



MI-WUK/SUGAR PINE FIRE PROTECTION DISTRICT

"Providing Quality Emergency Response And Fire Protection For The Public"

Minutes of the Board of Directors
Mi-Wuk Sugar Pine Fire Protection District
Regular Meeting, 7:00 PM, Tuesday, February 13, 2018
Mi-Wuk Sugar Pine Fire Protection District
24247 Highway 108, Mi Wuk Village, California

1. Call to Order 7:00
2. Pledge of Allegiance
3. Roll Call
 - a. Vice President Klipple Present
 - b. Treasurer Peters Present
 - c. Director Doss Present
 - d. Also Present:
 - i. Chief Crabtree Present
 - ii. Department Secretary Dahlin Present
 - iii. Others _____
4. Oral Communications: This is the time for the public to address the Board Of Directors on any matter not on the agenda, but within the jurisdiction of the Board Of Directors. Each person shall be permitted to speak for no more than 5 minutes; persons speaking on the behalf of an organization may speak for no more than 15 minutes. Those wishing to speak on a matter that is on the agenda may do so at the time the item is taken up by the Board Of Directors. There were none.
5. Approval of Minutes of the January 9, 2018 Regular Meeting. Action: Director Peters moved to approve. Director Doss seconded. Ayes: 3. Noes: 0. Motion carried unanimously.
6. Written Communications:
 - a. Email correspondence between Chief Crabtree and Paul Avila, CAL FIRE Division Chief, regarding burn permits.
 - b. Email notification from CSDA regarding Free Education For SDRMA Members
 - c. Money Matters article from CSDAFC – "Opportunity Knocks: New Funding Opportunities for Fire Districts in a Post-SRA Fee World"
 - d. February 2018 Grassroots Action Brief from CSDA
 - e. Columbia College Fire Academy Fall 2017 Graduation Plaque

7. Reports:

a. Financial Reports

- i. Receive Statement of Net Position; December 31, 2017 and December 31, 2016; Director Peters.
- ii. Receive Statement of Activities For the 6 Months Ended December 31, 2017 and 2016; Director Peters. Action: Director Doss moved to receive both financial statements. Director Peters seconded. Ayes: 3. Noes: 0. Motion carried unanimously.
- iii. Budget Update; Director Peters.

b. Auxiliary Report: Sherry Blake, MWSPFPD Auxiliary President, read and elaborated on the written report that is in the meeting record.

c. Highway 108 FireSafe Council Report; No report.

d. Chief's Report; Larry Crabtree, Fire Chief, read and elaborated on the written report that is in the meeting record.

e. Strategic Plan Update; Larry Crabtree, Fire Chief. No report.

f. Status Update regarding Chief Recruitment; Chief Crabtree noted the following:

- i. Amount spent to date in recruitment expenses is about \$5,200. Over budget by about \$2,000. There will be a few additional small expenses.
- ii. Seven applications were received.
- iii. Dotty Metcalf prepared a Rate & Review which she presented to the committee.
- iv. Three candidates were selected by the committee to be interviewed by both a professional panel and a community panel on Friday, February 23, 2018.
- v. The Board will interview the candidates at, or before, the March 13 Meeting.
- vi. The target start date for the new Chief is April 8 or 9, 2018.

g. District Policies & Procedures Committee; Director Doss. The committee did not meet.

8. Action Items:

a. Vacancy on the Board of Directors. Board to review applications and possibly appoint new Board Member. There were no applications received.

b. Board to select new signer on petty cash account ending in 0963, held at Oak Valley Community Bank, to replace Michael Welch, due to his resignation from the Board. Director Peters moved that Director Doss, as he so offered, be the new signer on the petty cash account. Vice President Klipple seconded. Ayes: 3. Noes: 0. Motion carried unanimously.

c. Receive Mi-Wuk Sugar Pine Fire Protection District Financial Statements and Independent Auditor's Report for the Fiscal Year ended June 30, 2017 and 2016 prepared by Blomberg & Griffin Accountancy Corporation; Director Peters. It was noted that there was an error to be corrected on the bottom of page 5 which stated that expenditures were less than budgeted, they actually exceeded budget. Director Peters moved to receive the Auditor's Report as corrected. Director Doss seconded. Ayes: 3. Noes: 0. Motion carried unanimously.

- d. Proposed contract with Blomberg & Griffin Accountancy Corporation for the 2017/2018 FY Audit for an amount not to exceed \$2975.00. Director Peters to move to approve. Director Doss seconded. Ayes: 3. Noes: 0. Motion carried unanimously.
 - e. Local Agency Formation Commission (LAFCo) 2018 Municipal Services Review (MSR); Chief Crabtree reviewed the status. No action was necessary.
9. Director's Comments and Requests: Directors may report about various matters involving the District or may request matters be included on subsequent meeting agenda(s) for discussion and/or action. Discussion will be limited to that necessary to clarify an issue or request. No action will be taken. Director Doss reported that he and Chief Crabtree met with some representatives from the Word of Life Fellowship regarding their interest in improving or increasing their involvement with the communities of Mi Wuk and Sugar Pine: the District, the Auxiliary and MAHA. Director Peters raised the issue of the status of removal of bark on the roadsides in the District.
10. Final audience comments. There were none.
11. Adjournment: 9:02

Approved by the District Board of Directors in the meeting assembled March 13, 2018.

Blythe Klipple, Vice President



MI-WUK/SUGAR PINE FIRE PROTECTION DISTRICT

"Providing Quality Emergency Response And Fire Protection For The Public"

Minutes of the Board of Directors
Mi-Wuk Sugar Pine Fire Protection District
Special Meeting, 6:30 PM, Wednesday, March 7, 2018
Mi-Wuk Sugar Pine Fire Protection District
24247 Highway 108, Mi Wuk Village, California

1. Call to Order: 6:31 PM
2. Pledge of Allegiance
3. Roll Call: Director Doss, Director Klipple, Director Peters, Chief Crabtree
4. Oral Communications: This is the time for the public to address the Board Of Directors on any matter not on the agenda, but within the jurisdiction of the Board Of Directors. Each person shall be permitted to speak for no more than 5 minutes; persons speaking on the behalf of an organization may speak for no more than 15 minutes. Those wishing to speak on a matter that is on the agenda may do so at the time the item is taken up by the Board Of Directors.
5. Closed Session pursuant to Section 54957: PUBLIC EMPLOYEE APPOINTMENT – TITLE – FIRE CHIEF – 6:32 PM
6. Return to Open Session – 8:58 PM
7. Report on Closed Session discussion. – No reportable action taken.
8. Adjournment: 9:01 PM

Approved by the District Board of Directors in the meeting assembled March 13, 2018.

Blythe Klipple, Vice President

**Report of the Auxiliary President
March 2018**

Tickets are now available for our Spring Enchilada Take and Bake Sale with a pickup date of April 14. Tickets may be purchased from Paula Massman at 949-378-7332.

-Membership currently stands at 302 members.

-There was no Potluck this month.

-The Potluck for April will be on April 4 at 6:00 here at the fire station.

-This month's Auxiliary meeting will be held tomorrow, March 14, 12 noon, at Three Bears restaurant at the Twain Harte Golf Course.

-The Auxiliary will be hosting a Best Wishes event on April 21, 12-2, at the fire station for Chief Crabtree. This will include a BBQ lunch and meet/greet for the new chief.

-Plans are progressing for our Luncheon/Fashion Show fundraiser on May 4. The theme this year is "Cinco de Mayo". Tickets will be available later this month. Eileen Hill is handling ticket sales, 209-586-3979.

-Planning is taking place for our upcoming Rummage Sale on May 25 and 26. Now is the time to start setting aside any castoffs which may become another's treasured possession!

-Ann Coleman is planning a fire personnel family Bowling Party in June 2 at The Black Oak Casino.

-Mary Schneidman is hosting the dessert tonight.

Sherry Blake

Sherry Blake
Auxiliary President



MI-WUK SUGAR PINE FIRE PROTECTION DISTRICT

"Providing Quality Emergency Response And Fire Protection For The Public"

February 26, 2018

Renee Hendry
Local Agency Formation Commission
48 West Yaney Street
Sonora, CA 95370

Regarding 2018 MSR; Mi-Wuk Sugar Pine Fire Protection District

Good Day Ms. Hendry:

On behalf of the Board of Directors of the Mi-Wuk Sugar Pine Fire Protection District I am pleased and proud to provide you with the District's response to the questionnaire for the Local Agency Formation Commission's (LAFCo) 2018 Municipal Services Review (MSR) for our District.

We are impressed by the thoroughness of the inquiries and the depth of the information sought. We believe that we have answered each question posed to the best of our ability, and that we have attached all the documents that were requested. If there are any unanswered questions, missing documents, or if new questions arise please don't hesitate to contact me.

Relatively recent legal developments have impacted Special Districts in California, specifically having to do with internet presence and associated requirements. While we didn't see those issues addressed in the questions, we believe it might be informative for LAFCo to be aware of our District's situation.

1. Our District has a web presence: <http://www.mwspfire.us>.
2. We do post meeting Notices and Agendas on that website pursuant to Government Code section 54954.2(a)(1).
3. A Catalog of Enterprise Systems is posted pursuant to Government Code section 6270.5.
4. The District annually updates the salary data for the California State Controller's Office.
5. District Directors bi-annually complete required ethics training (AB-1234).
6. District Directors and officers file FPPC Form 700's as required at certain benchmarks.
7. District Directors receive annual training in a variety of governance topics including the Open Meeting Law, Public Records Act, Conflicts of Interest, Ethics, and Harassment Prevention.

Sincerely,

Larry Crabtree
Fire Chief



MI-WUK SUGAR PINE FIRE PROTECTION DISTRICT

"Providing Quality Emergency Response And Fire Protection For The Public"

March 6, 2018

Maureen Frank
Deputy County Administrator
County of Tuolumne
2 South Green Street
Sonora, CA 95370

Robert Finn
Senior Manager / Project Lead
Matrix Consulting Group
201 San Antonio Circle, Ste 148
Mountain View, CA 94040

Regarding: February 15, 2018, First Responder & EMS Study DRAFT REPORT

Ms. Frank & Mr. Finn:

This letter is the follow up to which we committed during the review meeting on February 22, 2018, in Sonora, CA. The quality of the product delivered so far as a DRAFT REPORT is very high, and clearly shows the time, energy, and expertise that has been brought to bear. Getting this far in the project, given the wild, wildfire season is a feat in itself. As expressed during that meeting we have several comments and questions that are yet unanswered. I am going to simply express them here in a bullet format, for the most part, so please excuse any grammatical errors.

Ms. Frank, when you commenced the meeting you stated that this study is for 'you', indicating the local agencies in the room. While I heard that same comment at the meeting in November, last year, I am still as dumbfounded by it now as I was then. My recollection is that this study was initiated and funded by Tuolumne County, not any of the other local agencies. While we (Mi-Wuk Sugar Pine FPD) appreciate the opportunity to be part of the study and the opportunity to provide critical input, it is not "our" study.

You also stated that this would be the last meeting with the consultant. While I can appreciate the need to complete the study and deliver the report, I must restate what I stated in my email to you of February 21, 2018: *Given the critical nature of this project, I would not want to foreclose completely the possibility of a follow-up meeting, depending of course on the desires and needs of the stakeholders.* There are several critical elements of the study that we (stakeholders) have not yet seen even in draft form. We (Mi-Wuk Sugar Pine FPD staff) remain available and eager to review and comment on the yet-to-be-completed portions of the study and report.

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- On page 1 is a statement that the work includes an analysis of "equipment and facilities". In its proposal (which was incorporated as part of the Contract), Matrix CGI stated that it would "evaluate the current facilities, fleet of apparatus, vehicles, and equipment being utilized by the

agencies ...". This DRAFT REPORT does not include any analysis of these items. We hope that the next DRAFT will include that contracted data and review.

- On page 2 the DRAFT REPORT says that "[t]his assessment is intended to provide choices for the Board of Supervisors, Fire District Boards, Fire Chief, and EMS Staff ...". As I pointed out at the November meeting, the Contract obligates Matrix CGI to "[p]rovide a recommendation of optimal fire and ambulance delivery systems. ... [Matrix CGI] also needs to provide a detailed task driven implementation plan on this recommended optimal fire and ambulance delivery system which includes specific tasks and time lines to implement this system." This is the third time (twice during review meetings and now in this letter) that we have raised this issue. To date there has been nothing in any of the draft reports addressing this deliverable.
- Page 4 begins the discussion of the current Emergency Service Organization. One point is not clear and should probably be made clear. The current AUTOMATIC AID/MUTUAL AID AGREEMENT TUOLUMNE COUNTY FIRE SERVICE PROVIDERS is internally inconsistent in its intent and application. In that AGREEMENT the parties agreed that "[t]he concept and practice of dispatching the closest, most appropriate resource to any and all emergencies will be utilized, without regard to jurisdiction or statutory responsibility of either the resource dispatched or the agency wherein the incident occurs." However, the signatory agencies also agreed that "[d]epartments shall respond into those areas identified by their specific color on the attached map ..." Each signatory agency was given the option to identify those areas of Tuolumne County where it would respond – the areas identified on the attached map. Identifying areas where agencies will respond necessarily limits the agencies responses and is in conflict with the stated intent of 'closest appropriate available resource.' While a minor textual issue, in practice the signatory agencies are only participating in the concept of 'closest available appropriate resource' in those areas where it has elected to respond.
- The discussion on page 9 regarding Calls by Type and Mutual Aid Provided and Received is from 2016 data. 2017 data is now available and could be used. 2017 was the first full year that the current AUTOMATIC AID/MUTUAL AID AGREEMENT TUOLUMNE COUNTY FIRE SERVICE PROVIDERS was in force and is a better predictor of the future than is 2016 data. This same comment should be considered when reviewing and revising the statistics for all of the fire agencies.
- A cursory review of the overall Mutual Aid Provided and Mutual Aid Received (2016 data from the CAD) reveals very interesting results. Tuolumne County Fire Department received aid 2,721 times from all other jurisdictions while providing aid 314 to all other jurisdictions. Discounting Groveland and Jamestown FPDs (because of the contractual relationship with CAL FIRE and Tuolumne County), Strawberry FPD is the only other agency to receive aid more than it provided aid. In our opinion this factor bears discussion somewhere early in the REPORT.
- The City of Sonora, Jamestown, and Strawberry are all listed as encompassing three square miles, however a brief view of the map demonstrates that both the map and the stated size cannot be accurate.
- The discussions regarding the financial condition and projected financial condition of the Mi-Wuk Sugar Pine FPD are in stark contrast to what the District has projected. In March of 2017,

the District adopted a 5-year Strategic Plan which it revised in September of 2017. One goal of that Plan is the development of a Financial Planning tool. While not yet finalized, preliminary projections for the District (based on several fiscal decisions and controls) are that expenses will exceed revenues by about 3.54% in the current fiscal year. That changes for FY 18/19 where we project revenues will exceed expenses by about 3.18%. In FY 19/20 expenses are once again projected to exceed revenues, by about 2.07%. That trend reverses for the next three projected fiscal years with revenues exceeding expenses by 3.74%, 3.34%, and 2.38% respectively. Were additional revenue to be realized from annexation(s), we would expect the percentage of revenues exceeding expenses would be even more dramatic as the District's operating expenses would not be impacted.

- The discussion regarding Operations, beginning on page 26 of the DRAFT REPORT should be revised to reflect corrections and changes.

- ❖ 2017 Calls by Type were:

▪ Fire	25
▪ Explosion	2
▪ Rescue & EMS	157
▪ Hazardous Condition (no fire)	36
▪ Service Call	33
▪ Good Intent Call	43
▪ False Alarm and False Call	15
▪ Special Type	1

- ❖ Aid Calls for 2016 were (2017 statistics can be provided):

▪ Mutual / Automatic Aid Provided	185
▪ Mutual / Automatic Aid Received	33

- ❖ Staffing for the District includes a career Captain, and two career Engineers working a 56-hour duty week scheduled as 48 hours on shift followed by 96 hours off shift. Each shift is assigned three persons on a daily basis comprised of one Captain or Engineer supplemented by two Intern Fire Fighters. Reserve Fire Fighters occasionally supplement this daily on-premises staffing. Minimum daily staffing is one career fire protection employee. Administration of the department includes one career Fire Chief, a non-premise Assistant Chief, a non-premise Battalion Chief, and a career Secretary. The District is supported by a three-hundred-member Auxiliary with about 30 active members, which is in its 54th year of continuous service to the District. Historically the Auxiliary has raised and contributed between 5% and 10% of the District's annual revenue.

- ❖ The District operates from a single complex located at 24247 Highway 108, Mi Wuk Village, CA 95346. Two buildings comprise the complex; a heated Apparatus building constructed in 2010 and a converted commercial building housing the offices, meeting / training room, crew's quarters, kitchen, dining and day room areas.

- ❖ Fire Apparatus includes:

▪ C770	2012 Chevrolet Silverado 1/2T 4WD	Command
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- U771 2005 Ford Expedition 4WD Utility
- U778 2007 Ford Expedition 4WD Utility
- E771 1993 HME Western States Type 1 Engine (4WD)
- E772 1986 International / High Tech Type 2 Engine (4WD)
- E774 1083 Ford / E-One Type 2 Engine

E771 is the primary response unit for incidents within the District's boundaries

E772 is the primary response unit for incidents outside of the District's boundaries and within the Tuolumne County Fire Department jurisdiction.

E772 is leased by the District from Tuolumne County

- Analysis of Financial Resources, at page 72 commences a discussion regarding Proposition 172 Funding. We recommend a statement making it clear that:
 1. Fire Protection Districts are eligible agencies regardless of whether they have been recipients of these funds in the past, and regardless of whether they were impacted by changes to ERAF funding.
 2. The Tuolumne County Board of Supervisors has absolute discretion regarding the distribution of Proposition 172 revenues (within the statutory definitions).

We also recommend that clarifying language be added reflecting the California Attorney General's Opinion that Proposition 172 Funds are to be "used to supplement local funds, not take the place of them."

Additionally, we propose that FINAL REPORT recommendations include Tuolumne County Board of Supervisors review its current practice of allocating Proposition 172 Funds. It is likely that at the time of the decision, which it currently relies on, it was under the mistaken perception that local agency Fire Protection Districts were ineligible agencies. Given the recent clarification, a review of the current practice seems a reasonable recommendation.

- Other Revenue Sources (page 73): We recommend that the County review its collection and distribution of Transient Occupancy Tax revenues. It is our opinion that part of those revenues or an increase in those taxes and revenues should be allocated to fire agencies to offset the cost of providing services to transient occupancies. We also recommend that Tuolumne County implement or increase taxes on the 'Air Bed-and-Breakfast' industry and that a portion of those revenues be allocated to local fire protection agencies (most of the Air B-N-B's are in residential areas where the local fire protection districts are concentrated).
- Expenditures (page 78) should be broken down by District, not just county wide. Additionally, a better reflection of the true cost of doing business, especially when preparing to analyze various delivery models (local agency, Joint Powers, Contracts, CAL FIRE, etc.) is to analyze what it costs to cover an engine – what I refer to as "what does it cost to put one person in the seat on a fire engine?" This is simple math: the total annual cost to the District to operate (Salaries, Benefits, Supplies, & Services) divided by the number of seats filled on a daily basis. This analysis is better suited when analyzing the cost of options which include local agencies assuming additional obligations that might result in increased staffing for a specific agency.

- Call Processing and Turnout Time: beginning on page 107 is the discussion of this topic. We propose that the DRAFT REPORT include a recommendation that dispatching / resource monitoring changes be made so that each individual agency and all of them as a whole can capture the data necessary to address the time standards of the National Fire Protection Association (waiting for on-board computers / tablets is not a reasonable answer as it will take many years for ALL mobile resources of ALL involved agencies to have that capability). Statistics for response time (from time of dispatch to time of arrival) should distinguish between those responses that are within the jurisdiction's boundaries and those that are not.
- Modified Status Quo model (page 130 and following). The financial projections for this model (and all the other similar models that follow) should utilize actual property tax revenue values, not the county-wide average (non-weighted). Without this critical information none of the local agency's Boards can make an informed decision regarding its approach to the DRAFT REPORT's final recommendations. We need to know, in this example, if the revenues from the "Long Barn Addition" will be \$30,000 or \$130,000 annually, an estimate using the county-wide average percentage is not precise enough to make an informed decision.
- 2017 response information for the Long Barn station are somewhat disturbing. It was included in emergency dispatches some 160 times and did not respond one time.
- On page 133 the DRAFT REPORT discusses the possibility of relocating the Long Barn engine to another station within the Tuolumne County Fire Department's jurisdiction. A better approach is to leave all of the facilities, resources, and equipment now at Long Barn in Long Barn. These were acquired (either partially or mostly) through decades of property taxes paid by the property owners of the area served by those facilities, resources, and equipment. Ownership should be transferred to whatever political entity has jurisdiction of the area so those resources remain available to serve the area. This same concept should be applied to all similar models in this DRAFT REPORT.

Thank you very much for the work that you have both put into this DRAFT REPORT. And above all, thank you for giving us (all the local agency providers) the opportunity to be a part of this critical endeavor. Please don't hesitate to contact me if you have any questions about anything in this letter, or not in this letter.

Sincerely,



Larry Crabtree
Fire Chief



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SPECIAL DISTRICT REPRESENTATION ON LAFCO



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Since 1972, state law made it possible for Local Agency Formation Commissions (LAFCOs) to expand their memberships by adding two representatives of independent special districts. Today, just over half of all LAFCOs have commissioners representing special districts. LAFCO commissioners are appointed as follows:

- *Two County Supervisors:* Each county's board of supervisors appoints two of its members to serve on LAFCO. The county supervisors also select a third supervisor as an alternate.
- *Two City Councilmembers:* In counties with two or more cities, there is a "city selection committee" composed of the cities' mayors. The city selection committee appoints two elected city officials (city council members or mayors) and one alternate to serve on LAFCO.
- *Two Special District Board Members:* In 30 counties, the LAFCOs also have special district members. An "independent special district selection committee" composed of the presiding officers of each independent district appoints two district board members and one alternate to serve on LAFCO.
- *One Public Member:* The six (or four) appointed LAFCO commissioners choose the seventh (or fifth) commissioner, a public member, and one alternate. Professors, civic activists, and former elected officials often serve as public members on LAFCOs.

Who Generally Pays for LAFCO Operations?

Originally, state law required the county governments to pay for LAFCOs. With the passage of AB 2838 (Hertzberg, 2000), the Legislature required cities and independent special districts to share the counties' fiscal burden. Each sector (county, city, district) typically pays one-third of a LAFCO's budget. Where there is no independent special district representation on the LAFCO, the county and cities split the funding responsibility. Statutory formulas allocate the cities' default share among the cities and the independent special districts' share among the districts based on each agency's annual revenue. However, local officials can negotiate alternative formulas.

State law allows a LAFCO to charge fees to recover its costs of reviewing boundary changes and other actions. Most LAFCOs require the proponents to pay these fees when they apply for the boundary change, regardless of whether the applicants are voters, property owners, or local agencies.

Do Special Districts, Cities, and Counties Always Need to Split Costs Equally?

No. Some LAFCOs have special membership formulas. Three counties, Alpine, Mariposa, and Trinity have no incorporated cities, so their LAFCOs consist of three county supervisors and two public members. The three supervisors appoint the other two commissioners and one alternate.

Some counties, such as Sierra County, have only one incorporated city. Their LAFCOs have two county supervisors, one city council member, and two public members. The three elected officials appoint the two members of the public and one alternate.



For reasons relating to local politics, geography, and population, some LAFCOs have unique membership/funding formulas. For example, in Butte County, special districts collectively pay 10 percent of the LAFCO budget, in Sonoma County they pay 20 percent of the budget, and in San Diego County they pay two-sevenths.

In Santa Clara County, LAFCO splits costs between the cities, county, and special districts evenly. However, the special district portion is divided based upon an alternative formula. Santa Clara Valley Water District pays 50 percent of the special district share and is guaranteed one of the two special district seats on the LAFCO. The remaining districts split the other 50 percent of the special district share based upon budget size and elect the second district representative.

For a detailed breakdown of each LAFCO's representation and funding formulas, please see the attached document.

What are the Benefits of Representation?

LAFCOs impact special district governance and operations whether special districts have representation on LAFCO or not. When determining whether to acquire representation on LAFCO, special districts may consider the following:

- LAFCO is one of the very few regional forums where special districts can sit as equals in decision making with their peers from cities and the county.
- Districts have a direct voice in policy development and decisions governing boundary changes, consolidations, annexations, formations, dissolutions, service extensions, power activation, and other actions of the LAFCO.
- Districts participate in the preparation and approval and Spheres of Influence and Municipal Service Reviews, which are typically conducted on all special districts every five years.
- Districts' perspective and expertise are included in a commission that has oversight over the very existence and growth of special districts.
- Demonstrating that special districts can take responsibility at the local-level and collaborate effectively with their local government peers through LAFCO fortifies the reputation of districts and protects against, forced consolidations and other mandates from the State.

Are There Any Additional Considerations?

The process to be seated on LAFCO is specified in Government Code §§ 56332 and 56332.5.

Formerly, the process to be seated on LAFCO required that independent special districts within the county must initiate the process through a resolution. There was a one-year period for a majority of the independent special districts in the county to adopt the resolution. If a majority of district boards approved the resolution, the LAFCO would have convened an independent special district selection committee to select the two voting commissioners and one alternate.

However, CSDA and CALAFCO co-sponsored legislation, AB 979 (Lackey) of 2017 simplified this bureaucratic process by allowing special districts to simply vote on LAFCO representation using an existing statutory process (Government Code § 56332).

Now, special districts can participate on LAFCO simply by a vote of a quorum of what's called the "independent special districts selection committee". If special districts in a county do not yet have representation on LAFCO, then this committee has likely never convened. It consists of the presiding officer (board president or chair) of each independent special district in the county. If a



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special district's presiding officer is unable to participate, the district may appoint an alternate representative from its board.

A vote to determine special district representation on LAFCO is conducted by the LAFCO executive officer at an in-person meeting or by mail-ballot. Such a vote can be called by one of two methods:

1. Upon written request to the LAFCO executive officer by one or more members of the above-referenced independent special districts selection committee representing 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll; or
2. Upon adoption of a resolution by the LAFCO proposing representation of special districts upon the commission.

Importantly, a vote on LAFCO representation is also an opportunity to appoint the special district representative for the Countywide Redevelopment Agency Oversight Board. The first such appointment must occur prior to July 15, 2018. Should the post remain unfilled by July 15th, the Governor may appoint any individual to that position. (Health and Safety Code § 34179)

Where Should We Start?

If you are interested in learning more about special district representation on LAFCO, you should start by reaching out to the Executive Officer of your county's LAFCO. You can find a roster for all 58 LAFCOs at www.calafco.org. You can also speak with your local CSDA public affairs field coordinator who can connect you with other special district leaders in your county who may be interested in working with you. Find your public affairs field coordinator at www.csda.net.

Local Agency Formation Commissions

Are you seated on LAFCo?



Govern with your peers – Claim your seat on LAFCo

APPORTIONMENT OF LAFCO NET OPERATING EXPENSES BETWEEN GENERAL MEMBERSHIP CLASSES AND BETWEEN AGENCIES WITHIN EACH MEMBERSHIP CLASS¹

	County	Cities²	Districts³	Govt. Code §
County, City & Special District Representation [Alameda, Calaveras, Contra Costa, El Dorado, Humboldt, Lake, Mendocino, Nevada, Placer, Riverside, San Luis Obispo, San Mateo, Santa Cruz, Santa Barbara, Shasta, Sutter, Ventura] Except the Following:				
	33½%	33½% Individual apportionments in proportion to each city's total revenues	33½% Individual apportionments in proportion to each district's total revenues	56381(b)(1)(A)
Butte	45%	45%	10%	56381(b)(4)
Kern	33½%	33½%	33½% Individual apportionments in proportion to operating revenues	56381(b)(1)(C),(E)
Los Angeles	38.462%	Los Angeles: 15.385% All Others: 23.077%	23.077%	56326; 56381; 56381.6
Mono	50%	Mammoth Lakes: 50%	0	56381(b)(4)
Monterey	33½%	33½%	33½% Hospital District: 25% All Others: 75%	56381(b)(1)(C)-(F)
Orange	33½%	33½% Individual apportionments based on population and area in sq. miles	33½% Individual apportionments based on alternative formula	56381(b)(1)(B),(C)
San Diego	2/7	San Diego: 1/7 All Others: 2/7 Individual apportionments in proportion to general revenues	2/7	56328; 56381; 56381.6
Sonoma	40 %	40%	20%	56381(b)(4)
San Bernardino	33½%	33½%	33½% See Note #4	56381(b)(1)(C)-(F)

	County	Cities²	Districts³	Govt. Code §
Sacramento	33⅓%	33⅓% Sacramento: 50% All Others 50%	33⅓% SMUD: 50% All Others: 50% Individual apportionments except SMUD based on five yr. average of total revenues	56326.5; 56381; 56381.6
Santa Clara	33⅓%	San Jose: 16.7% All Others: 16.7%	33⅓% Santa Clara Valley Water District pays	56327; 56381; 56381.6
County & City Representation (No Districts) [Amador, Del Norte, Glenn, Lassen, Madera, Merced, Modoc, Plumas, Stanislaus, Sierra, Yuba] Except the Following:				
	50%	50% Individual apportionments in proportion to total revenues	-	56381(b)(2)
Colusa	Based on % population of the cities and unincorporated area		-	
Kings	50%	50% Individual apportionments in proportion to population	-	56381(b)(1)(B), (2)
Napa	50%	50% Individual apportionments in proportion to population (60%) and general tax revenues (40%)	-	56381(b)(1)(B), (2)
San Joaquin	50%	50% Individual apportionments in proportion to population	-	56381(b)(1)(B), (2)

	County	Cities²	Districts³	Govt. Code §
Solano	50%	50% Individual apportionments in proportion to general revenues	-	56381(b)(1)(B), (2)
Tulare	Based on % population of the cities and unincorporated area		-	56381(b)(4)
Tuolumne	Apportionments for the County and the (one) city based on the Local Transportation Fund per capita percentage. The City of Sonora currently pays 8.1% and the County pays the balance.		-	56381(b)(4)
Yolo	50%	50% Individual apportionments in proportion to general revenues	-	56381(b)(1)(B), (2)
County & Special District Representation (No Cities) [Trinity]	50%	-	50% Individual apportionments in proportion to total revenues	56381(b)(3)
County Representation Only (No Special Districts or Cities) [Alpine]	100%	-	-	56381(b)(3)
San Francisco	100% County/City		-	56381(b)(4)

- ¹ Table does not include information for the following counties: Fresno, Imperial, Inyo, Marin, Mariposa, San Benito, Siskiyou and Tehama.
- ² Except for the alternative methods (exceptions) noted in the table, the cities' share is apportioned in proportion to each city's total revenues, as reported in the most recent edition of the Cities Annual Report published by the Controller, as a percentage of the combined city revenues within a county pursuant to Section 56381(b)(1)(B) of the Govt. Code.
- ³ Except for the alternative methods (exceptions) noted in the table, the independent special districts' share is apportioned in proportion to each district's total revenues, as reported in the most recent edition of the Special Districts Annual Report published by the Controller, as a percentage of the combined total district revenues within a county pursuant to Section 56381(b)(1)(C) and (E) of the Govt. Code.
- ⁴ San Bernardino County special districts alternative funding formula (Adopted by Special District Vote July 2002; Amended by Special District Vote March 2, 2010):
1. Healthcare (Hospital) Districts shall be limited to payment of \$1,500 regardless of Total Revenue.
 2. Those districts with Total Revenue of more than \$50,000,000 shall pay \$30,000.
 3. Those districts with Total Revenue between \$20,000,000 and \$50,000,000 shall pay \$20,000.
 4. Those districts with Total Revenue between \$5,000,000 and \$20,000,000 shall pay \$10,000.
 5. Those districts with Total Revenue between \$2,000,000 and \$5,000,000 shall contribute an amount not to exceed \$5,000.
 6. Those districts with Total Revenue of less than \$2,000,000 shall be apportioned an amount to be determined by the ratio of each district's Total Revenue as compared to the Total Revenues whose share does not exceed \$5,000

GOVERNMENT CODE – (GOV)

CHAPTER 2. Formation of Commission and Selection of Commissioners [56325 - 56337]

(Chapter 2 added by Stats. 1985, Ch. 541, Sec. 3.)

56325.

There is hereby continued in existence in each county a local agency formation commission. Except as otherwise provided in this chapter, the commission shall consist of members appointed as follows:

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

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

(b) Two appointed by the cities in the county, each of whom shall be a mayor or council member, appointed by the city selection committee. The city selection committee shall also appoint one alternate member who shall also be a mayor or council member and shall be appointed and serve pursuant to Section 56335. The city selection committee is encouraged to appoint members to fairly represent the diversity of the cities in the county, with respect to population and geography.

(c) Two presiding officers or members of legislative bodies of independent special districts appointed by the independent special district selection committee pursuant to Section 56332. The independent special district selection committee shall also appoint a presiding officer or member of the legislative body of an independent special district as an alternate member who shall be appointed and serve pursuant to Section 56332. The independent special district selection committee is encouraged to make appointments that fairly represent the diversity of the independent special districts in the county, with respect to population and geography.

(d) One representing the general public appointed by the other members of the commission. The other members of the commission may also appoint one alternate member who shall serve pursuant to Section 56331. Appointment of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members appointed by each of the other appointing authorities. Whenever a vacancy occurs in the public member or alternate public member position, the commission shall cause a notice of vacancy to be posted as provided in Section 56158. A copy of this notice shall be sent to the clerk or secretary of the legislative body of each local agency within the county. Final appointment to fill the vacancy may not be made for at least 21 days after the posting of the notice.

(Amended by Stats. 2015, Ch. 114, Sec. 2. Effective January 1, 2016.)

56325.1.

While serving on the commission, all commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole in furthering the purposes of this division. Any member appointed on behalf of local governments shall represent the interests of the public as a whole and not solely the interests of the appointing authority. This section does not require the abstention of any member on any matter, nor does it create a right of action in any person.

(Added by Stats. 2000, Ch. 761, Sec. 57. Effective January 1, 2001.)

56326.

In Los Angeles County, the commission shall consist of nine members, appointed as follows:

(a) Two appointed by the board of supervisors from its own membership. The board of supervisors shall also appoint a third supervisor who shall be an alternate member of the commission. The alternate member may serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission.

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

(b) One appointed by the board of supervisors, who shall not be a member of the board of supervisors but who shall be a resident of the San Fernando Valley Statistical Area, as defined in subdivision (c) of Section 11093. The board of supervisors shall also appoint an alternate member who shall not be a

member of the board of supervisors but who is a resident of the San Fernando Valley Statistical Area. The alternate member may serve and vote in place of the member appointed pursuant to this subdivision if that member is absent or disqualifies himself or herself from participating in a meeting of the commission.

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

(c) Two appointed by the cities in the county, each of whom shall be a mayor or council member, appointed by the city selection committee. The city selection committee shall also appoint one alternate member who shall also be a mayor or council member and shall be appointed and serve pursuant to Section 56335. The city selection committee is encouraged to appoint members to fairly represent the diversity of the cities in the county, with respect to population and geography.

(d) One appointed by the presiding officer of the legislative body of a city in the county having a population in excess of 30 percent of the total population of the county who is a member of the legislative body of the city. The presiding officer of the legislative body shall also appoint an alternate member who is a member of the legislative body. The alternate member may serve and vote in place of the member appointed pursuant to this subdivision if the member is absent or disqualifies himself or herself from participating in a meeting of the commission.

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

(e) Two presiding officers or members of legislative bodies of independent special districts appointed by the independent special district selection committee pursuant to Section 56332. The independent special district selection committee shall also appoint one alternate member who shall be a presiding officer or member of the legislative body of an independent special district and shall be appointed and serve pursuant to Section 56332. The independent special district selection committee is encouraged to appoint members to fairly represent the diversity of the independent special districts in the county, with respect to population and geography.

(f) One representing the general public appointed by the other members of the commission. The other members of the commission may also appoint one alternate member who shall serve pursuant to Section 56331.

(Amended by Stats. 2015, Ch. 114, Sec. 3. Effective January 1, 2016.)

56326.5.

In Sacramento County, the commission shall consist of seven members, appointed as follows:

(a) Two appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall serve as an alternate member of the commission. The alternate member may serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular county member becomes vacant, the alternate member may serve and vote in place of the former regular county member until the appointment and qualification of a regular county member to fill the vacancy.

(b) One appointed by the City of Sacramento who is a member of the city council, appointed by the mayor and confirmed by the city council. The mayor shall also appoint, subject to confirmation by the council, an alternate member who is a member of the city council. The alternate member may serve and vote in place of the regular city member if the city member is absent or disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular city member becomes vacant, the alternate member may serve and vote in place of the former regular city member until the appointment and qualification of a regular city member to fill the vacancy.

(c) One appointed by the cities in the county, who is a mayor or council member appointed by the city selection committee. The city selection committee shall also appoint one alternate member who shall also be a mayor or council member and shall be appointed and serve pursuant to Section 56335. The city selection committee is encouraged to appoint members to fairly represent the diversity of the cities in the county, with respect to population and geography.

(d) Two presiding officers or members of legislative bodies of independent special districts appointed by the independent special district selection committee pursuant to Section 56332. The independent special district selection committee shall also appoint one alternate member who shall be a presiding officer or member of the legislative body of an independent special district and shall be appointed and serve pursuant to Section 56332. The independent special district selection committee is encouraged to appoint

members to fairly represent the diversity of the independent special districts in the county, with respect to population and geography.

(e) One representing the general public, appointed by the other six members of the commission. The commission may also appoint an alternate public member who may serve and vote in the place of the regular public member if the regular public member is absent or disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular public member becomes vacant, the alternate member may serve and vote in place of the former regular public member until the appointment and qualification of a regular public member to fill the vacancy.

(Amended by Stats. 2015, Ch. 114, Sec. 4. Effective January 1, 2016.)

56327.

In Santa Clara County, the commission shall consist of five members, appointed as follows:

(a) Two appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall serve as an alternate member of the commission. The alternate member may serve and vote in place of any supervisor on the commission who is absent or who disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular county member becomes vacant, the alternate member may serve and vote in place of the former regular county member until the appointment and qualification of a regular county member to fill the vacancy.

(b) One appointed by the city in the county having the largest population, who is a member of the legislative body of the city, appointed by the city council. The city council shall also appoint an alternate member who is a member of the legislative body of the city. The alternate member may serve and vote in place of the regular city member if the city member is absent or disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular city member becomes vacant, the alternate member may serve and vote in place of the former regular city member until the appointment and qualification of a regular city member to fill the vacancy.

(c) One appointed by the cities in the county, who is a mayor or council member appointed by the city selection committee. The city selection committee shall also appoint one alternate member who shall also be a mayor or council member and shall be appointed and serve pursuant to Section 56335. The city selection committee is encouraged to appoint members to fairly represent the diversity of the cities in the county, with respect to population and geography.

(d) One representing the general public, appointed by the other four, or, if the commission is enlarged pursuant to Section 56327.3, the other six, members of the commission. This member shall not be a resident of a city which is already represented on the commission. The commission may also appoint an alternate public member, who shall not be a resident of a city represented on the commission, and who may serve and vote in the place of the regular public member if the regular public member is absent or disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular public member becomes vacant, the alternate member may serve and vote in place of the former regular public member until the appointment and qualification of a regular public member to fill the vacancy.

(Amended by Stats. 2015, Ch. 114, Sec. 5. Effective January 1, 2016.)

56327.3.

In Santa Clara County, the commission shall be enlarged by two members if, pursuant to the provisions of Chapter 5 (commencing with Section 56821), the commission orders representation of special districts upon the commission.

(Amended by Stats. 2015, Ch. 114, Sec. 6. Effective January 1, 2016.)

56328.

(a) In San Diego County, the commission, which consists of seven members, augmented pursuant to Section 56332, shall be additionally augmented by the appointment of an eighth member and that member shall, notwithstanding subdivision (b) of Section 56325, be a member of the legislative body of the city in the county having the largest population, appointed by the legislative body of that city.

(b) The legislative body of the city shall appoint an alternate member at the same time and in the same manner as it appoints the regular member appointed pursuant to subdivision (a). If the regular city member is absent from a commission meeting, or disqualifies himself or herself from participating in a meeting, the alternate member may serve and vote in place of the regular city member for that meeting. If the office of the regular city member becomes vacant, the alternate member may serve and vote in place

of the former regular city member until the appointment and qualification of a regular city member to fill the vacancy.

(Amended by Stats. 2000, Ch. 761, Sec. 61. Effective January 1, 2001.)

56328.5.

(a) In Kern County, the commission, which consists of seven members, augmented pursuant to Section 56332, shall be additionally augmented by the appointment of an eighth member and a ninth member.

(b) The eighth member shall, notwithstanding subdivision (b) of Section 56325, be a member of the legislative body of the city in the county having the largest population, appointed by the legislative body of that city.

The legislative body of the city shall appoint an alternate member at the same time and in the same manner as it appoints the eighth regular member. If the regular city member is absent from a commission meeting, or disqualifies himself or herself from participating in a meeting, the alternate member may serve and vote in place of the regular city member for that meeting. If the office of the regular city member becomes vacant, the alternate member may serve and vote in place of the former regular city member until the appointment and qualification of a regular city member to fill the vacancy.

(c) The ninth member shall represent the general public, but shall not be a member of the governing body of any local agency. The ninth member shall be appointed by the four members of the commission appointed by the county supervisors and the independent special district selection committee. Those commission members may also appoint an alternate public member, who is not a member of the governing body of any local agency, who may serve and vote in the place of the regular public member appointed pursuant to this subdivision if that regular public member is absent or disqualifies himself or herself from participating in a meeting of the commission. If the office of the regular public member appointed pursuant to this subdivision becomes vacant, the alternate member may serve and vote in place of that former regular public member until the appointment and qualification of a regular public member pursuant to this subdivision to fill the vacancy.

(Added by Stats. 2005, Ch. 559, Sec. 1. Effective January 1, 2006.)

56329.

If there is no city in the county, the commission shall consist of five members, appointed as follows which may be further augmented pursuant to Sections 56332 and 56332.5:

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

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

(b) Two representing the general public appointed by the other three members of the commission.

Appointment of the public member and alternate public member shall be subject to the affirmative vote of at least one of the members selected by each of the other appointing authorities.

(Amended by Stats. 2015, Ch. 114, Sec. 7. Effective January 1, 2016.)

56331.

When appointing a public member pursuant to Sections 56325, 56326, 56326.5, 56327, 56328, 56328.5, and 56329, the commission may also appoint one alternate public member who may serve and vote in place of a regular public member who is absent or who disqualifies himself or herself from participating in a meeting of the commission. The public member and the alternate public member shall be residents of the county of the appointing commission.

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

No person appointed as a public member or alternate public member pursuant to this chapter shall be an officer or employee of the county or any city or district with territory in the county, provided, however, that any officer or employee serving on January 1, 1994, may complete the term for which he or she was appointed.

(Amended by Stats. 2016, Ch. 165, Sec. 3. (AB 2910) Effective January 1, 2017.)

56331.3.

If two or more members are absent or disqualify themselves from participating in a meeting of the commission, any alternate member who is authorized to serve and vote in the place of a member shall only have one vote.

(Added by Stats. 1987, Ch. 1327, Sec. 4.)

56332.

(a) The independent special district selection committee shall consist of the presiding officer of the legislative body of each independent special district. However, if the presiding officer of an independent special district is unable to participate in a meeting or election of the independent special district selection committee, the legislative body of the district may appoint one of its members as an alternate to participate in the selection committee in the presiding officer's place. Those districts shall include districts located wholly within the county and those containing territory within the county representing 50 percent or more of the assessed value of taxable property of the district, as shown on the last equalized county assessment roll. Each member of the committee shall be entitled to one vote for each independent special district of which he or she is the presiding officer or his or her alternate as designated by the governing body. Members representing a majority of the eligible districts shall constitute a quorum.

(b) The executive officer shall call and give written notice of all meetings of the members of the selection committee. A meeting shall be called and held under one of the following circumstances:

(1) Whenever the executive officer anticipates that a vacancy will occur within the next 90 days among the members or alternate member representing independent special districts on the commission.

(2) Whenever a vacancy exists among the members or alternate member representing independent special districts upon the commission.

(3) Upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

(4) Upon the adoption of a resolution of intention pursuant to Section 56332.5.

(5) Upon receipt of a written request by one or more members of the selection committee notifying the executive officer of the need to appoint a member representing independent special districts on an oversight board pursuant to paragraph (3) of subdivision (j) of Section 34179 of the Health and Safety Code.

(c) The selection committee shall appoint two regular members and one alternate member to the commission. The members so appointed shall be elected or appointed members of the legislative body of an independent special district residing within the county but shall not be members of the legislative body of a city or county. If one of the regular district members is absent from a commission meeting or disqualifies himself or herself from participating in a meeting, the alternate district member may serve and vote in place of the regular district member for that meeting. Service on the commission by a regular district member shall not disqualify, or be cause for disqualification of, the member from acting on proposals affecting the special district on whose legislative body the member serves. The special district selection committee may, at the time it appoints a member or alternate, provide that the member or alternate is disqualified from voting on proposals affecting the district on whose legislative body the member serves.

(d) If the office of a regular district member becomes vacant, the alternate member may serve and vote in place of the former regular district member until the appointment and qualification of a regular district member to fill the vacancy.

(e) A majority of the independent special district selection committee may determine to conduct the committee's business by mail, including holding all elections by mailed ballot, pursuant to subdivision (f).

(f) If the independent special district selection committee has determined to conduct the committee's business by mail or if the executive officer determines that a meeting of the special district selection committee is not feasible, the executive officer shall conduct the business of the committee by mail. Elections by mail shall be conducted as provided in this subdivision.

(1) The executive officer shall prepare and deliver a call for nominations to each eligible district. The presiding officer, or his or her alternate as designated by the governing body, may respond in writing by the date specified in the call for nominations, which date shall be at least 30 days from the date on which the executive officer mailed the call for nominations to the eligible district.

(2) At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed appointed. If two or more candidates are nominated, the executive officer shall prepare and deliver one ballot and voting instructions to each eligible district. The ballot shall include the names of all nominees and the office for which each was nominated. Each presiding officer, or his or her alternate as designated by the governing body, shall return the ballot to the executive officer by the date specified in

the voting instructions, which date shall be at least 30 days from the date on which the executive officer mailed the ballot to the eligible district.

(3) The call for nominations, ballots, and voting instructions shall be delivered by certified mail to each eligible district. As an alternative to the delivery by certified mail, the executive officer, with prior concurrence of the presiding officer or his or her alternate as designated by the governing body, may transmit materials by electronic mail.

(4) If the executive officer has transmitted the call for nominations or ballots by electronic mail, the presiding officer, or his or her alternate as designated by the governing body, may respond to the executive officer by electronic mail.

(5) Each returned nomination and ballot shall be signed by the presiding officer or his or her alternate as designated by the governing body of the eligible district.

(6) For an election to be valid, at least a quorum of the special districts must submit valid ballots. The candidate receiving the most votes shall be elected, unless another procedure has been adopted by the selection committee. Any nomination and ballot received by the executive officer after the date specified is invalid, provided, however, that if a quorum of ballots is not received by that date, the executive officer shall extend the date to submit ballots by 60 days and notify all districts of the extension. The executive officer shall announce the results of the election within seven days of the date specified.

(7) For a vote on special district representation to be valid, at least a quorum of the special districts must submit valid ballots. By majority vote of those district representatives voting on the issue, the selection committee shall either accept or deny representation.

(8) All election materials shall be retained by the executive officer for a period of at least six months after the announcement of the election results.

(g) For purposes of this section, "executive officer" means the executive officer or designee as authorized by the commission.

(Amended by Stats. 2017, Ch. 203, Sec. 1. (AB 979) Effective January 1, 2018.)

56332.5.

(a) If the commission does not have representation from independent special districts on or before January 1, 2001, the commission shall initiate proceedings for representation of independent special districts upon the commission if either of the following occur:

(1) Upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

(2) Upon adoption of a resolution by the commission proposing representation of special districts upon the commission.

(b) The commission, at its next regular meeting, shall adopt a resolution of intention. The resolution of intention shall state whether the proceedings are initiated by the commission or by an independent special district or districts, in which case, the names of those districts shall be set forth. The commission shall order the executive officer to call and give notice of a meeting of the independent special district selection committee to be held within 15 days after the adoption of the resolution in order to determine whether independent special districts shall accept representation on the commission and appoint independent special district representation pursuant to Section 56332.

(Amended by Stats. 2017, Ch. 203, Sec. 2. (AB 979) Effective January 1, 2018.)

56333.

When a commission is enlarged to seven members as provided in Section 56332, the public members appointed pursuant to Sections 56325 and 56329 shall thereafter be appointed by members of the commission representing cities, counties, and special districts. Those appointments shall be made at the times and in the manner provided in Section 56334.

(Amended by Stats. 2001, Ch. 388, Sec. 6. Effective January 1, 2002.)

56334.

The term of office of each member shall be four years and until the appointment and qualification of his or her successor. Upon enlargement of the commission by two members, as provided in Section 56332, the new members first appointed to represent independent special districts shall classify themselves by lot so that the expiration date of the term of office of one new member coincides with the existing member who holds the office represented by the original two-year term on the commission and the term of office of the other new member coincides with the existing member who holds the office represented by the original

four-year term on the commission. The body which originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which the term of the member expires, unless procedures adopted by the commission specify an alternate date to apply uniformly to all members. However, the length of a term of office shall not be extended more than once. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant.

The chairperson of the commission shall be selected by the members of the commission.

Commission members and alternates shall be reimbursed for the actual amount of their reasonable and necessary expenses incurred in attending meetings and in performing the duties of their office. The commission may authorize payment of a per diem to commission members and alternates for each day while they are in attendance at meetings of the commission.

(Amended by Stats. 2002, Ch. 664, Sec. 121. Effective January 1, 2003.)

56335.

In each county containing two or more cities, regular and alternate city members to the commission shall be appointed by the city selection committee organized in the county pursuant to and in the manner provided in Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1. Regular members of the commission shall be appointed by the city selection committee pursuant to Sections 56325, 56326, and 56327.

The city selection committee shall appoint one alternate member to the commission in the same manner as it appoints a regular member. If one of the regular city members is absent from a commission meeting, or disqualifies himself or herself from participating in a meeting, the alternate member may serve and vote in place of that regular city member for that meeting.

Except in the case of a member appointed pursuant to subdivision (d) of Section 56326 or subdivision (b) of Section 56327, a city selection committee, may, at the time it appoints a member or alternate, provide that the member or alternate is disqualified from voting on proposals affecting the city which the member or alternate represents.

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

(Amended by Stats. 1986, Ch. 86, Sec. 2.)

56336.

Each commission may adopt regulations with respect to disqualification of members or alternates from participating in the review of a proposal. In the absence, however, of those regulations, Section 56332 or 56335 shall apply. The representation by a member or alternate of a city or district shall not disqualify, or be cause for disqualification of, the member or alternate from acting on a proposal affecting the city or the district, and any regulation providing for the disqualification of a city or district representative for that reason is null and void.

(Amended by Stats. 1986, Ch. 86, Sec. 3.)

56337.

A city, county, or district officer may serve as a member of the commission while holding office as a city, county, or district officer. If a member who is a city, county, or district officer ceases to be an officer of a city, county, or district during his or her term, his or her membership on the commission shall be considered vacant.

(Amended by Stats. 2004, Ch. 355, Sec. 4.5. Effective January 1, 2005.)

Health and Safety Code (HSC)

CHAPTER 4. Oversight Boards [34179 - 34181]

(Chapter 4 added by Stats. 2011, 1st Ex. Sess., Ch. 5, Sec. 7.)

34179.

(a) Each successor agency shall have an oversight board composed of seven members. The members shall elect one of their members as the chairperson and shall report the name of the chairperson and other members to the Department of Finance on or before May 1, 2012. Members shall be selected as follows:

- (1) One member appointed by the county board of supervisors.
- (2) One member appointed by the mayor for the city that formed the redevelopment agency.
- (3) (A) One member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is of the type of special district that is eligible to receive property tax revenues pursuant to Section 34188.
- (B) On or after the effective date of this subparagraph, the county auditor-controller may determine which is the largest special district for purposes of this section.
- (4) One member appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county superintendent of education is appointed, then the appointment made pursuant to this paragraph shall be made by the county board of education.
- (5) One member appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.
- (6) One member of the public appointed by the county board of supervisors.
- (7) One member representing the employees of the former redevelopment agency appointed by the mayor or chair of the board of supervisors, as the case may be, from the recognized employee organization representing the largest number of former redevelopment agency employees employed by the successor agency at that time. In the case where city or county employees performed administrative duties of the former redevelopment agency, the appointment shall be made from the recognized employee organization representing those employees. If a recognized employee organization does not exist for either the employees of the former redevelopment agency or the city or county employees performing administrative duties of the former redevelopment agency, the appointment shall be made from among the employees of the successor agency. In voting to approve a contract as an enforceable obligation, a member appointed pursuant to this paragraph shall not be deemed to be interested in the contract by virtue of being an employee of the successor agency or community for purposes of Section 1090 of the Government Code.
- (8) If the county or a joint powers agency formed the redevelopment agency, then the largest city by acreage in the territorial jurisdiction of the former redevelopment agency may select one member. If there are no cities with territory in a project area of the redevelopment agency, the county superintendent of education may appoint an additional member to represent the public.
- (9) If there are no special districts of the type that are eligible to receive property tax pursuant to Section 34188, within the territorial jurisdiction of the former redevelopment agency, then the county may appoint one member to represent the public.
- (10) If a redevelopment agency was formed by an entity that is both a charter city and a county, the oversight board shall be composed of seven members selected as follows: three members appointed by the mayor of the city, if that appointment is subject to confirmation by the county board of supervisors, one member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former redevelopment agency, which is the type of special district that is eligible to receive property tax revenues pursuant to Section 34188, one member appointed by the county superintendent of education to represent schools, one member appointed by the Chancellor of the California Community Colleges to represent community college districts, and one member representing employees of the former redevelopment agency appointed by the mayor of the city if that appointment is subject to confirmation by the county board of supervisors, to represent the largest number of former redevelopment agency employees employed by the successor agency at that time.
- (11) Each appointing authority identified in this subdivision may, but is not required to, appoint alternate representatives to serve on the oversight board as may be necessary to attend any meeting of the oversight board in the event that the appointing authority's primary representative is unable to attend any meeting for any reason. If an alternate representative attends any meeting in place of the primary representative, the alternate representative shall have the same participatory and voting rights as all other attending members of the oversight board.
- (b) The Governor may appoint individuals to fill any oversight board member position described in subdivision (a) that has not been filled by May 15, 2012, or any member position that remains vacant for more than 60 days.
- (c) The oversight board may direct the staff of the successor agency to perform work in furtherance of the oversight board's and the successor agency's duties and responsibilities under this part. The successor agency shall pay for all of the costs of meetings of the oversight board and may include such costs in its administrative budget. Oversight board members shall serve without compensation or reimbursement for expenses.
- (d) Oversight board members are protected by the immunities applicable to public entities and public employees governed by Part 1 (commencing with Section 810) and Part 2 (commencing with Section 814) of Division 3.6 of Title 1 of the Government Code.

(e) A majority of the total membership of the oversight board shall constitute a quorum for the transaction of business. A majority vote of the total membership of the oversight board is required for the oversight board to take action. The oversight board shall be deemed to be a local entity for purposes of the Ralph M. Brown Act, the California Public Records Act, and the Political Reform Act of 1974. All actions taken by the oversight board shall be adopted by resolution.

(f) All notices required by law for proposed oversight board actions shall also be posted on the successor agency's Internet Web site or the oversight board's Internet Web site.

(g) Each member of an oversight board shall serve at the pleasure of the entity that appointed such member.

(h) (1) The department may review an oversight board action taken pursuant to this part. Written notice and information about all actions taken by an oversight board shall be provided to the department as an approved resolution by electronic means and in a manner of the department's choosing. Without abrogating the department's authority to review all matters related to the Recognized Obligation Payment Schedule pursuant to Section 34177, oversight boards are not required to submit the following oversight board actions for department approval:

(A) Meeting minutes and agendas.

(B) Administrative budgets.

(C) Changes in oversight board members, or the selection of an oversight board chair or vice chair.

(D) Transfers of governmental property pursuant to an approved long-range property management plan.

(E) Transfers of property to be retained by the sponsoring entity for future development pursuant to an approved long-range property management plan.

(2) An oversight board action submitted in a manner specified by the department shall become effective five business days after submission, unless the department requests a review of the action. Each oversight board shall designate an official to whom the department may make those requests and who shall provide the department with the telephone number and e-mail contact information for the purpose of communicating with the department pursuant to this subdivision. Except as otherwise provided in this part, in the event that the department requests a review of a given oversight board action, it shall have 40 days from the date of its request to approve the oversight board action or return it to the oversight board for reconsideration and the oversight board action shall not be effective until approved by the department. In the event that the department returns the oversight board action to the oversight board for reconsideration, the oversight board shall resubmit the modified action for department approval and the modified oversight board action shall not become effective until approved by the department. If the department reviews a Recognized Obligation Payment Schedule, the department may eliminate or modify any item on that schedule prior to its approval. The county auditor-controller shall reflect the actions of the department in determining the amount of property tax revenues to allocate to the successor agency. The department shall provide notice to the successor agency and the county auditor-controller as to the reasons for its actions. To the extent that an oversight board continues to dispute a determination with the department, one or more future Recognized Obligation Payment Schedules may reflect any resolution of that dispute. The department may also agree to an amendment to a Recognized Obligation Payment Schedule to reflect a resolution of a disputed item; however, this shall not affect a past allocation of property tax or create a liability for any affected taxing entity.

(i) Oversight boards shall have fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34138. Further, the provisions of Division 4 (commencing with Section 1000) of the Government Code shall apply to oversight boards. Notwithstanding Section 1099 of the Government Code, or any other law, any individual may simultaneously be appointed to up to five oversight boards and may hold an office in a city, county, city and county, special district, school district, or community college district.

(j) Except as specified in subdivision (q), commencing on and after July 1, 2018, in each county where more than one oversight board was created by operation of the act adding this part, there shall be only one oversight board, which shall be staffed by the county auditor-controller, by another county entity selected by the county auditor-controller, or by a city within the county that the county auditor-controller may select after consulting with the department. Pursuant to Section 34183, the county auditor-controller may recover directly from the Redevelopment Property Tax Trust Fund, and distribute to the appropriate city or county entity, reimbursement for all costs incurred by it or by the city or county pursuant to this subdivision, which shall include any associated startup costs. However, if only one successor agency exists within the county, the county auditor-controller may designate the successor agency to staff the oversight board. The oversight board is appointed as follows:

(1) One member may be appointed by the county board of supervisors.

(2) One member may be appointed by the city selection committee established pursuant to Section 50270 of the Government Code. In a city and county, the mayor may appoint one member.

- (3) One member may be appointed by the independent special district selection committee established pursuant to Section 56332 of the Government Code, for the types of special districts that are eligible to receive property tax revenues pursuant to Section 34188.
- (4) One member may be appointed by the county superintendent of education to represent schools if the superintendent is elected. If the county superintendent of education is appointed, then the appointment made pursuant to this paragraph shall be made by the county board of education.
- (5) One member may be appointed by the Chancellor of the California Community Colleges to represent community college districts in the county.
- (6) One member of the public may be appointed by the county board of supervisors.
- (7) One member may be appointed by the recognized employee organization representing the largest number of successor agency employees in the county.
- (k) The Governor may appoint individuals to fill any oversight board member position described in subdivision (j) that has not been filled by July 15, 2018, or any member position that remains vacant for more than 60 days.
- (l) Commencing on and after July 1, 2018, in each county where only one oversight board was created by operation of the act adding this part, then there will be no change to the composition of that oversight board as a result of the operation of subdivision (j).
- (m) Any oversight board for a given successor agency, with the exception of countywide oversight boards, shall cease to exist when the successor agency has been formally dissolved pursuant to Section 34187. A county oversight board shall cease to exist when all successor agencies subject to its oversight have been formally dissolved pursuant to Section 34187.
- (n) An oversight board may direct a successor agency to provide additional legal or financial advice than what was given by agency staff.
- (o) An oversight board is authorized to contract with the county or other public or private agencies for administrative support.
- (p) On matters within the purview of the oversight board, decisions made by the oversight board supersede those made by the successor agency or the staff of the successor agency.
- (q) (1) Commencing on and after July 1, 2018, in each county where more than 40 oversight boards were created by operation of the act adding this part, there shall be five oversight boards, which shall each be staffed in the same manner as specified in subdivision (j). The membership of each oversight board shall be as specified in paragraphs (1) through (7), inclusive, of subdivision (j).
- (2) The oversight boards shall be numbered one through five, and their respective jurisdictions shall encompass the territory located within the respective borders of the first through fifth county board of supervisors districts, as those borders existed on July 1, 2018. Except as specified in paragraph (3), each oversight board shall have jurisdiction over each successor agency located within its borders.
- (3) If a successor agency has territory located within more than one county board of supervisors' district, the county board of supervisors shall, no later than July 15, 2018, determine which oversight board shall have jurisdiction over that successor agency. The county board of supervisors or their designee shall report this information to the successor agency and the department by the aforementioned date.
- (4) The successor agency to the former redevelopment agency created by a county where more than 40 oversight boards were created by operation of the act adding this part, shall be under the jurisdiction of the oversight board with the fewest successor agencies under its jurisdiction.
- (Amended by Stats. 2015, Ch. 325, Sec. 11. (SB 107) Effective September 22, 2015.)*



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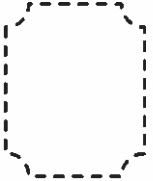
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