

## **PLACER LOCAL AGENCY FORMATION COMMISSION**

Miguel Ucovich, Chair (City), Jim Holmes, Vice Chair (County); Gray Allen (District); Bill Kirby (City); E. Howard Rudd, (Public); Ron Treabess (District); Robert Weygandt (County).

### **REGULAR HEARING AGENDA May 13, 2015--4:00 p.m. Board of Supervisors' Chambers County Administrative Building 175 Fulweiler Avenue, Auburn, CA 95603**

- 1. Flag Salute**
- 2. Call to Order and Roll Call**
- 3. Approval of Agenda** (Action item)
- 4. Public Comment:** This is the time when persons may address the Commission on items not on the agenda. Please limit comments to three (3) minutes as the Commission is not permitted to take any action on items presented as public comment.
- 5. Approval of Minutes:** From the April 8, 2015 hearing. (Action item, pg. 2)
- 6. Approval of Fiscal Year 2015-2016 Proposed Budget** (Action item, pg. 5) The Commission will be presented with the proposed budget for FY 2015-2016, asked to approve the proposed budget and provide staff direction as to any desired changes for the final budget and proposed work plan.
- 7. Olympic Valley Incorporation proposal:** (pg. 9)
  - 7 a.** Receive status update on the Comprehensive Fiscal Analysis process (no action will be taken) and receive Public Comments related to the CFA process;
  - 7 b. Authorize Executive Officer to execute a contract with the selected Environmental Consultant** (pg. 30) and provide direction to the Executive Officer to require payment for the entire cost of the EIR or to permit the contract to be divided into two phases for payment and take public testimony regarding the proposed contract;
  - 7 c.** Take Public Comment on other matters regarding the Olympic Valley proposal.
- 8. Selection of Public Member for 2015-2016 term** (to be seated at next LAFCO hearing) (Action item, pg. 38)
- 9. Executive Officer Reports:**
  - Legislative Committee
  - Proposal Status
  - Status of Municipal Service Reviews
  - CALAFCO activities
- 10. Commissioner Reports:**
- 11. Adjournment:**

For further information or to provide written comments on any item on the agenda, please contact the Placer LAFCO. Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Placer LAFCO office at 110 Maple Street, Auburn, CA 95603 during normal business hours. Phone: (530) 889-4097. Placer LAFCO is committed to ensuring that persons with disabilities are provided the resources to participate in its meetings. If you require a disability-related accommodation, please contact the Clerk to the Commission at least two business days prior to the meeting date.

**PLACER LOCAL AGENCY FORMATION COMMISSION**

Robert Weygandt, Chair (County); Gray Allen, Vice-Chair (District); Jim Holmes (County); Bill Kirby (City); E. Howard Rudd, (Public); Ron Treabess (District); Miguel Ucovich (City)

**Minutes  
April 8, 2015**

1. Flag Salute was led by Commissioner Allen
2. Call to Order and Roll Call: Chairman Weygandt called the hearing to order at 4:00 p.m. Commissioners present and seated were Allen, Treabess, Rudd, Ucovich, Kirby, and Weygandt.
3. Approval of Agenda: The agenda was approved as submitted by motion: Treabess/Ucovich/6:1 (Holmes absent)
4. Public Comment: There was no public comment on items not listed on the agenda.
5. Approval of Minutes from the February 11, 2015 hearing: Approved by motion with minor changes to public comments: (Katheryn Rees, Squaw Valley Lodge Homeowners Association along with Resort at Squaw Creek, Plump Jack, Squaw Valley Ski Holdings and various homeowners in Squaw Valley requested a variance over 6 months ago to be excluded from the incorporation. Allen/Rudd/6:1 (Holmes absent)
6. Brewer - Out of Agency Sewer Extension: The Commission was asked to approve an agreement for an out of area service extension to allow South Placer Municipal Utility District to provide sewer service to the Brewer parcel (Penryn area). Approved by motion: Rudd/Ucovich/ 6:1 (Holmes absent)
7. Selection of Chair and Vice Chair for May 2015-2016 (to be seated at next LAFCO meeting): Ms. Berry reminded the Commission that a rotation schedule was set up several years ago and the next to rotate on as Chairman is Commissioner Allen and Commissioner Ucovich as Vice Chairman. Commissioner Allen, due to a heavy schedule, declined the appointment. Keeping with the rotation schedule, the Commission nominated Commissioner Ucovich as Chairman and Commissioner Holmes as Vice Chairman by Motion: Rudd/Kirby/6:1 (Holmes absent)
8. Selection of Public Member for term of May 2015-2016 (to be seated at next LAFCO meeting). After discussion it was decided that the Commissioners would interview the applicants at the next hearing to be held on May 13, 2015.
9. Olympic Valley Incorporation proposal: (Commissioner Treabess recused himself and vacated his seat and Alternate Commissioner Sheehan took his place)
  - a. Authorize Executive Officer to execute a contract with the consultant for preparation of the Environmental Impact Report: Ms. Berry said that the EIR selection committee consisting of Commissioners Weygandt and Rudd, Ms. Berry, and the on-call Environmental Consultant Tim Raney conducted interviews and chose Amec Foster Wheeler.
  - b. Status update on the proposed Incorporation of Olympic Valley. Ms. Berry stated that the Comprehensive Fiscal Analysis is nearing completion and should be circulated within the next 2 weeks. She also stated that at least one public information meeting will be scheduled in the Olympic Valley Area to discuss the findings of the report.
  - c. Take Public Comment on Olympic Valley proposal: Those who spoke were:

Bob Barnett, Attorney and advisor to Incorporate Olympic Valley, stated that IOV wants to be useful to the community and that there has been opposition from the developers and others out of fears of things that might happen. He said he invited those opposed to continue dialogue with IOV. He said that the CEQA act is primarily for development and that the IOV has no property and is not developing. He stated that he hoped the Commission would consider some type of installment payment for the Environmental Review.

Dr. Fred Ifeld, Incorporate Olympic Valley, stated that \$146,000 for an EIR is a higher price than the IOV anticipated, particularly since they are not proposing any development. He said that they have already proved their capability by paying for the fiscal analysis up front and that they don't have to prove themselves again. He felt that to ask them to pay for the EIR in advance would be onerous and is unnecessary. He said that they would like to follow the industry standard for projects like theirs. He stated that Placer LAFCO has no history for incorporations since CEQA has been required. He said that Sacramento County does have a history and for each of their last 3 proposals (Elk Grove, Rancho Cordova, and Arden Arcade) payments have been made over time based on milestones reached and he felt that this is the industry standard for incorporation projects. He stated that the payment plan should: 1.) Fine tuning of the scope of the project discussed by you. Another action that could reduce workload would be to do a supplemental EIR to the Village at Squaw Valley (a proposed development) and their draft EIR will be made public in just a few weeks. He said that that EIR covers many of the same topics as the IOV EIR. 2.) IOV is willing to show their financial capacity with a meaningful down payment towards the EIR. 3.) Following the down payment, they would like to make subsequent payments based on milestones reached. 4.) They propose to pay LAFCO before the next anticipated milestone and in advance of the consultants billing. He felt that this would put LAFCO at no risk since the payments would be received prior to being due.

Counsel Bill Wright commented that he didn't think the Commission wanted to approve or deny Dr. Ifeld's request at this time but that it was worthy of consideration. He stated that LAFCO's goal through this process is to make sure that LAFCO doesn't end up paying for this process. His concern is that if LAFCO enters into a contract with the consultant and we are subject to phased payments by the applicant then the contract with the consultant should state that and they will have to realize that if we don't get paid, they won't get paid. He said that if Dr. Ifeld puts his request in writing, LAFCO can talk to the consultant about it and see if it is something that might possibly work. He said that the goal is to enter into a contract that protects LAFCO. He commented that the preference would be to get the money up front, but LAFCO can entertain the request and talk to the consultant. Mr. Wright stated that the appropriate action would be to authorize the Executive Officer to contact Amec Foster Wheeler to negotiate the contract and bring it back to the Commission

Lisa Carton, Squaw Valley resident, was supportive of the proposal progress. She stated that she would appreciate the EIR being scoped down to lower the cost.

Authorize Executive Officer to execute a contract with the consultant for preparation of the Environmental Impact Report: Approved by motion: Executive Officer and Counsel to negotiate and execute a contract with Amec Foster Wheeler (included in that motion was: discussion with the consultant regarding phased in payments). Allen/Ucovich/6:1 (Holmes absent)

(Alternate Commissioner Sheehan vacates, Commissioner Treabess takes his seat)

(4:45 p.m. Commissioner Kirby vacates his seat)

10. Executive Officer Reports:

Legislative Committee updates given.

Proposal Status given on projected projects: Northstar CSD submitted an application to take over a portion of PCWA area to supply water. Ms. Berry also stated that she expects an application from the City of Lincoln for the Village 1 annexation and there should be a couple of annexation requests coming from the City of Rocklin in the near future.

Status of Municipal Service Reviews: The fire study is almost complete.

CALAFCO activities: A staff workshop will be held in Grass Valley on April 15, 16, and 17, 2015. The annual CALAFCO Fall Conference will be held in Sacramento September 2, 3, and 4, 2015.

11. Commissioner Reports: None
12. Adjournment: Chairman Weygandt adjourned the hearing at 5:10 p.m.

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Linda Wilkie, Clerk to the Commission

**PLACER COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

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**STAFF REPORT**

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DATE: May 6, 2015

TO: Chairman Ucovich, Commissioners Allen, Holmes, Kirby, Rudd, Treabess, Weygandt. Alternate Commissioners Duran, Gray, Nader, Sheehan.

FROM: Kris Berry, AICP, Executive Officer 

SUBJECT: Approval of Proposed Budget for fiscal year 2015-2016.

**A. RECOMMENDATION**

- 1) Approval of the proposed budget for the fiscal year 2015-2016, attached as Exhibit "A", and provide direction to staff as to revisions, if any, for incorporation into the final budget.

**B. BACKGROUND**

Pursuant to §56381 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the Commission is required to adopt a proposed budget by May 1<sup>st</sup>, and a final budget by June 15<sup>th</sup>. Under AB 2838, the cost of LAFCO is a shared responsibility of the county, the cities and the special districts. After adoption of the budget, the net operating expense of the Commission is divided as follows: one-third to the County, one-third to the Cities and one-third to the Special Districts. The City share is apportioned in proportion to each City's total revenues. The Special District share is apportioned according to each district's revenues.

Government Code section 56381 provides that, at a minimum, the proposed and final budget shall be equal to the budget adopted for the previous fiscal year unless the Commission finds that reduced staffing or program costs will nevertheless allow the Commission to fulfill its statutory purposes and programs. This budget shows a rather large increase in total budgeted amount. However, much of this increase is due to expected costs for one proposal, Incorporation of the Town of Olympic Valley. As such, being a specific project, this increase is offset by expected revenues for the proposal (EIR costs of \$146,970.00, which is required to be funded by the proponents). The total budget amount recommended for fiscal year 2015-2016 is an increased budget from the previous year from \$574,939.00 (amended in

November 2014) to \$670,237.00. The vast majority of the increase in costs is due to expenses involved in the incorporation effort, and these costs are offset by anticipated revenues for these expenses. Most of the other additional costs are due to increased personnel costs and retirement related expenses.

LAFCO continues to have excess funds in the county treasury, and once again has partially offset the costs to the funding agencies by using these funds to partially fund the budget. We have proposed funding the budget using \$80,000.00 from the treasury, which will still leave approximately \$75,000.00 in the treasury (in addition to \$127,200 funding budgeted over the past ten years for reserves). With the offset provided by this \$80,000 and expedited revenues, the required funding from the contributing agencies will be approximately \$382,442.93, an increase of \$21,818.75 from the current year, or approximately 6% increase. This is likely to be the last year funding can be provided, at least to such an extent. The remaining portion of the budget is made up from estimated revenue from interest and proposal application fees.

This proposed budget will likely change before adoption of the final Budget in June. As the year progresses, estimates will be more refined.

A copy of the approved proposed budget will be forwarded to the County and each of the Cities and the Special Districts for their information and comment. The final budget must be adopted by June 15.

### **C. DISCUSSION**

The matrix showing the proposed budget for fiscal year 2015-16-2015, along with the final budget for the current fiscal year, together with known expenditures through May 5, 2015 is attached. This proposed budget is based upon the following assumptions:

- 1) The proposed budget includes the Commission Clerk as an employee budgeted full time.
- 2) Increased personnel costs are a result of a combination of salary increases, additional expenses in benefits and other employee related costs.
- 3) The proposed budget amount of \$80,000 for Municipal Service Reviews would allow the continued work of the existing contracts and would allow several of the cities MSR's to be funded.
- 4) We have budgeted for an increase in Legal consulting fees from \$30,000 to \$40,000.00. Much of this amount is directly proposal related, and the costs would be offset by revenue of proposal fees.
- 5) This year we were credited some previous years charges (\$11,310.00) on our A-87 charges, resulting in a negative balance. No charges are anticipated for A-87 for this year.
- 6) The expected costs of all health care and benefit programs were calculated based on formulas provided to LAFCO by the County Administrative Office.

- 7) The budget also includes current payment of health insurance costs for 1 retired employee.
- 8) In previous years, funding of reserves has built the reserve amount to \$37,200.00 for personnel costs, and \$80,000.00 for a general operating contingency. An additional \$10,000.00 is budgeted for contingencies, to bring it to a total reserves/contingency amount of \$127,200.00.
- 9) The carryover from this year's budget is expected to be approximately \$33,824.07.
- 10) The total proposed operating budget is \$670,237.00, of that \$146,970.00 is direct costs for the preparation of the EIR for the Town of Olympic Valley proposal, which will be directly offset by payment by the proponents.
- 11) A Stipend of \$2,000 in travel expenses is paid by CALAFCO for the Executive Officer in her role as a Deputy Executive Officer for the organization. This amount is included in the anticipated revenues.

A work plan for the upcoming year will be included in the Final budget for your review and input.

#### **D. SUMMARY**

The fiscal year 2015-2016 proposed budget is based on the assumption of completion of all District Municipal Service Reviews in the budget time frame, and the ongoing process of adoption of Spheres of Influences based on the Municipal Service Reviews. It does not include budgeting for the preparation of the Municipal Service Reviews and Spheres for cities and districts with applicant proposed changes or request for a substantial change in the spheres.

The budget was based on conservative estimates of revenues and expenditures, with adequate funding to ensure that the Commission be able to fulfill its statutory responsibilities in accordance with Government Code §56381 during the fiscal year.

LAFCO FY 2015-2016 PROPOSED BUDGET	2014-2015 FINAL BUDGET	2014-2015 Expenditures YTD 5/1	2014-2015 Est yr end	2015-2016 PROPOSED BUDGET	Reserves
2310 Retiree Health	17,324.00	10,667.81	15,000.00	16,187.00	
1002 Salaries/Wages	180,000.00	148,062.14	178,000.00	186,000.00	37,200.00
1005 Overtime	2,000.00	746.65	1,000.00	2,000.00	
1010 Cafeteria Plans	5,458.00	4,338.25	5,458.00	5,584.00	
1300 P.E.R.S.	49,000.00	39,055.43	46,667.15	54,434.00	
1303 Post Employment benefits	8,664.00	6,453.08	7,700.00	11,122.00	
1301 F.I.C.A.	13,995.00	10,899.00	13,100.00	14,382.00	
1310 Employee Group Ins. + Personnel Costs	16,238.00	12,249.70	14,600.00	16,673.00	
1315 Workers Comp Insurance	232.00	252.42	350.00	383.00	
1325 401(k) Employer Match	750.00	558.75	750.00	750.00	
<b>SUBTOTAL: SALARIES &amp; BENEFITS</b>	<b>293,661.00</b>	<b>233,283.23</b>	<b>282,625.15</b>	<b>307,515.00</b>	<b>37,200.00</b>
2000 Outside Agency Pass Through Fees	1,000.00	2,093.12	2,094.00	1,000.00	
2051 Communications	2,000.00	1,653.54	2,000.00	2,200.00	
2052 E.O. Cell Phone	900.00	720.61	850.00	600.00	
2140 Liability Ins./Comm. Workers Comp.	2,500.00	2,516.23	2,516.23	2,600.00	
2310 Employee Benefits system		1,556.77	1,556.77	2,871.00	
2408 Auditor Fees	4,800.00	2,044.65	4,800.00	4,800.00	
2439 Membership Dues	2,955.00	2,986.58	2,986.58	3,011.00	
2456 GIS Mapping					
2481 PC Acquisition			1,800.00	2,000.00	
2500 MSR/Sphere Updates	80,000.00	25,656.06	65,000.00	80,000.00	
2510 PC Upgrades	2,000.00	-		500.00	
2511 Printing/copy machine/interoffice mail	3,400.00	2,300.86	3,000.00	3,400.00	
2523 Office Supplies & Exp	2,400.00	1,158.91	2,400.00	2,400.00	
2524 Postage	2,500.00	1,901.83	2,500.00	2,500.00	
2554 Commissioner Fees	9,000.00	5,500.00	7,100.00	9,600.00	
2555 Legal/Consultants	30,000.00	29,277.06	40,000.00	40,000.00	
2556 County Services					
2568 Data and System access charges	6,568.00	5,745.88	6,568.00	8,197.00	
2570 Media/Video Services		540.00	1,300.00	1,500.00	
2701 Legal Notices/Publications	2,500.00	2,550.76	4,000.00	4,000.00	
2709 Software Charges (IPPS)	895.00	895.00	895.00	1,573.00	
2727 Office Rent + Utilities	18,000.00	16,534.35	16,534.35	18,000.00	
2844 Training (staff)	1,500.00	940.00	1,300.00	2,000.00	
2865 IT-MIS Services					
2931 Staff Travel & Transportation	5,500.00	3,536.99	4,200.00	6,000.00	
2933 Lodging					
2939 Commissioner Travel	7,500.00	6,809.40	7,500.00	7,000.00	
2971 IOV Consultant fees	85,360.00	78,152.01	85,360.00	146,970.00	
2941 County Vehicles					
2964 Meals					
3551 A-87 Costs	0.00	-11,310.00	0.00		
5600 General Operating Contingency	10,000.00		10,000.00	10,000.00	90,000.00
<b>SUBTOTAL: OPERATING COSTS</b>	<b>281,278.00</b>	<b>183,760.61</b>	<b>276,260.93</b>	<b>362,722.00</b>	<b>90,000.00</b>
<b>TOTAL OPERATING COSTS:</b>	<b>574,939.00</b>	<b>417,043.84</b>	<b>558,886.08</b>	<b>670,237.00</b>	<b>127,200.00</b>
<b>REVENUE:</b>	<b>2014-2015</b>	<b>2014-2015</b>	<b>2014-2015</b>	<b>2014-2015</b>	
<b>TITLE</b>	<b>FINAL</b>	<b>Actual YTD</b>	<b>Year end</b>	<b>ESTIMATED</b>	
	<b>BUDGET</b>		<b>Projected</b>	<b>REVENUE</b>	
6950 Interest	6,000.00	3,614.72	4,500.00	5,000.00	
8193 Outside Agency Pass Through Fees		21.50	21.50	1,000.00	
8218 Forms and Photocopies	100.00	10.00	100.00	1,000.00	
8212 General Reimbursement					
8216 AB2836 Allocated Amount	363,321.61	360,624.18	360,624.18	382,442.93	
8239 Application Fees	10,000.00	35,000.00	48,000.00	20,000.00	
8782 Applicant Funded Consultant Fees	85,360.00	85,360.00	85,360.00	146,970.00	
Partial Treasury funding	80,000.00	80,000.00	80,000.00	80,000.00	
<b>TOTAL REVENUE</b>	<b>544,781.61</b>	<b>564,630.40</b>	<b>578,605.68</b>		
<b>CARRYOVER from previous year</b>	<b>30,157.39</b>	<b>30,157.36</b>	<b>30,157.39</b>	<b>33,824.07</b>	
	<b>574,939.00</b>		<b>608,763.07</b>	<b>670,237.00</b>	

May 13, 2015  
Item No. 7a

**PLACER COUNTY**  
**LOCAL AGENCY FORMATION COMMISSION**

110 Maple Street, Auburn California 95603

530-889-4097

Email: [lafco@placer.ca.gov](mailto:lafco@placer.ca.gov)

**STAFF REPORT**

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**DATE:** May 6, 2015

**TO:** Chairman Ucovich, Commissioners Allen, Holmes, Kirby, Rudd, Treabess, Weygandt. Alternate Commissioners Duran, Gray, Nader, Sheehan.

**FROM:** Kris Berry, AICP, Executive Officer 

**SUBJECT:** Town of Olympic Valley Incorporation/Preliminary Draft of the Comprehensive Fiscal Analysis.

**RECOMMENDATION:**

None. Information only.

**SUMMARY:**

**Status Update:**

A preliminary draft of the Comprehensive Fiscal Analysis ("CFA") should be released sometime during the week of May 11, 2015.

This is a preliminary working draft CFA. It is not a final CFA. This working draft CFA will provide a framework to consider comments or suggested revisions by the proponents, the County or the general public prior to the proponents and the County commencing their revenue neutrality negotiations. Comments and suggestions may be implemented in providing the version that will be used in the revenue neutrality negotiations. The final draft CFA that will be prepared for the public hearing may change significantly as a result of the revenue neutrality negotiations and this input may, therefore, materially affect the findings on feasibility, favorably or unfavorably.

The proponents of the project have requested the CFA not be released in advance of the revenue neutrality negotiations. However, for transparency and maximum public input, we feel it is appropriate for the CFA to be released as early as possible. We also believe that under the Public Records Act, if a document has been released to the proponents as members of the public and is being used to negotiate the revenue neutrality agreement, it is appropriate for the document to be released to the general public.

Correspondence on this issue between the attorney for the proponents and counsel for LAFCO is attached for your general information.

**Attachments:**

Letter from Colantuono, Highsmith and Whatley, PC, dated April 29, 2015

Letter from the Wright Law Office, dated May 4, 2015

Letter from Colantuono, Highsmith and Whatley, PC, dated May 4, 2015

11864 Pleasant Valley Road  
Penn Valley, CA 95946  
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**COLANTUONO**  
**HIGHSMITH**  
**WHATLEY, PC**

Michael G. Colantuono  
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Our File No. 45009.0001

April 29, 2015

**VIA E-MAIL AND U.S. MAIL**

William M. Wright, Esq.  
The Wright Law Office  
2828 Easy Street, Suite 3  
Placerville, CA 95667

**Re: Legal Deficiencies in Draft Comprehensive Fiscal Analysis for  
Olympic Valley Incorporation Proposal (LAFCO No. 2013-02)**

Dear Mr. Wright:

I write on behalf of Incorporate OV Foundation (IOV) in response to Placer County LAFCO Executive Director Kris Berry's letter of April 28, 2015 to Dr. Fred Ilfeld regarding the draft Comprehensive Fiscal Analysis (CFA) for the proposed Olympic Valley incorporation prepared by the Rosenow Spevacek Group (RSG). We are concerned that Placer County LAFCO is preparing to prematurely release a legally and factually inadequate CFA in a rushed process that violates the Cortese-Knox-Hertzberg Act and IOV's common law right to a fair hearing. I urge you to consult with your client so that it will understand the need to allow sufficient time for this process in compliance with law.

As you know, a CFA is an analysis to be incorporated in the Executive Director's staff report on a proposed incorporation. Government Code section 56800 and the Governor's Office of Planning & Research's Guidelines govern its preparation, content, review, and distribution. The CFA must be legally sufficient, mathematically accurate, and rooted in reasonable (rather than "conservative") assumptions and estimates. As discussed below and in IOV's April 21, and April 23, 2015 memos to Ms. Berry, we have identified several legal and analytical flaws in the draft CFA that bear substantial revision before LAFCO proceeds further.

**I. The CFA May Not Be Released for Public Review Until Revenue Neutrality Negotiations Are Completed**

The CFA must analyze the proposed Town's fiscal viability, including the effect of any payments owed to the County under a revenue neutrality agreement pursuant to Government Code section 56815. Under that statute, incorporation proponents and the County are required to negotiate an agreement to mitigate any negative fiscal effect of incorporation on the County. LAFCO must include the resulting revenue neutrality agreement in the proposed terms and conditions of the incorporation. (Gov't Code, § 56815, subd. (e).)

The OPR Guidelines, promulgated pursuant to Government Code section 56815.2, provide further guidance for the CFA and revenue neutrality agreement negotiations. The Guidelines state the draft CFA should be used as a basis for revenue neutrality negotiations before public release of a draft CFA. (OPR Incorporation Guidelines, p. 43.) After the County and the proponents reach a revenue neutrality agreement, the fiscal analyst must use the agreed revenue neutrality payments to generate a CFA suitable for public review. LAFCO then releases the public hearing draft CFA in the Executive Director's staff report on the proposed incorporation for review and analysis by the public and the Commission. This timeline is described in the OPR Guidelines and depicted on a flowchart on page 42.

Ms. Berry's April 28, 2015 letter states Placer County LAFCO does not intend to follow the OPR Guidelines on this point. Releasing a flawed draft CFA before RSG revises it and before revenue neutrality negotiations conclude will prejudice the process and violate the Cortese-Knox-Hertzberg Act. We demand that Ms. Berry direct RSG to revise the draft CFA, then release that revised draft only to the County and the proponents until revenue neutrality negotiations conclude.

Ms. Berry's letter states that the data is time-sensitive and must be released now. She creates a false urgency and imposes a double standard. LACO has repeatedly allowed time extensions to the County and RSG and delayed its own actions yet insists that IOV respond to the CFA just 11 days after it received partial County data to support it. This comports with neither the common law fair hearing requirement nor common courtesy.

Releasing the draft CFA cannot guarantee that RSG will not have to later revise it to reflect FY 2014–2015 data. Government Code section 56800, subdivision (a) requires the CFA to use the data from the most recent fiscal year available preceding the issuance of the certificate of filing. LAFCO issues the certificate of filing under Government Code section 56651 only when the incorporation is ready for hearing, as a hearing must be set within 90 days of the certificate of filing's issuance. (Gov't Code, § 56658, subd. (h).) LAFCO cannot reasonably schedule a hearing until the environmental impact report and the CFA are ready for public review, after revenue neutrality negotiations are completed. None of these will happen by July 2015. LAFCO must, of course, review the EIR before acting on the incorporation under CEQA and the CFA is statutorily required to inform the hearing. IOV expects RSG will need to revise the public hearing draft CFA to use FY 2014–2015 data after LAFCO issues a certificate of filing setting the matter for a public hearing. Releasing the flawed draft CFA now, despite this reality, will not spare LAFCO from the need to update the CFA with FY 2014-2015 data. It will, however, violate IOV's rights and impair this process.

**2. Failing to Provide IOV with All County Data, Spreadsheets and Calculations Underlying the Draft CFA Violates Common Law Fair Hearing Requirements as well as the Public Records Act**

As you know, LAFCO proceedings are quasi-legislative and thus subject to judicial review in traditional mandate under Code of Civil Procedure section 1085. (See *San Miguel Consolidated Fire Protection Dist. v. Davis* (1994) 25 Cal.App.4th 134, 152 ["LAFCO is a 'quasi-legislative administrative agency' whose proceedings are 'quasi-legislative in nature.'] [citations omitted].) Judicial review of quasi-legislative actions considers "whether the decision was arbitrary, capricious, or entirely lacking in evidentiary support; when review is sought by means of administrative mandate the inquiry is directed to whether substantial evidence supports the decision." (*McGill v. Regents of University of California* (1996) 44 Cal.App.4th 1776, 1786.)

In considering the proposed incorporation, LAFCO must consider the CFA to analyze whether the Town will receive sufficient revenues to fund public services and a reasonable (again, not "conservative") reserve during the first three fiscal years post-incorporation and whether any adverse financial impact on the County will be appropriately mitigated. (Gov't Code, §§ 56720, 56815.) LAFCO cannot base its analysis of these issues on the CFA alone, without releasing the underlying data, spreadsheets

William M. Wright, Esq.  
Placer LAFCO  
April 29, 2015  
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and working papers to the proponents for review and analysis. Failing to release its working papers and underlying data would mean that Ms. Berry would make her recommendation and LAFCO could make its decision based on secret data available to the County — but not to the proponents — making fair and meaningful revenue neutrality negotiations impossible.

Moreover, Ms. Berry's approach violates the common law fair hearing requirement, which applies whenever the law requires a hearing. (See *Western Oil & Gas Association v. Air Resources Board* (1984) 37 Cal.3d 502, 528–529 [agency may not base decisions on secret data, using the public hearing as a façade].) An essential element of a fair hearing is participants' ability to review and comment on the evidence on which the agency relies. (*California Association of Nursing Homes etc., Inc. v. Williams* (1970) 4 Cal.App.3d 800, 811.) Here, by contrast, LAFCO proposes to proceed with a flawed report based on data exclusively available to it, the County and to RSG, without releasing that data to the proponents for use in the revenue neutrality negotiations or to the public. This violates basic fair hearing requirements. We must insist our client's rights to a fair hearing be respected and seek your assistance to attain that end.

IOV has also made public records requests for these materials — and renews those requests now. We expect LAFCO's timely and faithful compliance with that statute, as well.

### **3. CFA's Treatment of TOT is Inconsistent and Unsupported by Law**

The draft CFA's treatment of transient occupancy tax (TOT) is inconsistent and unsupported by law. First, Measure F imposes a **general** tax. Accordingly, as a matter of law its proceeds may be used for any general governmental purpose of the taxing agency. (Cal. Const., art. XIII C, § 1, subd. (a).) The draft CFA unlawfully assumed Measure F's proceeds must be used for infrastructure; it must be revised.

Second, the CFA muddles two distinct concepts: sources of funding for Town services and revenue neutrality obligations. It is inappropriate to say TOT revenues will be encumbered by the revenue neutrality obligation. The Town can satisfy any funding obligation that arises from a revenue neutrality agreement from any source of its choosing. The revenue neutrality obligation is a requirement to mitigate the adverse fiscal effect of incorporation on the County, not to transfer a specific revenue source to the County.

William M. Wright, Esq.

Placer LAFCO

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Third, LAFCO has no power to withhold the Measure F tax proceeds from the Town. A county has no power to impose a bed tax in incorporated territory. (See Gov't Code, § 7280, subd. (a) ["The tax, when levied by the legislative body of a county, applies only to the unincorporated areas of the county."] [emphasis added].) The term "levy" is crucial — it means each collection of the tax, not just its enactment. Once a revenue neutrality agreement is reached, LAFCO must include its provisions in the terms and conditions of its approval of incorporation. (Gov't Code, § 56815, subd. (e) [terms and conditions intended to mitigate fiscal impact on county, i.e. revenue neutrality agreement's payments, shall be included in proposed terms and conditions of incorporation].) LAFCO lacks the power to alter the agreement. LAFCO's general conditioning power under Government Code section 56868 is controlled by these more specific authorities and therefore does not entitle LAFCO to assign what must be a city bed tax to a county.

Fourth, the draft CFA's statement that NLTRA may have encumbered the Measure F proceeds beyond the expiration of its contract on June 30, 2016 is illogical. NLTRA's contract, and thus its right to receive Measure F funds, expires on June 30, 2016. It cannot legally encumber those funds beyond that date. This statement must be corrected.

**4. Draft CFA Inappropriately Assumes the Outcome of Revenue Neutrality Negotiations to Brand the Town Non-Viable**

The CFA assumes the outcome of the revenue neutrality negotiations that have not commenced, let alone finished. This is impermissible. Under Government Code section 56815, the incorporation proponents and the County must agree to mitigate any negative fiscal effect on the County from the incorporation. When an agreement is concluded, LAFCO must include the revenue neutrality agreement in the proposed terms and conditions of the incorporation. (Gov't Code, § 56815, subd. (e).) RSG's draft CFA assumes that the result of the negotiations will be the loss of most of the Town's TOT revenue and that payment will be made on a straight-line basis over eight years — this is not the experience of most cities which incorporated after adoption of the revenue neutrality statute. RSG then relies on these unjustified and unauthorized assumptions to support its conclusion the Town is not fiscally viable. This is flawed, lacking in neutrality and objectivity, and founded on a misapprehension of applicable law. Before negotiations conclude, there is no reasoned basis to estimate these

payments. Accordingly, RSG must revise its draft CFA to remove its assumed revenue neutrality payment amounts and any conclusions that stem from them and then release that draft via LAFCO to the County and the proponents for use in their negotiations. When a revenue neutrality agreement is reached, RSG can prepare a public hearing draft CFA reflecting it. The process LAFCO now pursues violates the statute, the OPR Guidelines and fundamental fairness.

**5. A 30% Reserve is Unreasonable and Violates the OPR Guidelines**

Government Code section 56720 requires LAFCO to find that the proposed Town will receive sufficient revenues to fund a reasonable reserve during the first three fiscal years after incorporation. The draft CFA assumes a 30% reserve. This is unreasonably high. The OPR Guidelines recommend a minimum 10% reserve by the end of the third fiscal year after incorporation. The 30% figure might be good public policy, but it is not the fair, neutral evaluation of fiscal viability the law requires of a CFA and it is unreasonable for a new Town. It — and RSG's stated preference for "conservative" rather than reasonable analysis — amount to bias, putting a thumb on the scale to disfavor incorporation. These aspects of the CFA, too, must change.

**6. Comparable Cities Must be Comparable**

The draft CFA cites six cities in Placer County as comparable cities for all purposes under the CFA — revenue and expenses analysis and proposed Town staffing. The Town is sufficiently unique that no one city is a good comparable for all these purposes.

Moreover, Government Code section 56800, subdivision (a)(1) requires comparison cities to be similar in population and geographic size to the proposed Town, not simply nearby. The average population of the comparable cities cited in the draft CFA is 8,300 persons, while the population of the proposed Town is 943. The draft CFA must be revised to use comparable cities that have similar geographic sizes and populations. For purposes of estimating Town staff and its service costs (but not necessarily revenues and every cost — like snow removal), the CFA should look other cities that contract for most services, particularly police and fire protection. For purposes of the requisite staffing and service costs, we suggest such cities as Bradbury, Hidden Hills and La Habra Heights — all small, contract-only cities served by county sheriff and fire — precisely the kind of Town the petition for incorporation proposes.

For purposes of TOT reliance and snow removal, we suggest such communities as Mammoth Lake, Big Bear Lake, and Truckee. The CFA relies for purposes of staffing analyses on cities in Nevada and Placer counties which provide policing, fire service or both. Such cities are not meaningfully comparable to the proposed Town's staffing needs given the high cost of public safety services and their great need for legal and other administrative support.

#### **7. The Draft CFA is Neither Objective nor Reasonable**

Government Code section 56800 requires the CFA to provide reasonable analysis of the proposed Town's fiscal viability. Inherent in reasonable analysis is a neutral, balanced consideration of available evidence. We think a neutral observer would find the current draft CFA to be suffused with bias against — or at least profound unfamiliarity with — small governments.

For example, the draft CFA states that Olympic Valley would be unusually reliant on a single revenue source and that no cities within the last 25 years have incorporated with a similar reliance on a single revenue source, without support for that statement and without identifying whether there are other towns and cities similarly reliant on a single revenue source. Data available from the State Controller and posted to the [californiacityfinance.com](http://californiacityfinance.com) website demonstrate many cities have similarly undiversified revenue portfolios — TOT and franchise fees in particular are large revenues to some cities. Revenue diversity is desirable, of course, but it is not determinative of viability. The draft CFA also states that it presents a "conservative forecast" of operating revenues and expenses, and relies on a "conservative" analysis of growth projections. This too violates Government Code section 56800's requirement for a reasonable, i.e. neutral, analysis of revenue and expenditures. RSG must revise the draft CFA to avoid putting a thumb on the scale to favor or disfavor the proposed Town.

The draft CFA also states the Town Council may deny proposed development projects, depriving the Town of needed potential revenues. It should also observe the Town Council may approve more development than currently proposed, increasing available revenues. A neutral, balanced analysis would note both possibilities, and assume a reasonable development rate for the community. The CFA should avoid undue speculation but, when it must make estimates, those estimates should be neutral,

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Placer LAFCO  
April 29, 2015  
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fair and balanced and not reflect the rhetoric of the leading opponent of incorporation. Accordingly, the draft CFA must be revised.

Additionally, referring to the bankruptcy of Mammoth Lakes is gratuitous, irrelevant, and suggests a lack of neutrality in the analysis. Mammoth Lakes' bankruptcy stemmed from a lawsuit, which is a risk every public agency faces, but bears no mention in the draft CFA which must analyze reasonably foreseeable risks, not outsized, theoretical but unlikely risks. Mammoth Lake's court loss and bankruptcy are notable precisely because of their rarity. This reference must be deleted.

### **Conclusion**

Although this letter refers to some of IOV's concerns with the CFA, it is not exhaustive. We refer LAFCO and RSG to IOV's April 21 and April 23, 2015 and a forthcoming memo which include more detail. This last will include HdL Coren & Cone's (HdL) analysis of the CFA's property tax assumptions. As you know, HdL is the State's leading property tax analyst. Given the very short, 11-day period LAFCO currently permits for IOV's comments on a CFA that has taken many more months to prepare than predicted — due to significant delays LAFCO allowed itself, the County and RSG — it has been necessary to provide IOV's comments seriatim. We trust LAFCO and its consultant will respond fully and fairly to those comments and will not rush to maintain a now-unrealistic hearing schedule at the expense of a full and fair analysis.

We request that LAFCO direct RSG to revise the draft CFA, correcting these legal and analytical flaws and those identified in Incorporate OV Foundation's memos noted above. We also demand that LAFCO provide IOV the data, spreadsheets and working papers underlying the draft CFA.

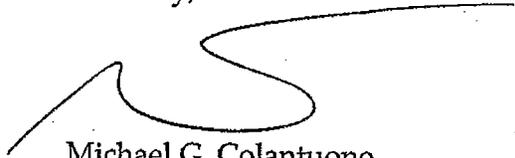
Once revised, LAFCO must release the revised draft CFA, and all underlying data and working papers, to Placer County and IOV for their use in the revenue neutrality negotiations. LAFCO can appropriately release the public hearing draft of the CFA only after these negotiations are complete.

Finally, we must insist that Ms. Berry relax her unrealistic May 1st deadline and that LAFCO commit to compliance with the procedures stated in the OPR guidelines.

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Placer LAFCO  
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Please reply before LAFCO's May 1st deadline so IOV can consider other means to ensure its rights, should such means be necessary.

Sincerely,



Michael G. Colantuono  
General Counsel  
Incorporate OV Foundation

MGC:mts

cc: Dr. Fred Ilfeld, Chair  
Members of the Incorporate OV Foundation Board  
Kris Berry, Placer LAFCO Executive Officer

# THE WRIGHT LAW OFFICE

*Attorney at Law*

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May 4, 2015

Michael G. Colantuono  
Colantuono, Highsmith & Whatley, PC  
11364 Pleasant Valley Road  
Penn Valley, CA 94546-9000

**Re: Olympic Valley Incorporation Proposal (LAFCO No. 2013-02)  
Comprehensive Fiscal Analysis**

Dear Mr. Colantuono:

Thank you for your letter of April 29, 2015 addressing your concerns with the Comprehensive Fiscal Analysis (CFA) prepared by the Rosenow Spevacek Group (RSG) for the above project. I have responded to the legal issues you have raised below.

- 1. The CFA should be released prior to the completion of the revenue neutrality negotiations to provide transparency and public input.**

The primary thrust of your letter is that the CFA should not be released until the proponents and the County have completed revenue neutrality negotiations and the Board of Supervisors has adopted the revenue neutrality agreement. Not only does this contention run against the process used by every other LAFCO we have contacted on this issue, it advocates a secretive process that shuts the public out of this important step in the incorporation process. Moreover, such a process would be a clear violation of the Public Records Act.

The practice Placer LAFCO intends to follow is consistent with the process used by other LAFCOs in releasing the CFA. The CFA is typically released to the public for

review prior to the revenue neutrality process to allow the public and other affected agencies the opportunity to comment on the accuracy of the document before the revenue neutrality negotiations take place. We fail to see any benefit in attempting to keep the document secret while these negotiations occur. If there are errors in the document, the errors should be vetted at the earliest possibility, not after the parties have completed their negotiations. The proposed incorporation will alter the political landscape in the North Shore and we believe the affected agencies and the public should be involved as early as possible in reviewing the financial data associated with this change.

You reference the flowchart on page 42 of the Incorporation Guidelines in support of your argument that the CFA should not be released until after the revenue neutrality negotiations are complete and the County has approved the revenue neutrality agreement. This position advocates a process that would keep affected agencies and the public from participating in the process until the revenue neutrality agreement has already been approved.

The CFA will form the basis for the proposed revenue neutrality agreement to be approved by the Board of Supervisors. If we follow your argument according to the flowchart, the CFA would be kept from public view even as it serves as the cornerstone for the adoption of the revenue neutrality agreement by the Board of Supervisors. Not only would this be poor public policy, we believe such a process would violate the Public Records Act under Government Code Section 6250. I am certain you are well aware of the numerous court decisions upholding the Public Records Act and requiring transparency in government.

Placer LAFCO provided your client and the County with the opportunity to review the CFA for technical accuracy prior to the release to the public. This opportunity was provided as a courtesy to your client to provide a technical critique before the document was released to the public, in much the same way agencies typically provide developers the opportunity to review an administrative draft of an EIR before it is released to the public. It was not intended to provide your client an opportunity to advocate for a wholesale change in the basic assumptions of the document or in the CFA process.

We realize that the CFA is a work in progress and that significant changes are probable as public comments are received and as the revenue neutrality negotiations are completed. We welcome this public input as we believe it will result in a more accurate document.

## 2. Public Records and Fair Hearing

It is my understanding that Ms. Berry has provided you with all of the data in her possession that she has received from the County. If you believe there is additional information that is missing, we encourage you to extend your records request to the County. The working papers of RSG are not public records and will not be provided to the public. The calculations in the report and the method of calculation are explained in the report. If your financial expert has specific questions concerning the calculations, we welcome their comments and questions.

You argue that somehow your client is being denied a fair hearing. Since the hearing is many months away, and since the hearing will involve several important documents that currently do not exist, such as the EIR (including the level of service analysis) and the Executive Officer's Report, we are at a loss to understand how you can now conclude that you will be deprived of a fair hearing, particularly since you will be given an opportunity to comment on and critique all of the documents presented at the hearing.

## 3. Transient Occupancy Tax

On March 6, 2015, Ms. Berry wrote to your client to obtain clarification on the intended use of the TOT. In referencing the use of the 2% share of the TOT collected under Measure F, the March 17 response by your clients state that "[T]hese monies will be collected by the Town and utilized pursuant to the terms and provisions of the Measure." The CFA reflected that approach. Apparently your client is now changing their position.

While we agree the County may no longer collect a TOT within the boundaries of the new city, it does not necessarily follow that the additional 2% TOT that was approved by the voters under Measure F must be allocated to the new city. If this was an annexation to an existing city, the new territory would automatically be subject to the current taxes of the city under Government Code Section 57330. However, this is the incorporation of an entirely new city. The extent to which LAFCO elects to transfer existing taxes to the new city is discretionary under Government Code Section 56886(t). It is possible that LAFCO will decide that the additional 2% TOT should not be transferred to the new city, in which event the TOT for the new city would be 8%. While we understand that the 2% TOT approved under Measure F is a general tax available for general revenue if it is transferred to the new City, it is possible that LAFCO will be reluctant to transfer the 2% TOT if there is not a commitment to continue to use those funds for the specific purposes approved by the voters under the ballot measure. Thus, unless the transfer of the 2% TOT is mandated under the terms of the revenue neutrality agreement under Government Code Section 56815(e), it is possible that the 2% will not be transferred at all.

#### 4. Issues Pertaining to the CFA

Your remaining concerns primarily deal with the adequacy of the CFA. I will defer to RSG on these issues. LAFCO is well aware that the revenue neutrality negotiations have the potential to significantly alter the assumptions in the CFA. We consider the CFA to be a fluid document that will likely be revised several times before the Final Draft is prepared for the Public Hearing.

Please call if you have any questions.

Very truly yours,

  
William M. Wright

WMW:ld

cc: Kristina Berry, Executive Officer, Placer County LAFCO  
Jim Simon, RSG

11364 Pleasant Valley Road  
Penn Valley, CA 95946  
Voice (530) 432-7357  
Fax (530) 432-7356

**COLANTUONO**  
**HIGSMITH**  
**WHATLEY, PC**

Matthew T. Summers  
(213) 542-5719  
MSummers@chwlaw.us

Our File No. 45009.0001

May 4, 2015

**VIA E-MAIL (kberry@placer.ca.gov) AND U.S. MAIL**

Kristina Berry, Executive Officer  
Placer County LAFCO  
110 Maple Street  
Auburn CA 95603

**Re: Request for Records Related to Comprehensive Fiscal Analysis for  
Olympic Valley Incorporation Proposal (LAFCO No. 2013-02)**

Dear Ms. Berry:

Pursuant to the California Public Records Act (Gov. Code, § 6250 et seq.), I request the records listed below, which are in the possession or control of the Placer County Local Agency Formation Commission (the "Commission") on behalf of the Incorporate OV Foundation, proponents of the Olympic Valley incorporation proposal. The Commission includes its directors, officers, representatives, agents, employees, affiliates, accountants, attorneys, consultants, and any and all persons acting on its behalf.

Please respond with your determination on this request within 10 days after you receive it, or even sooner if you can do so without having to review the responsive records. If you believe that any of these records is exempt from disclosure, please note in your reply whether the exemption is discretionary and, if so, whether you are required to exercise your discretion to withhold the record(s) in this particular case. If you determine that any portion of the responsive records is exempt from disclosure and you intend to withhold that portion, please redact the relevant portion for the time being and make the remainder available as requested. In any event, please respond with a signed notification citing the legal authorities on which you rely if you determine that any requested record, or portion thereof, is exempt and will not be disclosed.

If there are no records responsive to a particular numbered request listed below, please confirm in writing that such records do not exist. Further, if such records used to exist but have been lost, stolen, or destroyed, please (i) identify the date of loss, theft, or

destruction, and (ii) provide a copy of all available records of the loss, theft, or destruction.

I seek electronic copies of the records listed below, emailed to me at the address shown above or, if the records are voluminous, provided on flash drive, disk or via Dropbox or another mutually agreeable file-sharing service. However, before the Commission incurs any cost to make electronic records available, please notify me of the cost. If any records cannot be provided electronically, please notify me of the estimated number of pages, the estimated cost to copy and ship those pages, and the time required to copy the documents requested.

The term "relating to" as used below means directly or indirectly, in whole or in part, referring to, concerning, evidencing, connected with, commenting on, affecting, responding to, showing, describing, analyzing, reflecting or constituting. "All records" shall mean every document — whether an original or copy, hard copy or electronic, draft or final version — known to the Commission and every such document or writing the Commission can locate or discover by reasonably diligent efforts. Additionally, records within the control of the Commission includes records held by consultants whose contracts with the Commission provide that original documents, methodological explanations, computer programs, computer files, drawings, designs, reports, and all other documents generated by the consultant belong to the Commission.

The term "document" as used below means any writing as defined in Evidence Code § 250, including any such writing stored electronically.

I request copies of all records that fall under the following categories:

1. All records relating to the comprehensive fiscal analysis of the Olympic Valley incorporation proposal (LAFCO No. 2013-02) under preparation by Rosenow Spevacek Group, Inc. on behalf of the Commission, including but not limited to all working papers, drafts, calculations, spreadsheets, revenue analyses, expenditure analyses.
2. All records relating to the calculations in the administrative draft comprehensive fiscal analysis of the Olympic Valley incorporation proposal (LAFCO No. 2013-02) under preparation by Rosenow Spevacek Group, Inc. on behalf of the Commission, including but not limited to all spreadsheets or other mathematical records of calculations, whether electronic or hardcopy, used to make all calculations stated, described, or relied upon in the administrative draft comprehensive fiscal analysis; together with all data sources used in these calculations.

3. All records relating to the comprehensive fiscal analysis of the Olympic Valley incorporation proposal (LAFCO No. 2013-02) received by the Commission from Placer County and any of its departments, including but not limited to all records relating to Placer County's provision of services to the Olympic Valley area, the county's revenues, and the county's direct and indirect expenditures.
4. All records relating to the comprehensive fiscal analysis of the Olympic Valley incorporation proposal (LAFCO No. 2013-02) received by the Commission from any other governmental entity, including but not to all records relating to the provision of services in the Olympic Valley area, and the costs and revenue sources for those services.
5. All records used by the Commission and Rosenow Spevacek Group, Inc. in creating the administrative draft comprehensive fiscal analysis of the Olympic Valley incorporation proposal (LAFCO No. 2013-02) on behalf of the Commission, including all drafts, working papers, calculations, and spreadsheets.
6. All records relating to correspondence received by the Commission regarding the comprehensive fiscal analysis of the Olympic Valley incorporation proposal (LAFCO No. 2013-02).
7. All records relating to the calculation of estimated transient occupancy tax revenues for the proposed Town of Olympic Valley by Rosenow Spevacek Group, Inc. on behalf of the Commission.
8. All records relating to the Placer County Planning Department's Cumulative Assumptions Technical Memorandum.
9. All records relating to the calculation of the assessed valuation forecast included in the administrative draft of the comprehensive fiscal analysis of the Olympic Valley incorporation proposal prepared by Rosenow Spevacek Group, Inc. on behalf of the Commission, including but not limited to all spreadsheets, calculations, data, and analyses supporting the estimates of assessed valuation growth and the estimates of the value of future development.
10. All records relating to the calculation of the estimated auditor's ratio included in the administrative draft of the comprehensive fiscal analysis of the Olympic Valley incorporation proposal prepared by Rosenow

Spevacek Group, Inc. on behalf of the Commission, including but not limited to all spreadsheets, calculations, data, and analyses underlying this estimate.

11. All records relating to the calculation of the direct and indirect apportionments of sales tax revenues by the State Board of Equalization included in the administrative draft of the comprehensive fiscal analysis of the Olympic Valley incorporation proposal prepared by Rosenow Spevacek Group, Inc. on behalf of the Commission, including but not limited to all spreadsheets, calculations, data, and analyses underlying this calculation.
12. All records relating to the calculation of the estimated median housing resale price included in the administrative draft of the comprehensive fiscal analysis of the Olympic Valley incorporation proposal prepared by Rosenow Spevacek Group, Inc. on behalf of the Commission, including but not limited to all spreadsheets, calculations, data, and analyses underlying this estimate.
13. All records relating to the calculation of the estimates of the proposed town's receipt and expenditures of gasoline excise taxes included in the administrative draft of the comprehensive fiscal analysis of the Olympic Valley incorporation proposal prepared by Rosenow Spevacek Group, Inc. on behalf of the Commission, including but not limited to all spreadsheets, calculations, data, and analyses underlying these estimates.
14. All records relating to the provision of law enforcement by the Placer County Sheriff's Department in the Olympic Valley area used in the preparation of the comprehensive fiscal analysis of the Olympic Valley incorporation proposal prepared by Rosenow Spevacek Group, Inc. on behalf of the Commission, including but not limited to all spreadsheets, calculations, data, and analyses.
15. All records relating to the Placer County Sherriff's Department contract with the City of Colfax, including but not limited to records relating to the number and type of calls for service during the past three fiscal years (FY 2011-2012, FY 2012-2013, and FY 2013-2014).
16. All records relating to the calculation of the estimates of property tax revenues for the proposed town included in the administrative draft of the comprehensive fiscal analysis of the Olympic Valley incorporation

proposal prepared by Rosenow Spevacek Group, Inc. on behalf of the Commission, including but not limited to all spreadsheets, calculations, data, and analyses underlying these estimates.

17. All records relating to the County's road maintenance and snow removal activities in the Olympic Valley area for the past five fiscal years (FY 2009-2010, FY 2010-2011, FY 2011-2012, FY 2012-2013, and FY 2013-2014), including the following:
  - a. All records relating to the cost of the County's snow removal activities in eastern Placer County, including capital expenditures, labor costs, general overhead and supplies costs, and any other costs for the past five fiscal years and during the current fiscal year;
  - b. All records relating to any contracts between the County and any private contractors providing snow removal services, road maintenance services, or road building and construction services within the past five fiscal years and during the current fiscal year.
  - c. All records relating to any contracts or memoranda of understanding between the County and the California Department of Transportation (Caltrans) to remove snow from and/or maintain State Highway 89 from Tahoe City to the boundary line between Placer County and Nevada County;
  - d. All records relating to any contracts or memoranda of understanding between the County and the State of California regarding stormwater management or discharge from Highway 89.
  - e. All records relating to current levels of service or condition assessments for the following within the Olympic Valley area:
    - i. all paved roads;
    - ii. all paved bike trails and paths;
    - iii. all storm drains and stormwater management infrastructure, including culverts, drop inlets, stormwater pipes, treatment devices, channels, and basins;
    - iv. all road bridges in the Olympic Valley area.
18. All records relating to correspondence between the Commission and Rosenow Spevacek Group, Inc.

Kristina Berry, Executive Officer  
Placer County LAFCO  
May 4, 2015  
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If you require any further information to comply with this request, please let me know. Thank you for your assistance. I look forward to your timely reply.

Sincerely,



Matthew T. Summers  
Assistant General Counsel, Incorporate OV  
Foundation

MTS:mts

cc: William Wright, LAFCO General Counsel  
Dr. Fred Ilfeld, Board Chair, Incorporate OV Foundation (via email only)  
Lisa Cardin, Board Member, Incorporate OV Foundation (via email only)  
Bob Barnett (via email only)  
Tom Sinclair (via email only)  
Robert Van Nort (via email only)  
Michael G. Colantuono, General Counsel, Incorporate OV Foundation (via  
email only)

**PLACER COUNTY**  
**LOCAL AGENCY FORMATION COMMISSION**

110 Maple Street, Auburn California 95603

530-889-4097

Email: [lafco@placer.ca.gov](mailto:lafco@placer.ca.gov)

**STAFF REPORT**

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**DATE:** May 6, 2015

**TO:** Chairman Ucovich, Commissioners Allen, Holmes, Kirby, Rudd, Treabess, Weygandt. Alternate Commissioners Duran, Gray, Nader, Sheehan.

**FROM:** Kris Berry, AICP, Executive Officer 

**SUBJECT:** Town of Olympic Valley Incorporation proposal update/Environmental Consultant contract.

**RECOMMENDATION:**

It is recommended that the Commission:

- a. Authorize the Executive Officer to execute a contract with the selected Environmental Consultant for the preparation of the Environmental Impact Report;
- b. Provide direction to the Executive Officer whether to:
  1. Require the deposit of the entire cost for the EIR prior to executing a contract for the work; OR
  2. Permit the contract to be divided into two phases consisting of the Draft Environmental Report and the Final Environmental Report.

**SUMMARY:**

**Environmental Impact Report:**

At the April 10, 2015 meeting, the Commission selected the bid proposal for the Environmental Impact Report received from Amec Foster Wheeler ("AFW") in the amount of \$146,970.00. At the meeting the proponents of the project, Incorporate Olympic Valley ("IOV") requested the Environmental Impact Report to be conducted in phases with payments due on the completion of each phase. Correspondence from IOV requesting this bifurcation, dated April 9, 2015, is attached for your review. The Commission authorized the Executive Officer to commence discussions with AFW regarding the contract.

Raney Planning & Management, our on-call environmental consultant, has reviewed the bifurcation request of IOV and has indicated that splitting the contract into four phases will not

be feasible. Raney Management believes that the contract could be workable if divided into two phases: (1) The Draft Environmental Impact Report with a payment of \$90,142; and (2) The Final Environmental Impact Report with a payment of \$56,828.

Opponents to the incorporation have expressed concern with dividing the EIR work into phases. They contend that splitting the project into phases will give the proponents undue influence over the environmental process as the proponents might attempt to condition payment for each phase based upon the outcome of the report. The opponents also suggested that if IOV has problems paying for the entire EIR at the beginning of the process, LAFCO should consider applying for a loan from the State Controller on behalf of the proponents pursuant to Government Code Section 56383(g). (The code section is attached for your review). This process can significantly delay the project since once the loan application is filed LAFCO may take no further action on the proposal. It is the consensus of this office and our consultant that this process is not workable.

Staff's preference is for the entire amount of the EIR to be deposited with LAFCO prior to entering into the contract and that we not attempt to divide the scope of work into phases. However, bifurcation into two phases is an option and certainly can be implemented as part of this project if we are so directed.

Attachments:

- Exhibit "1" Letter from IOV dated April 9, 2015
- Exhibit "2" Government Code Section 56383(g).



*Fred Ilfeld, Board Chair  
Incorporate OV Foundation  
P.O. Box 2826  
Olympic Valley, CA 96146*

Ms. Kris Berry  
Placer LAFCO  
110 Maple Street  
Auburn, CA 95603

April 9, 2015

Dear Ms. Berry:

As requested by Chairman Weygandt at today's LAFCO meeting, I am writing about payment issues involved in the contract for the EIR for the proposed Town of Olympic Valley. Throughout I will be referring to the likely EIR consultant, Amerc Foster Wilson, as "AFW".

AWF's bid of \$146,000 is a higher price than we anticipated, particularly since we are not proposing any development and will not be turning a spade of dirt. Obtaining funds has not been easy for us. Please keep in mind that we have already demonstrated our capacity and our fiscal responsibility by paying for the Comprehensive Fiscal Analysis all in advance. We feel we don't have to prove ourselves a second time. To ask us to pay up front again we feel would be onerous and unnecessary.

We would like to follow the "industry standard" for projects like ours. Placer LAFCO has no history of doing an EIR for incorporation, but our neighboring county, Sacramento, does. For each of their last three incorporation proposals, Elk Grove, Rancho Cordova, and Arden-Arcade, payments have been made over time based on milestones reached. This is the "industry standard" for incorporation projects.

Given this standard, IOV would like to propose the following payment plan that has 4 components.

FIRST: We would request that LAFCO along with its current consultant, Tim Raney, fine tune the scope of the proposed contract so that it is no broader than that previously suggested by Raney and associates. Reducing the scope to only that which has been recommended could cut down the cost somewhat. . . . Another action that could reduce workload and thereby cost for AFW is to do a supplemental EIR to the Village at Squaw Valley. The draft EIR of the expanded Village will be made public and out for review in just a

few weeks and represents several years of effort. This Village EIR covers many of the same topics requested for our EIR and should be a valuable resource.

SECOND: We are willing to show our financial capacity with a meaningful down payment towards the EIR.

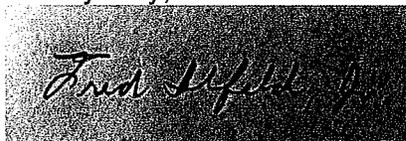
THIRD: Following the down payment, we would like to base subsequent payments on milestones reached in the EIR process. This would give us time to raise additional funds, and also would incentivize the contractor to move ahead on a timely basis. Such milestones could include:

- a) completion of the initial study and submission to LAFCO
- b) submit administrative Draft EIR to LAFCO
- c) submit to LAFCO and circulate Draft EIR
- d) submit to LAFCO the Administrative Draft of the Final EIR
- e) submit to LAFCO the Mitigation and Monitoring Reporting Program report
- f) submit to LAFCO and distribute the Final EIR and Findings
- g) Certification of the EIR

FOURTH: We propose to pay LAFCO before the next anticipated milestone and in advance of AFW's billing. This way LAFCO has no risk of not being reimbursed by us for work accomplished, since we will have already paid LAFCO for the next stage. To illustrate, if LAFCO has paid the bill for the completion of the initial study ("a" above), then IOV would immediately pay LAFCO for the next upcoming milestone, in this case submitting the administrative draft EIR to LAFCO ("b" above).

In summary, we feel our payment proposal meets industry standards, provides money up front to the contractor, gives IOV time to raise more money, incentivizes the contractor to proceed in a timely fashion, and with payments in advance eliminates financial risk to LAFCO.

Yours very truly,

A rectangular area containing a handwritten signature in cursive script, which appears to read "Fred Ilfeld". The signature is written in dark ink on a light background.

Fred Ilfeld

## F. PAYING FOR THE INCORPORATION APPLICATION.

Fees for incorporation proposals vary and are set by each LAFCO. All LAFCOs should adopt general fee schedules to allow potential applicants the ability to estimate the potential incorporation costs.

Incorporation proposals can be charged on an actual cost-recovery basis, on a deposit system, as a set fee or by other methods. Proponents are required to fund the incorporation effort, including the costs of LAFCO to develop information and process the application. The cost of incorporations has ranged from \$50,000 to \$150,000 based on the experience of several incorporation efforts over the past 5 years.

### LOAN FROM THE STATE

For an incorporation that has been initiated by a successful petition, LAFCO (§56383(g)) may forward a request for a loan from the Controller of the State of California. The State, not LAFCO, can approve the loan which then becomes an obligation of the new city. Repayment of the loan must be made within 2 years of the effective date of the incorporation.

Since incorporation is almost always a volunteer effort, raising the necessary funds can be a challenge. For incorporation proceedings that have been initiated by a successful petition, LAFCO may, upon receipt of substantial proof submitted by the proponents that they are unable to raise sufficient funds, take no action on the proposal and forward a written request for a loan to

the Controller of the State of California (§56383(g)). This is a new provision of the Cortese-Knox-Hertzberg Act. The proponent's written request should state the amount requested and should be sufficient to cover incorporation expenses. The written request may also include, but is not limited to, the following:

- Bank statements of incorporation accounts
- Audit of funds of incorporation accounts
- Affidavits signed by the proponents
- Information as necessary to verify that the incorporation proponents are unable to raise sufficient funds

LAFCO shall forward the loan request, along with the certification of insufficient funds as supplied by the proponents, to the State Controller by registered mail. State funds are NOT automatically granted to an incorporation effort and are subject to availability and other budgetary limitations of the State. It should be noted that LAFCO has no discretion or authority over the State funds or incorporation loans; LAFCO's role is to simply forward the request and certification to the State Controller for consideration.

If the loan is approved, repayment of the loan shall be made a term and condition of LAFCO approval and may be included as part of the ballot measure when incorporation goes to the voters. If the incorporation is successful, the loan shall become a legal obligation of the newly formed city and shall be shown as an expense in the budget projections of the CFA for the proposed city. Repayment of the loan must be made within two years of the effective date of incorporation. If the incorporation proposal is denied by the Commission or defeated at an election, the loan shall be forgiven.

procedures of Section 56381.

**Destruction of records**

**56382.** The commission may authorize the destruction of any duplicate record, paper, or other document if the original or a photographic or electronic copy of the record, paper, or other document is retained in the files of the commission, and the commission may authorize the destruction of original records more than two years old if a photographic or electronic copy of the original record is made and preserved, provided that the following conditions are met:

**Requirement for records**

(a) The record is reproduced on a medium that does not permit additions, deletions, or changes to the original document, or reproduced in compliance with the minimum standards or guidelines, or both, as recommended by the American National Standards Institute or the Association for Information and Image Management for recording of permanent records or nonpermanent records, whichever applies.

(b) The device used to reproduce the record is one that accurately and legibly reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document images.

(c) The reproductions are made as accessible for public reference as the original records were.

(d) A true copy of archival quality of the reproductions shall be kept in a safe and separate place for security purposes.

**Processing fees**

**56383.** (a) The commission may establish a schedule of fees and a schedule of service charges for the proceedings taken pursuant to this division, including, but not limited to, all of the following:

(1) Filing and processing applications filed with the commission.

(2) Proceedings undertaken by the commission and any reorganization committee.

(3) Amending a sphere of influence.

(4) Reconsidering a resolution making determinations.

**Reasonable cost**

(b) The fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged and shall be imposed pursuant to Section 66016. The service charges shall not exceed the cost of providing service for which the service charge is charged and shall be imposed pursuant to Section 66016.

**Deposit**

(c) The commission may require that an applicant deposit some or all of the required amount that will be owed with the executive officer before any further action is taken. The deposit shall be made within the time period specified by the commission. No application shall be deemed filed until the applicant deposits the required amount with the executive officer. The executive officer shall provide the applicant with an accounting of all costs charged against the deposited amount. If the costs are less than the

deposited amount, the executive officer shall refund the balance to the applicant after the executive officer verifies the completion of all proceedings. If the costs exceed the deposited amount, the applicant shall pay the difference prior to the completion of all proceedings.

**Fee waiver**

(d) The commission may reduce or waive a fee, service charge, or deposit if it finds that payment would be detrimental to the public interest. The reduction or waiver of any fee, service charge, or deposit is limited to the costs incurred by the commission in the proceedings of an application.

**Mandatory time limits**

(e) Any mandatory time limits for commission action may be deferred until the applicant pays the required fee, service charge, or deposit.

**Fees for signature verification**

(f) The signatures on a petition submitted to the commission by registered voters shall be verified by the elections official of the county and the costs of verification shall be provided for in the same manner and by the same agencies which bear the costs of verifying signatures for an initiative petition in the same county.

**Incorporation fees; loan from general fund**

(g) For incorporation proceedings that have been initiated by the filing of a sufficient number of voter signatures on petitions that have been verified by the county registrar of voters, the commission may, upon the receipt of a certification by the proponents that they are unable to raise sufficient funds to reimburse fees, service charges, or deposits for the proceedings, take no action on the proposal and request a loan from the General Fund of an amount sufficient to cover those expenses subject to availability of an appropriation for those purposes and in accordance with any provisions of the appropriation. Repayment of the loan shall be made a condition of approval of the incorporation, if successful, and shall become an obligation of the newly formed city. Repayment shall be made within two years of the effective date of incorporation. If the proposal is denied by the commission or defeated at an election, the loan shall be forgiven.

**Repayment provisions**

***NOTE: Stats. 2010, Ch. 24, created the following uncodified provisions pertaining to a loan from the General Fund to the East Los Angeles Residents Association to cover the costs of incorporation-related proceedings.***

Section 1. The sum of forty-five thousand dollars (\$45,000) is hereby transferred from the Environmental Enhancement and Mitigation Program Fund to the General Fund, and is hereby appropriated from the General Fund to the Controller for allocation to the Los Angeles County Local Agency Formation Commission for a loan to the East Los Angeles Residents Association, pursuant to subdivision (g) of Section 56383 of the Government Code.

May 13, 2015  
Item No. 8

**PLACER COUNTY**  
**LOCAL AGENCY FORMATION COMMISSION**

110 Maple Street, Auburn California 95603

530-889-4097

Email: [lafco@placer.ca.gov](mailto:lafco@placer.ca.gov)

**STAFF REPORT**

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**DATE:** May 6, 2015

**TO:** Chairman Ucovich, Commissioners Allen, Holmes, Kirby, Rudd, Treabess, Weygandt. Alternate Commissioners Duran, Gray, Nader, Sheehan.

**FROM:** Kris Berry, AICP, Executive Officer



**SUBJECT:** Appointment of Public Member and Alternate Public Member to Commission

Action Requested:

Appoint a public member and alternate public member to the Commission to fill the current term effective May 2015 - 2019.

Discussion:

At the Commission meeting of April 8, 2015, the Commission continued this matter to allow the Commission to interview prospective candidates for the public member and alternate public member positions. Due to noticing requirements, the Commission did not receive the candidate's information until the day prior to our last hearing, allowing little time for review. Staff is in the process of contacting each individual candidate to update them on the status of the appointments.

Pursuant to Section 56425(d) of the Cortese-Knox-Hertzberg Local Government Reorganization Act, the public member is appointed by vote of the other members of the Commission. The person must receive the vote of at least one of the county representatives, one of the city representatives, and one of the special district representatives. The public member and alternate public member may not be an officer or employee of the County, or any city or district within Placer County. Aside from these requirements, the process for appointment is at the discretion of the Commission.

Attached are the applications received for the positions. There are a total of X candidates, including:

Frank R. Calton  
Steve Alan Carpenter  
Jim Gray  
Gerald Wayne Herrick  
E. Howard Rudd

**PLACER COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

Jim Holmes (County), Ron Treabess (Special Districts); Dr. William Kirby (City); Robert Weygandt, Chairman (County); E. Howard Rudd (Public); Gray Allen, Vice Chair (Special Districts); Miguel Ucovich (City),  
110 Maple Street, Auburn, California 95603 530-889-4097  
Email: [lafco@placer.ca.gov](mailto:lafco@placer.ca.gov)

**Application for Appointment  
Public Member**

**RECEIVED  
MAY 31 2015  
PLACER LAFCO**

Position for which you are applying	Regular <input checked="" type="checkbox"/> Alternate <input type="checkbox"/>
Name	FRANK R. CALTON First Middle Last
Address	Residence: 5735 OAK CREEK PLACE GRANITE BAY, CA 95746 Mailing: same
Telephone	Home: (916) 791-3535 Cell: (916) 300-3535 Work: (916) 791-2909 FAX: (916) 791-2909
E-Mail Address	FR Calton@gmail.com
Employment (A resume may be attached, if desired)	Self-employed as Manager/Owner of retail development in Granite Bay (18 tenants) See attached Resume
List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service.	In addition to attached Resume: <ul style="list-style-type: none"> <li>Granite Bay Community Plan update committees <ul style="list-style-type: none"> <li>Land Use element (2010-2012 approx.)</li> <li>Circulation element (2004-2006 approx.)</li> </ul> </li> <li>Roseville Joint Union High School District <ul style="list-style-type: none"> <li>Measure J construction use of funds oversight committee</li> </ul> </li> </ul>
Please list community interests/activities	local government (all levels) <ul style="list-style-type: none"> <li>provision for urban services (water, etc.)</li> </ul> Bayside church (Granite Bay) <ul style="list-style-type: none"> <li>governance; community activities</li> </ul>
Why do you wish to serve on the LAFCO Commission?	LAFCO merges my experience and interests with governmental actions
Have you been involved with or attended any meetings of the LAFCO Commission?	San Mateo County LAFCO, while employed with Crocker Land Company (see attached Resume)

<p>What is your understanding of the roles &amp; responsibilities of the Commission?</p>	<p>Boundary decisions for cities, special districts and Placer County regarding annexation requests, entity merging, etc.          - Location and timing/phasing of extending urban services          - Appropriate actions, in collaboration among LAFCO Board Members and Executive Director</p>
<p>Please summarize the qualifications you feel are related to service on the LAFCO Commission</p>	<p>Sufficient experience (understanding of roles of local government and LAFCO - regarding urban service limits spheres of influence, annexation petitions, etc) - to ask the right questions before determination of any issue before the LAFCO Commission</p>

I hereby certify that I am a registered voter in the State of California, County of Placer, a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to the Placer LAFCO may be an officer or employee of the County or any City or District with territory in the County (Government Code Section 56331).

I understand that if appointed to Placer LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.

Signature: Frank D. Latta

Date: March 30, 2015

Return to  
 Placer LAFCO  
 110 Maple Street  
 Auburn, CA 95603

**Frank R. Calton**

FRCalton@gmail.com  
5735 Oak Creek Place, Granite Bay, CA 95746

**(916) 791-2909 (Office)****(916) 300-3535 (cell)****(916) 791-3535 (Home)****Education and Professional**

Bachelor of Science, University of California, Berkeley  
CA Professional Engineer, CE #13747

**Military**

Lieutenant, U. S. Army Corp of Engineers, Korea (2 years)

**Work History – Land Development Planning, Entitlement, Construction, Marketing**

Crocker Land Company / McKesson Corp., San Francisco – 20 Years: Director of Development

Industrial park development and leasing - Brisbane, Fremont, Hayward, Vacaville  
San Bruno Mountain (3,000 acres) project manager – San Mateo County

Large mixed-use master planning

San Mateo County LAFCo: urban service extensions and sphere of influence

Retail Center (20 acres) – Serramonte Plaza – Daly City

Chevron Land & Development Co., San Francisco – 11 years: Vice President

As VP of northern division, bottom-line responsibility for multiple projects:

Industrial parks: Vacaville, Bakersfield, Richmond

Mixed use urban project: Daniel Burnham Court, Post and Van Ness, SF

Hilltop, Richmond

Chevron's agricultural lands, San Joaquin Valley

Tax credit investments for low income housing

Chevron's Public Affairs Council

Granite Bay Town Center, Granite Bay, CA – 24 years: Owner, Manager

Acquired in 1991 via 1031 exchange: 26,000 sq. ft. on 3 acres (Retail w/18 tenants)

Entitled, planned and constructed 8,000 sq. ft. (3 buildings completed 2006)

Processed conditional use permit (Placer County)

**Volunteer Service (partial)**

Project manager, Bayside Covenant Church, Granite Bay, CA – 7 Years (1997-2004)

34 acres, 94,500 sq. ft. church, \$20 million – entitle, plan, construction

Manage team of professional volunteers

Meet consistently with community and political leaders

Elected Board Member, West Contra Costa Unified School District, CA – 12 years (1981-1993)

One of five elected board members

31,000 students (Richmond, El Cerrito, San Pablo, Pinole, Hercules)

Budget in excess of \$100 million

Founder and Board member, Acres of Hope non-profit, Auburn, CA – 6 years (2006-2012)

Long-term residential recovery center for women with children

Processed use permit with Placer County for initial site in Applegate

Sr. Leader, Young Life, El Sobrante, CA – 20 years (1966-1986)

Upwards of 80 high school students weekly, plus camps, study groups, etc.

Managed team of volunteer leaders

Appointed Board Member, Richmond Planning Commission, CA – 2 years (1993-1995)

One of nine members appointed by City Council to govern land use decisions.

Appointed Placer County Grand Juror (2014-15)

**Personal**

Married to Jo-Anne since 1960, 4 children and 13 grandchildren

3/27/15

**PLACER COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

Jim Holmes (County), Ron Treabess (Special Districts); Dr. William Kirby (City); Robert Weygandt, Chairman (County); E. Howard Rudd (Public); Gray Allen, Vice Chair (Special Districts); Miguel Ucovich (City),  
110 Maple Street, Auburn, California 95603 530-889-4097  
Email: [lafco@placer.ca.gov](mailto:lafco@placer.ca.gov)

**RECEIVED  
APR 06 2015  
PLACER LAFCO**

**Application for Appointment  
Public Member**

Position for which you are applying	Regular <input checked="" type="checkbox"/> Alternate <input type="checkbox"/>						
Name	<table border="0" style="width: 100%;"> <tr> <td style="width: 33%; text-align: center;">Steve</td> <td style="width: 33%; text-align: center;">Alan</td> <td style="width: 33%; text-align: center;">Carpenter</td> </tr> <tr> <td style="text-align: center;">First</td> <td style="text-align: center;">Middle</td> <td style="text-align: center;">Last</td> </tr> </table>	Steve	Alan	Carpenter	First	Middle	Last
Steve	Alan	Carpenter					
First	Middle	Last					
Address	<p>Residence: 101 Soledad Court, Roseville, CA 95747</p> <p>Mailing: 101 Soledad Court, Roseville, CA 95747</p>						
Telephone	<p>Home: 530-368-0984 Cell: 530-368-0984</p> <p>Work: 530-368-0984 FAX: 916-746-7582</p>						
E-Mail Address	Steve@SteveCarpenter.com						
Employment (A resume may be attached, if desired)	<p>Broker Associate and Mentor with Lyon Real Estate, Roseville</p> <p>See attached resume...</p>						
List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service	<p>Numerous boards, commissions and committees related to being a Councilman for the Town of Truckee from 1993 to 1997, including several involving Nevada County LAFCO and Placer County LAFCO, and the League of California Cities Policy Committee on Housing, Community and Economic Development, and Founding Member of the Truckee River Basin Water Group</p>						
Please list community interests/activities	<p>I have been very involved in Chamber of Commerce activities in the past, although not as much in recent years.</p>						
Why do you wish to serve on the LAFCO Commission?	<p>I feel that I am at a time in my life and in my career whereby I am able to share my unique work and volunteer experiences.</p>						
Have you been involved with or attended any meetings of the LAFCO Commission?	<p>My involvement would have been pre-1997 or so.</p>						

<p>What is your understanding of the roles &amp; responsibilities of the Commission?</p>	<p>LAFCO members represent the community on matters related to the boundaries of a number of agencies and districts, including formations, consolidations, and spheres of influences.</p>
<p>Please summarize the qualifications you feel are related to service on the LAFCO Commission</p>	<p>I have nearly thirty years of history in the region, being a Placer County resident for the last 15 years. I bring a very unique set of skills to this position, by being very organized and analytical in nature, combined with my extensive business and real estate background, including my tenure on numerous public commissions and committees.</p>

*I hereby certify that I am a registered voter in the State of California, County of Placer, a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, the information on this application is true and correct.*

*I understand that no person appointed as a public member or alternate public member to the Placer LAFCO may be an officer or employee of the County or any City or District with territory in the County (Government Code Section 56331).*

*I understand that if appointed to Placer LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.*

Signature: Steve A. Carpenter

Date: April 6, 2015

Return to  
 Placer LAFCO  
 110 Maple Street  
 Auburn, CA 95603

# **Steve Alan Carpenter**

**101 Soledad Court, Roseville, CA 95747**  
**530-368-0984 cell**  
**steve@SteveCarpenter.com • www.SteveCarpenter.com**

**Lyon Real Estate**  
**Broker Associate, Executive Associate, and Mentor**  
**August, 2013 to Present**

**Carpenter Kunhart Holdings, LLC**  
**Founding Member, General Manager and Broker**  
**April, 2005 to November, 2014**

**Green Planet Power Solutions Merge Co, LLC**  
**President and Chief Executive Officer**  
**September, 2013 to March, 2014**

**Green Planet Power Solutions, LLC**  
**President and Chief Executive Officer**  
**September, 2013 to March, 2014**

**Green Planet Power Solutions, Inc.**  
**President and Chief Executive Officer**  
**May, 2009 to March, 2014**

**Maryland Bio Energy, LLC**  
**President and Chief Executive Officer**  
**December, 2011 to March, 2014**

**Eureka Bio Energy, LLC**  
**President and Chief Executive Officer**  
**November, 2010 to March, 2014**

**Colusa Bio Energy, LLC**  
**President and Chief Executive Officer**  
**January, 2010 to March, 2014**

**Louisiana Bio Energy, LLC**  
**President and Chief Executive Officer**  
**October, 2009 to March, 2014**

Truckee Bio Energy, LLC  
President and Chief Executive Officer  
July, 2009 to March, 2014

Sierra Crest Partners, LLC  
formerly Carpenter Gray Holdings, LLC  
Founding Member, General Manager and Broker  
September, 2006 to December, 2012

Brand X Real Estate Group, Inc.  
Founder, President, Treasurer & Broker  
July, 2008 to December, 2012

Gray Construction  
Chief Executive Officer  
June, 2008 to April, 2012  
Consultant, Development Services Division  
August, 2007 to June, 2008  
Consultant, Land Acquisition Division  
May, 2006 to August, 2007

Contractors Association of Truckee Tahoe  
Local Government Affairs Committee  
January, 2009 to November, 2011

Truckee Donner Chamber of Commerce  
"Truckee Tomorrow - Creating Economic Prosperity" Steering Committee  
representing the Contractors Association of Truckee Tahoe  
November, 2010 to November, 2011

Town of Truckee Economic Development Strategic Steering Committee  
representing the Contractors Association of Truckee Tahoe  
January, 2009 to November, 2011

Stonepath Corp  
President and Founding Partner  
November, 2008 to December, 2010

Group Four Fund, LLC and  
Group Four Management Company, LLC  
Founding Member, General Manager and Broker  
August, 2004 to December, 2010

Nominee for the Contractors Association of Truckee Tahoe  
Volunteer Of The Year 2010

Nominee for the Truckee-Donner Chamber of Commerce  
Volunteer Of The Year 2010

Contractors Association of Truckee Tahoe  
Truckee Development Code/General Plan Subcommittee  
July, 2009 to November, 2010

Nominee for the Contractors Association of Truckee Tahoe  
Volunteer Of The Year 2009

SDS Group, LLC  
Founding Member, General Manager and Broker  
August, 2001 to January, 2009

Viewcrest Estates Homeowners Association  
HOA Vice President and ARC Board Member  
December, 2008 to August, 2010  
Founding Director, President and Chairman of the ARC  
December, 2005 to December, 2008

CalNet Business Bank  
Member of Advisory Board  
Member of Technology Advisory Group  
October, 2001 to March, 2006

JEDSKY, Inc.  
Executive Vice President and Secretary  
January, 2001 to December 2005

SDS Group III, LLC  
Founding Member, General Manager and Broker  
October, 2003 to May, 2005

SDS South, LLC  
Founding Member, General Manager and Broker  
April, 2003 to May, 2005

Jedstar Technologies, Inc.  
Executive Vice President and Secretary  
April, 2000 to October, 2003  
Coldwell Banker of Northern California

Director of Broker Services/Consultant  
February, 2001 to February, 2002

Jupiter Technology, Inc.  
Executive Vice President and Secretary  
November, 2000 to October, 2001

President and CEO of eWebdesk  
February, 2000 to February, 2001

Executive Vice President and Corporate Secretary of  
Pacific Preferred Properties, Inc;  
Pacific Preferred Financial, Inc.  
Pacesetter Financial, Inc.  
Pacesetter Nevada, Inc.  
Pacesetter Technology, Inc.  
1997 to 2001

Tahoe Truckee Real Estate Company, Inc., dba Truckee Tahoe Realty  
Pacific Preferred Properties, Inc. dba The Prudential California Realty  
and Pacesetter Financial, Inc.  
May, 1985 to February, 2001

**Annual Real Estate Sales and Loans of over \$1.5 Billion**

The Prudential Real Estate Gibraltar Circle Award for 1999

The Prudential Real Estate Round Table Award for 1998

The Prudential Real Estate Cornerstone Award for 1997

Chairman/Spokesperson of the  
Save Our Roads - Committee to Support Measure A ———  
1997-1998  
Measure Passed Successfully

Pacesetter Financial, Inc.  
Executive Vice President and Secretary  
December, 1997 to October, 2001

Expanded the Firm by ten Real Estate Offices  
thru Merger to the Sacramento, California Region  
December, 1997

Pacesetter Group, Inc., dba The Prudential California Realty  
President 1993-1997  
The Prudential California Realty/Truckee Tahoe Realty - May 1985 to 1997  
as Manager/Owner/Broker for over \$3,000,000,000 In Sales

Founding Partner and President of Pacesetter Technology, Inc. 1997  
Executive Vice President and Secretary  
December, 1997 to October, 2001  
President  
February, 1997 to December, 1997

Chairman/Spokesperson of the  
Committee to Fight Measure M  
November, 1997  
Measure Failed Successfully

Member of the Town of Truckee  
LAFCo Special District Consolidation Review Committee 1997

Chairman of the Town of Truckee  
Road Repair Alternatives Citizen's Advisory Committee 1997

The Prudential Real Estate Round Table Award for 1996

The Prudential Real Estate Cornerstone Award for 1996

Mayor Pro Tem of the Town of Truckee 1996-1997

Member of the League of California Cities Ad-Hoc Committee  
on Annexation Issues 1996-1997

Founding Partner and President of Pacesetter Nevada, Inc. 1996 to 1997  
dba The Prudential Nevada Realty North

Chairman of the Town of Truckee  
Air Quality Management Plan Citizen's Advisory Committee 1996

Member of the Town of Truckee  
Legislative Review and Response Committee 1996-1997

Member of the League of California Cities Policy Committee on  
Housing, Community and Economic Development's  
Subcommittee on Affordable Housing  
Subcommittee on Economic Development

Subcommittee on LAFCO Issues  
Subcommittee on Fiscalization of Land Use  
Subcommittee on Economic Development Training Handbook Revision  
1996

Member of the Town of Truckee  
Downtown Specific Plan Committee 1996

League of California Cities Division Representative from Truckee 1996-1997

Member of the Truckee River Basin Water Group  
Economic and Recreation Issues Subcommittee 1996

The Prudential Real Estate Cornerstone Award for 1995

Mayor Nominee for the Town of Truckee 1995-1996

Member of the League of California Cities Policy Committee on  
Housing, Community and Economic Development  
1995-1997

Truckee's Voting Alternate  
to the Annual Meeting of the League of California Cities 1995

Member of the Town of Truckee  
Air Quality Management Plan Citizen's Advisory Committee 1995-1996

The Prudential Real Estate Cornerstone Award for 1994

Member of the Truckee River Basin Water Group  
Water Storage Issues Subcommittee 1995-1996

Mayor Pro Tem of the Town of Truckee 1994-1995

Town of Truckee Town Councilman 1993-1997  
Elected for 4 Years in November 1994

Truckee's Voting Delegate  
to the Annual Meeting of the League of California Cities 1994

Member of the Town of Truckee  
Solid Waste Rate Review Subcommittee 1994-1995

Truckee-Donner Chamber of Commerce  
Member of The Year 1993-94

Member of the Truckee Road Improvement Committee 1994-1996

Founding Partner, President, and Broker of Pacesetter Financial, Inc. 1994 to  
1997

Founding Member and Original Facilitator  
of the Truckee River Basin Water Group 1994-1996

Member of the Truckee Road Assessment Proposal Program 1994

Director and Immediate Past President  
of the Truckee-Donner Chamber of Commerce 1994

Member of the Executive Committee  
of the Truckee-Donner Chamber of Commerce 1994

Member of the Economic Development Committee  
of the Truckee-Donner Chamber of Commerce 1994

The Prudential Real Estate Gibraltar Circle Award for 1993

Liaison to the Truckee General Plan Visioning Program 1993-1994

Member of the Nevada County  
Solid Waste Planning and Review Committee 1993-1995

Town of Truckee Town Councilman  
Appointed in September 1993.

Member and Spokesperson of the Committee to Appoint Bob Drake  
as Nevada County 5th District Supervisor 1993

Tahoe Truckee Real Estate Company Inc., dba Truckee Tahoe Realty  
President 1990-1993

President of Truckee-Donner Chamber of Commerce 1993

Member of the Executive Committee,  
of the Economic Development Committee,  
and of the Tourism Development Committee  
of the Truckee-Donner Chamber of Commerce 1993

Licensed as California Real Estate Broker - February 1992  
California Broker's License #00926188

President-Elect of Truckee-Donner Chamber of Commerce 1992

Chairman of the Tourism and Marketing Committee  
of the Truckee-Donner Chamber of Commerce 1992

Vice-President of Truckee-Donner Chamber of Commerce 1989 - 1990

Tahoe Truckee Real Estate Company Inc., dba Truckee Tahoe Realty  
Vice-President 1985-1990

Treasurer of Truckee-Donner Chamber of Commerce 1987 - 1988

Founding Partner of Truckee Tahoe Propane 1987  
Vice-President/Secretary from 1987 to 1989

Runnerup Chamber Member of The Year 1987

Charter Member of the Computer Committee  
of the Tahoe-Sierra Board of Realtors 1986-1988

Town of Truckee Town Council Candidate (town did not form) 1986

Chairman, Editor, and Publisher of the Newsletter Committee  
of the Truckee-Donner Chamber of Commerce 1986

Director of Truckee-Donner Chamber of Commerce 1986

Licensed as California Real Estate Salesperson - May 1985

# PLACER COUNTY LOCAL AGENCY FORMATION COMMISSION

Jim Holmes (County), Bill Schumacher (Alternate, Special Districts); Joshua Alpine, (City); Robert Weygandt (County);  
E. Howard Rudd (Public); Vacant (Special Districts); Miguel Ucovich (Alternate, City),  
145 Furweller Avenue, Suite 110, Auburn California 95603 530-889-4097 FAX: 530-886-4671  
Email: [lafco@placer.ca.gov](mailto:lafco@placer.ca.gov)

**RECEIVED**  
March 31 2015  
PLACER LAFCO

## Application for Appointment Alternate Public Member

**RECEIVED**  
JAN 16 2011

Position for which you are applying	Regular <input type="checkbox"/> Alternate <input checked="" type="checkbox"/>	<b>LAFCO</b>
Name	<u>Jim</u> <u>GRAY</u>	
	First Middle Last	
Address	Residence: <u>210 ZOLA AVE</u> <u>ROSEVILLE, CA 95678</u>	
	Mailing:	
Telephone	Home: <u>916-786-7383</u> Cell: <u>916-768-0084</u>	
	Work: FAX:	
E-Mail Address	<u>JGRAY@SUNWEST.NET</u>	
Employment (A resume may be attached, if desired)	↑ <b>SEE ATTACHED</b> ↓	
List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service		
Please list community interests/activities		
Why do you wish to serve on the LAFCO Commission?		
Have you been involved with or attended any meetings of the LAFCO Commission?		

<p>What is your understanding of the roles &amp; responsibilities of the Commission?</p>	
<p>Please summarize the qualifications you feel are related to service on the LAFCO Commission</p>	<p>SEE ATTACHED</p>

*I hereby certify that I am a registered voter in the State of California, County of Placer, a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, the information on this application is true and correct.*

*I understand that no person appointed as a public member or alternate public member to the Placer LAFCO may be an officer or employee of the County or any City or District with territory in the County (Government Code Section 56331).*

*I understand that if appointed to Placer LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.*

Signature: Jim Gray  
 Date: 3/26/15

Return to  
 Placer LAFCO  
 110 Maple Street  
 Auburn, CA 95603

## Jim Gray

Jim served as a Roseville City Councilmember since he was sworn in on November 26 through December 2010; serving two years as Mayor.

Jim has been involved in Roseville city government for more than two decades serving two years on the Personnel Board, six years as a Park and Recreation Commissioner, 12 years on the Planning Commission, and three years as a charter member of the Grants Advisory Commission. He also served as an appointed Councilmember from July 1996 to November 1998 following the resignation of former Mayor Mel Hamel.

Jim's community involvement is quite extensive. He is a member of and actively involved in the Roseville Rotary Club, Tommy Apostolos Fund Steering Committee, Roseville Library Foundation Board of Directors, Placer SPCA Board of Directors and the Roseville Firefighters Charity Golf Tournament Committee. He is also a member of the Performing Arts of Roseville and has participated in the annual Roseville Host Lions' Club Christmas basket delivery program. He is past President of the Placer County Fair Board of Directors.

Jim has served as a Pop Warner Football Coach, Senior Little League Coach, Cirby School PTA President, and was the first President of the Folsom Road Neighborhood Association., and is currently President of the Sierra College Wolverine Athletic Association.

Jim's professional experience includes thirty years of service to county residents. He spent four years managing the County Special Districts in the Placer County Public Works Department and served 22 years with the Placer County Personnel Department; the last six years of his career with the County, he was the Personnel Director. Prior to joining the Placer County Personnel Department, Jim spent four years managing the Contra Costa County Probation Department administrative functions. In addition to his civic activities and career responsibilities, Jim taught management classes at Sierra College for 15 years.

Jim received his Associate Degree from Sierra College and a Bachelor's of Science from California State University, Sacramento. He received his Master's Degree in Public Administration from Golden Gate University.

Originally from Grass Valley, Jim and his wife Judi have lived in Roseville for more than 35 years. They have one daughter, Kristin. Jim enjoys golf, skiing, racquetball, hiking, and reading.

Jim Gray has represented the City on following Committees and agency boards.

### City

- Citizen Corps Council (alternate)
- City/Chamber Monthly meeting
- City Selection Committee

**-Roseville Community Development Corporation**

- League of California Cities Voting Delegate**
- League of California Cities Transportation, Communication, and Public Works Policy Committee, Employee Relations Policy Committee**
- Naming of Fire Department Facilities Committee (alternate)**
- Parks and Recreation Ad Hoc Committee for Naming Facilities within City Parks**
- Risk Oversight Committee**
- Union Pacific- City Committee**

**County**

- City/County Committee for Regional Development Issues**
  - Local Agency Formation Commission**
  - Mayor/Supervisors Quarterly Meeting**
  - Placer County Air Pollution Control District**
  - Placer County Indian Gaming Local Community Benefit Committee**
  - South Placer Transportation Authority**
- Placer County Economic Development Commission**

**Regional**

- Association of Bay Area Governments Finance Authority**
  - Northern California Power Agency (alt.)**
  - Placer County Local Agency Formation Commission**
  - Regional Water Authority**
  - South Placer Regional Transportation Authority (SPRTA)**
  - Western Placer Waste Management Authority (alternate)**
- Sacramento Area Council of Governments**
- League of California Cities ( various positions )**

**PLACER COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

Jim Holmes (County), Ron Treabess (Special Districts); Dr. William Kirby (City); Robert Weygandt, Chair (County); Howard Rudd (Public); Gray Allen, Vice Chair (Special Districts); Miguel Ucovich (City),  
Maple Street, Auburn, California 95603 530-889-4097  
Email: [lafo@placer.ca.gov](mailto:lafo@placer.ca.gov)

**RECEIVED**  
 APR 03 2015  
 PLACER LAFCO

**Application for Appointment  
Public Member**

Position for which you are applying	Regular <input checked="" type="checkbox"/> Alternate <input checked="" type="checkbox"/>
Name	GERALD                      WAYNE                      HERRICK First                              Middle                              Last
Address	Residence: 11130 PALISADES DRIVE TRUCKEE, CA 96161  Mailing: SAME
Telephone	Home: 530-582-8429                      Cell: NA  Work: NA                                      FAX: NA
E-Mail Address	geraldwherrick@yahoo.com
Employment (A resume may be attached, if desired)	I SERVED NEARLY 40 YEARS AS A PUBLIC SCHOOL TEACHER, PRINCIPAL, CENTRAL OFFICE DIRECTOR, AND SUPERINTENDENT IN CALIFORNIA SCHOOL DISTRICTS.
List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service	TRUCKEE FIRE PROTECTION DISTRICT BO TRUCKEE TAHOE AIRPORT ADVISORY TE TAHOE FOREST HOSPITAL BOND OVERSE ROTARY CLUB OF TRUCKEE (NOW) TRUCKEE DONNER CHAMBER (NOW) TRUCKEE DAY CHAIR & LEADERSHIP GOOD MORNING TRUCKEE STEERING CO.
Please list community interests/activities	SEE ABOVE, PLUS NUMEROUS OTHER ACTIVITIES.
Why do you wish to serve on the LAFCO Commission?	I'M A SUPPORTER OF EFFECTIVE GOVERNANCE LAFCO MEMBERSHIP WOULD ALLOW CONT.
Have you been	INVOLVED IN

What is your understanding of the roles & responsibilities of the Commission?

THE COMMISSION IS A STATE MANDATED GOVERNMENTAL AGENCY THAT REVIEWS & PROPOSALS FOR THE FORMATION OF NEW LOCAL GOVERNMENTS AND CHANGES IN ORGANIZATION IN EXISTING GOVERNMENTS. FURTHER, IT APPROVES OR DENIES BOUNDARY CHANGES AND DETERMINES SPHERES OF INFLUENCE.

Please summarize the qualifications you feel are related to service on the LAFCO Commission

I'M AN ADVOCATE FOR EFFECTIVE GOVERNMENT PRACTICES. I UNDERSTAND HOW LOCAL GOVERNMENTS ARE ORGANIZED AND OPERATE. I'M ALSO FAMILIAR WITH LAND-USE PRINCIPLES.

I hereby certify that I am a registered voter in the State of California, County of Placer, a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, the information on this application is true and correct.

I understand that no person appointed as a public member or alternate public member to the Placer LAFCO may be an officer or employee of the County or any City or District with territory in the County (Government Code Section 56331).

I understand that if appointed to Placer LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.

Signature: *Richard H. ...*

Date: 04/03/15

Return to  
Placer LAFCO  
110 Maple Street  
Auburn, CA 95603

**PLACER COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

Jim Holmes (County), Ron Treabess (Special Districts); Joshua Alpine (City); Robert Weygandt (County);  
E. Howard Rudd (Public); Gray Allen (Special Districts); Carol Garcia (City),  
145 Fulweiler Avenue, Suite 110, Auburn, California 95603 530-889-4097 FAX: 530-886-4671  
Email: [lafco@placer.ca.gov](mailto:lafco@placer.ca.gov)

**Application for Appointment  
Public Member**

**RECEIVED**  
**APR 06 2015**  
**PLACER LAFCO**

Position for which you are applying	Regular <input checked="" type="checkbox"/> Alternate <input type="checkbox"/>
Name	<u>E</u> <u>HOWARD</u> <u>RUDD</u> First Middle Last
Address	Residence: 3117 MT TAMALPAIS DR ROSEVILLE, CA 95747 Mailing: SAME
Telephone	Home: (916) 960-6866 Cell: (916) 960-6866 Work: (916) 773-9330 FAX: (916) 773-3016
E-Mail Address	HOWARD@EHRUDD.COM
Employment (A resume may be attached, if desired)	ATTACHED
List all other boards, commissions, or committees you are now a member or have been in the past, including dates of service	ATTACHED
Please list community interests/activities	ATTACHED
Why do you wish to serve on the LAFCO Commission?	ATTACHED
Have you been involved with or attended any meetings of the LAFCO Commission?	YES INCUMBENT

What is your understanding of the roles & responsibilities of the Commission?	INCUMBENT
Please summarize the qualifications you feel are related to service on the LAFCO Commission	INCUMBENT

*I hereby certify that I am a registered voter in the State of California, County of Placer, a citizen of the United States and will be at least 18 years of age by the time of the next election. I am not imprisoned or on parole for the conviction of a felony. I certify under penalty of perjury under the laws of the State of California, the information on this application is true and correct.*

*I understand that no person appointed as a public member or alternate public member to the Placer LAFCO may be an officer or employee of the County or any City or District with territory in the County (Government Code Section 56331).*

*I understand that if appointed to Placer LAFCO I will be required to comply with FPPC disclosure regulations and file annual statements of financial interests.*

Signature: *E. Ruder*

Date: *March 31, 2015*

Return to  
 Placer LAFCO  
 145 Fulweiler Avenue, Suite 110  
 Auburn, CA 95603

MR RUDD'S COMMUNITY AND CIVIC INVOLVEMENT INCLUDES THE FOLLOWING:

**CURRENTLY-**

- CHAIR-ROSEVILLE COMMUNITY DEVELOPMENT CORPORATION BOARD;
- PUBLIC-FINANCIAL MEMBER CITY OF ROSEVILLE OPEB TRUST FIDUCIARY ADVISORY COMMITTEE;
- PUBLIC MEMBER OF PLACER COUNTY LAFCO;
- MEMBER ROTARY CLUB OF ROSEVILLE;
- SIERRA COLLEGE APPOINTEE TO THE CITY OF ROSEVILLE REDEVELOPMENT AGENCY-SUCCESSOR AGENCY OVERSIGHT BOARD.
- MEMBER INVESTMENT COMMITTEE FOR PLACER COMMUNITY FOUNDATION;
- 2002 PAST PRESIDENT ROSEVILLE CHAMBER OF COMMERCE BOARD;
- 2003 PAST PRESIDENT PLACER SPCA BOARD;
- 2009 PAST PRESIDENT SIERRA COLLEGE FOUNDATION BOARD;
- 2009 RECIPIENT OF COMMUNITY SERVICE AWARD, ROSEVILLE CHAMBER OF COMMERCE;
- 2011-2012 PAST PRESIDENT BLUE LINE ARTS BOARD;
- MEMBER OF ROSEVILLE, AND LINCOLN CHAMBERS OF COMMERCE.

**PREVIOUSLY-**

- MEMBER OF RURAL LINCOLN MUNICIPAL ADVISORY COUNCIL; LINCOLN
- MEMBER OF PEACE FOR FAMILY CAPITAL CAMPAIGN; AUBURN
- MEMBER OF ROSEVILLE ARTS! CAPITAL CAMPAIGN; ROSEVILLE
- MEMBER OF ORIGINAL STEERING COMMITTEE FOR "LEAVE-A-LEGACY" IN PLACER COUNTY ( A MARKETING EFFORT FOR SMALL NOT-FOR-PROFIT ORGANIZATIONS SEEKING CHARITABLE REMAINDERS TRUSTS AS GIFTS);
- MEMBER COMMUNITY OF HARBOR BAY ISL ARCHITECTURE AND LANDSCAPE REVIEW BOARD; ALAMEDA
- PRESIDENT, MARYSVILLE-YUBA CITY CHAMBER OF COMMERCE;
- PRESIDENT, MARYSVILLE-YUBA UNITED WAY;
- CHAIRMAN, CITY OF MARYSVILLE PARKING COMMISSION;
- TREASURER, OROVILLE AREA CHAMBER OF COMMERCE;
- MOST VALUABLE VOLUNTEER, BUTTE COUNTY UNITED WAY;
- CHAIRMAN, BUTTE COLLEGE BOND DRIVE, OROVILLE AREA;
- CHAIRMAN, CALIFORNIA STATE DEPARTMENT OF REHABILITATION-DELTA DIVISION; STOCKTON
- MEMBER, STOCKTON UNIFIED SCHOOL DISTRICT DIVERSITY COMMITTEE;
- VICE PRESIDENT, NORTEL FEDERAL CREDIT UNION BOARD; CHICO.

**EDUCATIONAL BACKGROUND:**

MR RUDD HAS A BACHELOR OF SCIENCE DEGREE FROM THE UNIVERSITY OF SAN FRANCISCO IN ORGANIZATIONAL BEHAVIOR. HE ALSO HAS A CERTIFICATE IN HUMAN RESOURCES MANAGEMENT FROM SAN FRANCISCO STATE UNIVERSITY AND AN ASSOCIATE OF ARTS DEGREE IN SECONDARY EDUCATION FROM SHASTA COLLEGE IN REDDING.

I HAVE A NEED TO BE CONNECTED TO THE COMMUNITY WHERE I LIVE AND WORK, SO I HAVE ALWAYS BEEN INVOLVED. NOT JUST AT THE SURFACE LEVEL, BUT INVOLVED TO THE DEPTH I BECOME PART OF A COLLABORATIVE PROCESS THAT DEMONSTRATES A BIAS FOR ACTION.

I SEE COLLABORATION AS A CONTINUAL PROCESS OF GETTING PEOPLE TO COMPETE AND COOPERATE SIMULTANEOUSLY RATHER THAN DOING ONE AT THE EXPENSE OF THE OTHER. IT DOESN'T ALWAYS WORK THAT WAY, SO I RECOGNIZE COLLABORATION IS NOT EASY. I THINK IDEAS, POLICIES, AND RESOURCES ARE PART OF THE COLLABORATIVE EFFORT TO ASSIGN PRIORITIES AND WORK ON WORTHWHILE ISSUES.

GETTING INVOLVED AND PARTICIPATING IN THE COLLABORATIVE PROCESS IS HOW I BECOME CONNECTED TO MY COMMUNITY. MY CONNECTION BECOMES MY ATTITUDE; THUS MY "SENSE OF COMMUNITY".

AS YOU CAN TELL FROM MY CURRENT AND PREVIOUS INVOLVEMENTS I WORK WELL WITH PEOPLE AND BY THE LEADERSHIP OPPORTUNITIES I'VE BEEN GIVEN I PERCEIVE PEOPLE LIKE WORKING WITH ME. I BELIEVE ORDERLY CHANGE OCCURS BEST IN A COLLABORATIVE ENVIRONMENT THAT THE ROSEVILLE CDC WILL FOSTER. MY EXPERIENCE IN RESEARCH, ANALYSIS, AND PLANNING IS EVIDENT THROUGHOUT MY WORK CAREER AND VOLUNTEER ASSOCIATIONS. FINANCIAL MODELING, LAND USE VISIONING AS WELL AS RELATIONSHIP BUILDING ARE ATTRIBUTES I HAVE THAT WOULD BENEFIT THE ROSEVILLE CDC AND THE COMMUNITY.

HOWARD OWNS AND OPERATES **INTEGRAL FINANCIAL MANAGEMENT**. HE IS A FINANCIAL PLANNING SPECIALIST REGISTERED WITH THE CALIFORNIA STATE DEPARTMENT OF CORPORATIONS, AND PROVIDES A FULL RANGE OF FINANCIAL ADVISORY SERVICES, INCLUDING TAX, INSURANCE, AND INVESTMENT MANAGEMENT SERVICES TO INDIVIDUALS AND BUSINESS. IN ADDITION TO BEING A REGISTERED INVESTMENT ADVISOR, HE IS REGISTERED AS A TAX PREPARER WITH THE IRS AND CALIFORNIA TAX AND EDUCATION COUNCIL (CTEC).

PROFESSIONAL AFFILIATIONS INCLUDE MEMBERSHIP IN:

- THE NATIONAL SOCIETY OF ACCOUNTANTS
- THE CALIFORNIA SOCIETY OF ACCOUNTING AND TAX PROFESSIONALS

AWARDED SACRAMENTO 2010 AND 2011 FIVE STAR WEALTH MANAGER AS REPORTED IN SACRAMENTO MAGAZINE.

PLACER COUNTY LAFCO-ATTACHMENT APPLICATION FOR E. HOWARD RUDD

**A. WHY INTERESTED IN SERVING AND HOW MY APPOINTMENT WOULD BE OF BENEFIT**

I HAVE A NEED TO BE CONNECTED TO THE COMMUNITY WHERE I LIVE AND WORK, SO I HAVE ALWAYS BEEN INVOLVED. NOT JUST AT THE SURFACE LEVEL, BUT INVOLVED TO THE DEPTH I BECOME PART OF A COLLABORATIVE PROCESS THAT DEMONSTRATES A BIAS FOR ACTION.

I SEE COLLABORATION AS A CONTINUAL PROCESS OF GETTING PEOPLE TO COMPETE AND COOPERATE SIMULTANEOUSLY RATHER THAN DOING ONE AT THE EXPENSE OF THE OTHER. IT DOESN'T ALWAYS WORK THAT WAY, SO I RECOGNIZE COLLABORATION IS NOT EASY. I THINK IDEAS, POLICIES, AND RESOURCES ARE PART OF THE COLLABORATIVE EFFORT TO ASSIGN PRIORITIES AND WORK ON WORTH WHILE ISSUES.

GETTING INVOLVED AND PARTICIPATING IN THE COLLABORATIVE PROCESS IS HOW I BECOME CONNECTED TO MY COMMUNITY. MY CONNECTION BECOMES MY ATTITUDE; THUS MY "SENSE OF COMMUNITY".

AS YOU CAN TELL FROM MY CURRENT AND PREVIOUS INVOLEMENTS I WORK WELL WITH PEOPLE AND BY THE LEADERSHIP OPPORTUNITIES I'VE BEEN GIVEN I PERCEIVE PEOPLE LIKE WORKING WITH ME. I BELIEVE ORDERLY CHANGE OCCURS BEST IN A COLLABORATIVE ENVIRONMENT THAT PLACER LAFCO FOSTERS. MY EXPERIENCE IN RESEACH, ANALYSIS, AND PLANNING IS EVIDENT THROUGHOUT MY WORK CAREER AND VOLUNTEER ASSOCIATIONS. FINANCIAL MODELING, LAND USE VISIONNING AS WELL AS RELATIONSHIP BUILDING ARE ATTRIBUTES I HAVE THAT WOULD BENEFIT PLACER LAFCO AND THE COMMUNITY.

**Linda Wilkie**

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**From:** Maia Schneider <maia.schneider62@gmail.com>  
**Sent:** Monday, April 06, 2015 4:15 PM  
**To:** LAFCO Placer Local Agency Formation Commission  
**Subject:** Fwd: LAFCo appointment

Hello Kris or Berry,

For your files. Thank you!

Maia Schneider

----- Forwarded message -----

**From:** Maia Schneider <maia.schneider62@gmail.com>  
**Date:** Mon, Apr 6, 2015 at 3:04 PM  
**Subject:** LAFCo appointment  
**To:** rweygand@placer.ca.gov  
**Cc:** Jennifer Montgomery <JenMonten@placer.ca.gov>

Hello Supervisor Weygandt,

You may recall meeting me a few times; I'm a friend of Ted Owens and a former member of the Truckee Town Council.

I am writing on behalf of my friend and colleague, Gerald Herrick. Gerald has applied for an appointment on the Placer LAFCo, and I am writing in support of his appointment.

I have known Gerald for many years. He is a very active member of the community, having served on the Truckee Tahoe Airport District's citizen committee; on the Truckee Fire Protection District Board of Directors; and as a member of the Measure C Citizens Oversight Committee for Tahoe Forest Hospital District.

Please don't let his quiet demeanor put you off; he is the embodiment of "still waters run deep." Gerald is highly intelligent, capable, and will follow processes and projects through to their successful outcome. He was instrumental in turning a flailing Fire Board into a high functioning Board, reviewing and modifying its own policies and creating a more collaborative environment. He is truly an asset to the community.

Thanks in advance for your consideration and time. I hope you have a wonderful Spring -

Maia Schneider

--  
Maia

## **Kris Berry**

---

**From:** Gerald Herrick <geraldwherrick@yahoo.com>  
**Sent:** Monday, April 06, 2015 4:11 PM  
**To:** Kris Berry; Linda Wilkie  
**Subject:** LAFCO vacancy

DATE: April 6, 2015  
TO: Robert Weygandt, Chair, Placer County LAFCO and Commissioners  
via Kris Berry, Executive Director  
FR: Gerald W. Herrick  
RE: LAFCO Vacanc

Dear Chair Weygandt and Commissioners:

I've previously submitted my application to Kris Berry for the two vacancies for the "public" seats. I wanted to provide this message with additional information to assist in your deliberations.

### PROFESSIONAL BACKGROUND

I spent nearly 40 years serving in California public schools as a teacher, principal, central office administrator, and superintendent. The majority of my tenure was spent in the Sierra Nevada mountains including Placerville, Jackson, and South Lake Tahoe. I concluded my career in the Berkeley Unified School District.

### COMMUNITY INVOLVEMENT

Since retiring to Truckee 12 years ago, I've served in numerous roles in my community. This has included being elected to the Truckee Fire Protection District Board, appointed to the Tahoe Forest Hospital Measure C Citizen Bond Oversight Committee, appointed to the Truckee Tahoe Airport Citizen Advisory Team, Truckee Clean-Up Day, Rotary Club of Truckee, Truckee Donner Chamber, etc. I believe in citizen involvement in their community.

I look forward to being appointed to the LAFCO commission. I feel that my background will enable me to provide a fair and balanced perspective on the various issues that come before the commission. I have knowledge and experience pertaining to the operation of public government agencies, special districts, cities, and LAFCO. I look forward to serving on the LAFCO commission and representing all of the citizens of Placer County.