, that moving forward the process would get easier because the district would know what to expect.

**MOTION Mecak / SECOND Griffith approving the budget without the consultant fees and schedule a discussion to address the consultant fees at the next meeting.**

**Commissioner Riddle: ABSENT**  
**Commissioner Mecak: AYE**  
**Commissioner Hartnett: AYE**  
**Commissioner Hames: NO**  
**Commissioner Epstein: AYE**  
**Commissioner Mitarotonda: AYE**  
**Alt Commissioner Griffith: AYE**  
**Chair Woodrow: AYE**  
**MOTION CARRIED.**

**5.2 Continued discussion and possible direction regarding the Alpine County Municipal Service Review and Sphere of Influence.**

See Item 5.1.

Commissioner Epstein added that Kirkwood Meadows Public Utility District's utilities were under a consultant review and would be completed by June of 2023 so a Sphere of Influence conducted later on would be much more informed than one completed now.

**6. NEW BUSINESS**

**6.1 Discussion and possible direction regarding updating the LAFCO Handbook Policies, Standards, and Procedures**

LAFCO Executive Director Teola Tremayne asked that a commissioner volunteer to assist her in updating the LAFCO Handbook Policies, Standards, and Procedures.

Commissioner Hartnett volunteered to help Tremayne review and revise the LAFCO Handbook. Tremayne asked whether the Board would like to meet quarterly or biannually on a regular basis and requested that the Commission meet December 6, 2022 at 2:30pm.

**7. EXECUTIVE OFFICER'S UPDATE**

None

**8. ADJOURNMENT**

The Local Agency Formation Commission adjourned to the next regular meeting at the County Government Center.

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

DRAFT



**COUNTY OF ALPINE**  
**Office of the County Clerk**

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

**M E M O R A N D U M**

**TO:** Local Agency Formation Commission

**FROM:** Teola L. Tremayne, Executive Officer

**DATE:** December 15, 2022

**SUBJECT:** LAFCo Agenda Item No. 5.1 – Continued discussion and direction to staff regarding the Municipal Service Review and Alpine County Sphere of Influence.

The purpose of a Municipal Services Review (MSR) in general is to provide a comprehensive inventory and analysis of the services provided by local municipalities, service areas, and special districts. A MSR evaluates the structure and operation of the local municipalities, service areas, and special districts and discusses possible areas for improvement and coordination. The MSR is intended to provide information and analysis to support a sphere of influence update.

Commissioner Epstein has converted the 2011 proposed MSR into a working document. The document has pertinent information that needs updated. I am asking for authorization to send the working document to the special districts to update and to set a deadline for the districts to have it due to me. After I receive the updates, I will incorporate the changes and bring it back to LAFCo for approval.

**Municipal Service Review  
Alpine County LAFCO  
County of Alpine,  
California**

[DATE]

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## ACRONYMS AND ABBREVIATIONS

BLM	Bureau of Land Management
BVWD	Bear Valley Water District
Cal-Fire	California Department of Forestry and Fire Protection
CCWD	Calaveras County Water District
CDOF	California Department of Finance
CEQA	California Environmental Quality Act
CKH	Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
CSA	County Service Area
EDU	Equivalent dwelling unit
EMS	Emergency medical services
ESFU	Equivalent single family unit
FY	Fiscal year beginning July 1
gpm	Gallons per minute
gwh	Gigawatt-hour
ISO	Insurance Service Office
JPA	Joint Powers Authority
KMPUD	Kirkwood Meadows Public Utility District
LAFCO	Local Agency Formation Commission
LAV	Lake Valley Fire Protection District
LAWC	Lake Alpine Water Company
mgd	Million gallons per day
MPUD	Markleeville Public Utility District
MOU	Memorandum of Understanding
MSR	Municipal Service Review
NPDES	National Pollutant Discharge Elimination System
OPR	Governor's Office of Planning and Research
PUD	Public Utility District
RWQCB	State Regional Water Quality Control Board
SOI	Sphere of Influence
SPRTA	South Placer Transportation Authority
SR	State Route
SLT	South Lake Tahoe
STPUD	South Tahoe Public Utilities District
SUP	Special use permit
TRPA	Tahoe Regional Planning Agency
USFS	U.S. Forest Service
WDR	Waste discharge requirements
WTP	Water filtration/treatment plant

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## SECTION 1: INTRODUCTION

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### 1.1 - Role and Responsibility of LAFCO

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The fundamental role of a Local Agency Formation Commission (LAFCO) is to implement the Cortese-Knox-Hertzberg (CKH) Local Government Reorganization Act of 2000 (Government Code Section 56000, et seq.), providing for the logical, efficient, and most appropriate formation of local municipalities, service areas, and special districts. The CKH requires all LAFCOs, including Alpine County LAFCO, to conduct a Municipal Service Review (MSR) prior to updating the spheres of influence (SOI) of the various cities and special districts in the County (Government Code Section 56430). CKH requires an MSR and SOI update every 5 years. The focus of this MSR is to provide Alpine County LAFCO with all necessary and relevant information related to services that would be provided by the Alpine County and special districts that serve Alpine County.

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### 1.2 - Purpose of the Municipal Service Review

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The purpose of the MSR is to collect data in order to provide a comprehensive analysis of service provision of the special districts that serve Alpine County. This MSR will address the following special districts.

- Kirkwood Meadows Public Utilities District (KMPUD)
- Bear Valley Water District (BVWD)
- County Service Area 1 (CSA1)
- Markleeville PUD (MPUD)
- Lake Valley Fire Protection District (LAV)
- South Tahoe PUD
- El Dorado Irrigation District

This MSR will focus primarily on agencies whose principal county is Alpine County and therefore whose principal LAFCO is Alpine LAFCO. By definition, the principal county of a multi-county special district is the county with the majority of the assessed property value. The Kirkwood Meadows PUD, Bear Valley Water District, County Service Area 1, and Markleeville PUD all fall under the definition of Alpine County as their principal county. Lake Valley Fire Protection District and South Lake Tahoe PUD both serve portions of Alpine County but have El Dorado County as their principal county. The El Dorado Irrigation District used to serve portions of Alpine County that are now within the Kirkwood Meadows PUD.

This MSR will provide Alpine LAFCO with an informational document and will make determinations in each of the six areas prescribed by CKH. Key sources for this study were agency-specific information gathered through the county general plan, websites, financial reports, environmental impact reports, personal communication, and the Municipal Service Review Guidelines published by the Governor's Office of Planning and Research.

The report contains one section for each of the following six elements as prescribed by CKH:

- (1) Growth and Population Projections for the Affected Area. This section reviews projected growth within the subject area in conjunction with anticipated growth in the existing service boundaries of the agency. It also contains analysis of the agency's plans to accommodate future growth.
- (2) Present and Planned Capacity of Public Facilities and Adequacy of Public Services, Including Infrastructure Needs or Deficiencies. This section will discuss the services provided, including their quality, and the ability of each district to provide those services to the subject area. This section will include a discussion of capital improvement projects currently underway and projects planned for the future.
- (3) Financial Ability of Agencies to Provide Services. This section reviews the City's fiscal data and rate structure to determine viability and ability to meet service demands.

- (4) Status of and Opportunities for Shared Facilities. This section of the MSR report will discuss whether the City shares facilities with the County, other cities, and special districts, including opportunities for sharing facilities to derive cost savings by avoiding duplication.
- (5) Accountability for Community Service Needs, Including Government Structure and Operational Efficiencies. This section examines the agency's current government structure and considers the overall managerial practices. This section also examines how well the agency makes its processes transparent to the public and invites and encourages participation.
- (6) Matters Related to Effective or Efficient Service Delivery Required by Commission Policy. This section includes a discussion of any local policies that may affect the ability of the agency to provide efficient services.

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### **1.3 - Uses of the Municipal Service Review**

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Typically, the MSR is used to shed light on the operations of a local agency, identify agencies unable to perform their mandated services, or identify ways to provide services more effectively.

Government Code Section 56375 allows LAFCO to take action on recommendations found in the MSR, which can range from initiating studies for changes of organization, updating the SOI, or initiating a change in organization.

Studies anticipating a change in organization are useful to identify potential issues that may arise during the process. Issues can range from legal barriers to fiscal constraints to concerns of residents and landowners. A study would allow more focused analysis and the opportunity to resolve issues or options before beginning the process.

The MSR also provides the necessary information to help LAFCO make decisions on a proposed Sphere of Influence update. In evaluating an expanded SOI, the MSR provides the information necessary to determine if the agency has the capability to serve a larger area. The MSR discusses the financial condition of the district, its source of revenues, and its projected expenses. It also includes a discussion of the projected infrastructure needs that would allow for expansion of those services. However, the MSR does not address CEQA requirements of the SOI update. That requires a separate analysis.

Alternatively, the MSR can recommend changes in organization: consolidation, dissolution, merger, establishment of a subsidiary district, or the creation of a new agency that typically involves a consolidation of agencies. Those changes of organization will also require an environmental review and a tax-sharing agreement, and they may require an election.

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### **1.4 - California Environmental Quality Act (CEQA)**

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Public Resources Code Section 21000, et seq., also known as the California Environmental Quality Act (CEQA), requires public agencies to evaluate the potential environmental effects of their actions. Alpine LAFCO has determined that this MSR is exempt under Class 6 categorical exemption. CEQA Guidelines Section 15262 states that "Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource."

## SECTION 2: EXECUTIVE SUMMARY

The purpose of the MSR is to collect data in order to provide an analysis of service provision in Alpine County (Exhibit 1). This MSR will provide Alpine LAFCO with an informational document and make determinations in each of the six areas prescribed by CKH. The report addresses the following six elements:

- (1) Growth and Population Projections for the Affected Area
- (2) Present and Planned Capacity of Public Facilities and Adequacy of Public Services Including Infrastructure Needs or Deficiencies
- (3) Financial Ability of Agencies to Provide Services
- (4) Status of and Opportunities for Shared Facilities
- (5) Accountability for Community Service Needs, Including Government Structure and Operational Efficiencies
- (6) Matters Related to Effective or Efficient Service Delivery Required by Commission Policy

This MSR evaluates the services provided by Kirkwood Meadows PUD, Bear Valley Water District, County Service Area 1, and the Markleeville FUD-agencies where Alpine LAFCO serves as the principal LAFCO. The report also summarizes services for the Lake Valley Fire Protection District and the South Lake Tahoe PUD, whose principal LAFCO is El Dorado LAFCO and the Lake Alpine Water Company, a private water company that provides services to Bear Valley. The El Dorado Irrigation District used to serve portions of Alpine County that are now within the Kirkwood Meadows PUD.

Public Resources Code Section 21000, et seq., also known as the California Environmental Quality Act (CEQA), requires public agencies to evaluate the potential environmental effects of their actions. Alpine LAFCO has determined that this MSR is exempt under Class 6 categorical exemption. CEQA Guidelines Section 15262 states that "Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource."

### Setting

Alpine County is the least populated county in California. The County has no incorporated cities. There are just over 1,200 full-time residents according to the 2000 census. The population is expected to grow to just under 1,400 full-time residents by 2010. Long-term population estimates made by the California Department of Finance show permanent population in Alpine County growing slowly to over 1,400 persons in 2020 and then decreasing slightly from 2020 through 2050.

Although the County's permanent population is very low, peak population during ski season can range from 10,000 to 20,000 persons.

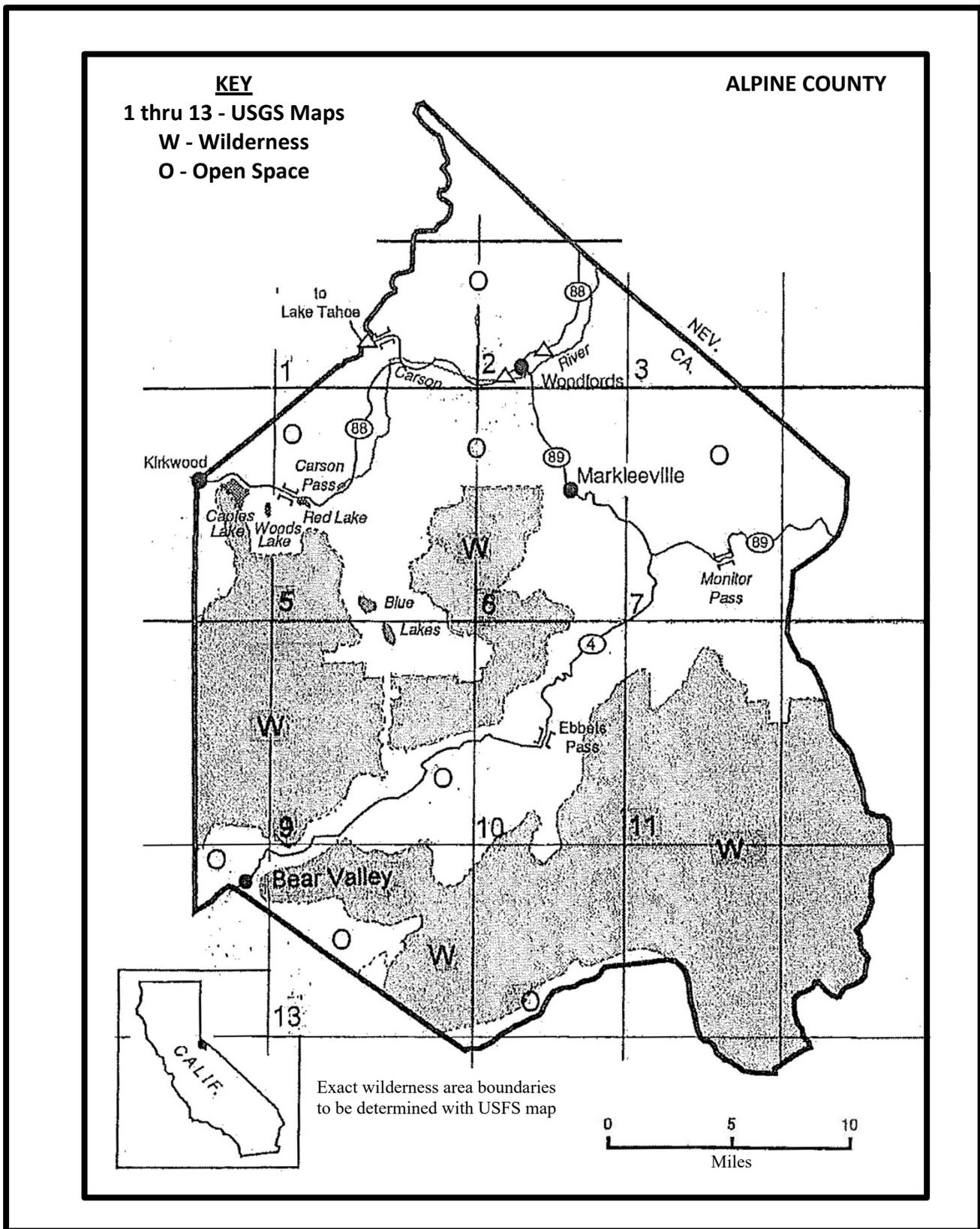
The County provides the essential services of police, fire, public health, social services, and road and highway maintenance. The County contracts out for solid waste removal, which is transported to landfills in neighboring counties.

The County does not provide water or wastewater services. Key sources of water are surface water and ground water. Water services are provided by a combination of special districts, private water companies, mutual water companies, or by individual wells. There are four wastewater service providers in the County.

### Kirkwood Meadows PUD

The Kirkwood Meadows Public Utility District (KMPUD) was formed in 1985 when it detached from the El Dorado Irrigation District to become an independent special district. The District operates under the Public Utility District Act (Public Utilities Code Section 15501, et seq.).

Exhibit 1: Alpine County Map



Source: Alpine County 2009.

The KMPUD serves an area of approximately 1.1 square miles (704 acres) that covers parts of El Dorado, Alpine, and Amador counties. Since the assessed property value is highest in Alpine County, Alpine is the principal LAFCO.

There are approximately 100 residents living in the District boundaries, but seasonal daily population maximums reach 6,500 persons. As with the majority of Alpine County, there is little anticipated growth in the District.

The District provides the following services: fire protection, water, wastewater, electric and gas utilities, solid waste, mosquito abatement, cable television, snow removal, public buildings, and recreation and parks. The District receives its water supply from groundwater wells and provides domestic and irrigation water service. The District services 844 water connections. The District is planning new wells and larger storage tanks to accommodate the need for snowmaking and any new planned development in the Kirkwood community.

The wastewater system has a capacity of 240,000 gallons per day, which exceeds the maximum peak flow by 40,000 gallons per day. Mosquito abatement activities occur between May and July with a very limited budget of approximately \$15,000 per year. The District maintains one park that includes a playground, funded by property tax. The District contracts for solid waste services with ACES Waste Service. The District is in the process of connecting to the national grid to provide more reliable electrical service.

The District operates a volunteer fire department and responds to calls in Alpine and Amador counties. The District responds to an average of 12 calls per month with an average response time of 10 minutes.

The financial picture is such that expenses are balanced by revenues from taxes, charges, and fees. The District has a base rate for water, sewer, and wastewater as well as charges based on meter readings. Capital improvements are funded by loans and reserves. The District has the ability to fund activities and improvements needed to maintain services. The District works cooperatively to share facilities with neighboring cities and special districts to reduce costs.

As for the government structure and accountability, the District is governed by a five-member Board of Directors, each of whom serves 4-year terms. The District meets on the second Friday of the month. Meeting agendas are posted on the District web site, Meetings are televised on the local community channel. The District publishes a newsletter twice a year to inform residents of key issues. The District is operated by nine full-time staff, seven seasonal staff, and 15 volunteer firefighters. There is little justification for changing the District Sphere of Influence or any changes in organization.

There are no LAFCO policies that could affect the service delivery of the District.

### **Bear Valley Water District**

The Bear Valley Water District (BVWD) provides only sanitary sewer collection, treatment, and disposal to the Alpine County community of Bear Valley, including the Lake Alpine basin area and the Bear Valley Mountain Resort (formerly Mt. Reba Ski Area). Although a water district, BVWD does not provide drinking water.

By 2003, the County estimated the town population to be 135, and projected the 2008 population to be 138 persons. Population projections for Bear Valley were made in 2004 for the Housing Element update to the Alpine County General Plan and would not have foreseen the economic downturn in 2008.

The BVWD has 512 connections, of which 494 are residential. The capacity of the BVWD is limited by the ability to discharge effluent, Recent calculations show an excess capacity of 27 single-family units.

Financially, the BVWD has experienced a shortfall in the last two fiscal years. The District has compensated for the shortfall through loans and reducing the operators to three-quarter time and a rate increase. As a result, the BVWD is expected to experience a modest net income in fiscal year (FY) 10/11.

The BVWD works cooperatively with federal, state, and neighboring special districts. The BVWD maintains a cooperative relationship with the Lake Alpine Water Company and the local homeowners association,

As for the government structure and accountability, the BVWD is governed by a five-member Board of Directors who serve 4-year terms. The BVWD meets on the third Monday of the month. Meeting agendas are posted on the BVWD website, and are broadcast live via webcam. The BVWD communicates to the public by posting monthly updates on effluent water quality. The BVWD is operated by four full-time staff and three part-time employees, and it contracts for the services of a District Engineer. There is little justification for changing the District Sphere of influence.

There are no LAFCO policies that could affect the service delivery of the BVWD.

### **County Service Area 1**

County Service Area 1 (CSA1) serves the Bear Valley area. Services provided include road maintenance, snow removal, snow grooming, and maintenance of common areas. CSA1 recently applied to LAFCO to exercise the latent power to provide emergency medical services, which was approved. The provision of that service required an assessment that was sent to the voters for two areas. Under Prop 218, the assessment required two-thirds approval by the voters. The measure received the necessary approval in the western portion of the CSA but not the eastern portion.

Lacking funding the service would be provided on a volunteer basis.

The CSA1 contracts out for services so the capacity is based on available funding through the County. The CSA1 is administered by the Community Development Department of the County.

The CSA1 works cooperatively with neighboring special districts. CSA1 maintains a cooperative relationship with the Lake Alpine Water Company and the local homeowners association.

As for the government structure and accountability, the CSA1 is governed by a five-member Board of Directors. The CSA1 is operated by staff of the Alpine County Community Development Department. There is little justification for changing the District Sphere of Influence.

There are no LAFCO policies that could affect the service delivery of the CSA1.

### **Markleeville PUD**

The Markleeville Public Utility District (MPUD) is one of four wastewater collection and treatment agencies in Alpine County. The MPUD is one-quarter section, 160 acres, landlocked by public land and large agricultural holdings.

In 2000, Markleeville's permanent population was estimated to be 197, with an average household population of two people. By 2003, the County estimated the town's population to be 199, and projected the 2008 population to be 207 persons, a net increase of 10 over the 8-year period.

In 2006, the MPUD served 200 residents and seven small businesses for a total of 68 connections. The MPUD operates at half capacity.

Financially, sanitation fees of approximately \$35,000 are the primary source of revenue. The MPUD has compensated for the shortfalls through reserves and fund balance. The MPUD works cooperatively with federal, state, and local agencies to reduce costs.

As for the government structure and accountability, the MPUD is governed by an elected five-member board of directors. The directors are not compensated. Only 30 of the 200 residents are eligible to serve on the Board. Many have served more than once. The small pool of potential board members could cause a problem in filling vacancies in the future.

## **Other Agencies**

There are a few agencies that serve Alpine County that are not subject to this municipal service review. Lake Valley Fire Protection District (LAV) and the South Tahoe PUD are multicounty special districts that serve portions of Alpine County. Since the majority of assessed value is in El Dorado County, El Dorado LAFCO is the principal LAFCO. The Lake Valley Fire Protection District provides fire suppression services. The ISO rating is 5. The South Lake Tahoe PUD provides municipal water and wastewater services in the southern portion of the Tahoe Basin.

One other agency that is a key service provider is the Lake Alpine Water Company (LAWC). The LAWC is a private company that serves the Bear Valley Community.

## SECTION 3: ALPINE COUNTY PROFILE

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### 3.1 - Setting

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Alpine County is approximately 96 percent public land. Elevation ranges from just under 5,000 feet above sea level where the West Fork Carson River leaves the County northeast of Woodfords, to 11,462 feet above sea level on Sonora Peak at the southern tip of the County near Sonora Pass. The eastern side of the County sits on the edge of the Great Basin along the eastern Sierra front. This area is characterized by valley, meadow, foothill, and canyon areas of the eastern Sierra. To the west toward the Pacific crest, the landscape changes to the mountains and high meadows within the Sierra Nevada. Further west, the County extends to the Pacific crest and high elevations along the western slope of the Sierras.

Open space and scenic vistas are the dominant elements of landscape scale character in Alpine County. Development with rural character in Alpine County is defined by a combination of very small relatively compact communities, low-density development outside of existing communities, large areas of undeveloped lands that include natural areas and natural resource production (timber, water, forage), and agricultural lands that include grazing areas and irrigated pastures.

Alpine County is the least populated county in California. The County has no incorporated cities. According to the 2000 census, the population includes just over 1,200 full-time residents. The population is expected to grow to just under 1,400 full-time residents by 2010, Long-term population estimates made by the California Department of Finance show permanent population in Alpine County growing slowly to over 1,400 persons in 2020 and then decreasing slightly from 2020 through 2050. These long-term projections generally assume that current demographic trends will continue. They do not account for significant changes in development or other unexpected changes in the community that could cause dramatic changes in population.

Although the County's permanent population is very low, peak population during ski season can range from 10,000 to 20,000 persons. This situation occurs during winter holidays and weekends when the Bear Valley and Kirkwood resort areas are near capacity. Community water and wastewater systems, law enforcement, and emergency services within these two communities must be sized to adequately serve this larger population.

Alpine County is a rural community with a permanent population density of fewer than 2 persons per square mile. Counties with population densities of fewer than 2 persons per square mile are often characterized as "frontier counties." These frontier counties usually have very low populations, minimal services, and businesses available locally, and are usually distant from major metropolitan areas and other significant population centers.

The county seat is Markleeville, which dates back to the 1860s when it served as a gateway to mining areas in the surrounding mountains and as a trade center for the ranching and lumber business, which were supplying the booming Comstock Lode mines in Virginia City Nevada. Today, Markleeville is a very small community of 160 acres with a population of 197 persons (2000 Census) that sits in a small valley along Markleeville Creek at 5,600 feet above sea level. The community is surrounded by forest and agricultural pasture lands. It is the center of County government and has a very small commercial area. The community includes the area within the Markleeville Townsite and nearby residential areas to the west along Hot Springs Road.

Other communities include Woodfords and Hung-A-Lel-Ti. The community of Woodfords was first established in 1847 as a frontier outpost. It is situated 5,600 feet above sea level at the mouth of Woodfords Canyon, a steep gorge that contains the West Fork Carson River. Woodfords became a trading post and stage stop on the way to the gold fields in the Mother Lode. Many of these early trading posts and stage stops became rural crossroads serving travelers and the surrounding community. Today, Woodfords still functions as a rural crossroads and includes a mix of commercial, residential and institutional (i.e., government) uses. Like Markleeville, Woodfords is also a very small community surrounded of

approximately 170 residents surrounded by forest and agricultural lands. However, instead of small parcels in a confined downtown area like Markleeville, the commercial uses in Woodfords are more dispersed on comparatively larger parcels along Pony Express Road and State Route 89 (SR-89) going south towards Markleeville.

Hung-A-Lel-Ti is a Washoe tribal community comprising 80 acres on Diamond Valley Road in the Dutch Valley area. It is situated at 5,400 feet elevation on a mesa overlooking the Carson Valley. Hung-A-Lel-Ti is under the combined jurisdiction of the Washoe Tribe of Nevada and California, and the Bureau of Indian Affairs.

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### **3.2 - County Services**

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The County provides the essential services of police, fire, public health, social services, and road and highway maintenance. The County contracts out for solid waste removal, which is transported to landfills in neighboring counties. Two key services that the County coordinates are fire protection and emergency medical services.

Because of its rural alpine nature, the County must plan for protection from wildland fires and structural fires. The County relies on federal and state agencies for wildland fire protection and supports four local departments for structural fire protection.

The California Department of Forestry and Fire Protection (Cal-Fire) provides wildland fire protection. Since Cal-Fire does not maintain a fire station or firefighting equipment in Alpine County, responsibility for fire protection has been delegated to federal agencies (U.S. Forest Service [USFS] and Bureau of Land Management [BLM]) by virtue of an intergovernmental agreement referred to as the Five Party Agreement. The goal of this agreement is to efficiently allocate fire suppression resources among federal jurisdiction areas and private lands.

The Sierra Front Interagency Fire Dispatch Center is currently located at the Minden Tahoe Regional Airport in Douglas County Nevada, approximately 18 miles north of Woodfords. This facility has the capability to dispatch wildland fire suppression equipment and manpower from the Nevada Division of Forestry, BLM, USFS, and Bureau of Indian Affairs. Aerial attack resources are also based at this location. Seasonal wildland firefighting crews have also been stationed at USFS facilities located in Markleeville, west of Kirkwood at the USFS Lumberyard facility in Amador County, and west of Bear Valley in the Arnold area of Calaveras County. Early initial attack of wildland fire by ground and aerial attack is probably the most effective means of controlling the spread of wildland fire in the County. These resources, available locally and through the Sierra Front Interagency Fire Dispatch Center, are critical to wildland fire protection efforts in Alpine County. However, it is recognized that the first response to wildland fire protection on both private and public lands is often provided by the local fire department(s), many of whose members are trained and certified to fight wildland fires.

Response to structural fires and other non-wildland fires (vehicle fires, etc.) is the primary responsibility of local fire departments. There are four fire departments in Alpine County: Bear Valley, Kirkwood, Markleeville, and Woodfords. Of these, only Bear Valley and Kirkwood have paid staff. The Kirkwood Fire Department is operated and funded through the Kirkwood Meadows PUD. The other departments are administered and funded by the County. All the departments rely heavily on volunteer firefighters. Additionally, response may also be provided by fire departments in adjoining communities outside of Alpine County. These include the East Fork Fire Protection District located in Douglas County, Nevada; the Lake Valley Fire Protection District located in the Myers area in El Dorado County; and the Ebbetts Pass Fire Protection District located west of Bear Valley in Calaveras County.

The Insurance Services Office of California (ISO) provides ratings of the capabilities of local fire departments to respond and fight fires. ISO ratings are reviewed periodically and used by insurance companies to help determine rates for the fire protection component of homeowners insurance premiums.

A lower ISO rating means a greater capability and, thus, potentially lowers insurance premiums. The rating scale is 1 to 10 and may vary within a fire department's response area. Areas within Alpine County have ratings between 4 and 9. Lower-rated areas have good resources, including a readily available water supply and relatively short response times. The Kirkwood area has an ISO rating of 4. Most of the Bear Valley area is rated 5. Areas rated 8 and 9 (eastern Alpine County) have significant deficiencies such as very limited or lack of water sources available for suppression and longer response times.

Water for fire suppression is of concern in Alpine County. Bear Valley and Kirkwood have developed water supply systems with hydrants capable of delivering substantial amounts of water for suppression. Water supplies are more limited or non-existent on the east slope of the County. The Markleeville area and the Alpine Village subdivision in Woodfords have small water systems designed for domestic use only. Fire hydrants have been connected to the South Tahoe Public Utility District effluent disposal pipeline that extends through the Woodfords area. However, there are restrictions on the ability to use this water for fire suppression.

Funding for structural fire suppression comes from the County's general fund. Three of the four fire districts are considered departments of the County. The actual expenditures for FY06 and FY07 and budgeted expenses are shown in Table 1.

**Table 1: Fire Department Expenses**

Department	FY xx/yy (\$)	FY yy/zz (\$)	FY zz/vv (\$)
Bear Valley			
Markleeville			
Woodfords			

Source: Alpine County, 2008.

The County also provides funding for emergency medical services (EMS) and emergency rescue services. CSA1, in Bear Valley, recently applied to LAFCO to exercise its latent EMS authority. The application was approved but the services required approval of a special assessment. The voting held last year won approval in the western zone but not the eastern zone. Consequently, CSA1 may be required to revert to a volunteer EMS service.

### 3.2.1 - Solid Waste

The three distinctly separate geographic areas of the County—Kirkwood, Bear Valley, and the east slope—each presently utilize separate solid waste disposal services. Kirkwood and Bear Valley utilize landfills in Amador and Calaveras counties, respectively. Markleeville, Woodfords, and other east slope communities utilize the Douglas County Disposal Service. Use of the Amador, Douglas, and Calaveras dumpsites is expected to continue, since the regulatory and financial requirements of operating a landfill site in Alpine County are prohibitive.

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## 3.3 - Other Municipal Services

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The County does not provide water or wastewater services. Key sources of water are surface water and ground water. Water services are provided by a combination of special districts, private water companies, mutual water companies, or by individual wells. There are four wastewater service providers in the County.

### **3.3.1 - Water**

#### **Surface Water**

Water sources are surface water and groundwater. Surface waters have been adjudicated. Rights to quantities of water are established, and a rotation schedule is practiced by water users during late summer and fall months. Users with low-priority water rights have difficulty meeting needs during this period in drought years.

#### **Groundwater**

Groundwater sources are primarily the Carson Valley. The Carson River West Fork alluvial fan, which underlies the vicinity of Woodfords, Paynesville, and Fredericksburg, is estimated to contain approximately 100,000 acre-feet of groundwater. Water available to recharge this groundwater supply is estimated to be less than 16,000 acre-feet per year. Assuming withdrawal rates equal to 230 gallons per day per permanent residence and 58 gallons per day per seasonal residence.

Approximately 12 million gallons or 38 acre-feet of groundwater are taken from the alluvial fan each year.

Water supplies in the entire Carson Valley are estimated by the State of Nevada to be 32,000 acre-feet per year. Appropriations are for 37,000 acre-feet annually, but not all appropriations are used each year.

#### **Water Agencies**

There are several water systems operating in the County that include public agencies such as the Kirkwood PUD, mutual water companies, such as the Markleeville Mutual Water Company, and private water companies such as the Lake Alpine Water Company. The water agencies are focused on dealing with growth and complying with recently adopted state water quality standards.

For example, the Kirkwood Meadows PUD anticipates future water needs for snowmaking capability and, potentially, for domestic use in both the Kirkwood planned development community and in the surrounding areas of Caples Lake. Short-term capacity increases of larger storage tanks and new wells are planned.

The Markleeville Mutual Water Company is on record as having problems in meeting current or projected needs. The company now requires that new developments in the Markleeville area provide wells, increased storage, and hookups.

The privately owned Lake Alpine Water Company (LAWC) has additional water rights applications pending with the State Water Resources Control Board. It is expected that these applications will be approved and will increase the amount of water available to LAWC to 577 acre-feet/year, which is sufficient water for the full development of the Bear Valley area.

### **3.3.2 - Wastewater**

The four wastewater collection and treatment systems found in Alpine County include:

- The Markleeville PUD, serving Markleeville
- The Washoe Tribe's system, serving the Woodfords Indian Colony in Dutch Valley
- The Kirkwood Meadows PUD, serving the Kirkwood development
- The Bear Valley Water District system, serving much of the Bear Valley Planning area.

The Markleeville PUD, Kirkwood Meadows PUD, and the Bear Valley Water District services and capacities will be reviewed in subsequent sections of the MSR. There was very little information on the Woodford's Indian Colony system.

## SECTION 4: KIRKWOOD MEADOWS PUBLIC UTILITIES DISTRICT

Kirkwood is a mountain resort community located at high elevation on the west slope of the Sierra. Although there is year-round outdoor recreation, the peak activity and population occurs during the winter in conjunction with snow sports.

The Kirkwood Meadows Public Utility District (KMPUD) (Exhibit 2) was formed in 1985 when it detached from the El Dorado Irrigation District to become an independent special District. The District operates under the Public Utility District Act (Public Utilities Code Section 15501, et seq.). The District serves an area of approximately 1.1 square miles (704 acres) that covers parts of El Dorado, Alpine, and Amador counties. Since the assessed property value is highest in Alpine County, Alpine is the principal LAFCO.

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### 4.1 - Growth and Population Projections

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Year-round population is low compared with the size of the community. Most of the homes are second homes, seasonal or vacation homes. The community is characterized by a high-density village core surrounded by lower-density residential neighborhoods. There are approximately 100 residents living in the KMPUD boundaries, but seasonal daily population maximums reach 6,500 persons.

Table 2 shows population growth between 2000 and 2010. As with the majority of Alpine County, there is little anticipated growth in the District.

**Table 2: Population 2000-2010**

Area	2000	2003	2006	2008	2010
Alpine County <sup>a</sup>	1,208	1,252	1,238	1,232	1,189
Kirkwood <sup>b</sup>	96	97	N/A	99	N/A

Notes:

<sup>a</sup> Source: State of California, 2010.

<sup>b</sup> Alpine County, 2009.

While the permanent population is low, peak population countywide ranges from 10,000 to 20,000. The peak occurs during the winter season when the resort areas are near capacity. However, peak conditions are short lived and limited to a few days each year.

**4.1.1 Determination:** The KMPUD experiences a peak population during winter sports season, but there is no anticipated major growth in the KMPUD.

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### 4.2 - Present and Planned Capacity of Public Services

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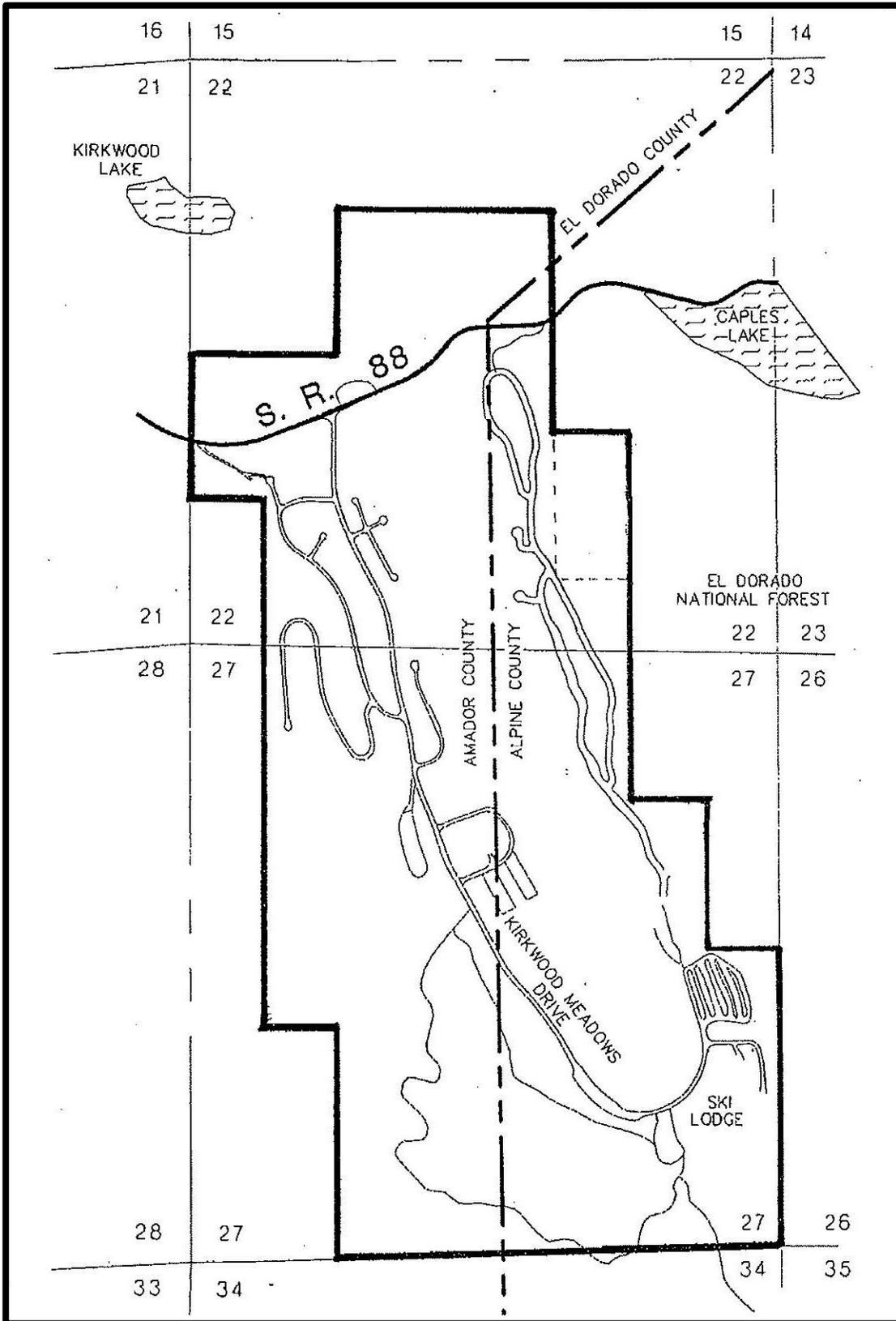
The KMPUD provides fire protection, water, wastewater, electric and gas utilities, solid waste, mosquito abatement, cable television, snow removal, public buildings, and recreation and parks services,

#### 4.2.1 - Water

The KMPUD receives its water supply from groundwater wells and provides domestic and irrigation water service. The KMPUD services a total of 844 water connections: 703 residential, 45 commercial, and 96 irrigation. In April 2007, the KMPUD adopted a water stage alert system that limits water use by the community based on water levels in District Wells Nos. 4 and 5.

Kirkwood anticipates future water needs for snowmaking capability and, potentially, for domestic use in both the Kirkwood planned development community and in the surrounding areas of Caples Lake. Short-term capacity increases of larger storage tanks and new wells are planned. Alpine County has applied for water appropriations for Caples Lake to meet future economic, domestic and recreational development needs.

Exhibit 2: Kirkwood Meadows PUD Boundary Map



Source: LAFCO of Alpine County

**4.2.1 Determination:** The KMPUD has 844 water connections of which 704 are residential.

**4.2.2 Determination:** The KMPUD is planning new wells and larger storage tanks to accommodate the need for snowmaking and any new planned development in the Kirkwood community.

#### **4.2.2 - Wastewater**

The KMPUD's wastewater treatment plant was recently upgraded to a capacity of 240,000 gallons per day. Maximum peak flows at buildout are expected to be 200,000 gallons per day. The Kirkwood Public Utility District system has been expanded to accommodate planned development during the short-term planning period. Long-term planning includes increased capacity.

**4.2.3 Determination:** The wastewater system has a capacity of 240,000 gallons per day, which exceeds the maximum peak flow by 40,000 gallons per day.

#### **4.2.3 - Mosquito and Vector Abatement**

The KMPUD has been providing mosquito abatement to the community and is authorized by an amendment to the Public Utilities Code (Section 16486) in 1994. This is a small operation that only occurs between May and July each year with KMPUD expenses of less than \$15,000 per year. This service is solely funded through property taxes received by the KMPUD.

**4.2.4 Determination:** Mosquito abatement activities occur between May and July with a very limited budget of approximately \$15,000 per year.

#### **4.2.4 - Parks and Recreation**

The KMPUD currently oversees and maintains one playground within the Kirkwood Community. This service has been provided since 1993. The cost to maintain and purchase new equipment is less than \$12,000 per year. This service is funded through property taxes received by the KMPUD.

**4.2.4 Determination:** The KMPUD maintains one park that includes a playground, funded by property tax.

#### **4.2.5 - Solid Waste**

The KMPUD has been providing solid waste service to the Kirkwood Community since 1995. This service costs approximately \$90,000 per year. Funding is derived from a user fee of \$8.75 per month collected from properties receiving this service. This service is currently contracted out to ACES Waste Service in Jackson, a certified waste hauler.

**4.2.5 Determination:** The KMPUD contracts for solid waste services with ACES Waste Service.

#### **4.2.6 - Fire and Emergency Medical Services**

The volunteer fire department responds to calls in Alpine and Amador counties. From January through November 2010, it responded to 135 calls for service. In November 2010 alone, it responded to 15 calls in Alpine County and three calls in Amador County. Of those, one was for emergency medical services (EMS) and two were for motor vehicle accidents. Average response time for those calls was 10 minutes. The Kirkwood area has an ISO rating of 4.

The fire department holds routine training activities. Training areas include EMS Patient Care, Firefighter Safety, winter driving, water supply and use of the Self-Contained Breathing Apparatus.

**4.2.6 Determination:** The KMPUD operates a volunteer fire department and responds to calls in Alpine and Amador counties.

**4.2.7 Determination:** The KMPUD responds to an average of 12 calls per month with an average response time of 10 minutes.

**4.2.7 - Electricity**

The District is in the process of purchasing Mountain Utilities from Kirkwood Mountain Resort. The utility supplied electricity to the Kirkwood area through a stand-alone powerhouse. In January of 2010, there was a fire at the powerhouse that totally destroyed the building. The community has been relying on trailer-mounted diesel generators until the powerhouse can be rebuilt. The KMPUD is also in the process of trying to connect to the national electrical grid. The KMPUD has studies that show connecting to the electrical grid will provide more stable cost-effective supply of electricity. The KMPUD plans to be connected in the fall of 2012.

**4.2.8 Determination:** The KMPUD is in the process of connecting to the national grid to provide more stable electrical service.

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**4.3 - Financial Ability to Provide Services**

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The KMPUD produces an annual budget for each of its major services. The most recent 3 years are shown in Table 3. The table shows that major expenses are wastewater and snow removal. Revenues for each of the services are supplemented with tax revenues from fees, charges, and property taxes. For each budget year, anticipated revenues exceed expenses.

**Table 3: FY20XX-FY20ZZ Budgets**

Service	20XX-YY Revenues (\$)	20XX-YY Expenses (\$)	20YY-ZZ Revenues (\$)	20YY-ZZ Expenses (\$)	20ZZ-WW Revenues (\$)	20ZZ-WW Expenses (\$)
Water						
Wastewater						
Fire						
Cable						
Mosquito Abatement						
Parks and Recreation						
Solid Waste						
Employee Housing						
Snow Removal						
Taxes/Interest						
Total						

Source: Kirkwood Meadows PUD, 2010b

Proposed capital improvement budgets are shown in Table 4. Much of the expense for water and wastewater can be attributed to the study of electricity services. Capital improvements were funded in part by loans used for a new maintenance building and employee housing. In 2009, they funded an electrical study for water and wastewater of \$1.2 million. The costs for rebuilding the powerhouse and connecting to the national grid will be funded partly from reserves.

**Table 4: Capital Improvements**

Service	20XX-YY Expenses (\$)	20YY-ZZ Expenses (\$)	20ZZ-WW Expenses (\$)
Water			
Wastewater			
Fire			
Cable			
Mosquito Abatement			
Parks and Recreation			
Solid Waste			
Employee Housing			
Snow Removal			
Taxes/Interest			
Total			

Source: Kirkwood Meadows PUD, 2010b.

**Rates**

All commercial and residential customers have meters that are read remotely on a monthly basis. The District also provides irrigation water for residential, commercial, and construction uses. The current rate structure is shown in Table 5.

**Table 5: Rate Structure**

Service	Rate
Water Base Rate	\$ per month
Sewer Base Rate	\$ per month
Wastewater Usage Rate	\$ per 100 cubic feet
Solid Waste Rate	\$ per month
<b>Irrigation Rates</b>	
Residential Usage	\$ per 100 cubic feet
Commercial Usage	\$ per 100 cubic feet
Construction Usage	\$ per 100 cubic feet

Source: Kirkwood Meadows PUD, 2010b

- 4.3.1 Determination:** The KMPUD operates on a budget of approximately \$2.5 million per year.
- 4.3.2 Determination:** Expenses are balanced by revenues from taxes, charges, and fees. The KMPUD has a base rate for water, sewer, and wastewater as well as charges based on meter readings.
- 4.3.3 Determination:** Capital improvements are funded by loans and reserves.
- 4.3.4 Determination:** The KMPUD has the ability to fund services and improvements needed to maintain services,

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#### 4.4 - Status and Opportunity for Shared Facilities

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The volunteer fire department participates with other volunteer departments throughout the County in training. They work with the Lake Valley Fire Protection District, East Fork Fire Protection District, and Cal-Fire to gain firefighter/EMS training designed for volunteer departments.

The KMPUD also works cooperatively with the Markleeville PUD. The KMPUD assists Markleeville PUD in overseeing their operations and licensing requirements.

The KMPUD shared the construction cost of the Community Services Building with Alpine County. As a result, the KMPUD shares office space with the Alpine County Building Department and Sheriff's Office.

**4.4.1 Determination:** The KMPUD works cooperatively to share facilities with neighboring cities and special districts.

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#### 4.5 - Accountability and Government Structure

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The KMPUD is governed by a five-member Board of Directors. They are elected at large and serve 4-year staggered terms. The Board meetings at least once a month on the second Friday or as needed in the Community Services Building. Meetings are televised on Community Channel Nineteen. The meetings are noticed according to the Brown Act, and posted on the District's website.

The Board has 13 standing committees consisting of two board members each. Committees include fire, cable, financial, planning, snow removal, engineering, water conservations, waste management, parks and recreation, personnel, community landscaping, employee housing development, and communications.

The KMPUD publishes a newsletter in the spring and fall. The newsletter highlights KMPUD activities and upcoming issues before the Board. The District often holds a series of public workshops on controversial items to make the interested public fully aware of the issues.

The KMPUD employs a total of nine full-time, year-round staff; seven seasonal staff; and 15 on-call firefighters. Daily operation of the KMPUD is managed by the General Manager who is appointed by the Board. The General Manager oversees daily operation of the KMPUD and reports to the Board at regular meetings. The KMPUD also employs an Assistant Manager, full-time Fire Chief, an Assistant Fire chief, fire operations personnel, two clerical staff, and seven seasonal staff for snow removal.

The KMPUD was detached from the El Dorado Irrigation District and the sphere of influence that is coterminous with KMPUD boundaries was established. With very little anticipated growth, there is little justification for expanding or changing the current sphere of influence. Further, there are no other agencies in the vicinity of the KMPUD capable of providing municipal services. Since the KMPUD appears to be able to provide services, there is no justification for a change in organization.

**4.5.1 Determination:** The KMPUD is governed by a five-member Board of Directors, each of whom serves a 4-year term.

**4.5.2 Determination:** The KMPUD meets on the second Thursday of the month. Meeting agendas are posted on the KMPUD website. Meetings are televised on the local community channel.

**4.5.3 Determination:** The KMPUD publishes a newsletter twice a year to inform residents of key issues.

**4.5.4 Determination:** The KMPUD is operated by nine full-time staff, seven seasonal staff, and 15 volunteer firefighters.

**4.5.5 Determination:** There is little justification for changing the KMPUD sphere of influence or any changes in organization.

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## 4.6 - Other Matters Affecting Efficient Service Delivery.

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There are no LAFCO policies that could affect the service delivery of the KMPUD.

**4.6.1 Determination:** There are no other matters that would affect efficient service delivery.

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## 4.7 - Summary of Determinations

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**4.1.1 Determination:** The KMPUD experiences a peak population during winter sports season, but there is no anticipated major growth in the KMPUD.

**4.2.1 Determination:** The KMPUD has 844 water connections, of which 704 are residential.

**4.2.2 Determination:** The KMPUD is planning new wells and larger storage tanks to accommodate the need for snowmaking and any new planned development in the Kirkwood community.

**4.2.3 Determination:** The wastewater system has a capacity of 240,000 gallons per day, which exceeds the maximum peak flow by 40,000 gallons per day.

**4.2.4 Determination:** Mosquito abatement activities occur between May and July with a very limited budget of approximately \$15,000 per year.

**4.2.5 Determination:** The KMPUD maintains one park that includes a playground, funded by property tax.

**4.2.6 Determination:** The KMPUD contracts for solid waste services with ACES Waste Service.

**4.2.7 Determination:** The District operates a volunteer fire department and responds to calls in Alpine and Amador counties.

**4.2.8 Determination:** The KMPUD responds to an average of 12 calls per month with an average response time of 10 minutes.

**4.2.9 Determination:** The KMPUD is in the process of connecting to the national grid to provide more stable electrical service.

**4.3.1 Determination:** The KMPUD operates on a budget of approximately \$2.5 million per year.

**4.3.2 Determination:** Expenses are balanced by revenues from taxes, charges, and fees. The KMPUD has a base rate for water, sewer, and wastewater as well as charges based on meter readings.

**4.3.3 Determination:** Capital improvements are funded by loans and reserves.

**4.3.4 Determination:** The KMPUD has the ability to fund services and improvements needed to maintain services.

**4.4.1 Determination:** The KMPUD works cooperatively to share facilities with neighboring cities and special districts.

**4.5.1 Determination:** The KMPUD is governed by a five-member Board of Directors who serve 4-year terms.

**4.5.2 Determination:** The KMPUD meets on the second Thursday of the month. Meeting agendas are posted on the KMPUD website. Meetings are televised on the local community channel.

**4.5.3 Determination:** The KMPUD publishes a newsletter twice a year to inform residents of key issues.

**4.5.4 Determination:** The KMPUD is operated by nine full-time staff, seven seasonal staff, and 15 volunteer firefighters.

**4.5.5 Determination:** There is little justification for changing the KMPUD sphere of influence or any changes in organization.

**4.6.1 Determination:** There are no other matters that would affect efficient service delivery.

## SECTION 5: BEAR VALLEY WATER DISTRICT

The Bear Valley Water District (BVWD) (Exhibit 3) provides sanitary sewer collection, treatment, and disposal to the Alpine County community of Bear Valley, including the Lake Alpine basin area and the Bear Valley Mountain Resort, (formerly Mt. Reba Ski Area). BVWD does not provide drinking water. The community receives its potable water from the Lake Alpine Water Company, which is privately held.

The BVWD's service area is primarily north of SR-4 serving the developed private lands in the Bear Valley village area and U.S. Forest Service (USFS) campgrounds and special use permitted areas.

The BVWD wastewater treatment and disposal facility (WWTF) is regulated by the Central Valley Regional Water Quality Control Board (Regional Board) and the Regional Board's Waste Discharge Requirements (WDRs) Order No. 5-01-208 and Order No. RS 2005-0139.

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### 5.1 - Growth and Population Projections

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Table 6 shows the year 2000 housing stock for both Alpine County and Bear Valley. Approximately 62 percent of Alpine County's housing stock is used for seasonal/vacation use. In 2000, the County had a total of 1,514 housing units, of which 483 were occupied and 935 were for seasonal/vacation use. Bear Valley's housing stock totaled 431 in 2000, with 67 housing units occupied and 364 housing units used for seasonal/vacation use. Therefore, approximately 84 percent of Bear Valley's housing stock is used for seasonal/vacation use, and about 16 percent is permanently occupied.

Nearly all of Bear Valley's permanent residents live in the single-family homes outside the town center. Only one of the town's 160 existing condominiums is occupied permanently, representing a 0.6 percent permanent occupancy rate. Virtually all the existing condominiums are used as second homes and/or vacation rentals.

**Table 6: 2000 Housing Stock**

Housing Characteristic	Alpine County	Bear Valley
Total Housing Units	1,514	431
Occupied Housing Units	483	67
Seasonal, Recreational or Occasional Use	935	364
Vacant	96	0

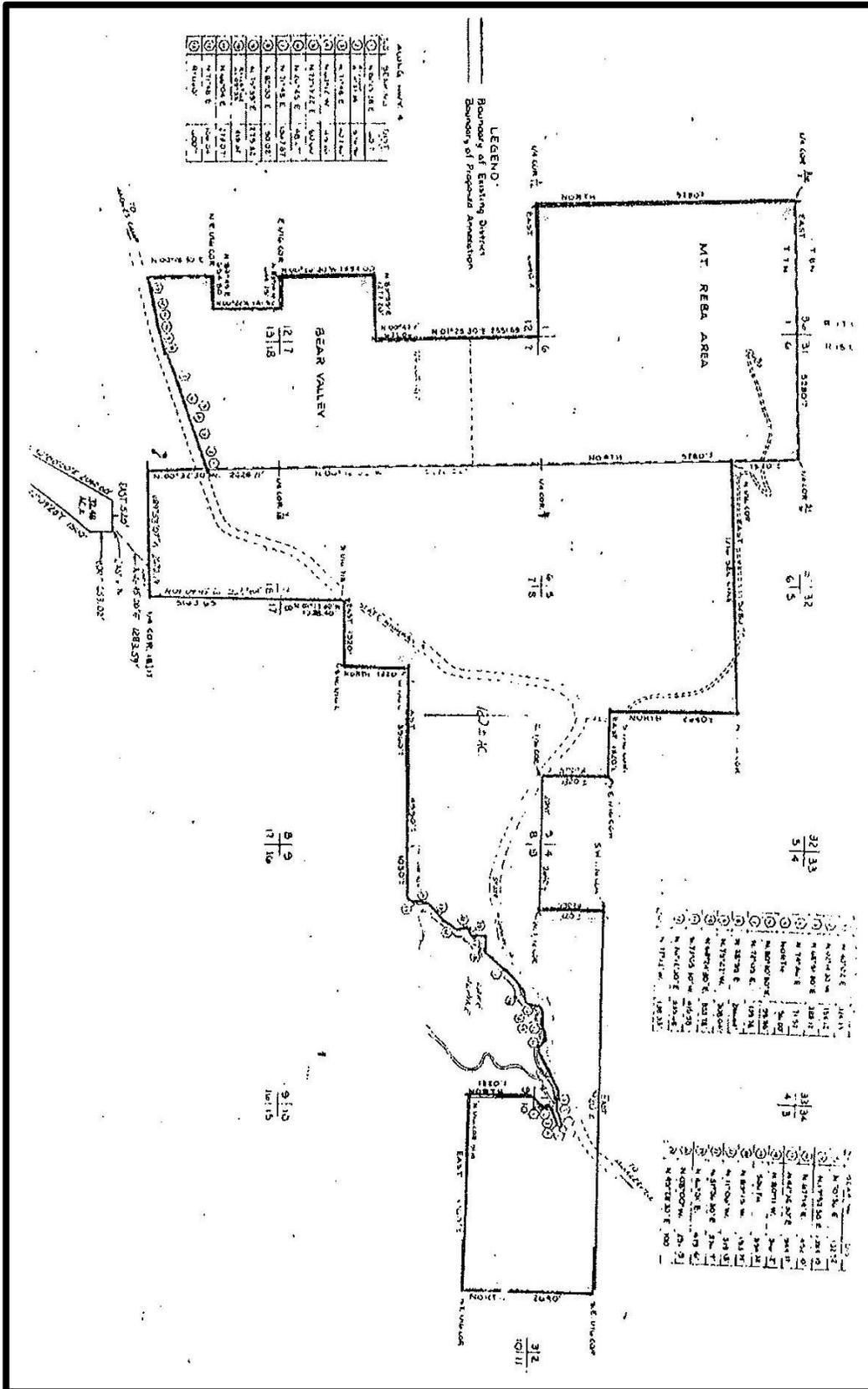
Source: Alpine County, 2009

Table 7 shows the population in Bear Valley compared to the County. In 2000, Bear Valley's permanent population was estimated to be 133, with an average of two persons per household. By 2003, the County estimated the town population to be 135, and projected the 2008 population to be 138 persons.

Population projections for Bear Valley were made in 2004 for the Housing Element update to the Alpine County General Plan and would not have foreseen the economic downturn in 2008.

In 2008, the County released a Draft EIR for the proposed Bear Valley Village, a pedestrian village on approximately 14 acres in the town that is included in the Bear Valley Master Plan and an additional 4.4 adjacent acres. The project includes infill on the 14 acres and the construction of a parking garage and additional residences on the 4.4 acres. The proposed project would add 491 new dwelling units; however, permanent occupancy is expected to be low, based on current occupancy rates. Upon buildout, there would be an estimated three new units that would be permanently occupied with perhaps six full-time new residents. It was estimated that buildout would not occur until 2016. The project depended on the BVWD building a tertiary treatment plant, which is on hold.

Exhibit 3: Bear Valley Water District Boundary Map



Source: LAFCO of Alpine County

**Table 7: Population 2000-2010**

Area	2000	2003	2006	2008	2010
Alpine County <sup>a</sup>	1,208	1,252	1,238	1,232	1,189
Bear Valley <sup>b</sup>	133	135	N/A	138	N/A

Notes:

<sup>a</sup> Source: State of California, 2010

<sup>b</sup> Alpine County, 2009

**5.1.1 Determination:** The BVWD experiences a peak population during winter sports season but there is no anticipated major growth in the BVWD.

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## 5.2 - Present and Planned Capacity of Public Services

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BVWD provides wastewater collection and treatment service for Bear Valley, Lake Alpine campground, and the ski area. The community is largely a resort community with both summer and winter recreational uses. The district serves 494 residential and 18 commercial customers.

The existing treatment facilities are currently planned to accommodate anticipated wastewater flow from current residents within the BVWD service area. Treated wastewater is disposed with a combination of land disposal and seasonal discharge to Bloods Creek.

Land (i.e., spray) disposal of treated wastewater is distributed between three properties totaling 200 acres. The first property is 120 acres of land leased to BVWD until the year 2048. The second property is approximately 40 acres of USFS land; disposal is allowed by a special use permit (SUP) until 2015. The third property is also approximately 40 acres of USFS land, and disposal is allowed by an SUP until the year 2011. The USFS has not decided whether the SUPs would be extended following their expiration.

Excess wastewater is allowed to be discharged to Bloods Creek primarily in the spring and winter months according to the National Pollutant Discharge Elimination System (NPDES) permit requirements, also known as waste discharge requirements (WDRs). This discharge is contingent on tertiary treatment being provided by October 1, 2008. Subsequently, BVWD requested and received an extension to October 1, 2010. BVWD would finance the tertiary treatment facilities project with a special assessment. In December 2009, the BVWD provided the RWQCB additional information based on 12 years of operating records to show the quality of the effluent discharge was equivalent to tertiary treatment. The new information allowed the renewal of the NPDES permit that would eliminate the requirement for tertiary treatment.

The capacity of the BVWD's facilities was recently calculated to determine if the system could handle the new capacity for the Bear Valley Village project. Table 8 shows available capacity. The table shows that with no additional capacity in the storage reservoir or the spray fields, effluent would need to be discharged into Bloods Creek. That would allow an additional capacity of 27 equivalent single-family units.

**5.2.1 Determination:** The BVWD has 512 connections of which 494 are residential.

**5.2.2 Determination:** The capacity of the BVWD is limited by the ability to discharge effluent. Recent calculations show an excess capacity of 27 single-family units.

**Table 8: Estimate of Available Capacity In Treatment/Disposal Facilities**

Facility Component	Total Facility Capacity	Available Capacity in Facility	Available Capacity in Facility (ESFU) <sup>1</sup>
Main Pump Station	576,000 gpd	236,780 gpd	789 gpd
Treatment Plant <sup>2</sup>	100,000 gpd	13,000 gpd	43
Treatment Plant (peak day flow) <sup>3</sup>	500,000 gpd	160,780 gpd	536
Treatment Plant (annual average) <sup>4</sup>	500,000 gpd	413,000 gpd	1,377
Effluent Storage Reservoir	500,000 gpd	0	0
Spray Fields <sup>5</sup>	84 mg/year	0	0
Spray Fields <sup>6</sup>	58.2 mg/year	0	0
Bloods Creek <sup>7</sup>	63 mg/year	3 mg/year	27

Notes:

EFSU = Equivalent single-family unit  
 gpd = gallons per day

- <sup>1</sup>. Flow rate per ESFU assumed to be 300 gpd with full occupancy per current BVWD Standards
- <sup>2</sup>. Based upon current WDR limitation of 100,000 gpd annual average (2.e)
- <sup>3</sup>. Based upon plant design capacity of 500,000 gpd and assumed new WDR limitation modified to peak day flow limit of 500,000 gpd (2.f)
- <sup>4</sup>. Based upon plant design capacity of 500,000 gpd and assumed new WDR limitation modified to average annual flow limit of 500,000 gpd (2.f)
- <sup>5</sup>. Based upon peak historical discharge to spray fields (4.d)
- <sup>6</sup>. Based upon 1-in-100 year precipitation year discharge to spray fields projection (4.e)
- <sup>7</sup>. Based upon 2009 1-in-100 Year Precipitation Water Balance (5.f)

Source: Bear Valley Water District, 2010

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### 5.3 - Financial Ability to Provide Services

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A summary of the revenues and expenses for three fiscal years is shown in Table 9.

**Table 9: Summary of Revenues and Expenditure FY xx/yy to FY zz/vv**

Item	FY xx/yy (\$)	FY yy/zz (\$)	FY zz/vv (\$)
Revenues			
Expenditures			
Difference			
Debt			

Source: State Controller Reports 2008, 2010a, 2010b

In 2006, the BVWD raised rates from \$18.70 a unit to \$25.50 per unit. In 2007, the BVWD adopted Ordinance No. 68, which raised connection fees to \$15,740 for up to three connections and \$5,247 for additional connections. Nevertheless, the BVWD experienced a shortfall in FY 07/08. The next fiscal year, the BVWD experienced another shortfall of \$376,000; both shortfalls were due to non-recurring events, the wastewater facility, the financing plan in 2008, and the pilot plant/tertiary treatment in 2009. Shortfalls appear to have been funded by loans. The BVWD has a long-term loan with F&M Bank. In FY 2009/2010, there is another projected loss of \$30,000 that is due to recurring operations. The BVWD anticipates using loans and reducing employees to three-quarter time to cover the shortfall. In FY 2010/2011, the BVWD budget projects a net income of \$39,144.

**5.3.1 Determination:** The BVWD increased rates in 2006 by 36 percent and connection rates in 2007.

**5.3.2 Determination:** The BVWD has experienced a shortfall in the last two fiscal years, but is expected to experience a modest net income in FY 10/11.

**5.3.3 Determination:** The BVWD has compensated for the shortfall through loans and reducing the operators to three-quarter time.

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## 5.4 - Status and Opportunity for Shared Facilities

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The BVWD works cooperatively with a number of agencies. The BVWD works with the USFS to buy or lease land for spraying effluent. The BVWD worked with the RWQCB to address needs for a tertiary treatment facility and water quality issues.

In addition, the BVWD contracted with the Calaveras County Water District for management services in 2008. The CCWD operates a number of water and sewer treatment plants in Calaveras County and provided support in management, maintenance, finance, plan check, grant application, and administration. The BVWD was able to hire its own general manager in 2009 but still relies on CCWD for maintenance services.

The BVWD also works cooperatively with the Lake Alpine Water Company, the private water company that provides potable water. The BVWD cooperates with the Bear Valley Mountain Resort and the Bear Valley Residents, Incorporated, the local homeowners association.

**5.4.1 Determination:** The BVWD works cooperatively with federal, state, neighboring special districts. The BVWD maintains a cooperative relationship with the Lake Alpine Water Company and the local homeowners association.

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## 5.5 - Accountability and Government Structure

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The meetings are noticed according to the Brown Act, and posted on the BVWD's website. Board meets are broadcast live via webcam. Minutes of Board meetings, water quality reports, annual reports and other publications are available on the website as well.

The board forms ad hoc committees to deal with specific issues. Some of the committees include the By-Laws Committee and the Technical Review Committee. The BVWD also involved concerned residents in the Financial Oversight Committee.

The BVWD employs four full-time and three part-time employees. The full-time employees include the General Manager, Office Manager, and two plant operators. The BVWD also contracts for a District Engineer. The BVWD's sphere of influence is coterminous with BVWD boundaries. The BVWD does not have the capacity to expand services without a substantial investment in a tertiary treatment facility. At present, the BVWD does not have sufficient financing for such a facility. The BVWD's financial picture should be watched. There are no other agencies in Alpine County capable of providing municipal services, although the BVWD does contract with Calaveras County Water District for some services. At present, the BVWD appears to be able to provide services; there is no justification for a change in organization.

**5.5.1 Determination:** The BVWD is governed by a five-member Board of Directors who serve 4-year terms.

**5.5.2 Determination:** The BVWD meets on the third Monday of the month. Meeting agendas are posted on the BVWD website. Meetings are broadcast live via webcam.

**5.5.3 Determination:** The BVWD posts monthly updates on effluent water quality.

**5.5.4 Determination:** The BVWD is operated by four full-time and three part-time employees. The BVWD contracts for the services of a District Engineer.

**5.5.5 Determination:** There is little justification for changing the BVWD Sphere of Influence.

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## 5.6 - Other Matters Affecting Efficient Service Delivery

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There are no LAFCO policies that could affect the service delivery of the BVWD.

**5.6.1 Determination:** There are no other matters that would affect efficient service delivery.

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## 5.7 - Summary of Determinations

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**5.1.1 Determination:** The BVWD experiences a peak population during winter sports season, but there is no anticipated major growth in the BVWD.

**5.2.1 Determination:** The BVWD has 512 connections of which 494 are residential.

**5.2.2 Determination:** The capacity of the BVWD is limited by the ability to discharge effluent. Recent calculations show an excess capacity of 27 single-family units.

**5.3.1 Determination:** The BVWD increased rates in 2006 by 36 percent and connection rates in 2007.

**5.3.2 Determination:** The BVWD has experienced a shortfall in the last two fiscal years, but is expected to experience a modest net income in FY 10/11.

**5.3.3 Determination:** The BVWD has compensated for the shortfall through loans and reducing the operators to three-quarter time.

**5.4.1 Determination:** The BVWD works cooperatively with federal, state, neighboring special districts. The BVWD maintains a cooperative relationship with the Lake Alpine Water Company and the local homeowners association.

**5.5.1 Determination:** The BVWD is governed by a five-member Board of Directors who serve 4-year terms.

**5.5.2 Determination:** The BVWD meets on the third Monday of the month. Meeting agendas are posted on the BVWD website. Meetings are broadcast live via webcam.

**5.5.3 Determination:** The BVWD posts monthly updates on effluent water quality.

**5.5.4 Determination:** The BVWD is operated by four full-time and three part-time employees. The BVWD contracts for the services of a District Engineer.

**5.5.5 Determination:** There is little justification for changing the BVWD Sphere of Influence.

**5.6.1 Determination:** There are no other matters that would affect efficient service delivery.

## SECTION 6: COUNTY SERVICE AREA 1

County Service Area 1 (CSA1) serves the Bear Valley area (Exhibit 4). Services provided include road maintenance, snow removal, snow grooming, and maintenance of common areas. CSA1 recently applied to LAFCO to exercise the latent power to provide emergency medical services, which was approved. The provision of that service required an assessment that was sent to the voters for two areas. Under Prop 218, the assessment required two-thirds approval by the voters. The measure received the necessary approval in the western portion of the CSA but not the eastern portion.

Lacking funding the service would be provided on a volunteer basis.

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### 6.1 - Growth and Population Projections

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Table 10 shows the year 2000 housing stock for both Alpine County and Bear Valley. Approximately 62 percent of Alpine County's housing stock is used for seasonal/vacation use. In 2000, the County had a total of 1,514 housing units, of which 483 were occupied and 935 were for seasonal/vacation use. Bear Valley's housing stock totaled 431 in 2000, with 67 housing units occupied and 364 housing units used for seasonal/vacation use. Therefore, approximately 84 percent of Bear Valley's housing stock are used for seasonal/vacation use, and about 16 percent are permanently occupied.

Nearly all of Bear Valley's permanent residents live in the single-family homes outside the town center. Only one of the town's 160 existing condominiums is occupied permanently, representing a 0.6 percent permanent occupancy rate for Bear Valley condominiums. Virtually all the existing condominiums are used as second homes and/or vacation rentals.

**Table 10: 2000 Housing Stock**

Housing Characteristic	Alpine County	Bear Valley
Total Housing Units	1,514	431
Occupied Housing Units	483	67
Seasonal, Recreational or Occasional Use	935	364
Vacant	96	0

Source: Alpine County, 2009.

The population for Alpine County was 1,208 in 2000 (U.S. Census Bureau 2008), with an average household population of 2.5. The population increased by 44 to a total of 1,252 by 2006 and holds steady in 2008. Between 2008 and 2010, the CDOF projects a decrease to 1,189 and an average of 2.0 persons per household.

In 2000, Bear Valley's permanent population was estimated to be 133, with an average household population of two. By 2003, the County estimated the town population to be 135, and projected the 2008 population to be 138 (Alpine County, 2009).

Population projections for Bear Valley were made in 2004 for the Housing Element update to the Alpine County General Plan and would not have foreseen the economic downturn in 2008.

**Table 11: Population 2000-2010**

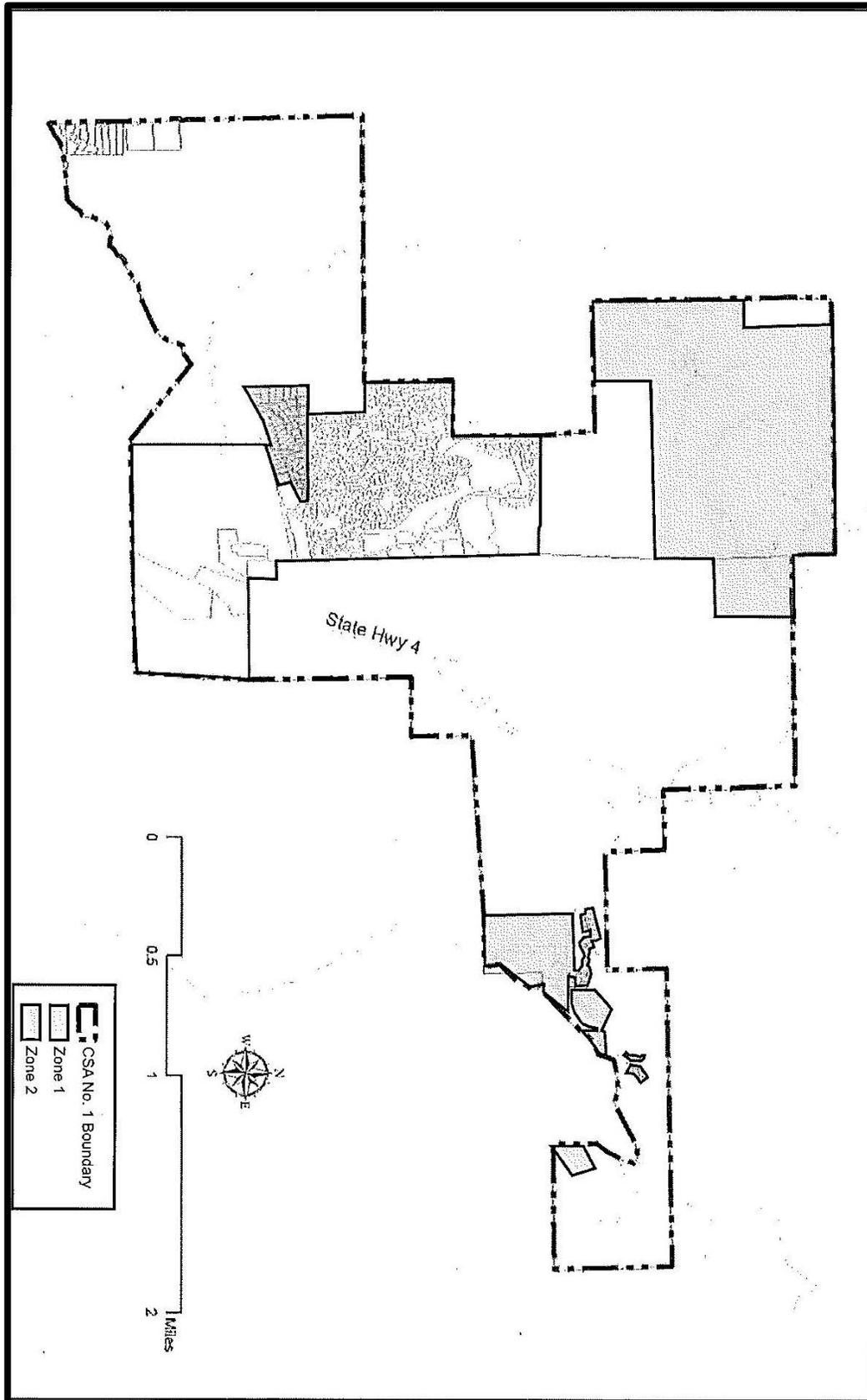
Area	2000	2003	2006	2008	2010
Alpine County <sup>a</sup>	1,208	1,252	1,238	1,232	1,189
Bear Valley <sup>b</sup>	133	135	N/A	138	N/A

Notes:

<sup>a</sup> Source: State of California, 2010

<sup>b</sup> Alpine County, 2009

Exhibit 4: County Service Area 1 Boundary Map



Source: LAFCO of Alpine County

**6.1.1 Determination:** CSA1 experiences a peak population during winter sports season but there is no anticipated major growth in CSA1.

---

## 6.2 - Present and Planned Capacity of Public Services

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CSA1 contracts with private companies to provide services. County staff administers CSA1 through the Community Development Department. The County has planned to provide necessary road maintenance and other services as required. The capacity for services is only limited by the contract price and County's ability to fund services.

**6.2.1 Determination:** CSA1 contracts out for services so the capacity is based on available funding through the County.

---

## 6.3 - Financial Ability to Provide Services

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Each year the CSA1 adopts the budget and the County Auditor's Office manages the budget. The County Auditor charges the district indirect costs for the service. A summary of the revenues and expenses for three fiscal years is shown in Table 12.

**Table 12: Summary of Revenues and Expenditure FY xx/yy to FY zz/vv**

Item	FY xx/yy (\$)	FY yy/ww (\$)	FY ww/zz (\$)	FY zz/vv (\$)
Revenues				
Expenditures				
Difference				
Debt				

Source: State Controller Reports 2008, 2010a, 2010b, Alpine County 2008

As seen in Table 12, the District has budgeted for a surplus in funds. When the County applied to LAFCO for the addition of the latent power of emergency medical services (EMS), a special assessment was required to provide the service. The measure went to the voters in March of 2010 and received the necessary two-thirds approval in the Zone 1, but did not gain sufficient support in Zone 2. If the measure completely failed, emergency medical services were to be provided by volunteers. Since the measure passed in one portion of CSA1, it is difficult to determine whether revenue from the Zone 1 portion of CSA1 would be sufficient to provide service in that area or whether the service would be provided by volunteers in both areas of CSA1.

**6.3.1 Determination:** CSA1 is administered by the Community Development Department of the County.

**6.3.2 Determination:** CSA1 contracts out most of its services.

**6.3.3 Determination:** CSA1 applied to LAFCO to exercise its latent power of the provision of emergency medical services, which was approved. However, the funding mechanism was only approved in one portion of CSA1.

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## 6.4 - Status and Opportunity for Shared Facilities

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CSA1 works cooperatively with the Bear Valley Water District and the Bear Valley Residents, Inc.- the local homeowners association. CSA1 also gets support from the state in terms of grants and funding for road maintenance.

**6.4.1 Determination:** CSA1 works cooperatively with neighboring special districts. CSA1 maintains a cooperative relationship with the Lake Alpine Water Company and the local homeowners association.

---

## 6.5 - Accountability and Government Structure

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CSA1 is staffed by the County Community Development Department. Department staff often provide public workshops and make presentations regarding CSA1 to the homeowners association.

CSA1's sphere of influence is coterminous with its service boundaries. With little expectation for expansion and population growth, there is little justification for expansion of the sphere of influence.

**6.5.1 Determination:** CSA1 is governed by a five-member elected Board of Directors.

**6.5.2 Determination:** CSA1 is operated by staff of the Alpine County Community Development Department.

**6.5.3 Determination:** There is little justification for changing CSA1's sphere of influence.

---

## 6.6 - Other Matters Affecting Efficient Service Delivery

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There are no LAFCO policies that could affect the service delivery of CSA1.

**6.6.1 Determination:** There are no other matters that would affect efficient service delivery.

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## 6.7 - Summary of Determinations

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**6.1.1 Determination:** CSA1 experiences a peak population during winter sports season but there is no anticipated major growth in CSA1.

**6.2.1 Determination:** CSA1 contracts out for services so the capacity is based on available funding through the County.

**6.3.1 Determination:** CSA1 is administered by the Community Development Department of the County.

**6.3.2 Determination:** CSA1 contracts out most of its services.

**6.3.3 Determination:** CSA1 applied to LAFCO to exercise its latent power of the provision of emergency medical services, which was approved. However, the funding mechanism was only approved in one portion of CSA1.

**6.4.1 Determination:** CSA1 works cooperatively with neighboring special districts. CSA1 maintains a cooperative relationship with the Lake Alpine Water Company and the local homeowners association.

**6.5.1 Determination:** CSA1 is governed by a five-member, elected Board of Directors.

**6.5.2 Determination:** CSA1 is operated by staff of the Alpine County Community Development Department.

**6.5.3 Determination:** There is little justification for changing CSA1's sphere of influence.

**6.6.1 Determination:** There are no other matters that would affect efficient service delivery.

## SECTION 7: MARKLEEVILLE PUBLIC UTILITY DISTRICT

Markleeville dates to the 1860s when it served as a gateway to mining areas in the surrounding mountains and as a trade center for the ranching and lumber business, which were supplying the booming Comstock Lode mines in Virginia City Nevada. The community is surrounded by forest and agricultural pasture lands. It is the center of County government and has a very small commercial area. The community includes the area within the Markleeville Townsite and nearby residential areas to the west along Hot Springs Road.

The Markleeville Public Utility District (MPUD) (Exhibit 5) is one of four wastewater collection and treatment agencies in Alpine County. The MPUD is one-quarter section, 160 acres, landlocked by public land and large agricultural holdings. In 2006, the MPUD served 200 residents and seven small businesses for a total of 68 connections.

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### 7.1 - Growth and Population Projections

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Table 13 shows the year 2000 housing stock for both Alpine County and Markleeville. Approximately 62 percent of Alpine County's housing stock is used for seasonal/vacation use. In 2000, the County had a total of 1,514 housing units, of which 483 were occupied and 935 were for seasonal/vacation use. Markleeville's occupied housing stock totaled 92 in 2000 and was estimated to increase by 5 between 2000 and 2010.

**Table 13: Occupied Housing Units 2000-2008**

Area	2000	2003	2006	2008	2010
Alpine County <sup>a</sup>	483	514	549	556	581
Markleeville <sup>b</sup>	92	93	N/A	97	N/A

Notes:

<sup>a</sup> Source: State of California, 2010

<sup>b</sup> Alpine County, 2009

Table 14 shows population estimates from 2000 to 2010. In 2000, Markleeville's permanent population was estimated to be 197, with an average household population of two people. By 2003, the County estimated the town's population to be 199, and projected the 2008 population to be 207 persons, a net increase of 10 over the 8-year period. Population projections for Markleeville were made in 2004 for the Housing Element update to the Alpine County General Plan and would not have foreseen the economic downturn in 2008.

**Table 14: Population 2000-2010**

Area	2000	2003	2006	2008	2010
Alpine County <sup>a</sup>	1,208	1,252	1,238	1,232	1,189
Markleeville <sup>b</sup>	197	199	N/A	207	N/A

Notes:

<sup>a</sup> Source: State of California, 2010

<sup>b</sup> Alpine County, 2009

**7.1.1 Determination:** MPUD maintains a population of approximately 200 residents and there is no anticipated major growth in MPUD.

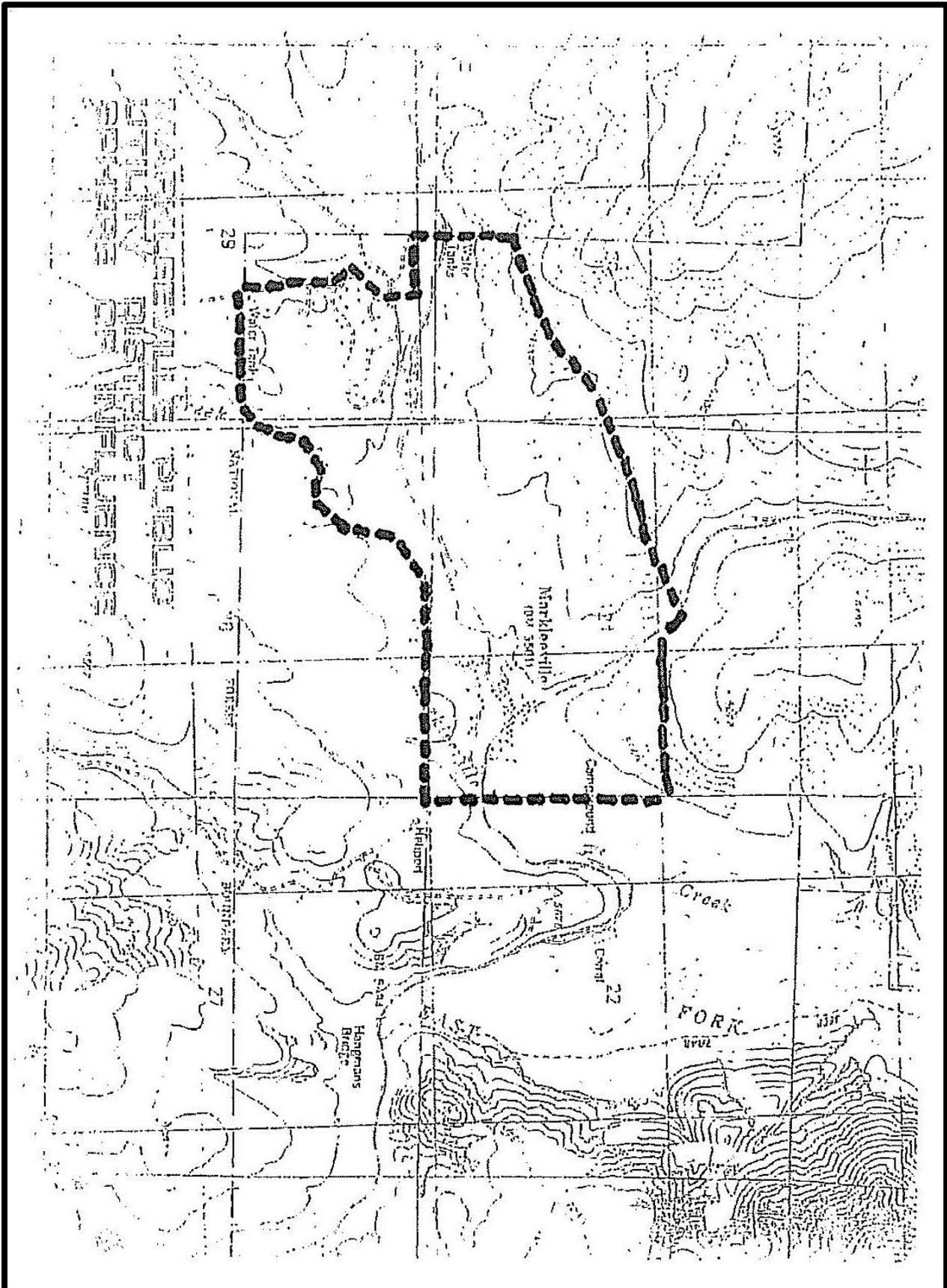
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### 7.2 - Present and Planned Capacity of Public Services

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MPUD maintains 68 sewer service connections. Facilities include 5,800 feet of sewer mains, one pumping station, and 300 feet of force main.

Exhibit 5: Markleeville Public Utilities District Boundary Map



Source: LAFCO of Alpine County

The County estimated the Markleeville Public Utility District system presently operates at half capacity. The system's excess capacity creates economic difficulties for MPUD. Should water quality become degraded by present or added use of individual septic systems in the surrounding area, annexation and hook-ups to the MPUD system could be required. Capacity could thus be attained sooner than expected and an expansion of the facility could become necessary.

**7.2.1 Determination:** MPUD has 68 connections.

**7.2.2 Determination:** MPUD operates at half capacity.

---

### 7.3 - Financial Ability to Provide Services

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Each year, MPUD adopts the budget and the County Auditor's Office manages the budget. The County Auditor charges MPUD indirect costs for the service. A summary of the revenues and expenses for three fiscal years is shown in Table 15.

**Table 15: Summary of Revenues and Expenditure FY xx/yy to FY zz/vv**

Item	FY xx/yy (\$)	FY yy/zz (\$)	FY zz/vv (\$)
Revenues			
Expenditures			
Difference			
Debt			

Source: State Controller Reports 2010a, 2010b; Alpine County, 2008.

The \$5,000 debt expenditure was to pay off a loan for \$100,000 that was issued in 1967. MPUD revenues are primarily from sanitation connection fees, which have been estimated in the neighborhood of \$35,000 each year. The fund balance for MPUD was \$81,021 for FY 06/07 and \$75,665 for FY 08/09. In FY 08/09, MPUD held reserves of \$33,266. For FY 09/10, the Board of Supervisors approved a budget of \$124,696 and for FY 10/11 a budget of \$98,321. MPUD uses the fund balance and reserves to revenue shortfalls.

One factor affecting revenues is the excess capacity. MPUD operates at 50 percent capacity, which results in smaller revenues than anticipated. Should MPUD add connections from surrounding areas that operate septic systems the result would be an increase in revenues that would help defer maintenance expenses.

**7.3.1 Determination:** Sanitation fees of approximately \$35,000 are the primary source of revenue.

**7.3.2 Determination:** MPUD has compensated for the shortfalls through reserves and fund balance.

---

### 7.4 - Status and Opportunity for Shared Facilities

---

MPUD works cooperatively with the Markleeville Water Company, the County, and the RWQCB. The County Auditor's office manages MPUD's budget and charges them indirect costs. In the past MPUD has received grant money from the state under the small communities grant program.

**7.4.1 Determination:** MPUD works cooperatively with federal, state, and local agencies.

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### 7.5 - Accountability and Government Structure

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MPUD is governed by an elected five-member board of directors. The directors are not compensated. The Board meets every month on a Tuesday at 7 pm, which varies from month to month. The Tuesday meeting for the following month is set at the end of the current meeting. Only 30 of the 200 residents are eligible to serve on the Board. Many have served more than once. The small pool of potential board members could cause a problem in filling vacancies in the future.

MPUD operates with a part-time staff. As of 2006, MPUD did not own a computer or have dedicated office space. District board members or the MPUD Secretary would use their personal computers.

The County has indicated that excess capacity could be available should septic systems in areas adjacent to MPUD cause water quality problems. That situation could be remedied by requesting an out of area service permit or expanded MPUD boundaries. MPUD's sphere of influence is shown in Exhibit 5. Since there is little anticipated growth, there is no need to expand the sphere unless MPUD desired to include those areas with septic systems. In addition, there are no other agencies in the vicinity that are capable of providing wastewater services so there is no anticipated change in organization.

**7.5.1 Determination:** MPUD is governed by a five-member Board of Directors who are elected to 4-year terms.

**7.5.2 Determination:** Eligible residents to serve on the Board is limited to 30, which results in residents serving several times.

**7.5.3 Determination:** MPUD is operated by part-time employees.

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## 7.6 - Other Matters Affecting Efficient Service Delivery

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There are no LAFCO policies that could affect the service delivery of MPUD.

**7.6.1 Determination:** There are no other matters that would affect efficient service delivery.

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## 7.7 - Summary of Determinations

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**7.1.1 Determination:** MPUD maintains a population of approximately 200 residents and there is no anticipated major growth in MPUD.

**7.2.1 Determination:** MPUD has 68 connections.

**7.2.2 Determination:** MPUD operates at half capacity.

**7.3.1 Determination:** Sanitation fees of approximately \$35,000 are the primary source of revenue.

**7.3.2 Determination:** MPUD has compensated for the shortfalls through reserves and fund balance.

**7.4.1 Determination:** MPUD works cooperatively with federal, state, and local agencies.

**7.5.1 Determination:** MPUD is governed by a five-member Board of Directors who are elected to 4-year terms.

**7.5.2 Determination:** Eligible residents to serve on the Board is limited to 30, which results in residents serving several times.

**7.5.3 Determination:** MPUD is operated by part-time employees.

**7.5.4 Determination:** MPUD should consider expanding the sphere of influence if there was a need or desire to include septic systems of nearby areas.

**7.6.1 Determination:** There are no other matters that would affect efficient service delivery.

## SECTION 8: OTHER AGENCIES

There are two multi-county special districts, Lake Valley Fire Protection District and South Lake Tahoe Public Utilities District, that serve Alpine County but whose principal county is El Dorado County. The MSR for those districts has been completed and is available on the El Dorado County LAFCO website. In addition, the Lake Alpine Water Company, a private water company, provides potable water to the Bear Valley area. Since these special districts do not fall under the purview of Alpine County LAFCO and the water company is private, this section will provide information but will not make determinations.

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### 8.1 - Lake Valley Fire Protection District

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The Lake Valley Fire Protection District (LAV) was formed in 1947. Under Health and Safety Code Section 13800, et seq., the district is empowered to provide fire protection and suppression, emergency medical and rescue services along the south shore of Lake Tahoe. Located in the far eastern portion of El Dorado County, the district includes approximately 80 square miles from Emerald Bay south to Alpine County. It wraps around the City of South Lake Tahoe and Fallen Leaf Lake Community Services District. The southwestern edge of its boundary borders the eastern edge of El Dorado County Fire Protection District. The LAV serves an area characterized by dramatic mountains and topographic variety. Elevations within the district range from 6,225 feet at Lake Tahoe to 9,735 feet at Mt. Tallac. The area is cut by several steep drainages, including the Upper Truckee River.

SR-50 and SR-89 are the major access corridors into the South Lake Tahoe Basin; however, once inside the Basin, Lake Tahoe Boulevard, Sawmill Road, and Pioneer Trail serve as important transportation corridors. Hazardous road conditions are not uncommon in the mountainous terrain, especially during the winter months. The district is entirely within the state responsibility area for wildland fire protection.

The district serves multiple distinct communities, including the Emerald Bay/Cascade Lake area, Echo Summit, Christmas Valley, Meyers, Phillips, Sawmill and Pioneer, North Upper Truckee, Heavenly Valley, Phillips, Twin Bridges, Spring Creek (near Cascade Lake) and has a total permanent population of approximately 11,000, with about 5,000 registered voters. The population increases seasonally to approximately 40,000 persons.

Based on Tahoe Regional Planning Agency (TRPA) databases, the district contains 53,120 acres. Of these, the USFS owns and administers 12,800 acres. The State of California owns a total of 1,280 acres and 39,040 acres are in private/local ownership. Major land uses include recreation and tourism activities associated with Lake Tahoe because the economy in the Tahoe Basin is principally based on tourism. The district serves Heavenly Valley Ski Resort and Sierra at Tahoe. Skiing, snowboarding, camping, hiking, mountain biking, fishing, and summer water sports bring thousands of tourists to the area year-round. Commercial areas, particularly those with gas stations in Myers and elsewhere are an important responsibility to LAV.

There are no industrial areas within the boundaries although the district responds to various emergencies, including industrial emergencies, within the City of South Lake Tahoe through its automatic and mutual aid agreements with SLT. The district also responds to emergencies, if needed, to other El Dorado FPDs and into Alpine County.

Water is provided in the LAV by South Tahoe Public Utilities District (STPUD). There are numerous water storage tanks situated throughout the LAV. Fire hydrants are spaced within 500 feet of structures. Water sources are either gravity-fed or powered by pumps with emergency back-up generators. District documents state that available fire flows within the service area of STPUD are more than adequate to provide fire flows for structural protections and wild land fire suppression. The ISO rating completed in July, 2004 is 5/8. More detail can be found in El Dorado LAFCO Countywide Fire Suppression and Emergency Services Municipal Services Review, August 23, 2006.

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## **8.2 - South Lake Tahoe Public Utility District**

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The STPUD provides municipal water and wastewater services in the southern portion of the Tahoe Basin. The STPUD was formed in 1950 to provide wastewater services, while small, private water companies and mutual water companies provided water service. The District's original infrastructure consisted of two redwood septic tanks. In 1960, the District built its wastewater treatment plant, which has since been expanded to a treatment capacity of 7.7 million gallons per day (mgd). Environmental regulations require that all wastewater be exported outside of the Tahoe Basin. STPUD treats the wastewater to an advanced secondary level before exporting to Alpine County for use as agricultural irrigation or for fire suppression. STPUD began providing domestic water service in the mid 1970's through the acquisition of the water companies and water mutuals that could no longer meet regulatory requirements for drinking water.

STPUD serves an area of 42.2 square miles with a population of approximately 37,700. The District has a sphere of influence that encompasses an additional 3.2 square miles, which consists of lands in the central portion of the District. STPUD is within the jurisdictional boundaries of the TRPA, a federal bi-state agency with authority to set strict limits to control growth.

For more information go to El Dorado LAFCO Final Report Water, Wastewater and Power Municipal Services Review January 2008) and in El Dorado Local Agency Formation Commission Final Municipal Service Reviews – General government Services 1 Feb 2008)

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## **8.3 - Lake Alpine Water Company**

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LAWC is a privately owned water company, regulated by the California Public Utilities Commission. LAWC was formed in 1964 and serves an existing population of 150 people and up to 2,500 people during peak seasons, winter, and summer. LAWC provides surface and spring water to its customers.

LAWC has a general manager, an office manager, a five member Board of Directors and a corporate secretary. In 2007, LAWC completed a state-of-the-art water filtration/treatment plant (WTP) that can accommodate water demands for full buildout of Bear Valley, according to the 1978 Master Plan. LAWC has three holding tanks with a combined total storage of 600,000 gallons of treated water.

### **Existing Surface Water Supplies**

LAWC has obtained licenses to divert surface water for domestic use, storage and recreational uses. LAWC surface water licenses allow diversion of 42 acre-feet per year (AFY) for domestic use, a maximum of 140 AFY from storage for a total not to exceed 182 AFY.

### **Pending Surface Water Supplies**

LAWC prepared a Final EIR in July 2006 for its three pending water right applications. These applications request authorization to put the remainder of water that is stored in Bear Lake to beneficial use (approximately 220 acre-feet of storage) and direct diversion of an additional 175 AFY from Bear Creek. The total diversion would be 395 AFY. The purpose of the additional water supply is to service the remaining development in Bear Valley as identified by the Bear Valley Master Plan.

### **Water Conservation**

In 2005, LAWC initiated a series of water conservation measures. LAWC lists four main factors that have contributed to increased water conservation in recent years.

- (1) LAWC's new water filtration system is state-of-the-art and is very water efficient.
- (2) LAWC recently replaced a leaking water tank with a new 300,000-gallon steel bolted water tank.
- (3) All LAWC water service connections are newly metered. LAWC's metering system can detect leaks within a 24-hour period that previously could be undetectable for weeks, especially during the winter months.

- (4) Alpine County has implemented a low-flow requirement for all new construction including toilets, faucets, showerheads, etc.

Owing to LAWC's water conservation practices, water consumption has decreased by as much as 26 percent in a single year, even though the number of connections has increased.

### LAWC Projected Water Use

Historical and projected water use are shown in Table 16. The table shows the number of customers and water used in AFY. The projections are based on the historical average growth rate of 3 customers per year and buildout of the Bear Valley Master Plan. Without any additional unforeseen development, the LAWC would have sufficient water supply to meet projected demand.

**Table 16: Historical and Projected Water Use**

Year	Number of Customers	Water Used (AFY)
1995	439	112
2000	449	122
2005	527	132
2010	554	139
2015	657	164
2020	672	168
2025	687	172
2030	702	176

Source: Diane Wagner Consulting, 2008.

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ITEM 5.2

**COUNTY OF ALPINE**  
**Office of the County Clerk**

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

**MEMORANDUM**

**TO:** Local Agency Formation Commission

**FROM:** Teola L. Tremayne, Executive Officer

**DATE:** December 15, 2022

**SUBJECT:** LAFCo Agenda Item No. 5.2 – Continued discussion and possible adoption of LAFCO Handbook Policies, Procedures and Guidelines.

During the last meeting, Commissioner Hartnett volunteered to assist me in updating the 70 page LAFCO Handbook. County Counsel suggested to remove the codes from the handbook because laws change and do not need to be included, only referenced.

Commissioner Hartnett and I discussed going section by section and made updates during a few meetings. I found Marin County LAFCO 52-page handbook and revised it to accommodate Alpine County. Commissioner Hartnett agreed that the proposed handbook was clear and easier to understand.

I am asking that the commission review the proposed handbook, make corrections or recommendations, and adopt the proposed LAFCO Policy Handbook.

**ALPINE COUNTY**

**LOCAL AGENCY FORMATION COMMISSION**



**POLICY HANDBOOK**  
**POLICIES, PROCEDURES, AND GUIDELINES**

ADOPTED

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## CHAPTER 1 INTRODUCTION

### 1.1 INTRODUCTION AND PURPOSE

The California Legislature requires local agency formation commissions, or LAFCos, to adopt policies and procedures to govern the implementation of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 in all 58 counties. This Policy Handbook serves as Alpine LAFCo's principal document in outlining its policies consistent with the collective preferences of the Commission to promote and produce orderly local government. Nonetheless, Alpine LAFCo reserves discretion in administering the Policy Handbook to remain responsive to unique and changing circumstances.

### 1.2 CONTACT INFORMATION

Alpine LAFCo  
PO Box 158, Markleeville, CA 96120  
(530) 694-2281  
[clerk@alpinecountyca.gov](mailto:clerk@alpinecountyca.gov)  
Business Hours: 8 am to 5 pm, Monday through Friday

Because Alpine LAFCo is a small governmental agency the County Clerk serves as the ex officio Executive Director. Appointments to discuss proposals or other matters are strongly encouraged.

### 1.3 CURRENT COMMISSION ROSTER

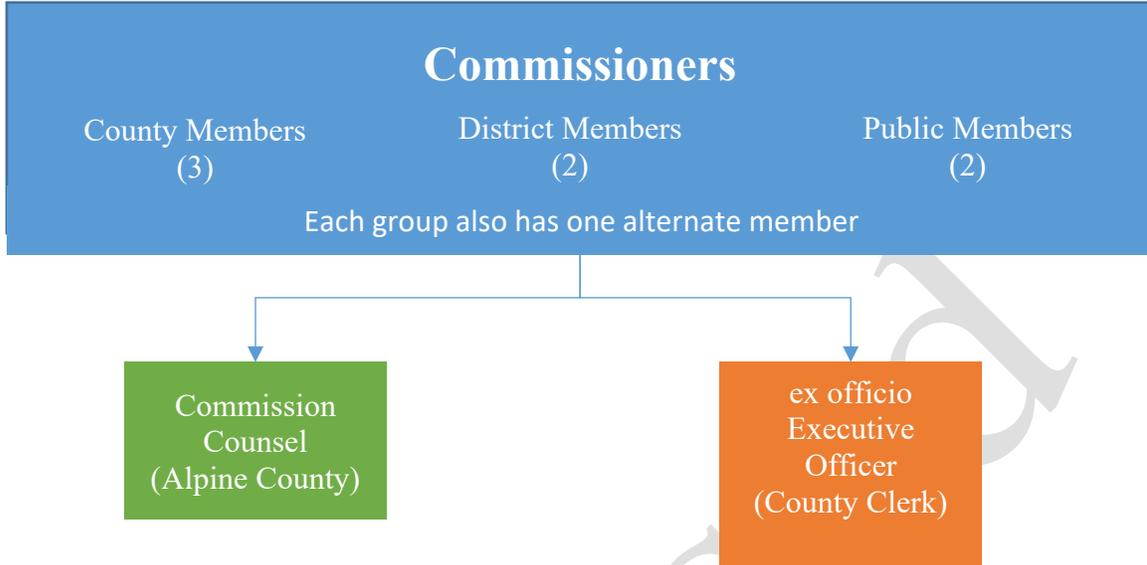
#### **Regular Members**

Terry Woodrow (Board of Supervisor) – Chair  
January Riddle (Board of Supervisor)  
Ron Hames (Board of Supervisor)  
Douglas Mitarotonda (Special District)  
Robert Epstein (Special District)  
Kris Hartnett (Public Member)  
Evan Mecak (Public Member)

#### **Alternate Members**

David Griffith (Board of Supervisor)  
Lewis Ames (Special District)  
Vacant (Public Member)

## 1.4 ORGANIZATIONAL CHART



## 1.5 AUTHORIZED AMENDMENTS BY STAFF

Staff is authorized to **update the current roster** and make clerical changes to the Policy Handbook without needing Commission approval.

## 1.6

# CHAPTER 2 GENERAL AUTHORITY & MANDATE

## 2.1 MISSION STATEMENT

**Alpine LAFCo promotes and coordinates the efficient delivery of local governmental services and encourages the preservation of open space and agricultural lands.**

## 2.2 LEGISLATIVE AUTHORITY AND DUTIES

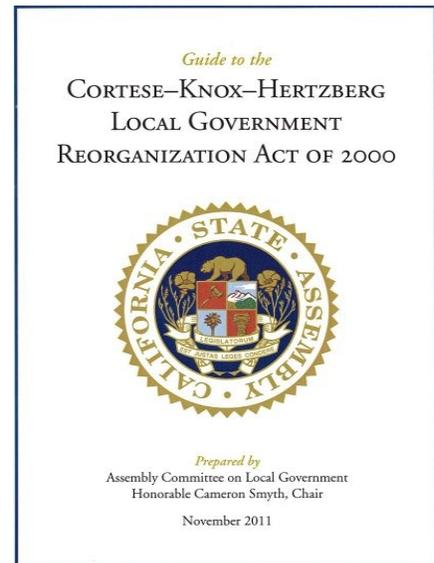
## 2.2 (A) Responsibilities

Alpine LAFCo is responsible for administering the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). This includes regulating and planning the orderly formation and expansion of local government agencies and their municipal service areas based on local conditions and circumstances. In carrying out its duties, LAFCo is required to balance orderly development with the competing state interests of discouraging urban sprawl, preserving open space and prime agricultural lands, efficiently extending government services, and providing housing for persons and families of all incomes (Government Code §56001).

Alpine LAFCo is subject to a variety of State statutes aimed at accountable and open government. This includes, but is not limited to, the California Environmental Quality Act (CEQA), the Ralph M. Brown Act, and the Public Records Act.

## 2.2 (B) Decision-Making

Decision-making at Alpine LAFCo is directly vested with the 7-member Commission. The Local Agency Formation Commission is established as an independent body. State law specifies all Commission members shall exercise their independent judgment on behalf of the interests of the public as a whole and not on behalf of their appointing authorities (Government Code §56325.1).



## 2.3 LOCAL AGENCIES SUBJECT TO ALPINE LAFCO JURISDICTION

Alpine LAFCo has explicit jurisdiction over 3 local governmental agencies throughout Alpine County. These agencies include 3 independent special districts (directly elected board members), and 2 dependent special districts (board members appointed from other governmental agencies). A current listing of the local agencies subject to LAFCo’s regulatory and planning oversight follows.

Independent Special Districts	Dependent Special Districts
Bear Valley Water District Kirkwood Meadows Public Utility District Markleeville Public Utility District	Community Service Area 1 (Bear Valley) Community Service Area 2 (Bear Valley)

## 2.4 LOCAL AGENCIES NOT SUBJECT TO ALPINE LAFCO JURISDICTION

State law exempts several types of local agencies from direct LAFCo oversight, including school districts, community college districts, assessment districts, improvement districts, community facilities districts (Mello Roos), air pollution control districts, bridge districts, highway districts, and transit districts.

Other types of local agencies that are indirectly overseen by LAFCos include counties (typically through the operations and services of their surrogate dependent districts), as well as joint-powers authorities (JPAs) if their membership includes a city/town or district.

# CHAPTER 3 LAFCO BUSINESS AND OPERATIONS

## 3.1 SELECTION OF COMMISSIONERS

Alpine LAFCo has seven regular voting Commissioners and four alternate members, consisting of:

- **3 County Board of Supervisors**, selected as voting Commissioners by the Board of Supervisors, along with 1 alternate;
- **2 Special District Board Members**, selected by the special districts as prescribed below 3.1 (B), along with 1 alternate;
- **2 Public Members**, selected by the Commission as prescribed below, along with 1 alternate, for a four-year term.

Alternate members shall be automatically seated in the event of absence or disqualification of the regular member.

In accordance with Government Code §56334 all terms of commissions shall expire on

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the first Monday in May in the year the Commission Term expires.

### **3.1 (A) Procedures for Selection of Public Members**

The public member and alternate public member shall be appointed by a majority vote of the regular County, Public, and Special District members and must include one positive vote from each group classification.

- 3.1 (A)(i) Ninety (90) days prior to an appointment, the Executive Officer shall issue a news release announcing the pending vacancy on the Commission and solicitation of applications.
- 3.1 (A)(ii) The news release shall be posted on the county website and delivered to the regular posting places. Additionally, the news release shall be mailed or emailed to all current regular and alternate members of Alpine LAFCo, the clerk or secretary of the Board of all local governments within Alpine County and to community organizations including civic groups on file with the Alpine LAFCo and shall be posted as provided by Government Code §56158.
- 3.1 (A)(iii) The application period shall be at least twenty-one (21) days and shall begin upon the date legal notice appears on a posting of the notice as provided by Government Code §56158, and notice sent to the clerk or secretary of the Board. Among other things, the notice/news release shall outline the function and purpose of the Commission, indicate the application filing period and invite interested persons to contact the Executive Officer for an application and information concerning the general duties and responsibilities of the public member.
- 3.1 (A)(iv) Interviews for pending vacancies for expiring terms should be held during the month of April prior to the May expiration date of the current member's term of office, if possible. A standard list of questions should be asked to each candidate as agreed to by the Commission. As required by the Ralph Brown Act, interviews shall be conducted in public sessions and formal selection shall be confirmed at a regular public meeting.
- 3.1 (A)(v) With respect to selection and eligibility criteria, and in addition to requirements under Government Code the public member shall be a resident of Alpine County and not currently an officer or employee of a local agency subject to Alpine LAFCo jurisdiction. The public member shall also not

concurrently hold any elected or appointed office with a local government agency that makes or informs land use or municipal service decisions while serving on the Commission. In selecting the public member, the Commission shall consider the candidate's qualifications as described in his or her letter of interest and the reasons listed for wanting to serve as a member of the Commission.

- 3.1 (A)(vi) In the event a vacancy occurs during the public member's term of office, a new appointment shall be made for the unexpired term in a timely manner. The Commission may: (a) Direct the Executive Officer to send out a news release announcing the vacancy and solicit applications for future consideration by the Commission; or (b) Appoint the alternate public member to serve as regular public member until the appointment and qualification of regular public member to fill the vacancy.
- 3.1 (A)(vii) The terms for the Public Seat Shall be as follows:
  - 3.1 (A)(vii)(1) Regular Public Seat shall be appointed in even year and every four years thereafter.
  - 3.1 (A)(vii)(2) Alternate Public Seat shall be appointed in odd and shall be for just 2 years to align the appointment with the Regular Public Seat and then shall be every four years thereafter.

### **3.1 (B) Procedures for Selection of Special District Members**

Government Code §56332(c)(1) provides for selection of regular and alternate special district members by a mail ballot process when the Executive Officer determines that a meeting of the Special District Selection Committee is not feasible.

## **3.2 ROLE OF COMMISSIONERS**

Commissioners shall independently fulfill their responsibilities while serving on Alpine LAFCo in the best interests of the general public, irrespective of interests of their appointing authorities. Alternate Commissioners are encouraged to take an active role in Alpine LAFCo to help further inform all related discussions and actions and should attend all meetings if at all possible. Alternate members may not vote, however, unless a regular member, from the same representation category as the alternate, is absent or disqualified from participating in an open meeting of the Commission. An alternate member may participate in a closed session. However, alternate members may not vote or make a motion in closed session when the regular member(s) is (are) present.

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### 3.3 DISQUALIFICATION AND CONFLICT OF INTEREST

Pursuant to Government Code §56336, a commission member or alternate of a city/town or special district shall not be disqualified from acting on a proposal affecting that city, town, or the special district. A regular or alternate Commissioner shall only be disqualified from voting on matters in which the Commissioner has a financial interest, when it is reasonably foreseeable that such interest may be materially affected by the decision, as provided by the Political Reform Act.

### 3.4 COMMISSIONER COMPENSATION

#### 3.4 (A) Stipends

Commissioners shall receive a stipend of \$50 per regular or special meeting of Alpine LAFCo and for each day of attendance at standing or ad hoc Commission committee meetings. Alternate commissioners shall receive an equal stipend for attending regular or special meetings irrespective of voting status. Commissioners shall not receive more than five stipends per month.

### **3.4 (B) Expense Reimbursements**

Stipends shall be in lieu of claiming reimbursements for actual expenses related to meetings. Commissioners shall receive reimbursement for reasonable and necessary expenses incurred in performance of official Commission business, including attendance at CALAFCO conferences or training sessions. Reasonable and necessary expenses shall include the costs of transportation, lodging, food, communications, training or events related to service on the Commission.

Claims for expense reimbursement for Commissioners shall be submitted to Staff for processing. Claims for expense reimbursement for all staff members shall be submitted to the Chair for approval and returned to staff for processing. Disputes regarding reimbursable expenses shall be resolved by the Chair or his/her designee. All expense claims shall be submitted with the use of a standard expense claim form approved for use by the Commission.

## **3.5 ELECTION OF OFFICERS**

### **3.5 (A) Selection and Duties of the Chair**

Annually at the first regular meeting in or immediately after May, Alpine LAFCo shall elect a Chair from among its members by majority vote. The Chair shall serve until a successor is duly elected. The Chair shall preside at all meetings of the Commission and conduct the business of the Commission in the manner prescribed by law and by these rules. The Chair shall preserve order and decorum and shall decide all questions of order and procedure subject to the confirmation of a majority of the Commission. Other duties of the Chair include all of the following activities:

- 3.5 (A)(i) Serve as the immediate supervisor for the Executive Officer on behalf of the entire Commission;
- 3.5 (A)(ii) Serve as the immediate supervisor for the Executive Officer on behalf of the entire Commission;
- 3.5 (A)(iii) Make appointments to committees as needed;
- 3.5 (A)(iv) Call special meetings of the Commission as needed;
- 3.5 (A)(v) Approve emergency outside service extensions consistent with the procedures outlined in this Policy Handbook; and
- 3.5 (A)(vi) Perform ceremonial duties on behalf of Alpine LAFCo.

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### **3.5 (B) Selection and Duties of the Vice Chair**

Annually at the first regular meeting in or immediately after May, Alpine LAFCo shall elect a Chair from among its members by majority vote. The Vice-Chair shall have all of the powers and duties of the Chair during the absence of the Chair or the Chair's inability to act.

### **3.6 APPOINTMENT AND DUTIES OF EXECUTIVE OFFICER**

Alpine LAFCo shall appoint its own Executive Officer to administer the day-to-day business of the agency and all other duties as prescribed in an employee contract and as directed under Government Code §56384(a). The Executive Officer is an at-will position. If the Executive Officer is subject to a conflict of interest, the Commission shall appoint an Alternate Executive Officer to advise Alpine LAFCo for a specific project.

### **3.7 APPOINTMENT AND DUTIES OF COMMISSION COUNSEL**

Alpine LAFCo shall utilize Alpine County Counsel to advise the agency on all related matters as directed under Government Code §56384(b). If the Commission Counsel is subject to a conflict of interest, the Commission shall appoint Alternate Counsel to advise Alpine LAFCo for a specific project.

### **3.8 COMMISSION MEETINGS**

Regular meetings of Alpine LAFCo is held on the quarterly on the third Tuesday, beginning with February and commencing at 2:00 p.m. in the Board of Supervisors Chambers at the Government Center, 99 Water Street, Markleeville, California. Whenever a legal holiday falls on a regular meeting date, an alternate meeting date will be selected. Notice of all regular meetings shall be provided no less than 72 hours in advance.

#### **3.8 (A) Special Meetings**

A special meeting may be called at any time by the Chair or by a majority of the members of the Commission. Notice of such meeting must be delivered to Commissioners personally or by mail at least twenty-four (24) hours before the time of such meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meeting, unless permitted by the Brown Act.

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### 3.8 (B) Conducting of Meetings

- 3.8 (B)(i) **Meeting Quorum:** A majority of the members of the Commission (four members) constitutes a quorum for the transaction of business. In absence of a quorum, the Executive Officer shall adjourn the meeting to a stated time and place.
- 3.8 (B)(ii) **Vote Requirements:** No act of the Commission shall be valid, legal or binding unless a majority of the Commission members present and voting concur therein.
- 3.8 (B)(iii) **Commission Actions:** The Commission may act by resolution or motion. All final determinations of the Commission on spheres of influence, change of organizations, outside service extensions, municipal service reviews, contracts, standards and procedures, and budget adoptions shall be made by resolution.
- 3.8 (B)(iv) **Voting Procedures:** The roll need not be called in voting upon a motion or adoption of a resolution except when requested by a member or if required under the Brown Act. Prior to calling the roll, the Commission Clerk or his/her designee shall repeat the motion for the record.
- 3.8 (B)(v) **Consent Calendar:** Routine proposals that do not require a public hearing may be placed on a Commission consent calendar at the discretion of the Executive Officer. Approval of the consent calendar shall be made in one action that includes two motions involving: (1) Commission acknowledgment of environmental consequences and analysis followed by; (2) Commission approval of the basic proposal. Matters placed on the consent calendar may be removed by any Commissioner or member of the public in order to allow general discussion and more detailed review of the proposal.
- 3.8 (B)(vi) **Parliamentary Procedure:** Except as herein otherwise provided or as provided in law, the parliamentary proceedings of the Commission shall be governed by the latest edition of "Rosenberg's Rules of Order." However, no resolution, proceedings, or other action of the Commission shall be invalid or the legality thereof otherwise affected by the failure of the Commission to observe or follow such rules.
- 3.8 (B)(vii) **Public Participation:** All meetings of the commission shall be open to the public and adhere to the requirements of the Ralph Brown Act. The Chair may regulate the order of any public testimony and limit the time allowed to each person

desiring to speak subject to the assent of a majority of Commissioners present.

### 3.8 (C) Off-Site Meetings and Workshops in Affected Communities

From time to time, Alpine LAFCo initiates special studies or considers applications that generate substantial public interest. These issues usually have significant regional implications and have periodically prompted the Commission to hold meetings in the affected community. Meetings in the community foster public input and make the LAFCo process readily available to citizens. A majority of the Commission shall approve the scheduling of an off-site meeting of the Commission.

## 3.9 COMMISSION COMMITTEES

Alpine LAFCo shall regularly utilize standing and ad hoc committees to help evaluate and inform the Commission on various matters pertinent to the agency in fulfilling its regional growth management responsibilities and duties. All work and recommendations shall be advisory and subject to formal approval by the Commission.

### 3.9 (A) Standing Committees

Alpine LAFCo shall maintain the following three standing committees on an annual basis with appointments and/or reappointments made at the beginning of each calendar year. All meetings of the standing committees shall comply with the Brown Act and conduct business in noticed and open public meetings. The Executive Officer shall be responsible for scheduling and staffing these committee meetings as needed.

- 3.9 (A)(i) **Budget and Work Plan:** This Committee shall review and prepare recommendations on fiscal year work plans and operating budgets for formal presentation and adoption by the Commission in April (proposed) and June (final). The Committee shall include three members (regulars or alternates) that comprise appointments from each funding category on Alpine LAFCo (county, city/town, and special district). The term of the Budget Committee shall extend through the adoption of a final budget for the affected fiscal year.
- 3.9 (A)(ii) **Policy and Personnel:** This Committee shall review and prepare revisions for Commission consideration on Alpine LAFCO's adopted Policy Handbook to address new statutes as well as help ensure appropriate implementation of LAFCo law in Alpine County. The Committee shall also convene as necessary in open or closed session to address personnel issues as requested by the Chair. The Committee shall include

three members (regulars or alternates) with one appointment reserved for either the Chair and/or Vice Chair.

- 3.9 (A)(iii) **Legislative:** This Committee shall review and provide possible position recommendations on current or pending legislation matters directly affecting LAFCo law or laws LAFCos help to administer, with particular focus on items of specific interest in Alpine County. The Committee shall include three members (regulars or alternates).

### 3.9 (B) Ad Hoc Committees

Alpine LAFCo shall utilize ad hoc committees as needed and specific to defined and limited-term topics as assigned by the Commission at public meetings.

## 3.10 BUDGET PROCESS

### 3.10 (A) Budget Objectives

In the course of adopting and amending its annual budget, Alpine LAFCo will strive to balance effectively and proactively fulfilling its regulatory and planning responsibilities while taking measures to limit new cost-impacts to the funding agencies.

### 3.10 (B) Procedures

- 3.10 (B)(i) The Budget Committee shall prepare and present a proposed budget and accompanying workplan for adoption by Alpine LAFCo no later than May 1st at a noticed public hearing as provided under Government Code §56381.
- 3.10 (B)(ii) Following adoption, Alpine LAFCo's proposed budget and workplan will be made available for review by the public, the Board of Supervisors, each city/town, and each independent special district for a minimum of 45 days.
- 3.10 (B)(iii) Staff will provide an opportunity for informal discussion of the adopted proposed budget by the Commission within the 45-day circulation period.
- 3.10 (B)(iv) Alpine LAFCo will hold a public hearing for consideration and final action on the budget and accompanying workplan no later than June 15th as provided under Government Code §56381. Following adoption, a certified copy of the adopted final budget shall be transmitted to the Board of Supervisors, the County Department of Finance, each city/town, and to each independent special district.

- 3.10 (B)(v) The County Department of Finance shall apportion the net costs of Alpine LAFCo's budget to the County, cities/towns, and independent special districts under the provisions of Government Code §56381.
- 3.10 (B)(vi) If the County, a city/town or an independent special district does not remit its required payment within 60 days of notice, the Executive Officer shall request that the County Department of Finance collect an equivalent amount from the property tax, or any fee or eligible revenue owed to that county, city/town or district pursuant to Government Code §56381(c).
- 3.10 (B)(vii) Alpine LAFCo will strive to maintain an unrestricted reserve account balance of at least 25% of budgeted expenses for purposes including, but not limited to, unanticipated legal fees, unrealized application fee revenue, special studies, and environmental review. Once accounting has been completed for the fiscal year, any unspent funds from that fiscal year will be transferred to this fund unless other actions have been taken by the Commission or another LAFCo policy determines the use of all or some apportionment of those unspent funds. Should funds in this account be higher than needed, the Budget Committee can make recommendations for its use to the full Commission as part of the budget process.
- 3.10 (B)(viii) In an effort to be better prepared for and to anticipate the cost to replace various technology needs including, but not limited to, computers, printers, servers, iPads, and accessories, Alpine LAFCo shall have a technology replacement fund. The money for this will come from any unspent funds at the end of the fiscal year from the Office Equipment Purchases line item in the LAFCo budget. Once this fund has \$20,000 in it, any leftover funds from the Office Equipment Purchases line item shall be put into the unrestricted reserve account as described in LAFCo Policy 3.10 (B)(vii). LAFCo staff, as needed, shall update the replacement cost chart to determine if the amount in the annual budget is enough to properly replace items as needed. Any adjustments needed because of updates to the replacement chart will be made as part of the annual budget process.
- 3.10 (B)(ix) Alpine LAFCo may need to hire outside experts to assist with large specialized studies. In order to mitigate large increases in requests from member agencies, LAFCo will maintain a reserve fund to hire consultants when the Commission

approves the need. LAFCo shall have a goal of building this reserve fund to \$50,000. When this fund is not at that set amount the LAFCo Chair and Budget Committee Chair shall annually review LAFCo's overall financial situation to determine if unspent funds from previous fiscal years should be transferred to this fund instead of the general reserve fund. If determined needed by the Commission, a new line item can be added to the budget to help raise money for this fund.

### **3.11 FEE SCHEDULE**

Alpine LAFCo will maintain a schedule of fees to reasonably recover the agency's costs in fulfilling its regulatory and planning responsibilities. Alpine LAFCo shall periodically review the fee schedule and consider amendments therein no less than every four years.

### **3.12 PROCUREMENT**

The Executive Officer is delegated purchasing authority on behalf of Alpine LAFCo for goods and supplies not to exceed the amount budgeted in supplies per fiscal year for any one service provider or vendor. The Commission shall approve any purchase of goods, supplies, and/or services that exceed the monetary limits set forth in this section and may choose to utilize a competitive bid process (i.e., request for proposal) for these purchases at its discretion.

### **3.13 FINANCIAL ACCOUNTING AND INTERNAL CONTROLS**

Alpine LAFCo maintains and records all financial transactions and is guided by the following accounting controls and procedures.

#### **3.13 (A) Administration**

- 3.13 (A)(i) Alpine LAFCo shall be solely responsible for the financial management and accounting therein of the Commission's funds with day-to-day responsibility therein delegated to the Executive Officer.
- 3.13 (A)(ii) Alpine LAFCo shall use the County of Alpine and its Treasurer Division to serve as a central depository for all collected revenues from each jurisdiction within Alpine LAFCo. This account ("County Account") shall maintain Alpine LAFCo's fund balance (or reserves) and be used to process payroll through the County Auditor Division unless otherwise directed by the Commission. Transactions involving this account are subject to the authorization requirements specified in this Policy Handbook.

3.13 (A)(iii) Alpine LAFCo shall use one or more local commercial banks for the purpose of receiving transfers from the account maintained with the County of Alpine and its Treasurer Division. These accounts (“Operating Accounts”) shall be used to make direct payments relating to the Commission’s operating costs. Alpine LAFCo shall maintain and operate two checking accounts with a local commercial bank as designated by the Commission and termed Primary and Secondary Operating Accounts.

### 3.13 (B) Authorizations and Balance Limits

3.13 (B)(i) **County Account:** All deposits to this account shall be reviewed and approved by the Executive Officer or the Chair (in the absence of the Executive Officer). There shall be no balance limit on this account. Staff is authorized to transfer out of the County Account and into the Primary Operating Account on a quarterly basis the anticipated needed amount to cover costs that are part of the Commission approved budget for the upcoming quarter. Any other transfers or related transactions of monies out of this account shall require majority approval by the Commission at a public meeting.

3.13 (B)(ii) **Primary Operating Account:** This account shall serve as the Commission’s main operating fund to make payments and related disbursements on budgeted operating costs that are more than \$3,000.00 per single occurrence. The balance limit on this account shall not exceed the adopted annual operating budget at any one time as set by the Commission. Any transfers or related transactions of monies out of this account shall require two signatures: the Chair and the Executive Officer unless it is for purposes stated in Policy Handbook Section 3.13 (B)(iii) and 3.13 (B)(iv) stated below.

3.13 (B)(iii) **Payroll and Benefits Payment Account:** This account will be used for the purposes of making payments for payroll and any staff benefits not paid through County of Alpine account. Staff will ensure there is proper money in this account to make all payments.

### **3.13 (C) Reconciliations and Reporting**

Alpine LAFCo shall reconcile account statements in QuickBooks on a monthly basis by someone other than the Executive Officer, such as a contract bookkeeper. All checks and payments authorized pursuant to this Policy Handbook shall be reported to the Commission at the next available meeting for formal ratification.

### **3.13 (D) Check Stock**

Check stock for Alpine LAFCo's commercial checking accounts shall be maintained in a locked drawer in the Executive Officer's office. Access to the check stock shall be limited to the Executive Officer, and authorized bookkeeper.

### **3.13 (E) Expenditures and Disbursements**

- 3.13 (E)(i) Alpine LAFCo shall process all invoices, claims, disbursements, and receipts utilizing its own financial accounting system through QuickBooks. The Executive Officer or authorized bookkeeper initiates the payment and the Executive Officer approves, as appropriate, within the confines of the adopted Alpine LAFCo budget or by approval of the Commission.
- 3.13 (E)(ii) If a payment is a reimbursable expense to a staff member, prior authorization must be received by the Executive Officer or Chair before payment can be initiated. If a payment is a reimbursable expense to the Executive Officer, prior authorization must be received by the Commission Chair.
- 3.13 (E)(iii) Credit card and other lines of purchases shall not exceed parameters set by Alpine LAFCo procurement policies and shall comply with all payment terms.
- 3.13 (E)(iv) The Chair, Vice Chair, and Executive Officer are authorized users of the Alpine LAFCo credit card(s) and other lines of credit.
- 3.13 (E)(v) All disbursements must include original documentation.

### **3.13 (F) Revenues**

The Executive Officer shall be responsible for providing notice to the County of Alpine Finance Department of the adopted operating budget total to be collected from the local agencies.

### **3.13 (G) Payroll and Benefits Administration**

Alpine LAFCo determines pay and benefits for all employees with consideration given to pay and benefits for comparable positions with the County of Alpine. At the present time, and at its sole discretion, Alpine LAFCo utilizes the County of Alpine and its contractors (including the Alpine County Employee Retirement Association) to administer benefits. Outside providers are used for some services such as payroll services.

### 3.13 (H) Capital Asset Management

- 3.13 (H)(i) **Capitalization Policy:** Physical assets acquired through purchase or contribution with fair market value in excess of \$1,500.00 are capitalized as fixed assets on the financial statements and accounted for at their historical costs. All fixed assets, with the exception of land, are subject to depreciation over their estimated useful lives.
- 3.13 (H)(ii) **Fixed Assets Inventory:** All capitalized fixed assets shall be recorded in a property log, maintained by the Commission Clerk and including date of acquisition, acquisition type (purchase or contribution), description (color, model, serial number), location, depreciation method, and estimated useful life. The Commission Clerk shall perform a physical inventory of all capitalized assets on an annual basis. This physical inventory shall be reconciled to the property log and adjustments made as necessary with approval by the Executive Officer. If a fixed asset is sold, donated, stolen, or otherwise removed, the inventory will be duly updated.
- 3.13 (H)(iii) **Depreciation Policy:** Fixed assets shall be depreciated over their estimated useful lives as determined by the Executive Officer. Depreciation expense shall be calculated on an annual basis. The following depreciation schedule is suggested:

Fixed Asset	Estimated Useful Life
Furniture and fixtures	10 years
General office equipment	5 years
Computer hardware	5 years
Computer software	3 years
Leased assets	Life of lease

- 3.13 (H)(iv) **Repairs of Fixed Assets:** Expenses to repair capitalized assets shall be expensed as incurred if the repairs do not materially add to the value of the item or materially prolong the estimated useful life of the item.

### 3.13 (I) Financial Reporting & Annual Audit

The Executive Officer shall present financial reports to the Commission at all regular meetings identifying actual year-to-date expenses and revenues relative to adopted budgeted amounts.

Alpine LAFCo shall utilize an independent auditor to prepare annual or biennial financial statements. The audit report, including the firm's opinion, shall be presented to the Commission for formal acceptance. Alpine LAFCo shall select a different independent auditor no less than every six years. The Commission may waive this requirement upon a majority vote of the membership at a public meeting.

### **3.13 (J) Fraud Prevention**

It is the policy of Alpine LAFCo to follow ethical, responsible, and reasonable procedures related to purchasing, claims, money management and other financial matters. For purposes of this section, fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of personal gain or for the purpose of inducing another to act upon it to his or her injury.

Each Alpine LAFCo employee and Commissioner should be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity. Any fraud that is suspected or detected shall be reported to the Chair and, alternatively, to the Executive Officer or LAFCo Legal Counsel. Examples may include, but are not limited, to any of the following:

- Any dishonest or fraudulent act.
- Forgery or alteration of any document or account belonging to Alpine LAFCo.
- Forgery or alteration of a check, bank draft, or any other financial document.
- Misappropriation of funds, securities, supplies, equipment, or other assets of Alpine LAFCo.
- Impropriety in the handling or reporting of money or financial transactions.
- Disclosing confidential or proprietary information to outside parties.
- Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to Alpine LAFCo.
- Destruction, removal or inappropriate use of records, furniture, fixtures and equipment belonging to Alpine LAFCo.
- Any similar or related irregularity.
- Personal use of the Alpine LAFCo credit card.

Responsibility for investigating suspected fraudulent acts may be conducted by the Executive Officer, Commission Chair, LAFCo Legal Counsel, and/or other internal or external party as necessary. If an investigation substantiates that fraudulent activity has occurred, the investigating authority will issue a report to the Commission for further action.

### 3.14 RECORDS RETENTION

The various forms of records created and received by Alpine LAFCo shall be retained for minimum time periods as specified in adopted written procedures and maintained at the LAFCo office. Records extending beyond time periods specified in these written procedures will be subject to disposal.

### 3.15 LEGISLATIVE MATTERS

#### 3.15 (A) Process

Under ideal circumstances, newly introduced or identified legislation that may directly or indirectly impact Alpine LAFCo is to be designated by Executive Officer for further review. Such applicable legislation shall then be presented to and reviewed by the Legislative Committee. Finally, the Legislative Committee shall then offer recommendations to the full Commission for approval. This ideal process may be altered or modified if the legislation is time sensitive situation (3.15 D).

#### 3.15 (B) Formal Position on Legislation

LAFCo shall take one of the following positions:

- 3.15 (B)(i) **Sponsor** – A position given to bills that the Commission help draft and believes are consistent with or would further Alpine LAFCo policy positions or implementation of the Cortese-Knox-Hertzberg Act, would benefit Alpine LAFCo, or reflects good governance principles as public policy.
- 3.15 (B)(ii) **Support** - A position given to bills that the Commission believes are consistent with or would further Alpine LAFCo policy positions or implementation of the Cortese-Knox-Hertzberg Act, would benefit Alpine LAFCo, or reflects good governance principles as public policy.
- 3.15 (B)(iii) **Neutral** - A position given to bills that have no direct impact upon Alpine LAFCo or have been sufficiently amended to remove Alpine LAFCo support or opposition, but for which the sponsor and/or legislative author requests a position from Alpine LAFCo.
- 3.15 (B)(iv) **Watch** - A position given to bills that are of interest to Alpine LAFCo but do not directly affect Alpine LAFCo at that time, including spot bills or two-year bills where the author has indicated that the bill will be amended or the subject area may change to impact Alpine LAFCo (also known as gut and amend bills). These bills will be tracked but do not warrant

taking a position at that time.

- 3.15 (B)(v) **Oppose** - A position given to bills or propositions that the Commission believes would be detrimental to the policy position or implementation of the Cortese-Knox-Hertzberg Act, or Alpine LAFCo, or to good governance principles as public policy.
- 3.15 (B)(vi) **Support/Oppose Unless Amended** - A position given to bills for which a support or oppose position could be taken if amendments were made to address identified concerns of the Commission. This may include changing a previously stated Alpine LAFCo position. This position can be changed by the Executive Director if identified amendments are presented and accepted by the legislator. Timeliness is usually important in responding to requests on these types of bills.
- 3.15 (B)(vii) **No Position** - A position given to bills that either are of interest to or have an impact on Alpine LAFCo and for which no adopted position is possible and for which there is a clear lack of consensus amongst the Commission on the appropriate position. This may include situations in which a substantive number of Commissioners have divergent positions or policy issues of concern with proposed legislation and no final consensus position is possible.
- 3.15 (B)(viii) **Alignment with CALAFCO** - A position for bills that have little to no impact on Alpine LAFCo but where CALAFCO has taken a position and Alpine LAFCo wishes to be supportive of other LAFCos across the state. As the legislative process moves forward, the Executive Officer shall send in letters in support of the CALAFCO position as requested by CALAFCO. Should CALAFCO change positions, then Alpine LAFCo shall automatically change position to mirror. In cases where CALAFCO is the “Sponsor” of a bill but Alpine LAFCo did not help draft then Alpine LAFCo position shall be of “Support”.

### 3.15 (C) Resource Priorities

Given the limited resources of Alpine LAFCo, any bill that the Commission takes action on shall be given one of the following priorities:

- 3.15 (C)(i) **Priority 1** - Bills that have highest importance and a direct impact on Alpine LAFCo. These bills receive primary attention and comprehensive advocacy by the Executive Officer and Commissioners. Such advocacy may include letters of

position, testimony in policy committees, contact with legislators, and grassroots mobilization to members of the legislator. This level requires the greatest resource commitment.

3.15 (C)(ii) **Priority 2** - Bills that have a significant impact on or are of interest to Alpine LAFCo, may set a policy precedent or have impact relevant to the mission of Alpine LAFCo, or have a major importance to a CALAFCO member or group of members or constituents. These bills receive position letters and testimony to policy committees as time permits or upon request of the author or sponsor.

3.15 (C)(iii) **Priority 3** - Bills that have an interest to Alpine LAFCo (or CALAFCO) but are deemed to be of a lower priority as to time and effort resources for advocacy. If requested by a member or stakeholder, Alpine LAFCo will send a position letter but will not testify unless unusual circumstances arise and if time allows. All bills where the Commission has taken an alignment with CALAFCO position, shall by default be a Priority 3 bill unless another priority level is designated.

#### 3.15 (D) Time-Sensitive Situations

In the absence of an opportunity for a timely meeting by the Committee or Commission, the Executive Officer may take a position, or change a previously taken position, on a bill with the concurrence of the Commission Chair or, in the absence of the Chair, the Vice Chair. The Committee and Board shall be informed of such an action as soon as practically possible to ensure the Committee and Board have up to date information on the legislative positions. Such decisions should be made only when deemed necessary due to urgent issues or circumstances, and when consideration and a vote of the Committee and/or Board is not possible due to the timeliness of the actions occurring as part of a fluid legislative process.

## **CHAPTER 4 EVALUATION OF CHANGE OF ORGANIZATION PROPOSALS & OTHER REGULATORY ACTIVITIES**

### **4.1 ANNEXATION TIMING POLICY**

Alpine LAFCo discourages change of organization proposals that involve annexations of undeveloped or underdeveloped lands to urban service providers unless special circumstances warrant otherwise. This policy does not apply to proposals in which the affected lands are subject to a specific and or known development plan or agreement under consideration by a land use authority. This policy does not apply to city annexation proposals in which the affected lands are part of an unincorporated island as determined by Alpine LAFCo.

### **4.2 CONSOLIDATION POLICY**

It is the intent of Alpine LAFCo to encourage the efficiency of local government organization through the elimination or consolidation of small, single-purpose special districts. Accordingly, wherever the full range of urban services is required, general-purpose governments, such as cities and community service districts, are preferred to one or more limited-purpose special districts for the provision of services. Additionally, where provision of a service by a general-purpose local government is not practical, Alpine LAFCo favors the consolidation or reorganization of small, single-purpose special districts when such consolidation can be shown to reduce aggregate costs of service and/or improve local government accountability.

### **4.3 ESTABLISHMENT OF NEW LOCAL AGENCIES POLICY**

Alpine LAFCo discourages the proliferation of local governmental agencies and the existence of overlapping public service responsibilities. Alpine LAFCo discourages the formation of new special districts where service can be efficiently provided by existing local government agencies.

#### 4.4 AGRICULTURAL LANDS POLICIES

Alpine LAFCo discourages the annexation of lands currently engaged in the substantial production of food, fiber, or livestock, or qualify as agricultural land to a city or a special district for the purpose of promoting urban development. Development of existing vacant or non-prime agricultural lands for urban uses within a city's and/or special district's jurisdiction or sphere of influence should be encouraged before any proposal is approved that would lead to the urban development of existing agricultural or open-space lands that are outside of the city's and/or special district's jurisdiction or sphere of influence.

#### 4.5 PREZONING POLICY

As required by State law, applicants whose proposals include annexation to a city shall obtain pre-zoning approval from the city or present evidence the existing development entitlements on the territory are vested or already at build-out relative to the city's general plan. The city shall generally serve as lead agency for environmental review in such cases, and proof of environmental documentation and certification shall accompany the application (Government Code §56375(a)(7)).

#### 4.6 COUNTY SERVICE AREA POLICY

A County Service Area (CSA) special district may be formed when unincorporated areas that are located outside municipal sphere of influence boundaries desire extended urban-type services, including police and fire protection from the County of Alpine. Nonetheless, unincorporated lands located within a municipal sphere-of-influence boundary should not be eligible to receive extended urban-type services from the County in the form of a CSA except when: (a) evaluation on a case-by-case basis justifies creation and (b) the affected city or special district, by letter, expresses approval of such action.

#### 4.7 REORGANIZATION (DUAL ANNEXATION) POLICY

Annexations of unincorporated land to special districts that provide services necessary for urban development shall require concurrent or subsequent annexation to a city if the land is located within the city's sphere of influence.

##### 4.7 (A) Policy Intent

The underlying intents of this policy are to allow Alpine LAFCo to:

- 4.7 (A)(i) Encourage orderly growth and development by determining logical and timely boundary changes of local agencies.
- 4.7 (A)(ii) Make boundary decisions in the long-term best interests of the efficient delivery of local services and the assignment of appropriate local political responsibility for those services pursuant to Government Code §56001.

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- 4.7 (A)(iii) Provide for the orderly implementation of adopted city and special district spheres of influence.
  - 4.7 (A)(iv) Restrict extension of urban services to areas within cities or to unincorporated areas where County-adopted planning policies support provision of urban services for that area.

#### **4.7 (B) Policy Application**

This policy will be applied to annexations and reorganizations affecting property located within a city's sphere of influence. Implementation of this policy may be deferred at the discretion of Alpine LAFCo through an agreement between the city and the property owner providing for future annexation by the city. Approval of such boundary changes will comply with this policy upon execution of such an agreement.

#### **4.7 (C) Written Notice To Affected Agencies**

Staff shall provide written notice to affected agencies of the applicability of this policy with a request for agency comment on the proposal. Additional time (within timeframes specified in CKH) will be extended for response by the affected city/town council if requested.

#### **4.7 (D) Applicant Compliance**

Applicants may comply with this policy either by filing application for a reorganization that includes annexation to both the special district and the city, or by filing application for district annexation only with a request for deferral of this policy. If the proposal is approved, Alpine LAFCo may attach conditions providing for city annexation at a later date.

#### **4.7 (E) Request for Delayed Implementation**

Applicants seeking delayed implementation of the policy shall make the request in writing at the time of application and state the reasons in support of the request. The applicant's request for deferral will be circulated to all affected agencies for comment for a minimum of 60 days. LAFCo staff will extend the comment period for an additional 30 days at the request of an affected agency. Alpine LAFCo will give great weight to the comments of any affected agency objecting to the action. Applicants will retain the option of amending their proposal up to the issuance of the Certificate of Filing (scheduling a hearing before LAFCo) for the proposal.

#### **4.7 (F) Conditions for Deferral**

Alpine LAFCo may defer the requirement for annexation to the city if the Commission determines that three specific conditions have been met:

- 4.7 (F)(i) The County Board of Supervisors has adopted plans or policies specifically for the subject area that support the extension of urban services (e.g., community plan or designated urban service area).
- 4.7 (F)(ii) All affected agencies have been notified and given adequate time to review and comment on the proposed annexation.
- 4.7 (F)(iii) The application of the policy at the present time would result in illogical boundaries or inefficient provision of local services.

#### **4.7 (G) Unincorporated Island Annexation Policy**

Alpine LAFCo encourages annexations of unincorporated areas or “islands” to cities entirely or substantially surrounded by the affected corporate limits. Whenever applicable, Alpine LAFCo shall consider making amendments to all city annexation proposals involving affected lands to further reduce and/or eliminate islands to provide more orderly local governmental boundaries and cost-efficiencies.

Alpine LAFCo will disapprove any city annexation proposal that would create a new entirely surrounded island unless this policy is waived by as provided under Government Code §§56744 and 56375(m).

#### **4.8 OUTSIDE SERVICE AGREEMENT POLICY (NON-FIRE)**

As specified in Government Code §56133, cities, towns, and special districts seeking to provide new or extended services other than fire protection to areas outside their jurisdictions by contracts or agreements after January 1, 2001 shall apply to Alpine LAFCo for approval. Alpine LAFCo may approve requests under this section for new or extended services by contract or agreement within the applying agency's sphere of influence only in anticipation of eventual annexation. Approval may also be granted for such requests involving areas outside the applying agency's sphere of influence to respond to an existing or impending threat to the public health or safety of the public or the affected residents of the territory. Specific exemptions to this requirement for Alpine LAFCo approval are found under Government Code §56133(e).

#### 4.8 (A) Definitions

Alpine LAFCo incorporates the following definitions in administering these policies concerning outside services under Government Code §56133:

- 4.8 (A)(i) “Service” shall mean any municipal service supporting (directly or indirectly) urban type uses with the referenced exclusion of fire protection.
- 4.8 (A)(ii) “New” shall mean the actual extension of a municipal service to previously unserved non-jurisdictional land.
- 4.8 (A)(iii) “Extended” shall mean the intensification use of a municipal service provided by a city, town, or special district to non-jurisdictional land that is directly tied to a redesignation and/or rezoning of the affected territory by the appropriate land use authority.

#### 4.8 (B) Applicability Determination

Agencies may request a no-cost written response from Alpine LAFCo as to whether any potential new or extended outside service contract or agreement qualifies as an exempted action under Government Code §56133(e). The Commission delegates to the Executive Officer the responsibility to determine this applicability. If the inquiry is determined to be not exempt, the jurisdiction should proceed with submitting a formal approval request with the Commission consistent with these policies.

#### 4.8 (C) Submitting a Formal Approval Request

Requests shall be made only by the affected agency and through their appointed director/manager and filed with the Executive Officer. Joint requests by two or more affected agencies are permitted. Requests shall be made in letter form and shall include all of the following information:

- 4.8 (C)(i) A list of all addresses and/or parcel numbers comprising the subject territory along with the accompanying zoning assignments made by the applicable land use authority;
- 4.8 (C)(ii) A description of how the applying agency would provide the proposed new or extend service to the subject territory. This includes any infrastructure or facility improvements and associated funding requirements necessary to provide service to the subject territory; and
- 4.8 (C)(iii) Any information or associated findings made pursuant to the California Environmental Quality Act

#### **4.8 (D) Request Review**

The Executive Officer will provide the jurisdiction a written response within 30 days; if incomplete, the Executive Officer will identify the information needed to deem it complete. Once a request is deemed complete, the Executive Officer shall prepare a written report with a recommendation for consideration by the Commission including the following three factors:

- 4.8 (D)(i) The ability of the applying agency to provide the requested service to the subject territory and potential impact on existing service levels;
- 4.8 (D)(ii) The effect on urban growth and development within and adjacent to the subject territory should the request be approved; and
- 4.8 (D)(iii) The consistency of the request with the Commission's adopted policies.

#### **4.8 (E) Public Hearing**

The Executive Officer shall present the written report at the next earliest regular meeting for which adequate notice can be provided, and no further than 90 days from the date the request has been deemed complete. Requests involving service extensions beyond the applying agency's sphere of influence shall be noticed under Government Code §56153 and 56154 and considered as part of public hearings.

#### **4.8 (F) Commission Action**

Alpine LAFCo may approve requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section with or without conditions.

#### **4.8 (G) Reconsideration**

Should Alpine LAFCo disapprove requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section the affected agency may ask for reconsideration within 30 days of the Commission action under Government Code §56895.

#### **4.8 (H) Health & Safety Emergency Approval**

Alpine LAFCo authorizes the Chair to approve a city, town, or special district's request to provide new or extended services outside their jurisdictional boundaries under this section if there is an existing or impending public health or safety emergency. Alpine LAFCo shall ratify the Chair's determination at the next regular scheduled meeting.

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## 4.9 OUTSIDE SERVICE AGREEMENT POLICY (FIRE PROTECTION SERVICES)

### 4.9 (A) Applicability Conditions

As specified in Government Code §56134, the County, cities, towns, special districts, and State agencies seeking to provide new or extended fire protection services to areas outside their jurisdictions by contracts or agreements after December 31, 2015 shall apply to Alpine LAFCo for approval should either of the following conditions apply:

- 4.9 (A)(i) Contracts that transfers responsibility for providing fire protection services in more than 25 percent of the area within the jurisdictional boundaries of any public agency affected by the contract or agreement, based on acreage differences calculated in AlpineMap; or
- 4.9 (A)(ii) Contracts that changes the employment status of more than 25 percent of the employees of any public agency affected by the contract or agreement, based on actual and agency-wide staffing totals within the affected agencies as of the July 1st of the subject fiscal year.

### 4.9 (B) Definitions

Alpine LAFCo incorporates the following definitions in administering these policies concerning outside services under Government Code §56134:

- 4.9 (B)(i) “New” shall mean the provision of fire protection services to previously unserved non-jurisdictional land by the affected agency; i.e., the applying County, city, town, special district, or State agency.
- 4.9 (B)(ii) “Extended” shall mean the intensification and/or improvement of a fire protection service provided by the County, city, town, special district, or State agency to non-jurisdictional land.
- 4.9 (B)(iii) “Employment status” shall apply to any one of the affected agencies subject to the fire protection contract or agreement. Changes in employment status is specific to emergency or sworn personnel and does not apply cumulatively across all affected agencies. Changes in wages, benefits, hours worked, or working conditions does not affect employment status.
- 4.9 (B)(iv) “Jurisdictional boundary” shall mean lands already being served under a fire protection contract entered into prior to December 31, 2015.

## 4.9 (C) Exemptions

Alpine LAFCo approval under this section is not required for the County, cities, towns, special districts, or State agencies to provide new or extended fire protection services outside their jurisdictional boundaries that involve any of the following:

- 4.9 (C)(i) Contracts or agreements for fire protection services entered into before December 31, 2015 or recipient of LAFCo approval after December 31, 2015 and renewals or renegotiated terms of same, so long as it does not constitute a new 25% change in service area or employment status.
- 4.9 (C)(ii) Renewals of existing contracts or agreements, unless the renewal includes amendments or inclusions that triggers the referenced 25% threshold with respect to changing the service area or employment status of the affected agencies.
- 4.9 (C)(iii) Mutual aid agreements in which there is no monetary reimbursement for fire protection services. Reimbursement costs associated with mutual aid contracts between the State and local agencies are also exempt.
- 4.9 (C)(iv) Cooperative agreements for wildland fires under Public Resource Code §4143 or 4144.
- 4.9 (C)(v) Contracts or agreements that involve any of the following:
  - 4.9 (C)(v)(1) Ambulance services, including billing and related administrative support.
  - 4.9 (C)(v)(2) Pre-hospital emergency medical services.
  - 4.9 (C)(v)(3) Permit and inspection review.
  - 4.9 (C)(v)(4) Fire alarm system plan reviews and inspections.
  - 4.9 (C)(v)(5) Business and occupancy reviews and inspections.
  - 4.9 (C)(v)(6) Vehicle maintenance and repair.
  - 4.9 (C)(v)(7) Sharing of management or other personnel between or among two or more agencies in which the contracts or agreements do not constitute a 25 percent change in employment status as defined.
  - 4.9 (C)(v)(8) Sharing of management or other personnel between or among two or more agencies in which the

contracts or agreements do not constitute a 25 percent change in employment status as defined.

- 4.9 (C)(v)(9) Sharing or loaning of equipment, facility, or property between or among two or more agencies
- 4.9 (C)(vi) Establishment of joint-power authorities to provide fire protection services in which all of the following criteria is satisfied as verified by the Commission's Executive Officer:
  - 4.9 (C)(vi)(1) The jurisdictions wanting to establish the joint-power authority can demonstrate how they qualify for the exemption in Government Code Section 56134.
  - 4.9 (C)(vi)(2) The boundaries of the proposed joint-powers authority are entirely coterminous with the member agency boundaries, and therefore services are not extended to previously unserved areas by the agencies.
  - 4.9 (C)(vi)(3) The member agencies and the affected represented safety employees' organizations have ratified agreements in support of the proposed joint-powers authority and any changes therein to employment status.
  - 4.9 (C)(vi)(4) The proposed joint-powers authority does not create any conflicts with adopted LAFCo policies or recommendations with respect to fire protection services in Alpine County.
  - 4.9 (C)(vi)(5) The proposed joint-powers authority does not create any conflicts with any active reorganization application on file with LAFCo.
  - 4.9 (C)(vi)(6) The total service area for the proposed joint-powers authority does not exceed a resident service population of 50,000.

#### **4.9 (D) Applicability Determination**

The County, cities, towns, special districts, and State agencies may request at no-cost a written response from Alpine LAFCo as to whether any potential new or extended contract or agreement for fire protection is subject or exempt to these proceedings. The Commission delegates to the Executive Officer the responsibility to determine this applicability. If the inquiry is determined to be not exempt, the jurisdiction should proceed with submitting a formal approval request with the

Commission consistent with these policies. If a request is deemed incomplete, the Executive Officer shall immediately notify the applying agency and identify the information needed to deem it complete.

#### **4.9 (E) Submitting a Request**

Requests shall conform to the following procedures:

- 4.9 (E)(i) An affected agency will make a request by adopted resolution consistent Government Code §56134 (c) at a noticed public hearing.
- 4.9 (E)(ii) Requests shall be filed with the Executive Officer only after both of the conditions prescribed under Government Code §56134 (d) have been satisfied. Requests shall also include all the information prescribed under Government Code §56134 (e) in letter form.
- 4.9 (E)(iii) Joint requests by two or more affected agencies are permitted.

#### **4.9 (F) Request Review**

The Executive Officer will provide the jurisdiction a written response within 30 days; if incomplete, the Executive Officer will identify the information needed to deem it complete. Once a request is deemed complete, the Executive Officer shall prepare a written report with a recommendation for consideration by the Commission including the following three factors:

- 4.9 (F)(i) The ability of the applying agency to provide the requested service to the subject territory and potential impact on existing service levels;
- 4.9 (F)(ii) The effect on urban growth and development within and adjacent to the subject territory should the request be approved; and
- 4.9 (F)(iii) The consistency of the request with the Commission's adopted policies.

#### **4.9 (G) Public Hearing**

The Executive Officer shall present the written report at the next earliest regular meeting for which adequate notice can be provided, and no further than 90 days from the date the request has been deemed complete. Requests involving service extensions beyond the applying agency's sphere of influence shall be noticed under Government Code §56153 and 56154 and considered as part of public hearings.

#### 4.9 (H) Commission Action

Alpine LAFCo may approve requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section with or without conditions. Alpine LAFCo shall only approve requests under this section when the Commission determines the applying agency will have sufficient revenues to provide the underlying service consistent with Government Code §56134 (i)-(j). Conditioning approval on the applying agency establishing a new or augmented revenue source is permissible.

#### 4.9 (I) Reconsideration

Should Alpine LAFCo disapprove requests to authorize cities, towns, or special districts to provide new or extended services outside their jurisdictional boundaries under this section the affected agency may ask for reconsideration within 30 days of the Commission action under Government Code §56895.

#### 4.9 (J) Health & Safety Emergency Approval

Alpine LAFCo authorizes the Chair to approve a city, town, or special district's request to provide new or extended services outside their jurisdictional boundaries under this section if there is an existing or impending public health or safety emergency. Alpine LAFCo shall ratify the Chair's determination at the next regular scheduled meeting

### 4.10 GENERAL PROCEDURES FOR THE EVALUATION OF CHANGE OF ORGANIZATION PROPOSALS

#### 4.10 (A) Processing Fees

4.10 (A)(i) **Fee Requirement:** All fees are due with application submittal. The application will not be deemed complete for processing until the application fee is submitted.

4.10 (A)(ii) **Application Fee Refund:** As provided in the adopted fee schedule, if an at-cost application is withdrawn by written request of the applicant before the item has been placed on the Alpine LAFCo's agenda, the application fee will be refunded, less:

4.10 (A)(ii)(1) The estimated hourly cost for Alpine LAFCo staff time spent on the application; and

4.10 (A)(ii)(2) The direct cost of processing the application (map and legal description review, notices, postage, copy service, etc.).

4.10 (A)(iii) **Fee Reduction and Waiver Policy:** Alpine LAFCo, upon majority vote, may reduce or waive application fees, service charge, or deposit if it finds a payment would be detrimental to the public or if renewed applications with current information (not previously denied) have prior processing that remains relevant to the renewed application. Notwithstanding the preceding statements, fee reductions shall not be granted for applications conditioned, denied, or previously denied or due to misinformation provided in the application or by other public agencies, groups, or individuals. Prior to consideration by Alpine LAFCo, a request for a fee reduction shall be submitted in writing using the Alpine LAFCo Fee Reduction Request Form. The request will be considered at the next regular meeting of Alpine LAFCo.

#### 4.10 (B) Indemnification Agreement

As a standard condition of approval, applicants shall indemnify Alpine LAFCo against the costs of litigation arising from its actions on proposed change of organizations or other application requests by signing LAFCo's standard agreement.

#### 4.10 (C) Initial Procedures

When a proposal is submitted, staff takes the following steps within 30 days:

- 4.10 (C)(i) **Notice of Application - Proposals Submitted by Petition Only:** The proposal is placed on Alpine LAFCo's agenda for information only. Sixty days must pass after the notice of application is on the Commission's agenda before the item can be presented to the Commission for a decision. (Government Code §56658) Affected agencies are sent referral information. The 60-day period after the notice of application allows time for cities losing territory and special districts gaining territory to adopt a resolution terminating proceedings if desired. (Government Codes §56751/56857)
- 4.10 (C)(ii) **Completeness of the Application:** Within 30 days of receipt, staff will provide the applicant a written status letter, which will include a Certificate of Filing if the application is deemed complete; if incomplete, staff will identify the information needed to deem it complete.
- 4.10 (C)(iii) **Certificate of Sufficiency:** Within 30 days of receipt, staff will review the petition or request evaluation of the petition signatures by the County elections official. If the petition is determined to be insufficient per the requirements of

Government Codes §56704-56706, the Executive Officer will give notice by certified mail to the proponents. Within 15 days after the notice of insufficiency, a supplemental petition may be filed with the Executive Officer. Within 10 days after the date of filing a supplemental petition, the Executive Officer will examine the supplemental petition and certify in writing the results of that examination per Government Code §56706.

- 4.10 (C)(iv) **Consent of Property Owners:** If all of the owners of land within the affected territory have given their written consent to the change or organization or reorganization, the application may proceed without public notice.
- 4.10 (C)(v) **Application Referral/Requests for Information:** The proposal shall be distributed to all affected agencies as a notice of filing as well as a request for information and comment. Affected agencies must respond to Alpine LAFCo within 30 days with any comments the agency may have regarding the application. (Government Code §56663(b))

#### 4.10 (D) Proposal Filing

The Certificate of Filing will specify the date upon which the proposal will be heard by Alpine LAFCo, which must be set within 90 days of the date the Certificate of Filing is issued or after the application is deemed to have been accepted, whichever is earlier.

#### 4.10 (E) Noticing

- 4.10 (E)(i) **Public Notice Without 100% Consent:** For proposals where there is not 100 percent written consent of the affected property owners, Alpine LAFCo will publish notice of the public hearing no less than 21 days before the hearing in a newspaper of general circulation, on the bulletin board for legal notices at the County Civic Center, and on the Alpine LAFCo website. Mailed notice shall be given to the County, all affected agencies, the subject agencies, all proponents in the petition, persons requesting special notice, and all landowners and registered voters in the subject area plus a buffer zone of 300 feet surrounding the subject area. To ensure adequate notice for proposals involving boundary amendments, the public hearing may be continued where necessary and the language of the published agenda may be modified.
- 4.10 (E)(ii) **Public Notice With 100% Consent:** Notice will not be

published or posted for proposals for changes of organization wherein 100% of the affected property owners have consented in writing to the proposed change unless the Commission deems it appropriate relative to local conditions (Government Code §56664).

#### **4.10 (F) Staff Report and Recommendation**

The Executive Officer shall review the application materials and prepare a written report and recommendation on the proposal, to be distributed consistent with Ralph M. Brown Act. Copies shall be furnished to the persons specified in the application and all affected agencies. The report will consider the factors to be considered as required by Government Code §56668.

#### **4.11 WITHDRAWAL OF CHANGE OF ORGANIZATION PROPOSALS**

Prior to issuance of a Certificate of Filing, applicants wishing to withdraw their applications from further processing or review by Alpine LAFCo may do so with the written request of all persons signing the petition of application (proposals submitted by petition) or by the applicant agency submitting a resolution requesting withdrawal from the applicant agency (proposals submitted by resolution). After issuance of a Certificate of Filing, proposals for change of local government organization may only be withdrawn at the discretion of Alpine LAFCo.

#### **4.12 COMMISSION HEARING INVOLVING CHANGE OF ORGANIZATIONS**

A Alpine LAFCo hearing may be continued from time to time but shall not exceed 70 days from the date specified in the original notice.

#### **4.13 RECONSIDERATION OF COMMISSION ACTION INVOLVING CHANGE OF ORGANIZATIONS**

##### **4.13 (A) Allowance**

When Alpine LAFCo has adopted a resolution making determinations, any person or affected agency may file a written request with the Executive Officer requesting reconsideration of the resolution. The purpose of the reconsideration process is to provide a mechanism for Alpine LAFCo to review new or different facts that could not have been presented previously that are claimed to warrant reconsideration. Therefore, it is the policy of Alpine LAFCo to provide for reconsideration of Commission decisions in a manner that is consistent with State law and that does not unduly delay the processing of applications for changes of local government organization. Alpine LAFCo shall include a charge for reconsideration in its schedule of processing fees. Alpine LAFCo may waive the fee for reconsideration as specified by separate policy.

##### **4.13 (B) Procedure**

- 4.13 (B)(i) A request for reconsideration may be filed by any interested person or agency within 30 days of the date of adoption of a resolution making determinations or prior to the adoption of a resolution by the conducting authority, whichever is earlier. Such requests must be made in writing, state the specific modification to the resolution being requested, identify new or different facts that could not have been presented to Alpine LAFCo, and include required processing fees, as per Government Code §56895.
- 4.13 (B)(ii) Upon receipt of a timely request, the Executive Officer shall immediately suspend conducting authority proceedings until Alpine LAFCo acts on the request and shall place the request on the agenda of the next meeting of Alpine LAFCo for which any required notice can be given. At that meeting, Alpine LAFCo shall consider the request and receive any oral or written testimony. Alpine LAFCo may continue the hearing for a maximum of 35 days.
- 4.13 (B)(iii) At the conclusion of the public hearing, Alpine LAFCo will act on the request by approving or disapproving or approving with conditions or modifications. If the Commission approves the request with or without modification, the Commission will adopt a new resolution making determinations superseding the resolution previously issued.

#### 4.14 PROTEST HEARINGS INVOLVING CHANGE OF ORGANIZATIONS

It is the policy of Alpine LAFCo to delegate the responsibility for conducting protest hearings for approved change of organizations or reorganizations to its Executive Officer as provided under Government Code §57000. The purposes of delegating responsibility for holding protest hearings to staff are to increase Alpine LAFCo's flexibility to expedite protest hearings and evaluate protest petitions without extending the length of regular Commission meetings to include non-discretionary matters.

#### 4.15 POLICIES & PROCEDURES FOR OTHER PROPOSAL TYPES

##### 4.15 (A) Latent Power Activations and Service Power Divestitures

- 4.15 (A)(i) **Determination of Latent Powers:** Alpine LAFCo shall periodically review and update the inventory of functions and services established for each special district as part of its municipal service review study program under Government Code §56430. In conducting such a review, Alpine LAFCo may require the special districts to provide current information concerning established functions and services. Alpine LAFCo may, after public hearing, remove from its inventory any

function or service established for a special district, if the Commission determines that the function of service is not currently being provided by the district.

- 4.15 (A)(ii) **Request to Activate a Latent Power or Divestiture of a Service Power:** Any special district desiring to undertake the provision of any new or different function or class of service or divest an existing power within its boundaries shall adopt a resolution of application for filing with Alpine LAFCo pursuant to Government Code §56824.12. Adoption of such resolution of application requires a noticed public hearing. Applications for provision of new or different functions or classes of service must be accompanied by a plan for providing service pursuant to Government Code §56824.12.
- 4.15 (A)(iii) **Procedures on Request:** All procedures tied to reviewing and acting on a request from a special district to activate a latent power or divest a service power shall follow the steps required change of organization proposals as provided in this Policy Handbook.
- 4.15 (A)(iv) **Public Hearing:** Alpine LAFCo shall hear and act upon the proposal at a noticed public hearing according to the requirements of Government Code §56824.14.

#### 4.15 (B) Initiation of Proposals by Alpine LAFCo

- 4.15 (B)(i) **Policy Preference:** It is the policy of Alpine LAFCo to prefer, but not require, that proposals be submitted by petition of voters or landowners or by resolution of application by an affected local agency. Alpine LAFCo will consider initiation of such proposals in instances in which the following conditions apply:
- 4.15 (B)(i)(1) A sphere of influence, municipal service review, or other governmental study has shown that a proposal may result in lower overall public service costs, greater local government access and accountability, or both.
- 4.15 (B)(i)(2) Alpine LAFCo can complete the necessary review, analysis, and processing with its own staff resources, or funds are available to pay for additional assistance needed to complete the review and processing of the proposal.
- 4.15 (B)(ii) **Implementation Factors:** Alpine LAFCo reserves its discretion to initiate such proceedings in exceptional circumstances in

which there exists a level of public concern about a district's services or governance that, in the Commission's view, warrants initiation of a proposal. The following factors will be considered by Alpine LAFCo in determining and, if applicable, proceeding with a self-initiated proposal:

- 4.15 (B)(ii)(1) Alpine LAFCo will consider whether to initiate a proposal at a regular public meeting. The Commission will consider a preliminary staff report, which estimates, to the extent possible without a full study, potential service cost savings and which summarizes any other factors which warrant consideration. After reviewing the preliminary report, if the Commission decides to proceed, it will adopt a resolution of application pursuant to Government Code §56650.
- 4.15 (B)(ii)(2) If Alpine LAFCo initiates a proposal, staff will commence formal review including provision for agency participation and comment, environmental review, property tax exchange (if applicable), and an Executive Officer's Report and Recommendation, as required for all proposals considered by the Commission.
- 4.15 (B)(iii) **Referral to Committee:** Alpine LAFCo may refer the proposal to a reorganization committee as provided in Government Code §56827 or to an advisory committee composed of a representative from each affected district and any additional representatives the Commission deems appropriate.

#### 4.15 (C) Proposals Affecting More than One County

State law provides that the county having all or the greater portion of the entire assessed value of all taxable property within a district for which a change of organization or reorganization is proposed is the principal county for changes in organization involving that district. The Act further provides that the LAFCo of the principal county shall have exclusive jurisdiction over all boundary changes affecting a district located in more than one county, unless the LAFCo of the principal county vests exclusive jurisdiction in the LAFCo of another affected county, and both LAFCos agree to the transfer of jurisdiction.

- 4.15 (C)(i) **Transfer of Jurisdiction:** When requested by the LAFCo of an affected county, Alpine LAFCo will consider and determine, on a case-by-case basis, whether it is appropriate to transfer jurisdiction to the LAFCo of the affected county.
- 4.15 (C)(ii) **Processing Procedures:** The following procedures apply for

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processing of applications affecting more than one county when Alpine LAFCo is principal LAFCo:

- 4.15 (C)(ii)(1) Applications affecting the boundaries of a special district for which Alpine LAFCo is principal LAFCo shall be submitted to Alpine LAFCo, including instances in which the subject territory is located in another county. Prior to application, applicants should meet with Alpine LAFCo staff and the staff of the LAFCo in the other affected county regarding process and application requirements.
  - 4.15 (C)(ii)(2) Upon receipt of an application involving territory in another county, Alpine LAFCo staff shall immediately forward a copy of the application to the LAFCo of the other affected county. Alpine LAFCo staff shall also notify all affected local agencies of any proceedings, action, or reports on the proposed change of organization.
  - 4.15 (C)(ii)(3) Alpine LAFCo staff shall consult with the staff of the LAFCo of the other affected county and the staff of affected agencies, to gather data for the Executive Officer's report and recommendation.
  - 4.15 (C)(ii)(4) Alpine LAFCo shall schedule Commission consideration of the application so that the LAFCo of the other affected county has had time to review the application and submit a written recommendation to be included in the Executive Officer's report for Alpine LAFCo consideration.
  - 4.15 (C)(ii)(5) During its consideration of the application, the Commission shall consider the Executive Officer's report, the recommendation of the LAFCo of the other affected county, and the comments of interested persons and affected local agencies in making its determination.
  - 4.15 (C)(ii)(6) Following the Commission's consideration of the application, the Executive Officer shall forward any resolutions and written report of Commission action to all affected local agencies and the LAFCo of the affected county.
- 4.15 (C)(iii) **Referrals from Other LAFCOs:** Upon receipt by Alpine LAFCo of a referral from the LAFCo of another county of an

application for a change of organization affecting territory in Alpine County, Alpine LAFCo staff shall place the application and report and recommendation on Alpine LAFCo's next possible agenda so that the Commission may consider the application and forward a recommendation to the principal LAFCo. The application will be processed and a staff report will be prepared consistent with Alpine LAFCo's Policy Handbook.

#### 4.16 POLICY FOR DISADVANTAGED UNINCORPORATED COMMUNITIES

As set forth in SB 244, Alpine LAFCo will include considerations of disadvantaged unincorporated communities within a city or district SOI in statements of written determinations of MSRs. Alpine LAFCo will prohibit the approval of city annexations greater than 10 acres that are contiguous to a disadvantaged unincorporated community unless the city applies to annex the disadvantaged unincorporated community as well.

## CHAPTER 5 ESTABLISHMENT AND EVALUATION OF SPHERES OF INFLUENCE & OTHER PLANNING

### A

#### 5.1 GENERAL POLICIES AND STANDARDS FOR SPHERES OF INFLUENCE

Spheres of influence represent the Legislature's version of urban growth boundary lines and mark the territory Alpine LAFCo believes represents the appropriate current and probable future jurisdictional boundary and service area of the affected agency. All change of organizations and outside service extensions must be consistent with the affected agencies' spheres of influence with limited exceptions (Government Code §56425).

State law directs Alpine LAFCo to establish spheres of influence for all local agencies within one year of their formation (district) or incorporation (city/town). State law also directs Alpine LAFCo to review and update, as necessary, spheres of influence for all local agencies every five years beginning January 1, 2008 (Government Code §56425).

##### 5.1 (A) Policy Intentions

Spheres of influence represent Alpine LAFCo's principal planning tool in facilitating orderly and responsive local government. The following statements reflect the collective policy intentions of Alpine LAFCo in establishing, updating, and amending spheres.

- 5.1 (A)(i) Spheres of influence should promote orderly growth of communities whether or not services are provided by a city, dependent special district or independent special district.

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- 5.1 (A)(ii) A sphere of influence represents the area to which a city/town or special district is expected to eventually provide services. Alpine LAFCo will use spheres of influence to guide its consideration of proposals to change local government boundaries to meeting existing and future community needs.
  - 5.1 (A)(iii) Designated spheres of influence are intended to resolve uncertainty concerning the availability and source of services for undeveloped land, promote orderly land use and service planning by public agencies, and provide direction to landowners and area residents when and if they seek additional or higher-level services.
  - 5.1 (A)(iv) Alpine LAFCo's decisions on individual proposals for changes to local government boundaries and organization must be consistent with the adopted or amended spheres of influence for the agencies affected by the proposal unless exempted under State law.
  - 5.1 (A)(v) Boundary change proposals should ensure that extension of services is reasonable and feasible given local conditions and circumstances and to avoid duplication of services. Territory will be considered for inclusion within a sphere of influence if services can be efficiently extended and are shown to be needed within the next 10 years.
  - 5.1 (A)(vi) Spheres of influence will be reviewed and updated every five years, as necessary, beginning January 1, 2008.
  - 5.1 (A)(vii) In addition to the requirements of Government Code §56425(e), Alpine LAFCo will consider natural features in its adoption of spheres of influence, including topography, bodies of water, ridgelines, and wetlands. Spheres of influence will preserve open space and agricultural resources in Alpine County.

### **5.1 (B) Designation Types and Anticipated Outcomes**

In acting to adopt spheres of influence for each local government agency under its jurisdiction, Alpine LAFCo may take the following types of actions:

Adopt a sphere of influence that is larger or smaller than the present boundaries of the agency. Such a designation will be accompanied by a map showing the agency's present boundary and the sphere of influence or planned boundary. The areas between the present and planned boundaries define the territory in which Alpine LAFCo anticipates territory to be annexed or detached.

- 5.1 (B)(i) Recommend that a city or district be reorganized by adopting a "zero" sphere of influence, encompassing no territory. This designation indicates Alpine LAFCo's determination that, after consideration of all factors in Government Code §56425, that the agency should cease to exist and that its public service responsibilities should be re-allocated to another unit of local government through consolidation, dissolution or establishment as a subsidiary district.
- 5.1 (B)(ii) Where two or more single-purpose special districts providing the same service are contiguous, those districts may be allocated sphere of influence "in common" to include the areas served by both districts. This designation may be assigned where Alpine LAFCo believes that the particular service would be most efficiently provided to multiple communities by a single special district. This designation indicates Alpine LAFCo's determination that two or more districts should be combined through consolidation or other reorganization process.

#### 5.1 (C) Additional Guidelines

Alpine LAFCo will generally apply the following policy guidelines in spheres of influence determinations while also taking into account local conditions and needs.

- 5.1 (C)(i) **Developed Unincorporated Communities:** Developed unincorporated lands that are located within the sphere of influence of a city/town or special district and which benefit from the jurisdiction's municipal services should be annexed to that jurisdiction when the timing is deemed appropriate relative to the change of organization factors outlined under Government Code §56668.
- 5.1 (C)(ii) **General Plan Conflicts:** In its regular review and update of adopted spheres of influence, Alpine LAFCo will identify any instances in which city/town and County general plans are in conflict. This includes recognition of any urban growth boundaries and urban service areas designated by the County of Alpine or cities/towns. Alpine LAFCo will act to resolve such conflicts by facilitating direct negotiations between the affected city/town and the County prior to taking action to update the adopted sphere of influence. Alpine LAFCo will delay action on (or deny "without prejudice") proposed boundary changes in unincorporated areas that would conflict with a city general plan until the identified conflict is addressed.

- 5.1 (C)(iii) **Timing of Amendments:** Alpine LAFCo encourages local agencies and the general public to defer requests or applications for individual amendments to spheres of influence to coincide with the regular reviews and updates calendared by the Commission as part of its adopted study schedule.
- 5.1 (C)(iv) **Consultation with County:** In instances in which a city/town requests and/or applies for an amendment to its own sphere of influence in advance of Alpine LAFCo’s regular review and update process, the city/town making the request shall seek consultation and agreement with the County on the planned boundaries and development standards for the area within the proposed sphere of influence as required by Government Code § 56425(b).
- 5.1 (C)(v) **Agricultural Lands and Open Space:** In reviewing a city/town or special district sphere of influence, Alpine LAFCo will exclude lands in agricultural, open space, or serve as community separators, unless special considerations warrant otherwise.
- 5.1 (C)(vi) **Community Benefit:** In designating spheres of influence for local agencies, Alpine LAFCo will avoid including territories that will not benefit from the services provided by those agencies. Areas designated for open space, recreation, preservation of wildlife habitat, aquatic life habitat, or other natural land resources in city/town or County general plans will generally be excluded from city/towns and special district spheres of influence and thereby will not be considered eligible for an extension of an urban level of services.
- 5.1 (C)(vii) **Municipal Service Delivery Preference:** Where possible, a single multi-purpose agency is preferable to a number of adjacent limited-purpose agencies providing the same service. Multi-purpose agencies are preferred to limited-purpose agencies. Wherever possible, provision of multiple services by cities/towns will be preferred because general purpose agencies are best equipped to weigh community service priorities and their relationship to growth management and land-use planning authority.

## 5.2 SPECIFIC POLICIES AND STANDARDS FOR SPHERES OF INFLUENCE

### 5.2 (A) Policies for the Review of City/Town Spheres of Influence

Alpine LAFCo will incorporate into its review of city/town spheres of influence the

following policy factors:

- 5.2 (A)(i) Sphere of influence lines shall act to preserve the community identity of physically distinct unincorporated communities where those communities receive adequate public services from the County of Alpine and independent special districts.
- 5.2 (A)(ii) Sphere of influence lines adopted by Alpine LAFCo will act to encourage the political and functional consolidation of local government agencies where the boundaries of those agencies divide areas that are otherwise single communities.
- 5.2 (A)(iii) City/town spheres of influence should include unincorporated islands and corridors closely associated with the city/town's boundaries unless these areas are reserved for open space, agriculture or regional facilities.

#### **5.2 (B) Policies for the Review of Special District Spheres of Influence**

Alpine LAFCo will incorporate into its review of special district spheres of influence the following policy factors:

- 5.2 (B)(i) Where a limited-purpose special district is coterminous with, or lies substantially within, the boundary or sphere of influence of a multi-purpose government that is capable of assuming the public service responsibilities and functions of that limited-purpose special district, the limited-purpose special district may be allocated a designation of a zero influence.
- 5.2 (B)(ii) Where two or more limited-purpose special districts providing the same service are contiguous, those special districts may be allocated sphere of influence in common to include the areas served by both special districts. This designation may be assigned where Alpine LAFCo determines that the particular service would be most efficiently provided to the entire area by a single special district and reorganization shall be pursued.

### **5.3 PROCEDURES FOR REVIEW, UPDATE, AND OR AMENDMENT OF SPHERES OF INFLUENCE**

#### **5.3 (A) Procedures for Alpine LAFCo Updates to Spheres of Influence**

Alpine LAFCo will incorporate the following guidelines in preparing its own sphere of influence updates for local agencies:

- 5.3 (A)(i) Alpine LAFCo shall adopt a study schedule every five years as needed to calendar sphere of influence updates and the associated municipal service reviews consistent with

directives under Government Code §56425.

- 5.3 (A)(ii) The study schedule shall be adopted at a public hearing and only after a minimum 21-day notice has been provided by Alpine LAFCo to local agencies and the general public for review and comment.
- 5.3 (A)(iii) The adopted study schedule may be amended by Alpine LAFCo from time to time at public hearings to address changes in priorities and/or resources. In adopting or amending the study schedule, Alpine LAFCo shall consider the following factors:
  - 5.3 (A)(iii)(1) Dates of the last sphere of influence updates and municipal service reviews performed for the affected local agencies;
  - 5.3 (A)(iii)(2) Evidence of significant changes in land uses, planning policies, public service demands, public service needs, or public service capabilities.
  - 5.3 (A)(iii)(3) Communications and requests from local agencies and the general public.
  - 5.3 (A)(iii)(4) A preliminary assessment and recommendations by the Executive Officer on the potential scope and content of studies, including sphere of influence updates and municipal service reviews, over the five-year period.
  - 5.3 (A)(iii)(5) Prior to initiating any work pursuant to the adopted study schedule, Alpine LAFCo shall consider and approve, with or without changes, a scope of analysis prepared by the Executive Officer at a public hearing.

### **5.3 (B) Procedures for Applicant Requests for Sphere of Influence Amendments**

- 5.3 (B)(i) After receiving a written application for a sphere of influence amendment accompanied by an appropriate fee deposit, Alpine LAFCo will schedule a public hearing to consider the application as required by Government Code §56428.
- 5.3 (B)(ii) The request or application shall state the nature of the proposed change, reasons for the request, include a map of the affected area, and contain any additional items and information as may be required by the Executive Officer, including an appropriate fee deposit.

- 5.3 (B)(iii) Minor amendments of adopted spheres of influence may be considered by Alpine LAFCo concurrently with a proposal for a change of organization.
- 5.3 (B)(iv) Significant amendments of an adopted sphere of influence will be considered independently of and prior to any associated boundary change proposal and deferred for consideration to correspond with Alpine LAFCo's adopted study schedule unless Alpine LAFCo determines otherwise.

### **5.3 (C) Action on Sphere of Influence Establishments, Amendments, and Updates**

All approved changes to spheres of influence shall be made by adopted resolution of Alpine LAFCo and include determinations addressing all of the factors required for consideration under Government Code §56425(e) and any terms and conditions as determined appropriate by Alpine LAFCo.

## **5.4 GENERAL POLICIES AND STANDARDS FOR MUNICIPAL SERVICE REVIEWS**

### **5.4 (A) Legislative Authority**

In order to prepare and update spheres of influence, Alpine LAFCo will conduct municipal service reviews to independently assess the availability, demand, capacity, and performance of governmental services necessary to support orderly growth in Alpine County. A municipal service review is an analysis of the provision of each service provided by local agencies under Alpine LAFCo's jurisdiction within a defined geographic area as defined by the Commission. Alpine LAFCo will review all of the agencies that provide the identified service or services within the designated geographic area. (Government Code §56430)

### **5.4 (B) Policy Intentions**

- 5.4 (B)(i) Alpine LAFCo will use municipal service reviews to proactively inform future planning and/or regulatory actions under the purview of the Commission as well as to contribute to the overall and logical development of Alpine County.
- 5.4 (B)(ii) Alpine LAFCo will orient the municipal service review to provide value to local agencies and the general public by soliciting and incorporating, as appropriate, requests to evaluate specific governance and or service alternatives.
- 5.4 (B)(iii) Municipal service reviews will be used by Alpine LAFCo to expand public knowledge of how local services are provided and as data for its sphere of influence determinations.
- 5.4 (B)(iv) Alpine LAFCo will generally schedule and prepare municipal

service reviews in conjunction with sphere of influence updates, but may schedule municipal service reviews independent of sphere of influence updates.

- 5.4 (B)(v) Alpine LAFCo will generally follow State Guidelines governing the conduct of municipal service reviews, exercising its discretion to fit local conditions and priorities.

#### **5.4 (C) Municipal Service Review Types**

Alpine LAFCo may calendar and prepare one of three types of municipal service reviews as provided below:

- 5.4 (C)(i) A service-specific municipal service review will examine particular governmental services across multiple local agencies on a countywide basis.
- 5.4 (C)(ii) A region-specific municipal service review will examine the range of governmental services provided by local agencies and any other identified entities within a defined area within Alpine County.
- 5.4 (C)(iii) An agency-specific municipal service review will examine the breadth of governmental services provided by a particular local agency.

#### **5.4 (D) Implementation Objectives**

The purposes of Alpine LAFCo's policies and procedures in the conducting municipal service reviews include, but not limited to:

- 5.4 (D)(i) Provide an independent assessment of the ability of the affected agencies in meeting current and projected community needs as determined by Alpine LAFCo.
- 5.4 (D)(ii) Generate civic engagement among the affected agencies and general public in addressing current and future challenges and opportunities in aligning municipal service provision with community needs.
- 5.4 (D)(iii) Serve as the source document for Alpine LAFCo to consider subsequent changes in spheres of influence; to inform future boundary changes and or outside service extensions; and to pursue, as appropriate, changes in organization as authorized under Government Code §56375(a)(2).

#### **5.4 (E) Action on Municipal Service Reviews**

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All municipal service reviews will be adopted by resolutions that include determinative statements addressing all of the factors required for consideration Government Code 56430(a).

## 5.5 GENERAL POLICIES AND STANDARDS FOR OTHER STUDIES

### 5.5 (A) Special Studies

- 5.5 (A)(i) Alpine LAFCo will conduct any study of local government services or structure it deems necessary as authorized by Government Code § 56378 to fulfill its legislative mandates. Such studies will be funded through Alpine LAFCo's regular financial resources and reserves, supervised and controlled by Alpine LAFCo with the advice of affected agencies as deemed appropriate and or necessary by the Commission.
- 5.5 (A)(ii) In the event that the County of Alpine, cities/towns, special districts or civil organizations request Alpine LAFCo to undertake intergovernmental or multi-jurisdictional study of municipal type services in addition to studies undertaken by the Commission for municipal service review or sphere of influence update purposes, Alpine LAFCo will consider management and/or contributing to the cost of the study based on the proposed study's relevance to Alpine LAFCo. Requesting agencies or other potential applicants will be required to pay study costs in excess of those costs to be incurred by Alpine LAFCo in the regular fulfillment of its legislative mandates.
- 5.5 (A)(iii) Applications for changes of organization requiring extended study in order to provide adequate information to Alpine LAFCo to support its determinations shall be undertaken by the Commission at the expense of the applicant.