

**LAKE
LOCAL AGENCY FORMATION COMMISSION
(LAFCO)**

**EAST LAKE AND WEST LAKE
RESOURCE CONSERVATION DISTRICTS
(RCD)**

**MUNICIPAL SERVICE REVIEW (MSR)
AND
SPHERE OF INFLUENCE (SOI) UPDATE**

**Adopted July 16, 2014
Service Review Resolution 2014-0005
Sphere of Influence 2014-0006**

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1 Introduction

1.1 Local Agency Formation Commission (LAFCO) History

This report is prepared pursuant to legislation enacted in 2000 that requires LAFCO to conduct a comprehensive review of municipal service delivery and update the spheres of influence (SOIs) of all agencies under LAFCO's jurisdiction. This chapter provides an overview of LAFCO's history, powers and responsibilities. It discusses the origins and legal requirements for preparation of the Municipal Services Review (MSR). Finally, the chapter includes the process for MSR review, MSR approval and SOI updates.

After World War II, California experienced dramatic growth in population and economic development. With this boom came a demand for housing, jobs and public services. To accommodate this demand, many new local government agencies were formed, often with little forethought as to the ultimate governance structures in a given region, and existing agencies often competed for expansion areas. The lack of coordination and adequate planning led to a multitude of overlapping, inefficient jurisdictional and service boundaries, and to the premature conversion of California's agricultural and open-space lands.

Recognizing this problem, in 1959, Governor Edmund G. Brown, Sr. appointed the Commission on Metropolitan Area Problems. The Commission's charge was to study and make recommendations on the "misuse of land resources" and the growing complexity of local governmental jurisdictions. The Commission's recommendations on local governmental reorganization were introduced in the Legislature in 1963, resulting in the creation of a Local Agency Formation Commission, or "LAFCO," operating in every county.

LAFCO was formed as a countywide agency to discourage urban sprawl and to encourage the orderly formation and development of local government agencies. LAFCO is responsible for coordinating logical and timely changes in local governmental boundaries, including annexations and detachments of territory, incorporations of cities, formations of special districts, and consolidations, mergers and dissolutions of districts; as well as for reviewing ways to reorganize, simplify, and streamline governmental structure.

The Commission's efforts are focused on ensuring that services are provided efficiently and economically while agricultural and open-space lands are protected. To comply with State law and to better inform itself and the community as it seeks to exercise its charge; LAFCO conducts service reviews to evaluate the provision of municipal services within the County.

LAFCO regulates, through approval, denial, conditions and modification, boundary changes proposed by public agencies or individuals. It also regulates the extension of public services by cities and special districts outside their boundaries. LAFCO is empowered to initiate updates to the SOIs and proposals involving the dissolution or consolidation of special districts, mergers, establishment of subsidiary districts, and any reorganization including such actions. Otherwise, LAFCO actions must originate as petitions or resolutions from affected voters, landowners, cities or special districts.

1.2 Lake LAFCO

Lake LAFCO consists of seven regular members:

- Two members from the Lake County Board of Supervisors
- Two city council members
- Two members from special districts
- One public member who is appointed by the other members of the Commission

There is an alternate in each category. All Commissioners are appointed to four-year terms.

The 2014 Lake LAFCO Commissioners are as follows:

Edward Robey	Public Member
Denise Rushing	County Member
Jim Comstock	County Member
Denise Loustalot	City Member
Stacy Mattina	City Member
Frank Gillespie	Special District Member
Gerry Mills	Special District Member
Suzanne Lyons	Public Member Alternate
Jeff Smith	County Member Alternate
Martin Scheel	City Member Alternate
Jim Abell	Special District Alternate

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires LAFCO review and update SOIs no less than every five years and to review municipal services before updating SOIs. Lake LAFCO policies state “Lake LAFCO must review and update each agency’s Sphere of Influence at least once every five years, as necessary”. The requirement for service reviews arises from the identified need for a more coordinated and efficient public service structure to support California’s anticipated growth. The service review provides LAFCO with a tool to study existing and future public accommodating growth, preventing urban sprawl, and ensuring that critical services are provided efficiently.

1.3 Municipal Services Review Requirements

Effective January 1, 2008, Government Code §56430 requires LAFCO to conduct a review of municipal services provided in the county by region, sub-region or other designated geographic area, as appropriate, for the service or services to be reviewed, and prepare a written statement of determination with respect to the following six topics:

1. Growth and population projections for the affected area
2. The location and characteristics of any disadvantaged unincorporated communities (DUC) within or contiguous to the sphere of influence
3. Present and planned capacity of public facilities and adequacy of public services, (including infrastructure needs or deficiencies)
4. Financial ability of agencies to provide services
5. Status of, and opportunities for, shared facilities

6. Accountability for community service needs (including governmental structure and operational efficiencies)

1.4 Municipal Services Review Process

For local agencies, the MSR process involves the following steps:

- Outreach: LAFCO outreach and explanation of the project
- Data Discovery: provide documents and respond to LAFCO questions
- Map Review: review and comment on LAFCO draft map of the agency's boundary and sphere of influence
- Profile Review: internal review and comment on LAFCO draft profile of the agency
- Review Draft MSR: public reviews and comments on LAFCO draft MSR
- LAFCO Hearing: attend and provide public comments on MSR

The California Environmental Quality Act (CEQA) requires that an environmental review be undertaken and completed for the Commission's Municipal Services Review and Sphere of Influence (MSR/SOI) Study. This MSR/SOI qualifies for a General Exemption from further CEQA review based upon CEQA Regulation §15061(b)(3), which states:

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

MSRs are exempt from California Environmental Quality Act (CEQA) pursuant to §15262 (feasibility or planning studies) or §15306 (information collection) of the CEQA Guidelines. LAFCO's actions to adopt MSR determinations are not considered "projects" subject to CEQA. The MSR process does not require LAFCO to initiate changes of organization based on service review findings, only that LAFCO identify potential government structure options. Additional information on local government issues is found in Appendix A at the end of this report.

Since there are no land use changes or environmental impacts due to this MSR/SOI, a Notice of Exemption is the appropriate environmental document.

However, LAFCO, other local agencies, and the public may subsequently use the determinations to analyze prospective changes of organization or reorganization or to establish or amend SOIs. Within its legal authorization, LAFCO may act with respect to a recommended change of organization or reorganization on its own initiative (e.g., certain types of consolidations), or in response to a proposal (i.e., initiated by resolution or petition by landowners or registered voters).

Once LAFCO has adopted the MSR determinations, it must update the SOI for each jurisdiction. The LAFCO Commission determines and adopts the spheres of influence for each agency. A CEQA determination is made by LAFCO on a case-by-case basis for each sphere of influence action and each change of organization, once the proposed project characteristics are sufficiently identified to assess environmental impacts.

1.5 Sphere Of Influence Updates

The Commission is charged with developing and updating the Sphere of Influence (SOI) for each city and special district within the county.¹ An SOI is a LAFCO-approved plan that designates an agency's probable future boundary and service area. Spheres are planning tools used to provide guidance for individual boundary change proposals and are intended to encourage efficient provision of organized community services and prevent duplication of service delivery. Territory cannot be annexed by LAFCO to a city or district unless it is within that agency's sphere.

The purposes of the SOI include the following: to ensure the efficient provision of services; to discourage urban sprawl and premature conversion of agricultural and open space lands, and; to prevent overlapping jurisdictions and duplication of services.

LAFCO cannot regulate land use, dictate internal operations or administration of any local agency, or set rates. LAFCO is empowered to enact policies that indirectly affect land use decisions. On a regional level, LAFCO promotes logical and orderly development of communities as it considers and decides individual proposals. LAFCO has a role in reconciling differences between agency plans so that the most efficient urban service arrangements are created for the benefit of current and future area residents and property owners.

The Cortese-Knox-Hertzberg (CKH) Act requires LAFCO to determine the SOI of each local governmental agency within the county and to review and update the SOI every five years. LAFCOs are empowered to adopt, update and amend the SOI. They may do so with or without an application and any interested person may submit an application proposing an SOI amendment.

While SOIs are required to be updated every five years, or earlier if necessary, this practice does not in itself determine the planning horizon of the SOI. The term or horizon of the SOI is defined by each LAFCO. In the case of Lake LAFCO, the Commission's policies state that an agency's near term SOI shall generally include land that is anticipated to be annexed within the next five years, while the agency's long-term SOI shall include land that is within the probable growth boundary of an agency and therefore anticipated to be annexed in the next 20 years.

LAFCO may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. In determining the SOI, LAFCO is required to complete an MSR and adopt the determinations previously discussed. In addition, in adopting or amending an SOI, LAFCO must make the following determinations:

- Present and planned land uses in the area, including agricultural and open-space lands
- Present and probable need for public facilities and services in the area
- Present capacity of public facilities and adequacy of public service that the agency provides or is authorized to provide
- Existence of any social or economic communities of interest in the area if the Commission determines these are relevant to the agency.

¹ The initial statutory mandate, in 1971, imposed no deadline for completing sphere designations. When most LAFCOs failed to act, 1984 legislation required all LAFCOs to establish spheres of influence by 1985.

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

The CKH Act stipulates several procedural requirements in updating SOIs. It requires that special districts file written statements on the class of services provided and that LAFCO clearly establish the location, nature and extent of services provided by special districts.

By statute, LAFCO must notify affected agencies 21 days before holding the public hearing to consider the SOI and may not update the SOI until after that hearing. The LAFCO Executive Officer must issue a report including recommendations on the SOI amendments and updates under consideration at least five days before the public hearing.

2 Community Served

2.1 History

Clear Lake

Geologists believe that Clear Lake may be the oldest lake in North America, with lakes existing at its site for approximately 2.5 million years. Clear Lake was born when a huge landslide dammed the headwaters of Cold Creek, blocking westward water flow into the Russian River. Water filled the level valley. The rising waters eventually found an outlet in Cache Creek that drained eastward into the Sacramento River.

Mount Konocti

Mount Konocti, the largest volcano of the Clear Lake Volcanic Field at 4,299 feet, rises above Clear Lake. The volcanic field, part of the Pacific Ocean's Ring of Fire, contains seven volcanic vents from 10,000 to 2.5 million years old. The Xa-Ben-Na-Po Band of Pomo Indians inhabited the region as many as 12,000 years ago – 4,000 years before Egyptian civilization. Mount Konocti was revered as sacred by the peaceful tribes, who numbered in the thousands until the early 1800s.

Native Americans

A proliferation of fish, game, waterfowl, and plants provided an abundant life for the Pomos. Some wildlife was off limits for hunting, including the bald eagle, called "Great Chief" and "Very Dangerous Bird," and the golden eagle, both of which continue to nest in the region today. The Pomos found many uses for tule grass, including constructing intricate baskets for cooking and fishing, as well as boats for fishing. Tule grass also was used to make shelters, sleeping and sitting mats, clothing and dance regalia, and diaper filling. Shell beads, collected on yearly treks to the Pacific coast, were part of a complex currency system.

A handful of Wappo and Miwok also lived near the lake. The Indians coexisted peacefully, granting each other access to water and land simply with respectful requests. Violence was not used to resolve disputes except as a very last resort.

Beginning in 1821, enslavement and mistreatment by Spanish soldiers and missionaries, Mexican land barons, European settlers, and gold diggers, combined with a lack of natural immunity to European diseases, nearly decimated the Pomos. By 1900, only 450 Pomos survived, compared to an estimated 1850 population of 3,000 in 30 villages. Today, six Pomo tribes reside in Lake County, and four bands operate casinos.

Settlement

By the mid 1850s, American pioneers and European families were making their homes in Lake County, planting orchards and tending cattle ranches and farms. Mines yielded quicksilver, gold, and borax. Privately owned toll roads were dug into the mountains, bringing more people, who built stores, banks, churches, saloons, and other businesses, forming dozens of communities in the hills and around Clear Lake. By 1856, two public school districts existed in Clear Lake Township.

The act for combining portions of Napa, Mendocino, and Colusa counties to form Lake County was approved by the California Governor on May 20, 1861, with Lakeport as the County Seat. The first courthouse, a wooden structure built in 1861, burned in 1867. It was replaced by a brick courthouse covered in concrete, which was completed in 1871 and was the first California courthouse listed in the National Register of Historic Buildings. It is now home to the Lake County Historic Courthouse Museum.

In 1874, steamers began ferrying locals and tourists from town to town around the lake. Hotels and retreats were built at a feverish pace throughout the region, prospering even though the Clear Lake Railroad never made it to Lake County as planned. By the 1880s, the hills were dotted with luxurious resorts built around mineral springs. Wealthy visitors from San Francisco and other parts of the world frequented the resorts, traveling to “take the waters” and indulge in lavish parties at establishments such as Hoberg’s Resort. It is believed that the 1906 earthquake caused many of the hot springs to stop, slow down, or go underground because most springs changed around that time and in the years that followed, fires destroyed most of the resorts that remained.

Vineyards & Wine

Lake County has a long wine history that dates back to the 1850s when early settlers first began planting vineyards, which flourished in Lake County’s Mediterranean microclimates and soil rich in volcanic ash. In the 1870s, acres of vines were planted by visionaries such as Serranus C. Hastings, the founder of Hastings Law School. In 1888, acclaimed British actress Lillie Langtry purchased 4,190 acres in Guenoc Valley near Middletown, which included vineyards that had been planted in 1854. She brought her own winemaker, establishing the Guenoc & Langtry Estate Winery – today known as Langtry Estate & Vineyards – with their first vintage in 1891. In 1906, however, despite long-term plans to live side-by-side with her lover Fred Gebhard and raise grapes and horses, Lillie returned to Europe.

In 1893, a young Harvard graduate, Charles M. Hammond, won best exhibit for dry white and red wines at the World Exposition in Chicago with wine produced at his Lake County vineyard, earning Lake County a solid reputation for producing some of the world’s greatest wines. By 1909, Lake County had nearly 600 acres of vineyards.

The decline of tourism that followed the 1906 San Francisco earthquake, and Prohibition between 1920

and 1933, combined to bring an end to what had become an internationally recognized wine industry. Hardy ranchers replaced grapevines with walnut, pear, and other fruit trees; many abandoned their land. By 1960, only 100 acres were dedicated to vineyards.

Nearly a century after the first Lake County vineyards were planted, in the 1960s, a few visionary farmers rediscovered Lake County's prime growing conditions for winegrapes. After the Napa Valley wine industry made a comeback, Lake County farmers began planting vineyards once again. By 1990, there were 2,700 acres of grapes in the county; more than 8,500 acres are planted today.

Agriculture

The very first pears were planted here in the 1880s. Great-grandfather of Myron Holdenried (founder of Wildhurst Vineyards), Louis Henderson planted pears in 1890 and those orchards are still in production today, farmed by Myron's cousin Diane Henderson. Thomas Porteus is credited for planting the first commercial orchard in Lake County in the late 1800s, four acres in Big Valley. L.P. Clendenin in Scotts Valley, J.B. Laughlin and George Akers of Kelseyville, and J.W. Annette of Finley followed his lead, and by 1919, there were 700 acres of pears in the county.

In the early 1920s, the California Packing Company was established and operated the largest dry yard in the world in Kelseyville, which today is the site of Adobe Creek Packing Company.

Early fruit was dried until after World War I and primarily shipped to Europe where food was desperately needed. In the mid-1920s, Europe was requiring a tariff be put on imported foods just as boxing fresh fruit became the norm. While most boxed fruit was shipped or carried by train, Lake County had to haul pears by truck to the Hopland grade or Ukiah because the railroad system never made it to the area.

Up through the 20th century, Kelseyville was revered as the "pear capital of the world." In 1999 alone, 85,000 tons of pears were processed in Lake County – most in Kelseyville. The Lake County Pear Association was established in 2005 and works to promote the many varieties of Lake County pears.

2.2 Population Data

People QuickFacts	Lake County	California
Population, 2013 estimate	NA	38,332,521
Population, 2012 estimate	63,983	37,999,878
Population, 2010 (April 1) estimates base	64,665	37,253,959
Population, percent change, April 1, 2010 to July 1, 2013	NA	2.9%
Population, percent change, April 1, 2010 to July 1, 2012	-1.1%	2.0%
Population, 2010	64,665	37,253,956
Persons under 5 years, percent, 2012	5.7%	6.7%
Persons under 18 years, percent, 2012	20.8%	24.3%
Persons 65 years and over, percent, 2012	19.1%	12.1%
Female persons, percent, 2012	49.8%	50.3%
White alone, percent, 2012 (a)	88.1%	73.7%
Black or African American alone, percent, 2012 (a)	2.0%	6.6%

American Indian and Alaska Native alone, percent, 2012 (a)	4.1%	1.7%
Asian alone, percent, 2012 (a)	1.3%	13.9%
Native Hawaiian and Other Pacific Islander alone, percent, 2012 (a)	0.2%	0.5%
Two or More Races, percent, 2012	4.3%	3.6%
Hispanic or Latino, percent, 2012 (b)	18.0%	38.2%
White alone, not Hispanic or Latino, percent, 2012	73.4%	39.4%
Living in same house 1 year & over, percent, 2008-2012	83.4%	84.2%
Foreign born persons, percent, 2008-2012	8.4%	27.1%
Language other than English spoken at home, pct age 5+, 2008-2012	13.9%	43.5%
High school graduate or higher, percent of persons age 25+, 2008-2012	86.9%	81.0%
Bachelor's degree or higher, percent of persons age 25+, 2008-2012	16.8%	30.5%
Veterans, 2008-2012	7,165	1,952,910
Mean travel time to work (minutes), workers age 16+, 2008-2012	28.4	27.1
Housing units, 2012	35,274	13,707,386
Homeownership rate, 2008-2012	63.3%	56.0%
Housing units in multi-unit structures, percent, 2008-2012	7.7%	30.9%
Median value of owner-occupied housing units, 2008-2012	\$200,500	\$383,900
Households, 2008-2012	26,103	12,466,331
Persons per household, 2008-2012	2.42	2.93
Per capita money income in past 12 months (2012 dollars), 2008-2012	\$21,845	\$29,551
Median household income, 2008-2012	\$38,147	\$61,400
Persons below poverty level, percent, 2008-2012	23.7%	15.3%
Business QuickFacts	Lake County	California
Private nonfarm establishments, 2011	1,047	849,316
Private nonfarm employment, 2011	8,671	12,698,427
Private nonfarm employment, percent change, 2010-2011	-2.6%	1.3%
Nonemployer establishments, 2011	4,113	2,887,014
Total number of firms, 2007	4,961	3,425,510
Black-owned firms, percent, 2007	0.9%	4.0%
American Indian- and Alaska Native-owned firms, percent, 2007	F	1.3%
Asian-owned firms, percent, 2007	S	14.9%
Native Hawaiian and Other Pacific Islander-owned firms, percent, 2007	F	0.3%
Hispanic-owned firms, percent, 2007	S	16.5%
Women-owned firms, percent, 2007	31.6%	30.3%
Manufacturers shipments, 2007 (\$1000)	0	491,372,092
Merchant wholesaler sales, 2007 (\$1000)	D	598,456,486
Retail sales, 2007 (\$1000)	557,902	455,032,270
Retail sales per capita, 2007	\$8,630	\$12,561
Accommodation and food services sales, 2007 (\$1000)	68,069	80,852,787
Building permits, 2012	88	58,549
Geography QuickFacts	Lake County	California
Land area in square miles, 2010	1,256.46	155,779.22

Persons per square mile, 2010	51.5	239.1
FIPS Code	33	6
Metropolitan or Micropolitan Statistical Area	Clearlake, CA Micro Area	

(a) Includes persons reporting only one race.

(b) Hispanics may be of any race, so also are included in applicable race categories.

FN: Footnote on this item for this area in place of data

NA: Not available

D: Suppressed to avoid disclosure of confidential information

X: Not applicable

S: Suppressed; does not meet publication standards

Z: Value greater than zero but less than half unit of measure shown

F: Fewer than 100 firms

Source: US Census Bureau State & County QuickFacts

2.3 *Population Projections*

POPULATION TRENDS (2000-2010) – COMPARISON WITH OTHER JURISDICTIONS

Jurisdiction Name	2000	2010	Change (2000-2010)	
			Number	%
Lake County	58,325	64,665	6,340	10.9%
City of Lakeport	4,820	4,753	-67	-1.4%
City of Sacramento	407,018	475,524	68,506	16.83%
State of California	33,873,086	38,041,430	4,168,344	12.31%
City of Clearlake	13,147	15,250	2,103	16.0%

Source: U.S. Census

RECENT LOCAL POPULATION TRENDS (2010-13)

Jurisdiction Name	2010	2013	Change (2010-2013)	
			Number	%
Lake County	64,665	64,531	-134	-0.21%
City of Lakeport	4,753	4,713	-40	-0.84%
City of Clearlake	15,250	15,192	-58	-0.38%

Source: California Department of Finance

3 East Lake Resource Conservation District (ELRCD) and West Lake Resource Conservation District (WLRCD)

3.1 *BACKGROUND*

RCDs are empowered to conserve natural resources within their districts by implementing conservation on public and private lands and to educate landowners and the public about resource conservation. Beyond this, RCDs are given the right to form associations to coordinate resource conservation efforts on a larger level. The core functions of a district revolve around its right to use diverse means to further resource conservation within its district. A good example of an association of RCDs is California Association of Resource Conservation Districts (CARCD), which coordinates assistance to RCDs in the state, offers a structure for RCDs to meet and set priorities, and represents the interests of California RCDs to state and federal representatives. CARCD's governing board is made up of area representatives from each California region. The National Association of Conservation Districts (NACD) performs similar

functions as CARCD for conservation districts (including Resource Conservation Districts) at the national level.

Resource Conservation Districts (RCDs), once known as Natural resource protection Districts, are “special districts” of the state of California, set up under Division 9 of the California Public Resources Code to be locally governed agencies with their own locally appointed or elected independent boards of directors. Although RCDs are established locally by the rules of a county’s Local Agency Formation Commission (LAFCO), and often have close ties to county government, they are not county government entities.

There are numerous types of special districts throughout the state set up to administer local needs for pest control, fire fighting, water distribution, and a host of other services. Some special districts are “enterprise” districts and deliver services or products, such as water, to local customers on a fee basis. Other districts, “nonenterprise” districts, deliver services, such as fire or police protection, to all local residents. These are usually supported on a taxation basis. RCDs have characteristics of both enterprise and non-enterprise districts.

Under Division 9 of the California Public Resources Code, RCDs are permitted to function to a certain degree as enterprise districts because they are empowered to charge reasonable fees for services rendered. At the same time, certain rules permit RCDs to draw on local taxes for revenues, though the passage of Proposition 13 in 1977 has made it much more difficult for RCDs to function in this way.

Though not governed by the state directly, special districts, among them RCDs, are subject to state law concerning elections, responsibilities, legal meetings, transparency and accountability. RCDs, however, are given their primary authority to implement local conservation measures by Division 9.

3.1.1 History of RCDs

In response to the national “Dust Bowl” crisis of the 1930s, when millions of acres of cropland were destroyed by drought and attendant soil loss, the federal government passed legislation in 1937 establishing the Soil Conservation Service (SCS) (today known as the Natural Resources Conservation Service (NRCS)). Conservationists soon realized that a federal agency in Washington D.C. may not be sufficiently responsive to local needs, so local counterparts of the SCS (NRCS) were set up under state law to be controlled by local boards of directors. Thus were born “Resource Conservation Districts,” which began forming in the late 1930s and quickly spread throughout the 48 states. Resource Conservation Districts began to perform the functions originally envisioned by the formation of the SCS.

In California, Resource Conservation Districts have been formed in all parts of the state beginning in the 1940s, continuing up to the present. Many have been consolidated over time so that of the hundreds of districts that once existed in California, 100 now remain. Under Division 9 of the Public Resources Code, Resource Conservation Districts were originally empowered to manage soil and water resources for conservation, but these powers were expanded in the early 1970s to include “related resources,” including fish and wildlife habitat. This expansion of powers was reflected in the change of name from “Soil” Conservation Districts to “Resource” Conservation Districts in 1971.

Today, RCDs manage a diversity of resource conservation work, including soil and water conservation programs, wildlife habitat enhancement and restoration projects, invasive species management, watershed restoration, conservation planning, demonstration of new technologies, education, and many others. Since most RCDs receive very little regular funding through local taxation, they rely heavily on grants and other types of fundraising to stay in operation.

3.1.2 Why do we need RCDs?

Until the formation of Resource Districts there was no organized mechanism for disseminating resource conservation information, expertise, and assistance. Farmers and ranchers often had no one to turn to for soil and water conservation information and assistance. It took a crisis of national proportions, the Dust Bowl, to bring this about.

Farmers and ranchers still need up-to-date scientific information and techniques to manage the natural resources on their properties, and the need for ongoing conservation education and assistance among all sectors of the public is as great or greater than ever.

RCDs continue to render assistance to private landowners wishing to conserve soil and water and manage their resources on a sustainable basis. But RCDs also act as a focal point for local conservation efforts, and RCDs throughout the state now function as leaders in the conservation community, including a large number of watershed groups in California. RCDs continue to sponsor educational efforts to teach children and adults alike the importance of conserving resources.

Though there are growing contributions by other groups and organizations that raise public awareness of resource conservation, RCDs remain one of the primary links between local people and government on issues related to conservation. With an ever dwindling base of resources and environmental pressures from a host of human activities, the work of RCDs will continue to be needed far into the future.

3.1.3 Organization of RCDs

RCDs are formed through the auspices of county-based LAFCOs (Local Agency Formation Commissions), and county government often exercises limited oversight over RCD boards. At one time, RCD directors were elected on a local basis through county government. With rising costs for holding elections, most RCD directors are now appointed by county boards of supervisors. In many cases district boundaries cross county lines, so responsibility for organizing appointment or election efforts of district board members falls to the county with the most district area within its boundaries. Some counties have more than one district within county boundaries.

District boards, however, function independently of county government, and they derive their powers and purposes from state law. Division 9 of the Public Resources Code enables districts to have 5, 7, or 9 directors, who serve as voting members of the board of directors. Decisions or actions of an RCD board are approved by majority vote of the full board. Board members are appointed or elected on their strengths as active partners in the conservation community, and, in almost all instances, board members are private landowners within a district with interest in conserving resources on their own lands. Boards are meant, however, to represent a broad spectrum of resource conservation interests and

perspectives. Board members often differ in their interests and conservation philosophies, yet the structure of a board offers a way for local districts to forge coherent conservation policies and programs that balance diverse interests and represent the broader spectrum of opinions within a community.

RCD boards, under state law, meet publicly once a month to debate about local conservation issues, and make decisions or take actions on these issues. Boards also frequently employ specialists and contractors to carry out board policies and projects, and, as mentioned earlier, these may address a broad array of conservation issues. Board members implement district policies and programs on a volunteer basis (board members cannot be paid for their services to RCDs). As such, staff often serve as conservation educators to landowners, schools, and the public to raise awareness of conservation in the local community. RCD staff also educate and inform state government representatives to rally support for resource conservation locally and on a statewide basis.

3.1.4 Division 9, Department of Conservation and RCDs

As a portion of the state Public Resources Code, Division 9 outlines the structures, powers, and authorities of RCDs under state law, it also provides for state-level support of RCDs through the state Department of Conservation (DOC). While the DOC does not have regulatory oversight of RCDs, the department serves districts through offering ongoing training on Division 9 and related government codes, providing technical assistance through education, as well as offering some financial assistance to districts through competitive grant awards.

3.1.5 Natural Resources Conservation Service and RCDs

The relationship between RCDs and the US Department of Agriculture's Natural Resources Conservation Service (NRCS), formerly known as the "SCS," has been long standing. As noted above, the NRCS was originally formed to address the crisis of the Dust Bowl, and the legislation establishing local conservation districts was created shortly thereafter. RCDs were created to be the local implementing arm of the NRCS. By law, an RCD must invite the NRCS into a county. NRCS and RCDs have had a close working relationship, with NRCS appointing a local district conservationist to provide technical assistance to districts, as well as acting as a liaison between the district and federal programs. Local offices of the NRCS also frequently employ other specialists, such as natural resource protectionists and engineers, to provide technical assistance to the district. NRCS is also able to help establish RCDs on tribal lands. Since 2007, three tribal conservation districts have been formed.

RCDs and NRCS solidified their relationship through a Memorandum of Understanding (MOU) signed more than fifty years ago to establish a partnership and mutual roles between districts and the USDA. In 1994 the MOU was revised "to modernize and reinvent their historic partnership," and to add state conservation agencies to the agreement. Recently, several new documents were created to supplement this MOU and to further define the roles of the partners. In line with this, a Mutual Agreement (set up under PL 103-354) was drafted to provide each district an opportunity to enter into a formal agreement with NRCS, state agencies, and tribes.

Another tool California RCDs have for federal, state, and local partnerships is a Cooperative Working agreement between the NRCS, individual RCDs, CARCD, and the California Department of Conservation. The purpose of the agreement is to supplement the Mutual Agreement and document "areas of

common interest of the State, Federal, and Local partnership in natural resources conservation.” It reinforces the idea of “locally led conservation,” with individual districts being responsible for “exerting leadership to identify local resource needs, advocate for effective solutions and work with appropriate parties on implementation.” This agreement underscores in particular the relationships between a district and other government entities. RCDs are primarily responsible for providing leadership and local policies within districts, with assistance of many kinds coming from state and federal government. Finally, provisions were set up for an Operating Agreement between individual districts and any local entities involved with natural resource concerns. The Operating Agreement can be developed at the local level to address local needs: “It is initiated by the district board, revisited annually, can replace annual work plans, defines roles and responsibilities at the local level, and provides opportunities to establish and review district priorities. It is signed by the district and others as deemed necessary by the district.”

3.1.6 Relationships of RCDs to Federal, State, and Private Stakeholders

RCDs in California as a whole have no formal relationship with other federal, state, and private entities, though Division 9 encourages individual districts to form partnerships with any entities it might need to. Typically, other agencies such as the US Environmental Protection Agency at the federal level, or the California Department of Forestry and Fire Protection at the state level, regularly enter into agreements with individual districts to collaborate on projects. A district’s role regardless of potential partnerships is to identify resource conservation needs within a district and plan for solutions. Division 9 of the Public Resources Code encourages districts to invite representatives of other entities to provide input during the strategic planning process and form partnerships to achieve conservation district objectives. Districts typically enter into contracts (grant contracts or cost share agreements) to accomplish work both partners in the agreement see as mutually beneficial to resources in the district.²

3.2 EAST LAKE AND WEST LAKE RESOURCE CONSERVATION DISTRICTS



East Lake Resource Conservation District (ELRCD) was created in the late 1950s. West Lake Resource Conservation District (WLRCD) was created in November 1959. The creation of both Districts predates LAFCO legislation. The Districts are addressed jointly in this report as both Districts rely on the same District Manager. The West Lake Resource Conservation District and East Lake Resource Conservation District are involved in addressing the resource needs of the County. A Resource Conservation District may make surveys, do research, provide information and plans, and assist landowners with materials, equipment, and labor with respect to soil and stream bank erosion control, water conservation and distribution, and the general enhancement of lands. It may cooperate and contract with other agencies and, with the consent of the landowners, make improvements or conduct operations on public and private lands.

² [“Strategic Plan, California Association of Resource Conservation Districts, November 2012, Appendix](#)

As with other Resource Conservation Districts, the West Lake and East Lake Resource Conservation Districts share office space with the USDA Natural Resources Conservation Service (NRCS), formerly known as the Soil Conservation Services (SCS). NRCS staff has completed a countywide soil survey and provides materials and services to landowners, other groups, and agencies. NRCS provides financial assistance to local landowners and operators to implement conservation projects. Additionally, NRCS fund conservation easements to restore and protect wetlands and their functions. The Districts are involved in addressing the resource needs of Lake County. The District has assisted the landowners in receiving grants from other agencies to finance the implementation of natural resource protection projects.

The Districts received awards and special recognitions by state and federal agencies and associations:

- 2002 California Association of Resource Conservation Districts (CARCD) award to West Lake RCD for “Outstanding Resource Conservation District,”
- 2004 CARCD award to both West Lake & East Lake RCDs for Outstanding Use of Partnerships to Achieve Conservation on the Ground on a Watershed Basis”,
- 2005 Sacramento River Watershed Program award for “Individual Watershed Excellence Award,”
- 2013 CARCD “District Manager Award.”

Both Districts own computers. West Lake RCD holds the title of a dump truck/chipper unit that is shared by both Districts. West Lake owns a 300 gallon water trailer.

The Districts have developed plans for specific local projects such as: West Lake RCD is currently the fiscal sponsor of a Non-Point Source 319(h) implementation grant in the amount of \$750,000.00 to storm proof approximately 42 miles of native surface roads on the Mendocino National Forest in the Middle Creek Watershed; West Lake RCD receives funding from the Mendocino National Forest to implement non-native invasive weed control on Sumner Ridge, typically, \$9,998.00 per year; West Lake RCD is currently the fiscal sponsor of a Department of Conservation, Land Resource Protection Division, Watershed Coordinator Grant for the grant provides \$122,810.00 in funding for the Watershed Coordinator position, ending June 2014, and; East Lake RCD holds an agreement with the County of Lake to provide the Lake County Fire Safe Council with a project coordinator in the amount of \$27,500.00 annually. See attached 2014 Work Plans for both RCDs for more detail.

The boundaries of the Districts together are coterminous with those of the County.

4 RCD Budget

See attached copies of the Districts’ budgets and audits for additional information. ELRCD uses a portion of the County property tax revenue for operations. WLRCD does not have any property tax revenue and relies on grants and fees for services.

5 Municipal Service Review

Lake LAFCO is responsible for determining if an agency is reasonably capable of providing needed resources and basic infrastructure to serve areas within its boundaries and, later, within the Sphere of Influence.

LAFCO will do the following:

- Evaluate the present and long-term infrastructure demands and resources available to the City or District.
- Analyze whether resources and services are, or will be, available at needed levels.
- Determine whether orderly maintenance and expansion of such resources and services are planned to occur in line with increasing demands.

The Final Municipal Service Review Guidelines prepared by the Governor's Office of Planning and Research (OPR) recommend issues relevant to the jurisdiction be addressed through written determinations called for in the Cortese-Knox-Hertzberg Act.

Determinations are provided for each of the six factors, based on the information provided in this Municipal Service Review.

5.1 Growth and Population Projections for the Area

Purpose:

To evaluate service needs based on existing and anticipated growth patterns and population projections.

Land uses within the Districts are agricultural, open space and urban. Urban land uses include residential and commercial uses. These uses are located primarily in the community areas in and around the County such as Lakeport, Clearlake, Nice, Lucerne, Upper Lake, Middletown, Lower lake, Kelseyville, the Rivas, and Cobb. Agricultural lands uses are primarily concentrated in two major valleys: Scotts Valle to the west of Lakeport and Big Valley between Lakeport and Kelseyville. Other agricultural areas include the following valleys: Collayomi, Long Coyote, Little High, Jerusalem, Morgan, Excelsior, Burns, High, Bachelor, Middle Creek, and Clover. Together agricultural lands account for approximately 73,000 acres. Industrial activities include gravel extraction, geothermal, mineral processing, rock quarries, timber production, fruit and nut processing, and wineries. These activities account for very little of the County's land use. The 2008 Lake County General Plan outlines the present and planned land uses throughout the County. The policies of the General Plan call for the preservation of agricultural lands, both those in production and those with potential productivity. Both of the County's Resource Conservation Districts provide natural resource protection activities that preserve agricultural soils as well as lessen the impacts of soil erosion from occurring upslope from an agricultural area. Any land purchases by either RDC would be for a non-profit purpose such as an agricultural greenhouse or test fields.

Determination: There will be continued need for both Districts as development continues within the Districts and need for conservation of natural resources are key policies of the County General Plan as the Districts will continue to play a key role in implementing those policies.

5.2 Location and Characteristics of any Disadvantaged Unincorporated Communities (DUC) Within or Contiguous to the Sphere of Influence

Purpose:

To comply with the State Law to examine any unincorporated areas which could be provided with better services by annexing to an adjacent city.

The State Law (SB 244) requires LAFCO to consider whether or not an area is a Disadvantaged Unincorporated Community (DUC). A DUC is an area where the Median Household Income is less than 80% of the State of California Median Household Income of \$61,400.³ Eighty percent (80%) of the 2012 California Median Household Income would be \$49,120.

Disadvantaged unincorporated communities (DUCs) are defined as “a territory that constitutes all or a portion of a ‘disadvantaged community’ including twelve or more registered voters or some other standard as determined by the commission.” In California Government Code Section 65302.30 (a) “Community” means an inhabited area within a city or county that is comprised of no less than ten dwellings adjacent or in close proximity to one another.

The Median Household Income in Lake County in 2012⁴ was reported as \$38,147. That income level is about 62% of the state median household income.

Determination: All the communities served by the two RCDs are disadvantaged unincorporated communities as well as are both incorporated communities served by the Districts.

5.3 Present and Planned Capacity of Public Facilities and Adequacy of Public Services

Purpose:

To evaluate the infrastructure needs and deficiencies in terms of supply, capacity, condition of facilities and service quality.

The East Lake RCD has the ability to collect property taxes that enhances its ability to provide services. The West Lake RCD has a lesser ability due to limitations in taxing ability. However, it is financed by their grant and chipper program. Both RCD’s are adequate in terms of providing services within the confines for their funding. The probable need for natural resource protection in the future is related to the type of development. In Lake County’s agricultural areas resource conservation is a continuing process. As agricultural uses change or other development takes place, the type of resource conservation activities may need to be modified. The probable need for natural resource protection activities will increase as more intense activities occur.

Determination: There will be continued need for expanding the capacity of the Districts’ projects and programs as growth and development continue to increase the need for the conservation and sustainable management of natural resources.

5.4 Financial Ability to Provide Services

Purpose:

³ US Census Bureau, <http://quickfacts.census.gov/qfd/states/06/06033.html>, January 20, 2014

⁴ US Census Bureau, <http://quickfacts.census.gov/qfd/states/06/06033.html>, January 20, 2014

To evaluate factors that affect the financing of needed improvements and to identify practices or opportunities that may help eliminate unnecessary costs without decreasing service levels.

Both Districts currently provide services as listed above. There is no foreseen need for public facilities and services in either District providing no change in demand for such services exists. As more land is converted to urban, industrial or agricultural use, additional soil water conservation activities may become needed.

Determination: Funding for both Districts is adequate but there is a continuing need for the Districts' effort to secure funding for special projects and programs.

5.5 Opportunities for Shared Facilities

Purpose:

To evaluate the opportunities for a jurisdiction to share facilities and resources to develop more efficient service delivery systems.

The two Districts already share a District Manager, facilities, equipment, and other resources. They have developed partnerships with Non-Profit, County, State, and Federal Agencies to extend resources. No other opportunities for shared facilities have been identified in this review.

Determination: The Districts have maximized the opportunities for sharing facilities.

5.6 Government Structure and Accountability

Purpose:

To consider the advantages and disadvantages of various government structures that could provide public services, to evaluate the management capabilities of the organization, and to evaluate the accessibility and levels of public participation associated with the agency's decision-making and management processes.

Given the unique nature of Resource Conservation Districts, there is little opportunity to modify the current governance structure. Accountability is provided by open meeting requirements and annual audits.

Determination: West Lake and East Lake Resource Conservation Districts are uniquely positioned to provide the necessary public services and is the most appropriate structure for that purpose.

6 SPHERE OF INFLUENCE UPDATE

6.1 Sphere of Influence Requirements

6.1.1 Sphere of Influence Determinations

In determining the Sphere of Influence for each local agency, LAFCO must consider and prepare a statement of determinations with respect to each of the following:

1. The present and planned land uses in the area, including agricultural and open space lands

2. The present and probable need for public facilities and services in the area
3. The present capacity of public facilities and adequacy of public services, which the agency provides, or is, authorized to provide.
4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence.

6.1.2 Possible Approaches to the Sphere of Influence

LAFCO may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. Based on review of the guidelines of Lake LAFCO as well as other LAFCOs in the State, various conceptual approaches have been identified from which to choose in designating an SOI. These seven approaches are explained below:

1) Coterminous Sphere:

A Coterminous Sphere is a sphere for a city or special district that is the same as its existing boundaries.

2) Annexable Sphere:

A sphere larger than the agency's boundaries identifies areas the agency is expected to annex. The annexable area is outside its boundaries and inside the sphere.

3) Detachable Sphere:

A sphere that is smaller than the agency's boundaries identifies areas the agency is expected to detach. The detachable area is the area within the agency bounds but not within its sphere.

4) Zero Sphere:

A zero sphere indicates the affected agency's public service functions should be reassigned to another agency and the agency should be dissolved or combined with one or more other agencies.

5) Consolidated Sphere:

A consolidated sphere includes two or more local agencies and indicates the agencies should be consolidated into one agency. ***This is the recommendation to establish one sphere of influence for both RCD's thereby signaling that LAFCo would like to see an application for consolidation of the East Lake and West Lake RCD. See attached map showing sphere as being county-wide.***

6) Limited Service Sphere:

A limited service sphere is the territory included within the SOI of a multi-service provider agency that is also within the boundary of a limited purpose district which provides the same service (e.g., fire protection), but not all needed services. Territory designated as a limited service SOI may be considered for annexation to the limited purpose agency without detachment from the multi-service provider.

This type of SOI is generally adopted when the following four conditions exist:

- a) The limited service provider is providing adequate, cost effective and efficient services
- b) The multi-service agency is the most logical provider of the other services
- c) There is no feasible or logical SOI alternative, and
- d) Inclusion of the territory is in the best interests of local government organization and structure in the area

Government Code §56001 specifically recognizes that in rural areas it may be appropriate to establish limited purpose agencies to serve an area rather than a single service provider, if multiple limited purpose agencies are better able to provide efficient services to an area rather than one service district.

Moreover, Government Code Section §56425(i), governing sphere determinations, also authorizes a sphere for less than all of the services provided by a district by requiring a district affected by a sphere action to “establish the nature, location, and extent of any functions of classes of services provided by existing districts” recognizing that more than one district may serve an area and that a given district may provide less than its full range of services in an area.

7) Sphere Planning Area:

LAFCO may choose to designate a sphere planning area to signal that it anticipates expanding an agency’s SOI in the future to include territory not yet within its official SOI.

6.1.3 SOI Amendments and CEQA

LAFCO has the discretion to limit SOI updates to those that it may process without unnecessarily delaying the SOI update process or without requiring its funding agencies to bear the costs of environmental studies associated with SOI expansions. Any local agency or individual may file a request for an SOI amendment. The request must state the nature of and reasons for the proposed amendment, and provide a map depicting the proposal.

LAFCO may require the requester to pay a fee to cover LAFCO costs, including the costs of appropriate environmental review under CEQA. LAFCO may elect to serve as lead agency for such a review, may designate the proposing agency as lead agency, or both the local agency and LAFCO may serve as co-lead agencies for purposes of an SOI amendment. Local agencies are encouraged to consult with LAFCO staff early in the process regarding the most appropriate approach for the particular SOI amendment under consideration.

Certain types of SOI amendments are usually exempt from CEQA review. Examples are SOI expansions that include territory already within the bounds or service area of an agency, SOI reductions, and zero SOIs. SOI expansions for limited purpose agencies that provide services (e.g., fire protection, levee protection, cemetery, and resource conservation) needed by both rural and urban areas are typically not considered growth-inducing and are likely exempt from CEQA. Similarly, SOI expansions for districts serving rural areas (e.g., irrigation water) are typically not considered growth-inducing.

Remy et al. write:

“In City of Agoura Hills v. Local Agency Formation Commission (2d Dist.1988) 198 Cal.App.3d480, 493-496 [243 Cal.Rptr.740] (City of Agoura Hills), the court held that a LAFCO’s decision to approve a city’s sphere of influence that in most respects was coterminous with the city’s existing municipal boundaries was not a “project” because such action did not entail any potential effects on the physical environment.”⁵

⁵ Remy, Michael H., Tina A. Thomas, James G. Moose, Whitman F. Manley, Guide to CEQA, Solano Press Books, Point Arena, CA, February 2007, page 111.

Since the recommendation is for the Sphere of Influence for both RCD's is to remain the same as the Districts' boundaries, there will be no environmental impacts from the update of the Sphere and no environmental document is required.

Lake LAFCO should consider at least three alternatives for the Sphere of Influence for the RCD's as follows:

1. Coterminous/Consolidated Sphere Alternative

A Coterminous Sphere would mean that the Sphere of Influence for the ELRCD and WLRCO would remain the same as the Districts' Boundaries. Since all lands within Lake County are in one RCD or the other and no opportunity exists to expand either District, this is the only viable option other than a Consolidated Sphere of Influence. ***The Consolidated Sphere of Influence is the staff recommendation which would be to establish one sphere of influence for both RCD's thereby signaling that LAFCO would like to see an application for consolidation of the East Lake and West Lake RCD.***

2. Annexable Sphere Alternative

An Annexable Sphere would allow the Districts to annex additional lands without a special amendment to the Sphere of Influence. Since there are no additional lands available for annexation within Lake County, this alternative is not viable. It is highly unlikely either district would annex territory in another county. Colusa County, for example, has a RCD that is coterminous with the county boundaries.

3. Zero Sphere Alternative

A Zero Sphere of Influence would mean that Lake LAFCO recommends that the RCD's be dissolved and that another District or organization should take over the functions of the District. The most logical successor to the RCD's would be an adjacent RCD outside of Lake County. Since such action would be outside of the authority of a Lake County agency, this alternative would not be viable.

6.1.5 Recommended SOI Alternative

The following SOI Determinations are prepared with the Consolidated Sphere SOI as the recommended alternative #1 above.

6.2 Present and Planned Land Uses, Including Agricultural and Open Space Lands

Land uses within the Districts are agricultural, open space and urban. Urban land uses include residential and commercial uses. These uses are located primarily in the community areas in and around the County such as Lakeport, Clearlake, Nice, Lucerne, Upper Lake, Middletown, Lower Lake, Kelseyville, the Rivas, and Cobb. Agricultural lands uses are primarily concentrated in two major valleys: Scotts Valley to the west of Lakeport and Big Valley between Lakeport and Kelseyville. Other agricultural areas include the following valleys: Collayomi, Long Coyote, Little High, Jerusalem, Morgan, Excelsior, Burns, High, Bachelor, Middle Creek, and Clover. Together agricultural lands account for approximately 73,000 acres. Industrial activities include gravel extraction, geothermal, mineral processing, rock quarries, timber production, fruit and nut processing, and wineries. These activities account for very little of the County's land use. The 2008 Lake County General Plan outlines the present

and planned land uses throughout the County. The policies of the General Plan call for the preservation of agricultural lands, both those in production and those with potential productivity. Both of the County's Resource Conservation Districts provide natural resource protection activities that preserve agricultural soils as well as lessen the impacts of soil erosion from occurring upslope from an agricultural area. Any land purchases by either RCD would be for a non-profit purpose such as an agricultural greenhouse or test fields.

6.3 Municipal Services – Present and Probable Need

Both Districts currently provide services as listed above in earlier sections. There is no foreseen need for public facilities and services in either District providing no change in demand for such services exists. As more land is converted to urban, industrial or agricultural use, natural resource protection activities may become needed. The Districts have responded to service demands through grant funded programs to address specifically identified needs.

6.4 Public Facilities Present and Future Capacity

The East Lake RCD has the ability to collect property taxes that enhances its ability to provide services. The West Lake RCD has a lesser ability due to limitations in taxing ability. However, it is financed by their equipment program. Both RCD's are adequate in terms of providing services. The probable need for natural resource protection in the future is related to the type of development. In Lake County's agricultural areas resource conservation is a continuing process. As agricultural uses change or other development takes place, the type of resource conservation activities may need to be modified. The probable need for natural resource protection activities will increase as more intense activities occur.

6.5 Social or Economic Communities of Interest

Lake County's economy is based primarily upon four sectors: agriculture, retirement/transfer payments, geothermal and tourism. Lake County has high unemployment rates and has a retirement community that constitutes the largest segment of the population. The Districts contain agricultural groups, Tribal Rancherias, and many basic industries in the County, such as the geothermal industry. These are relevant to each RCD since any land use could cause more erosion or impact soils.

6.6 Disadvantaged Unincorporated Communities

The State Law (SB 244) requires LAFCO to consider whether or not an area is a Disadvantaged Unincorporated Community (DUC). A DUC is an area where the Median Household Income is less than 80% of the State of California Median Household Income of \$61,400.⁶ Eighty percent (80%) of the 2012 California Median Household Income would be \$49,120.

Disadvantaged unincorporated communities (DUCs) are defined as "a territory that constitutes all or a portion of a 'disadvantaged community' including twelve or more registered voters or some other standard as determined by the commission." In California Government Code Section 65302.30 (a) "Community" means an inhabited area within a city or county that is comprised of no less than ten dwellings adjacent or in close proximity to one another.

⁶ US Census Bureau, <http://quickfacts.census.gov/qfd/states/06/06033.html>, January 20, 2014

The Median Household Income in Lake County in 2012⁷ was reported as \$38,147.

SOI Determinations regarding the present and probable need for public facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence.

- The determination of a Disadvantaged Unincorporated Community appears to be justified. According to 2012 US Census, Lake County meets the criteria to be considered a disadvantaged unincorporated community. In addition other state and federal agencies (California Department of Housing and Community Development (HCD) and USDA Rural Development) consider the entire unincorporated area of Lake County to be disadvantaged.
- A majority of the area within the areas served by the Eastlake and Westlake Resource Conservation Districts and their SOI are considered disadvantaged with a median household of less than 80 percent of the statewide median income.

⁷ US Census Bureau, <http://quickfacts.census.gov/qfd/states/06/06033.html>, January 20, 2014

APPENDIX A - LOCAL GOVERNMENT ISSUES

1 *Municipal Financial Constraints*

Municipal service providers are constrained in their capacity to finance services by the inability to increase property taxes, requirements for voter approval for new or increased taxes, and requirements of voter approval for parcel taxes and assessments used to finance services. Municipalities must obtain majority voter approval to increase or impose new general taxes and two-thirds voter approval for special taxes.

Limitations on property tax rates and increases in taxable property values are financing constraints. Property tax revenues are subject to a formulaic allocation and are vulnerable to State budget needs. Agencies formed since the adoption of Proposition 13 in 1978 often lack adequate financing.

1.1 California Local Government Finance Background

The financial ability of the cities and special districts to provide services is affected by financial constraints. City service providers rely on a variety of revenue sources to fund city operating costs as follows:

- Property Taxes
- Benefit Assessments
- Special Taxes
- Proposition 172 Funds
- Other contributions from city or district general funds.

As a funding source, property taxes are constrained by Statewide initiatives that have been passed by voters over the years and special legislation. Seven of these measures are explained below:

A. Proposition 13

Proposition 13 (which California voters approved in 1978) has the following three impacts:

- Limits the *ad valorem* property tax rate
- Limits growth of the assessed value of property
- Requires voter approval of certain local taxes.

Generally, this measure fixes the *ad valorem* tax at one percent of value; except for taxes to repay certain voter approved bonded indebtedness. In response to the adoption of Proposition 13, the Legislature enacted Assembly Bill 8 (AB 8) in 1979 to establish property tax allocation formulas.

B. AB 8

Generally, AB 8 allocates property tax revenue to the local agencies within each tax rate area based on the proportion each agency received during the three fiscal years preceding adoption of Proposition 13. This allocation formula benefits local agencies, which had relatively high tax rates at the time Proposition 13 was enacted.

C. Proposition 98

Proposition 98, which California voters approved in 1988, requires the State to maintain a minimum level of school funding. In 1992 and 1993, the Legislature began shifting billions of local property taxes to schools in response to State budget deficits. Local property taxes were diverted from local governments into the Educational Revenue Augmentation Fund (ERAF) and transferred to school districts and community college districts to reduce the amount paid by the State general fund.

Local agencies throughout the State lost significant property tax revenue due to this shift. Proposition 172 was enacted to help offset property tax revenue losses of cities and counties that were shifted to the ERAF for schools in 1992.

D. Proposition 172

Proposition 172, enacted in 1993, provides the revenue of a half-cent sales tax to counties and cities for public safety purposes, including police, fire, district attorneys, corrections and lifeguards. Proposition 172 also requires cities and counties to continue providing public safety funding at or above the amount provided in FY 92-93.

E. Proposition 218

Proposition 218, which California voters approved in 1996, requires voter- or property owner-approval of increased local taxes, assessments, and property-related fees. A two-thirds affirmative vote is required to impose a Special Tax, for example, a tax for a specific purpose such as a fire district special tax.

However, majority voter approval is required for imposing or increasing general taxes such as business license or utility taxes, which can be used for any governmental purpose. These requirements do not apply to user fees, development impact fees and Mello-Roos districts.

F. Proposition 26

Proposition 26 approved by California voters on November 2, 2010, requires that certain state fees be approved by two-thirds vote of Legislature and certain local fees be approved by two-thirds of voters. This proposition increases the legislative vote requirement to two-thirds for certain tax measures, including those that do not result in a net increase in revenue. Prior to its passage, these tax measures were subject to majority vote.

However, majority voter approval is required for imposing or increasing general taxes such as business license or utility taxes, which can be used for any governmental purpose. These requirements do not apply to user fees, development impact fees and Mello-Roos districts.

G. Mello-Roos Community Facilities Act

The Mello-Roos Community Facilities Act of 1982 allows any county, city, special district, school district or joint powers authority to establish a Mello-Roos Community Facilities District (a "CFD"), which allows for financing of public improvements and services. The services and improvements that Mello-Roos CFDs can finance include streets, sewer systems and other basic infrastructure, police protection, fire protection, ambulance services, schools, parks, libraries, museums and other cultural facilities. By law, the CFD is also entitled to recover expenses needed to form the CFD and administer the annual special taxes and bonded debt.

A CFD is created by a sponsoring local government agency. The proposed district will include all properties that will benefit from the improvements to be constructed or the services to be provided. A CFD cannot be formed without a two-thirds majority vote of residents living within the proposed boundaries. Or, if there are fewer than 12 residents, the vote is instead conducted of current landowners.

In many cases, that may be a single owner or developer. Once approved, a Special Tax Lien is placed against each property in the CFD. Property owners then pay a Special Tax each year.

If the project cost is high, municipal bonds will be sold by the CFD to provide the large amount of money initially needed to build the improvements or fund the services. The Special Tax cannot be directly based on the value of the property. Special Taxes instead are based on mathematical formulas that take into account property characteristics such as use of the property, square footage of the structure and lot size. The formula is defined at the time of formation, and will include a maximum special tax amount and a percentage maximum annual increase.

If bonds were issued by the CFD, special taxes will be charged annually until the bonds are paid off in full. Often, after bonds are paid off, a CFD will continue to charge a reduced fee to maintain the improvements.

H. Development Impact Fees

A county, cities, special districts, school districts, and private utilities may impose development impact fees on new construction for purposes of defraying the cost of putting in place public infrastructure and services to support new development.

To impose development impact fees, a jurisdiction must justify the fees as an offset to the impact of future development on facilities. This usually requires a special financial study. The fees must be committed within five years to the projects for which they were collected, and the district, city or county must keep separate funds for each development impact fee.

1.2 Financing Opportunities that Require Voter Approval

Financing opportunities that require voter approval include the following five taxes:

- Special taxes such as parcel taxes
- Increases in general taxes such as utility taxes
- Sales and use taxes
- Business license taxes
- Transient occupancy taxes

Communities may elect to form business improvement districts to finance supplemental services, or Mello-Roos districts to finance development-related infrastructure extension. Agencies may finance facilities with voter-approved (general obligation) bonded indebtedness.

1.3 Financing Opportunities that Do Not Require Voter Approval

Financing opportunities that do not require voter approval include imposition of or increases in fees to more fully recover the costs of providing services, including user fees and Development Impact Fees to recover the actual cost of services provided and infrastructure.

Development Impact Fees and user fees must be based on reasonable costs, and may be imposed and increased without voter approval. Development Impact Fees may not be used to subsidize operating costs. Agencies may also finance many types of facility improvements through bond instruments that do not require voter approval.

Water rates and rate structures are not subject to regulation by other agencies. Utility providers may increase rates annually, and often do so. Generally, there is no voter approval requirement for rate increases, although notification of utility users is required. Water providers must maintain an enterprise fund for the respective utility separate from other funds, and may not use revenues to finance unrelated governmental activities.

2 Public Management Standards

While public sector management standards do vary depending on the size and scope of an organization, there are minimum standards. Well-managed organizations do the following eight activities:

1. Evaluate employees annually.
2. Prepare a budget before the beginning of the fiscal year.
3. Conduct periodic financial audits to safeguard the public trust.
4. Maintain current financial records.
5. Periodically evaluate rates and fees.
6. Plan and budget for capital replacement needs.
7. Conduct advance planning for future growth.
8. Make best efforts to meet regulatory requirements.

Most of the professionally managed and staffed agencies implement many of these best management practices. LAFCO encourages all local agencies to conduct timely financial record keeping for each city function and make financial information available to the public.

3 Public Participation in Government

The Brown Act (California Government Code Section 54950 et seq.) is intended to insure that public boards shall take their actions openly and that deliberations shall be conducted openly. The Brown Act establishes requirements for the following:

- Open meetings
- Agendas that describe the business to be conducted at the meeting
- Notice for meetings
- Meaningful opportunity for the public to comment
- Few exceptions for meeting in closed sessions and reports of items discussed in closed sessions.

According to California Government Section 54959

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

Section 54960 states the following:

(a) The district attorney or any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to actions or threatened future action of the legislative body.

APPENDIX B –ELRCD AND WLRCD SUBMISSIONS

East Lake Audit

West Lake Audit

APPENDIX C – ENABLING STATUTES FOR RESOURCE CONSERVATION DISTRICTS

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PUBLIC RESOURCES CODE SECTION 9000-9757

DIVISION 9. RESOURCE CONSERVATION

CHAPTER 1. GENERAL PROVISIONS

Article 1. Policy of State

9001. (a) The Legislature hereby declares that resource conservation is of fundamental importance to the prosperity and welfare of the people of this state. The Legislature believes that the state must assume leadership in formulating and putting into effect a statewide program of soil and water conservation and related natural resource conservation and hereby declares that this division is enacted to accomplish the following purposes:

(1) To provide the means by which the state may cooperate with the United States and with resource conservation districts organized pursuant to this division in securing the adoption in this state of conservation practices, including, but not limited to, farm, range, open space, urban development, wildlife, recreation, watershed, water quality, and woodland, best adapted to save the basic resources, soil, water, and air of the state from unreasonable and economically preventable waste and destruction.

(2) To provide for the organization and operation of resource conservation districts for the purposes of soil and water conservation, the control of runoff, the prevention and control of soil erosion, and erosion stabilization, including, but not limited to, these purposes in open areas, agricultural areas, urban development, wildlife areas, recreational developments, watershed management, the protection of water quality and water reclamation, the development of storage and distribution of water, and the treatment of each acre of land according to its needs.

(b) The districts, in addition to any other authority provided by law, may do all of the following:

(1) Ensure consistency with the authorities and policies of the United States, this state, counties, cities, public districts, other resource conservation districts, persons, associations, and corporations.

(2) With the consent of the owner, construct on privately or publicly owned lands any necessary works for the prevention and control of soil erosion and erosion stabilization.

(3) Facilitate coordinated resource management efforts for watershed restoration and enhancement.

(c) The districts shall not conserve water for power purposes or produce or distribute power for their own use or for the use of others.

9002. It is hereby declared as a matter of legislative determination:

(a) That the construction and maintenance on privately or publicly owned land of works for resource conservation is in the general public interest and for the general public benefit.

(b) That the expenditure of state, county, city, district, or other public funds that are available or may become available for planning, designing, or implementing the above and for the construction or maintenance of such control or preventive works on privately or publicly owned land constitutes expenditure for the general public benefit.

9003. The Legislature hereby finds and declares that resource conservation districts are legal subdivisions of the state and, as such, are not-for-profit entities. For the purpose of contracting with state agencies only, resource conservation districts shall be considered agencies of the state.

Article 2. Definitions

9015. As used in this division the following terms have the meanings attributed to them in this article, unless the context otherwise requires.

9016. "Commission" means the State Resource Conservation Commission.

9017. "Department" means the Department of Conservation.

9018. "Director" means the Director of Conservation.

9019. "Division" means the Division of Resource Conservation of the department.

9020. "Chief" means the Chief of the Division of Resource Conservation.

9021. "District" or "natural resource protection district" means a resource conservation district.

9022. "Public district" means a district established under the law of this state, other than a resource conservation district.

9023. "Directors" means the board of directors of a district, and when powers are conferred or duties are imposed upon directors in this division the powers shall be exercised and the duties performed by the directors acting as a body and not as individuals.

9024. "Board" means the county board of supervisors.

9025. "Principal county" means the county in which all or the greatest portion of privately owned land of a district is situated. The principal county remains the same regardless of any change in boundaries. The principal county of a consolidated district is that county in which all or the greatest portion of the privately owned area in the consolidated district is located.

9026. "Principal district" means the district which has the greater land area of two districts proposed to be consolidated.

9027. "Landowner" or "owner of land" includes a holder of evidence of title and, also, a holder of land under a possessory right acquired by entry or purchase from the United States or the State of California. A guardian, executor, administrator, or other person holding property in a trust capacity under an appointment of court is the "owner" of such property for the purposes of this division and as such may do and perform any act provided for herein when authorized by an order of court which order may be made without notice.

If any land is assessed on the assessment roll to unknown or fictitiously named owners, or to unnamed owners in addition to any owner or owners named thereon, the land has, for the purposes of this division, but one owner in addition to any owner or owners whose true name or names may be purported to be given on the assessment book.

The holder of title to an undivided interest in any land is an owner as to his interest for the purposes of this division, and such undivided interests shall be counted and valued as though they were separate interests. If the assessment roll fails to indicate the extent of any undivided interest, the holders of title whose undivided interests are not specifically defined are owners for the purposes of this division, of equal shares therein.

The value of any land and the owners of any land are conclusively determined, for the purposes of this division, by the last equalized assessment roll.

9028. "Land occupant" or "occupant of land" means a person in possession of land within a district whether as owner, lessee, tenant, or otherwise. A person legally entitled to possession of land is a land occupant as to that land whether in actual possession or not. A person in actual possession of land is a land occupant regardless of his right of possession.

9029. "Voter" means an elector who is registered to vote pursuant to Chapter 2 (commencing with Section 2100) of Division 2 of the Elections Code, and residing within the district.

9030. "Proxy" means a written authorization to sign a petition. Landowners may sign petitions under this division by proxy. The proxy of an individual landowner shall be acknowledged by him. The holder of a proxy of an individual landowner shall be an individual 18 years of age or over or a corporation, partnership, or other legal entity. The proxy of a corporation shall contain a statement by the secretary or manager of the corporation that the proxy was authorized by the corporation. A corporation owning land may sign a petition only by proxy.

9031. "Person" includes person, association, or corporation.

9032. "Assessment roll" means the entire assessment roll upon the basis of which real property is taxed for county purposes.

9033. "Assessment records" includes the assessment roll and all maps and other records relating to the assessment, levy, and collection of taxes, whether in the custody of the assessor or not.

9034. "Assessor" means the assessing officer of a county by whatever title he may be known.

Article 3. Applicability

9041. This Division 9 of the Public Resources Code, insofar as it is substantially the same as the Division 9 of that code repealed upon the enactment of this Division 9, shall be construed as a restatement and continuation of the existing law and not as a new enactment nor shall anything in this division impair the validity, the rights, or the obligations of any district formed prior to the effective date of this act.

9042. No action or proceeding relating to or arising out of the Division 9 of the Public Resources Code repealed upon the enactment of this Division 9 commenced before the effective date of this Division 9, and no right accrued, pursuant to that repealed Division 9, is affected by the provisions of this Division 9, but any step thereafter taken in such action or proceeding shall conform to the provisions of this Division 9 insofar as is possible.

9043. All persons who, at the time this Division 9 (commencing with Section 9001) goes into effect, are officers or employees of a natural resource protection district operating under the Division 9 repealed upon the enactment of this Division 9 shall continue to be officers or employees, of a resource conservation district as though Division 9 had not been repealed.

9044. The Imperial Irrigation District may exercise the powers of a resource conservation district under this division in any area within its boundaries in which there is no resource conservation district organized and operating.

CHAPTER 2. THE DIVISION OF RESOURCE CONSERVATION

Article 1. Organization

9051. There is in the Department of Conservation the Division of Resource Conservation.

9052. The Division of Resource Conservation is in charge of a chief, designated as Chief of the Division of Resource Conservation, who is appointed by the director with the advice and consent of the commission. The appointment shall be made pursuant to the State Civil Service Act from an eligible list prepared by the State Personnel Board from the results of an open examination.

Article 2. Powers and Duties

9061. The chief shall be responsible to the director for properly carrying out his functions under this division.

9062. The chief shall assist in the formation, organization and operation of resource conservation districts.

9063. He may advise with organized resource conservation districts as to plans and proposals relating to resource conservation activities, and, when such plans or proposals are presented to him, approve, disapprove, or suggest modifications of such plans or proposals.

9064. He may, with the approval of the State Resource Conservation Commission, provide technical assistance to resource conservation districts to aid cooperators in carrying out conservation practices and to aid districts in developing plans for achieving their soil and water conservation objectives. These plans shall include but not be limited to watershed planning pursuant to the Watershed Protection and Flood Prevention Act (Public Law 566, Chapter 656, 83rd Congress, Second Session, as amended).

9065. He may cooperate with the United States, any resource conservation district, county, public district, or person in the furtherance of the purposes of this division, and to that end may receive and use contributions of funds or services or both for the investigating of, or planning works for, the control of runoff or the control or prevention of soil erosion.

9066. Insofar as consistent with the duties, obligations and responsibilities of other public agencies, the chief may promote coordination of the activities of such agencies in furtherance of the control of runoff and the prevention and control of soil erosion.

9067. The chief may employ such clerical, technical, or other assistants as he deems necessary.

9068. The official headquarters of the chief shall be at Sacramento, California.

9069. All persons, other than temporary employees, serving in the state civil service and engaged in the performance of a function transferred to the Division of Resource Conservation, Department of Conservation or engaged in the administration of a law, the administration of which is transferred to said division, shall remain in the state civil service and are hereby transferred to the division on the effective date of this act. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position that is exempt from civil service.

9070. All money available, including money which becomes available after the effective date of this Division 9, for expenditure by any department, division, board, authority, commission, or officer or employee thereof, to be used in the administration of any function, the exercise of any right, or performance of any duty, which function, right or duty is transferred by this Division 9, shall be transferred to the department, commission, division, board, authority, or officer or employee thereof which is to administer the function, exercise the right, or perform the duty.

9071. The Division of Resource Conservation shall succeed to and is hereby vested with all of the powers, duties, purposes, responsibilities, and jurisdiction in matters pertaining to resource conservation now or hereafter vested by law in the State Resource Conservation Commission, or any officer or employee thereof. The division shall have possession and control of all records, books, papers, and other property, real, personal and mixed, now or hereafter held for the benefit or use of the State Resource Conservation Commission, except that property heretofore purchased or acquired by the commission for the use of districts may be disposed of by the commission pursuant to Article 3 (commencing with Section 9081) of this chapter.

The Chief of the Division of Resource Conservation shall succeed to and is hereby vested with all the powers, duties, responsibilities and jurisdiction now or hereafter vested by law in the commission, except as to duties specifically vested in the commission by this code.

Article 3. Funds and Expenditures

9081. The commission may receive contributions from the United States, public districts, resource conservation districts, public agencies, or persons and may use such contributions for the purposes of the district.

9082. The commission is authorized on behalf of the state to accept grants from the United States for the control of runoff and floods, the prevention or control of soil erosion, and for water conservation and to administer such grants pursuant to the terms thereof.

9083. All equipment and machinery made available to any resource conservation district pursuant to this Division 9 is subject to call for emergency use in fire, storm, flood or disaster by a federal or state agency, a county, city, or district of this state.

9084. (a) Subject to the availability of funds and any limitations imposed by this division, the department may provide grants to resource conservation districts for the purpose of assisting the districts in carrying out any work that they are authorized to undertake, including, but not limited to, grants for watershed projects.

(b) (1) To qualify for a grant under subdivision (a), a resource conservation district shall do all of the following:

(A) Prepare an annual and a long-range work plan pursuant to Section 9413. The long-range work plan shall reflect input from local agencies and organizations regarding land use and resource conservation goals.

(B) Convene regular meetings in accordance with the open meeting requirements of Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code and the requirements of this division.

(C) Secure sources of local support funding, which may include funding from in-kind contributions and services.

(2) A resource conservation district seeking a grant pursuant to this section shall submit to the department a grant proposal that includes, but is not limited to, all of the following information:

(A) A description of the work for which the grant is sought.

(B) An explanation of the public or private need for the work, including, but not limited to, any relevant information demonstrating the urgency of the project.

(C) An itemized summary of the projected cost of the work.

(D) An estimate of the amount of the projected costs of the work that will be covered by local support funding, including funding from in-kind contributions or services.

(3) To qualify for a grant awarded pursuant to this section, a resource conservation district shall be required to provide at least a 25 percent local match of funding, of which 40 percent of that amount shall be provided in cash. The department shall give preference in the awarding of grants to those districts that, among other things, provide a greater percentage of local match funding than the minimum required by this paragraph.

(4) A resource conservation district that receives a grant awarded under this section shall provide the department with an informal accounting summary that describes how the grant money was spent in accordance with the purposes and conditions of the grant.

Article 4. The State Resource Conservation Commission

9101. There is in the Department of Conservation the State Resource Conservation Commission. It shall consist of nine members who shall be appointed by the Governor, subject to the confirmation of the Senate, and shall be appointed for a term of four years.

9102. The members of the commission to be appointed shall consist of the following:

(a) Five persons who are directors of resource conservation districts. In making such appointments, the Governor shall provide as nearly equal representation as possible from all portions of the state.

(b) Two persons from the general public.

(c) One person who has expertise in, and represents the interests of, wildlife conservation.

(d) One person who resides in, and represents the concerns of, the major urban areas of this state.

9103. Within 30 days after his appointment the appointed member shall take and file his oath of office as member of the commission.

9104. The members of the commission shall receive no compensation for their services as members, but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the commission or when otherwise engaged in the work of the commission at its direction.

9105. Five members of the commission shall constitute a quorum for any purpose, including organization.

9106. The commission shall elect a chair from its number who shall serve as chair for one year and until the chair's successor is elected.

9107. The commission shall appoint a secretary. The secretary shall be a paid employee of the commission. The secretary shall be allowed his reasonable and necessary expenses incurred in the performance of his official duties as such secretary.

9108. The commission shall cause to be studied and shall consider the whole problem of natural resource protection within the state, and it may formulate, in cooperation with other state agencies, interested organizations, and citizens, a comprehensive resource conservation policy for the state.

9109. The commission shall determine and advise policies for the guidance of the chief of the division in the performance and exercise of his duties and powers.

9110. The commission shall aid and encourage, but not conduct, resource conservation activities.

9112. The commission shall be responsible to the director for properly carrying out its functions under this division.

9113. The commission shall report annually to the Governor on the resource conservation projects and improvements accomplished by or with the aid of the state, and the commission may from time to time prepare and publish reports on the needs of the state and the local subdivisions thereof for resource conservation programs, developments, facilities and activities.

CHAPTER 3. RESOURCE CONSERVATION DISTRICTS

Article 1. Lands Included

9151. A resource conservation district may be formed pursuant to this division for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, and the improvement of land capabilities.

9152. The lands included in a district shall be those generally of value for agricultural purposes, including farm and range land useful for the production of agricultural crops or for the pasturing of livestock, but other lands may be included in a district if necessary for the control of runoff, the prevention or control of soil erosion, the development and distribution of water, or land improvement, and for fully accomplishing the purposes for which the district is formed.

9153. The lands included in any one district need not be contiguous but they shall be susceptible of the same general plan or system for the control of runoff, the prevention or control of soil erosion,

and the development and distribution of water, or land improvement. No lands may be included in more than one district.

9154. The lands included in any one district may be situated in one or more counties.

9155. The lands included in a district may be publicly owned or privately owned.

Article 2. Initiation

9161. (a) A new district may be formed pursuant to this chapter.

(b) A proposal to form a district may be made by a petition of registered voters or by the adoption of a resolution of application.

9162. A proposal to form a new district may be made by petition which shall do all of the following:

(a) State that the proposal is made and request that proceedings be taken for the formation pursuant to this chapter.

(b) Set forth a description of the boundaries of the territory to be included in the district.

(c) Set forth the methods by which the district will be financed.

(d) State the reasons for forming the district.

(e) Propose a name for the district.

(f) Designate not more than three persons as chief petitioners, setting forth their names and mailing addresses.

(g) State whether the formation is consistent with the sphere of influence of any affected city or affected district.

(h) Specify the number of members, whether five, seven, or nine, of the initial board of directors and the method of their selection, as provided by Article 4 (commencing with Section 9201).

9163. (a) Before circulating any petition, the chief petitioners shall publish a notice of intention which shall include a written statement not to exceed 500 words in length, setting forth the reasons for forming the district. The notice shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within the territory proposed to be included in the district. If the territory proposed to be included in the district is located in more than one county, publication of the notice shall be made in at least one newspaper of general circulation in each of the counties.

(b) The notice shall be signed by at least one, but not more than three, chief petitioners and shall be in substantially the following form:

"Notice of Intent to Circulate Petition

Notice is hereby given of the intention to circulate a petition proposing to form the ____ (name of the district). The reasons for the proposal are: ____."

(c) Within five days after the date of publication, the chief petitioners shall file with the executive officer of the local agency formation commission of the principal county a copy of the notice together with an affidavit made by a representative of the newspaper in which the notice was published certifying to the fact of publication.

(d) After the filing required pursuant to subdivision (c), the petition may be circulated for signatures.

9164. The petition shall be signed by not less than 10 percent of the registered voters residing in the area to be included in the district, as determined by the local agency formation commission pursuant to subdivision (h) of Section 56375 of the Government Code. Sections 100 and 104 of the Elections Code shall govern the signing of the petition and its format.

9165. A petition may consist of a single instrument or separate counterparts. The chief petitioner or petitioners shall file the petition, including all counterparts, with the executive officer of the local

agency formation commission of the principal county within six months of the date on which the chief petitioner or petitioners filed the affidavit with the executive officer pursuant to subdivision (c) of Section 9163.

9166. (a) Within 30 days after the date of filing a petition, the executive officer of the local agency formation commission shall cause the petition to be examined and shall prepare a certificate of sufficiency indicating whether the petition is signed by the requisite number of signers.

(b) If the certificate of the executive officer shows the petition to be insufficient, the executive officer shall immediately give notice by certified mail of the insufficiency to the chief petitioners. That mailed notice shall state in what amount the petition is insufficient. Within 15 days after the date of the notice of insufficiency, the chief petitioners may file with the executive officer a supplemental petition bearing additional signatures.

(c) Within 10 days after the date of filing a supplemental petition, the executive officer shall examine the supplemental petition and certify in writing the results of his or her examination.

(d) The executive officer shall sign and date a certificate of sufficiency. That certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the executive officer's examination. The executive officer shall mail a copy of the certificate of sufficiency to the chief petitioners.

9167. (a) A proposal to form a new district may also be made by the adoption of a resolution of application by the legislative body of any county or city which contains territory proposed to be included in the district. Except for the provisions regarding signers and signatures, a resolution of application shall contain all of the matters specified for a petition in Section 9162. Before submitting a resolution of application, the legislative body shall conduct a public hearing on the resolution.

(b) Notice of the hearing shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within the county or city.

(c) At the hearing, the legislative body shall give any person an opportunity to present his or her views on the resolution.

(d) The clerk of the legislative body shall file a certified copy of the resolution of application with the executive officer of the local agency formation commission of the principal county.

9168. Once the chief petitioners have filed a sufficient petition or a legislative body has filed a resolution of application, the local agency formation commission shall proceed pursuant to Chapter 5 (commencing with Section 56825) of Part 3 of Division 3 of Title 5 of the Government Code.

Article 3. Election and Formation

9181. (a) If the local agency formation commission approves the formation of a district, with or without amendment, wholly, partially, or conditionally, the executive officer shall mail a copy of the resolution of the commission's determinations to the board of supervisors of each county within which territory of the proposed district lies. Within 35 days following the adoption of the commission's resolution, the board of supervisors shall call and give notice of the election to be held in the proposed district. If the proposed district lies in more than one county, the board of supervisors shall call and give notice of the election to be held in the territory of the proposed district which lies in that county.

(b) The election shall be held on the next regular or special election date not less than 113 nor more than 150 days after the date the board of supervisors calls and gives notice of the election.

(c) Notice of the election shall be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation circulated within the territory of the proposed district which lies in the county.

9182. (a) Notwithstanding Section 9181, if the board of supervisors of the principal county finds that the petition filed with the executive officer of the local agency formation commission pursuant to Section 9165 has been signed by not less than 80 percent of the registered voters residing within the area to be included within the district, the board may dispense with an election, adopt the resolution required pursuant to Section 9188, and designate the members of the board of directors pursuant to Article 4 (commencing with Section 9201).

(b) Notwithstanding Section 9181, if the local agency formation commission approves a consolidation or reorganization pursuant to Section 56839 of the Government Code which results in the formation of a district without an election, the commission may designate the members of the board of directors from the membership of the board of directors of any of the consolidated or reorganized districts pursuant to subdivision (k) of Section 56844 of the Government Code. The terms of office of the directors shall be determined pursuant to Section 10505 of the Elections Code.

9183. (a) Within five days after the district formation election has been called, the board of supervisors of each county within which territory of the proposed district lies shall transmit by registered mail a written notification of the election call to the executive officer of the local agency formation commission of the principal county. The written notice shall include the name and a description of the proposed district and may be in the form of a certified copy of the resolution adopted by the board of supervisors calling the district formation election.

(b) The executive officer of the local agency formation commission shall submit an impartial analysis of the proposed district formation to the officials in charge of conducting the district formation election, pursuant to Section 56859 of the Government Code.

9184. (a) (1) The chief petitioners, the agency filing the resolution, or any member or members of the board of supervisors authorized by the board, any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of these voters and associations of citizens, may file with the elections official of the principal county a written argument for or a written argument against the proposed district formation.

(2) Arguments shall not exceed 300 words in length. Based on the time reasonably necessary to prepare and print the text of the proposition, analysis, arguments, and sample ballots and to permit the 10-day public examination period as provided in Section 9190 of the Elections Code for the particular election, the elections official of the principal county shall fix and determine a reasonable date prior to the election after which no arguments for or against the measure may be submitted for printing and distribution to the voters, pursuant to Section 9185. Notice of the date fixed shall be published by the elections official pursuant to Section 6061 of the Government Code. Arguments may be changed until and including the date fixed by the elections official.

(b) If more than one argument for or more than one argument against the proposed district formation is filed with the elections official within the time prescribed, the elections official shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the elections official shall give preference and priority in the order named to the arguments of the following:

(1) Chief petitioners, or the agency filing the resolution.

(2) The board of supervisors, or any member or members of the board authorized by the board.

(3) Individual voters, or bona fide associations of citizens or a combination of these voters and associations.

(c) When the elections official of the principal county has selected the arguments for and against the measure which will be printed and distributed to the voters, he or she shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the

argument against to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the elections official of the principal county not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut, and shall be titled "Rebuttal to Argument in Favor of Measure (or Proposition) ____" or "Rebuttal to Argument Against Measure (or Proposition) ____," the blank spaces being filled in only with the letter or number, if any, designating the measure. Words used in the title shall not be counted when determining the length of any rebuttal argument.

9185. (a) The elections officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question at least 10 days prior to the date of the election. The ballot pamphlet is "official matter" within the meaning of Section 13303 of the Elections Code. Section 9190 of the Elections Code shall apply to the materials required to be contained in the ballot pamphlet.

(b) The ballot pamphlet shall contain the following, in the order prescribed:

(1) The complete text of the proposition.

(2) The impartial analysis of the proposition, submitted by the executive officer of the local agency formation commission.

(3) The argument for the proposed district formation.

(4) The rebuttal to the argument in favor of the proposed district formation.

(5) The argument against the proposed district formation.

(6) The rebuttal to the argument against the proposed district formation.

9186. The notice of the election published pursuant to subdivision (c) of Section 9181 shall contain all of the following:

(a) The date of the election.

(b) The name of the proposed district.

(c) The purposes for which the district is to be formed.

(d) A statement that the first directors will be elected at that election or will be appointed, as the case may be, if the district is formed.

(e) A description of the boundaries of the proposed district.

9187. (a) Except as otherwise provided in this division, the formation election and the election of members of the district board shall be held and conducted in accordance with the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code).

(b) If less than a majority of the votes cast at the election is in favor of forming the district, the board of supervisors of the principal county shall declare the proceedings terminated.

9188. If the majority of the votes cast at the election is in favor of forming the district, the board or boards of supervisors shall by resolution entered on its minutes declare the district duly organized under this division, giving the name of the district, and the purposes for which it is formed, and describing its boundaries. If the district lies in more than one county, the clerk of the board of supervisors of the principal county shall transmit a certified copy of the resolution to the clerk of the board of supervisors of each of the other counties in which the district lies.

9189. Immediately after adoption of a resolution pursuant to Section 9188, the clerk of the board of supervisors of the principal county shall transmit a certified copy of the resolution along with a remittance to cover the fees required by Section 54902.5 of the Government Code to the executive officer of the local agency formation commission. The executive officer shall complete the

proceedings pursuant to Chapter 8 (commencing with Section 57200) of Part 4 of Division 3 of Title 5 of the Government Code.

9190. (a) No informality in any proceeding, including informality in the conduct of any election not substantially affecting adversely the legal rights of any person, shall invalidate the formation of any district.

(b) The validity of the formation and organization of a district shall not be contested in any proceeding commenced more than 60 days after the date that the formation of the district is complete.

Article 4. Initial Board of Directors

9201. The initial board of directors of a district formed on or after January 1, 1992, shall be determined pursuant to this article.

9202. In the case of a district which contains only unincorporated territory in a single county, the district board may be elected or may be appointed by the county board of supervisors.

9203. In the case of a district which contains only unincorporated territory in more than one county, the district board may be elected or may be appointed by the boards of supervisors of the counties in which the district is located. If the district board is appointed by the boards of supervisors, they shall appoint directors according to the proportionate share of population of that portion of each county within the district, provided that each board of supervisors shall appoint at least one director.

9204. In the case of a district which contains unincorporated territory and the territory of one or more cities, the district board may be elected or appointed by the county board of supervisors and the city councils in which the district is located. If the district board is to be appointed, the board of supervisors and the city council or councils shall appoint directors according to the proportionate share of population of that portion of the county and each city within the district, provided that the board of supervisors and each city council shall appoint at least one director.

9205. In the case of a district which includes only incorporated territory within a single city, the district board may be elected or appointed by the city council.

9206. In the case of a district which includes only incorporated territory in more than one city, the district board may be elected or appointed by the city councils in which the district is located. If the district board is appointed, the city councils shall appoint directors according to the proportionate share of population of that portion of each city within the district. However, each city council shall appoint at least one director.

Article 7. District Directors

9301. (a) The board of directors shall consist of five, seven, or nine directors. The number of directors may be changed by resolution adopted by a majority of the members of the board of directors after publication of notice of the intended change at least once in a newspaper of general circulation published in each county in which the district is located.

(b) If the number of directors is increased, the new positions shall be treated as vacancies and shall be filled as provided in Section 9317, except that if the board of directors is appointed as provided in subdivision (b) of Section 9314, then the new positions shall be filled in the same manner pursuant to Section 9316. If the number of directors is decreased, the terms of the directors in office on the date of the resolution adopted pursuant to subdivision (a) shall not be reduced.

(c) The directors first elected shall take office immediately upon qualifying.

9301.1. (a) Notwithstanding Section 9301, the local agency formation commission, in approving either a consolidation of districts or the reorganization of two or more districts into a single

resource conservation district may, pursuant to subdivisions (k) and (n) of Section 56886 of the Government Code, increase the number of directors to serve on the board of directors of the consolidated or reorganized district to 7, 9, or 11, who shall be members of the board of directors of the districts to be consolidated or reorganized as of the effective date of the consolidation or reorganization.

(b) Upon the expiration of the terms of the members of the board of directors of the consolidated district, or a district reorganized as described in subdivision (a), whose terms first expire following the effective date of the consolidation or reorganization, the total number of members on the board of directors shall be reduced until the number equals the number of members permitted by the principal act of the consolidated or reorganized district, or any larger number as may be specified by the local agency formation commission in approving the consolidation or reorganization.

(c) In addition to the powers granted under Section 1780 of the Government Code, in the event of a vacancy on the board of directors of the consolidated district or a district reorganized as described in subdivision (a) at which time the total number of directors is greater than five, the board of directors may, by majority vote of the remaining members of the board, choose not to fill the vacancy. In that event, the total membership of the board of directors shall be reduced by one board member. Upon making the determination not to fill a vacancy, the board of directors shall notify the board of supervisors of its decision.

(d) For the purposes of this section: "consolidation" means consolidation, as defined in Section 56030 of the Government Code; "district" or "special district" means district or special district, as defined in Section 56036 of the Government Code; and "reorganization" means reorganization, as defined in Section 56073 of the Government Code.

9302. Each director shall take the oath of office.

9303. The directors shall receive no compensation for their services as such, but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the directors or when otherwise engaged in the work of the district at the direction of the board of directors. The directors shall fix the amount allowed for necessary expenses, but no director shall be appointed to any position for which he or she would receive compensation as a salaried officer or employee of the district. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

9304. No director or other officer of the district shall be interested directly or indirectly in the sale of equipment, materials, or services to the district.

9305. After all have qualified the directors first elected shall meet and classify themselves by lot into two classes as nearly equal in number as possible. The term of office of those in the class having the least number shall expire at noon on the last Friday in November of the next even-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the last Friday in November of the second even-numbered year after the year in which the meeting is held.

9306. After such classification the directors shall organize and elect a president from their number who shall serve as such at the pleasure of the directors.

9307. The directors shall appoint a secretary who shall serve at the pleasure of, and whose compensation shall be fixed by, the directors.

9308. The directors shall select a date, time, and place at which regular monthly meetings of the directors shall be held. Upon the completion of all the foregoing determinations by the directors, the district shall be declared to be organized.

9309. The directors may, by resolution, change the time or place of regular meeting but no such change shall be effective until after a notice of the change is published pursuant to Section 6061 of the Government Code in the principal county and in each other county in which any portion of the district lies.

9310. Special meetings of the directors may be held as required when ordered by a majority of the directors. The order shall be entered in the records of the district and five days notice of the meeting shall be given by mail by the secretary to each director not joining in the order.

9311. The order for a special meeting shall specify the business to be transacted. No other business shall be transacted at a special meeting unless all of the directors are present, in which case matters not specified may be considered by unanimous consent and acted upon.

9312. A majority of the directors shall constitute a quorum but on all questions requiring a vote there shall be a concurrence of at least the number constituting a quorum, except that a number less than a quorum may adjourn or adjourn to a stated time.

9313. (a) All meetings of the directors shall be open to the public. All records of the district shall be open to public inspection during business hours.

(b) A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

9314. (a) The term of office of the directors, except those first elected, shall be four years. The expiration of the term of any director does not constitute a vacancy, and the director shall hold office until his or her successor has qualified.

(b) (1) As an alternative to the election of directors, the board of directors may, by a resolution presented to the board of supervisors of the principal county, request the board of supervisors to appoint directors, except those first elected. In any election year, the board of directors shall file its request with the board of supervisors not later than 125 days prior to the election. A copy of the resolution shall be furnished to the official responsible for conducting the election at the time it is presented to the board of supervisors of the principal county. The board of supervisors shall appoint directors, after consultation with the board of supervisors of any other county which contains any part of the district, from those candidates who have filed an application with the board of supervisors, as prescribed by the board of supervisors. If the directors are to be appointed, a notice of election shall not be published, but a notice of vacancy shall be posted pursuant to Section 54974 of the Government Code.

(2) The resolution shall remain in effect until rescinded by the board of directors, or until a petition requesting the rescission is received by the elections official. The petition shall be signed by 5 percent of the registered voters in the district, and shall be received not later than the 120th day before the election. Upon verification by the elections official that the petition contains the requisite number of signatures, the resolution shall be rescinded.

(3) The appointment of directors by the board of supervisors does not affect the status of a district as an independent special district.

(4) If the board of supervisors does not conduct interviews of potential candidates or make an appointment within 60 days after the expiration of the term, the board of directors may make the appointment.

(c) It is the intent of the Legislature to encourage districts to opt for the selection of directors by election, but where directors are appointed pursuant to subdivision (b), it is the intent of the Legislature that the board of supervisors solicit recommendations from within the district, including public, private, and nonprofit entities, and appoint only applicants who are determined by the board of supervisors to have a demonstrated interest in soil and water conservation. In selecting directors pursuant to subdivision (b), the board of supervisors shall endeavor to achieve

balanced representation on the board of directors. To avoid undue financial burdens to districts and to thereby promote the objectives of this division, the Legislature hereby encourages counties to waive or minimize the charges for costs of elections conducted pursuant to this division.

9315. Resignations of directors shall be made in writing to the board of supervisors of the principal county.

9316. In case of a vacancy in the office of director appointed pursuant to Section 9314, the vacancy shall be filled, as provided in Section 9314, by appointment for the unexpired term by the board of supervisors of the principal county.

9317. Notwithstanding any other provision of law, a vacancy in the office of a director who has been elected shall be filled pursuant to Section 1780 of the Government Code.

Article 8. General District Elections

9351. "General district election" is the district election required to be held on the first Tuesday after the first Monday in November in each even-numbered year, at which a successor shall be chosen for each director whose term of office expires in that month.

9352. (a) Directors shall be registered voters in the state.

(b) Except as provided in subdivision (d), directors shall (1) reside within the district and either own real property in the district or alternatively have served, pursuant to the district's rules, for two years or more as an associate director providing advisory or other assistance to the board of directors, or (2) be a designated agent of a resident landowner within the district.

(c) If the board of directors has provided for selection of directors by division, these residency requirements shall apply to the division the director represents, rather than to the district as a whole.

(d) The Legislature finds and declares that the primary function of the Suisun Resource Conservation District and Grasslands Resource Conservation District in maintaining wildlife and wetland habitats will be impaired unless there is adequate opportunity for participation by landowners on the boards of directors of those districts. The Legislature further finds and declares that, because of the natural conditions prevailing in the territory of those districts, the majority of privately owned lands therein are owned by persons residing outside the districts. Therefore, owners of land within the Suisun Resource Conservation District and Grasslands Resource Conservation District, or their agents, may serve on the respective boards of directors thereof, regardless of whether they are residents of the district. For purposes of this subdivision, ownership of land shall be determined from the last equalized assessment roll of the county or counties within which the district is situated.

9353. Except as otherwise provided in the chapter, districts governed by this chapter are subject to the provisions of the Uniform District Election Law.

9354. Elected directors shall qualify within 20 days from the date of receipt of their certificates of election by taking the oath.

9355. The directors so elected and qualified shall take office at noon on the last Friday in November following their election.

9356. (a) Except as provided in subdivision (b), directors shall be elected at large.

(b) A district may, by ordinance, provide for the election of directors by division. In order to reduce election costs, the divisions shall be established along the boundaries of existing voting precincts. Prior to adopting an ordinance pursuant to this subdivision, the text of the proposed ordinance, including proposed division boundaries, shall be published pursuant to Section 6066 of the Government Code, together with notice of the hearing at which the ordinance will be considered. At the time stated in the notice for the hearing, the board of directors shall consider the

proposal and shall hear any and all objections thereto. If, after the hearing, the board determines it to be in the best interests of the district, it shall adopt the ordinance as proposed or as amended at the hearing. Directors in office at the time of adoption of the ordinance shall remain in office until the next general district election, at which a director shall be elected to each division established by the ordinance. The directors elected at that election shall meet and classify themselves by lot into two classes as nearly equal in number as possible. The term of office of those in the class having the least number shall expire at noon on the last Friday in November of the next even-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the last Friday in November of the second even-numbered year after the year in which the meeting is held.

(c) If it is proposed to change the number of directors of a district divided into divisions, or if it is proposed to change the number of divisions in a district, that change shall be conditional upon adoption by the board of directors of a new or revised ordinance under subdivision (b) and the provisions and procedures of subdivision (b) shall be applicable thereto.

(d) Notwithstanding subdivisions (b) and (c), in any district in which directors are appointed pursuant to Section 9314 or 9316, the board of supervisors of the principal county shall make the appointments by division, as called for in the ordinance adopted pursuant to subdivision (b), and those appointments shall become effective, and the terms of existing directors shall expire, on the same date as if the directors were elected.

9357. Members of county boards of supervisors shall not be eligible to simultaneously hold office as a district director.

9358. Nomination of candidates shall be in writing and signed by at least five landowners of the district. Nominations shall be filed with the county elections official of the principal county.

9359. Except as election of directors by division may be provided pursuant to Section 9356, all registered voters in a district shall be qualified electors and eligible to vote in district elections.

Article 9. General Powers of District

9401. The board of directors of a district shall manage and conduct the business and affairs of the district.

9402. The directors shall be empowered to conduct surveys, investigations, and research relating to the conservation of resources and the preventive and control measures and works of improvement needed, publish the results of such surveys, investigations, or research, and disseminate information concerning such preventive control measures and works of improvement; provided, however, that in order to avoid duplication of surveys, investigations, and research activities, the directors shall seek the cooperation of local, state, and federal agencies.

9403. The directors may accept gifts and grants of money from any source whatsoever to carry out the purposes of the district.

9403.5. The directors may establish and charge fees for services provided by the district to, and upon the request of, persons or governmental entities. No fee shall exceed the cost reasonably borne by the district in providing the service.

9404. The directors may execute all necessary contracts. They may employ such agents, officers, and employees as may be necessary, prescribe their duties, and fix their compensation.

9405. The directors may acquire by purchase, lease, contract, or gift all lands and property necessary to carry out the plans and works of the district. The directors may acquire conservation easements as provided in Chapter 4 (commencing with Section 815) of Title 2 of Part 2 of Division 2 of the Civil Code on lands within the district. A district acquiring a conservation easement shall prepare a management plan for the easement which fully describes the intent and legal obligations

respecting the easement and which shall be consistent with the goals of the State Natural resource protection Plan and other policies adopted pursuant to Section 9108.

9406. The directors may take conveyances, leases, contracts, or other assurances for all property acquired by the district, in the name, and for the uses and purposes, of the district.

9407. The directors may sue and be sued in the name of the district and may appear in person or by counsel.

9408. (a) The directors may cooperate and enter into contracts or agreements with the state, the United States, any county, any city, any other resource conservation or other public district in this state, any person, or the commission, in furtherance of the provisions of this division, and to that end may use any funds available to the district as provided in this chapter, and may accept and use contributions of labor, money, supplies, materials, or equipment useful for accomplishing the purposes of the district.

(b) Districts may cooperate with counties and cities on resource issues of local concern. It is the intent of the Legislature to encourage districts to facilitate cooperation among agencies of government to address resource issues of local concern.

(c) Districts may cooperate with federal, state, and local agencies and owners of private lands under the agreement between the California Association of Resource Conservation Districts and various public and private entities known as the coordinated resource management and planning memorandum of understanding.

9409. The directors may make improvements or conduct operations on public lands, with the cooperation of the agency administering and having jurisdiction thereof, and on private lands, with the consent of the owners thereof, in furtherance of the prevention or control of soil erosion, water conservation and distribution, agricultural enhancement, wildlife enhancement, and erosion stabilization, including, but not limited to, terraces, ditches, levees, and dams or other structures, and the planting of trees, shrubs, grasses, or other vegetation.

9410. The directors may operate and maintain, independently or in cooperation with the United States or this state or any state agency or political subdivision or any person, any and all works constructed by the district.

9411. The directors may disseminate information relating to soil and water conservation and erosion stabilization, and may conduct demonstrational projects within, or adjacent to, the district on public land, with the consent of the agency administering or having jurisdiction thereof, or on private lands, with the consent of the owners thereof, independently or in cooperation with the United States, this state or any political subdivision or public district thereof, or any person.

9412. Each district may provide technical assistance to private landowners or land occupants within the district to support practices that minimize soil and related resource degradation. When in the judgment of the directors it is for the benefit of the district so to do, they may give assistance to private landowners or land occupants within the district in seeds, plants, materials and labor, and may loan or rent to any such private landowner or land occupant agricultural machinery or other equipment. No such assistance shall be given or any such loans made unless the landowner or land occupant receiving the aid or assistance agrees to devote and use the aid or assistance on his or her lands within the district in furtherance of objectives of the district and in accordance with district plans or regulations. Notwithstanding the fact that the landowner or land occupant is also a director, any landowner is qualified to and may receive assistance or loans under this section.

9413. (a) Each district may develop districtwide comprehensive annual and long-range work plans as provided in this section. These plans shall address the full range of soil and related resource problems that are found to occur in the district.

(b) The long-range work plans may be adopted and updated every five years, in accordance with a standard statewide format which shall be established by the commission. Districts may amend the long-range plan prior to the five-year update in order to address substantive changes occurring since the adoption of the most recent long-range work plan. The long-range plans shall serve the following functions:

(1) Identification of resource issues within the district for purposes of local, state, and federal resource conservation planning.

(2) Establishment of long-range district goals.

(3) Provision of a framework for directors to identify priorities for annual district activities.

(4) Provision of information to federal, state, and local governments and the public concerning district programs and goals.

(5) Setting forth a basis for evaluating annual work plan achievements and allocating available state funding to the district.

(6) Involvement of other agencies and organizations in the district planning process in order to help ensure support in implementing district plans.

(c) The annual work plans may be adopted on or before March 1 of each year in a format which shall be consistent with the district's long-range work plan. The annual work plans shall serve the following functions:

(1) Identification of high priority actions to be undertaken by the district during the year covered by the plan.

(2) Identification of the person or persons responsible for undertaking each planned task, how it will be performed, when it will be completed, what constitutes completion, and the cost.

(3) Demonstration of the relationship of annual tasks to the long-range district goals identified in the long-range work plan.

(4) Provision of assistance to the local field office of the Natural resource protection Service of the United States Department of Agriculture in adjusting staff and program priorities to match district goals.

(5) Informing the public of the district's goals for the year.

(6) Involvement of other agencies and organizations in the district planning process in order to help ensure support in implementing district plans.

(7) Provision of a basis for assisting the commission in determining district eligibility for state funding under this division.

(d) A district may prepare an annual district report. The annual district report shall be completed on or before September 1 of each year in a format consistent with the long-range and annual plans, so that progress made during the reporting period towards district goals can be readily determined. The annual report shall serve the following functions:

(1) To report on the district's achievements during the reporting period to the commission, the department, the board of supervisors of any county in which the district is located, and any agency that reviews district requests for funding assistance.

(2) To increase public awareness of district activities.

(3) To compare district accomplishments during the reporting period with annual work plan objectives for that period and to identify potential objectives for the next annual work plan.

9414. Directors may accept, by purchase, lease, or gift, and administer any natural resource protection, water conservation, water distribution, erosion control, or erosion prevention project

located within the district undertaken by the United States or any of its agencies, or by this state or any of its agencies.

9415. The directors may manage, as agents of the United States or any of its agencies, or of this state or any of its agencies, any natural resource protection, water conservation, water distribution, flood control, erosion control, erosion prevention, or erosion stabilization project, within or adjacent to the district; and may act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, or administration of any natural resource protection, water conservation, water distribution, flood control, erosion control, erosion prevention, or erosion stabilization project within or adjacent to the district.

9416. The directors may establish standards of cropping and tillage operations and range practices on private land as a condition to expenditure by the district of district or other funds, or to the doing by the district of any work of any nature, on private lands.

9417. (a) The directors of any district may cooperate with the directors of any other district in respect to matters of common interest or benefit to the districts. An association of resource conservation districts may be organized to facilitate that cooperation, to provide for the loan of equipment and tools by one district to another, and for the making of investigations and studies and the carrying out of projects of joint interest to the districts participating therein.

(b) It is the intent of the Legislature to encourage districts to organize in countywide or regional associations for the purposes of (1) providing coordinated representation of districts before federal, state, and local governmental agencies and (2) coordinating program planning, funding, and delivery of services.

9417.5. It is the intent of the Legislature that concerned state agencies, in cooperation with resource conservation districts and other appropriate local entities, work with the agencies of the United States Department of Agriculture and the Department of the Interior, the Environmental Protection Agency, and other federal agencies, to maximize cooperative opportunities for federal, state, and private funding for competitive grants and contracts for watershed protection, restoration, and enhancement programs of resource conservation districts.

9418. The directors of any district may call upon the district attorney of the principal county for legal advice and assistance in all matters concerning the district, except that if the principal county has a county counsel, then the directors shall call upon him for such legal advice and assistance. The district attorney or county counsel, as may be appropriate, shall, upon the request being made, give such advice and assistance.

9419. (a) The directors may engage in activities designed to promote a knowledge of the principles of resource conservation throughout the district and for that purpose may develop educational programs both for children and for adults. In the development of those programs, the directors may authorize the giving of awards and prizes for outstanding achievement.

(b) Each district may develop and disseminate or utilize conservation education programs for use in kindergarten through grade 12. As an option to developing these programs independently, it is the intent of the Legislature to encourage both collaboration with other organizations and incorporation of elements of existing programs.

(c) A district may conduct workshops on the relationships between soil and related resource problems and their effects on other resources, such as wildlife and water quality.

(d) A district may sponsor programs that address land use practices which reduce water and wind erosion, soil contamination, soil salinity, agricultural land conversion, loss of soil organic matter, soil subsidence, and soil compaction and associated poor water infiltration.

9420. The board of directors of a district may appoint advisory committees to provide technical assistance in addressing soil and related resource problems, to assist in coordinating conservation programs and activities, and to share information relating to the functions or purposes of the district. Representatives of state, federal, and local governmental agencies, including school districts, as well as private organizations, may serve on these advisory committees.

Article 10. Property of District

9451. The legal title to all property acquired by a district under the provisions of this division shall immediately and by operation of law vest in such district, and shall be held by such district for its uses and purposes under this division.

9452. The directors are hereby authorized and empowered to hold, use, acquire, manage, occupy and possess property of any kind, and may lease or sell it as provided in this article.

9453. The directors may determine by resolution entered upon their minutes that any property, real or personal, held by such district is no longer necessary to be retained for the uses and purposes of the district, and may thereafter sell or lease such property.

9454. Notwithstanding anything to the contrary in Section 9453, the directors may lease district equipment to any other public district for use by such public district for resource conservation purposes on land within the boundaries of a resource conservation district or on land adjacent to the district and under the jurisdiction of such other district, if such use will directly affect the land within the resource conservation district.

9455. A sale or conveyance of any property held by a resource conservation district, executed by the president and secretary thereof, in accordance with a resolution of the directors of the district, when the property is sold for a valuable consideration, shall convey good title to the property so conveyed.

9456. The proceeds of any such sale shall be paid into the county treasury of the principal county for the use of the district.

9457. The board of directors shall adopt purchasing policies and procedures governing the purchase of supplies and equipment as required by Sections 54201 through 54204, inclusive, of the Government Code. The policies shall be in writing, copies of which shall be available for public distribution.

Article 11. Inclusion of Lands

9481. The inclusion of additional lands in a district shall be made in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code, except that unless otherwise provided in this chapter, the lands included in any district need not be contiguous but they shall be susceptible of the same general plan or system for the control of runoff, the prevention or control of soil erosion, and the development and distribution of water, or land improvement.

Article 12. Dissolution

9491. A district may be dissolved in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

CHAPTER 4. DISTRICT FINANCE

Article 1. Regular Assessments

9501. The directors shall, on or before January 1 of the calendar year during which an assessment is to be levied for the first time, notify the State Board of Equalization as provided in Revenue and Taxation Code Sections 756 and 759 and, annually on or before August 1st, furnish the county auditor and the board of supervisors an estimate in writing of the amount of money necessary to be raised by assessment for the purposes of the district for the next ensuing fiscal year.

9502. If the district lies in more than one county the directors shall divide the amount of the estimate in the proportion to the value of the land in the district lying in each county. The value shall be determined from the last assessment rolls of the counties. The directors shall furnish the auditors and boards of supervisors of each of the respective counties a statement of the part of the estimate apportioned to the county.

9503. The total amount of the estimate shall be sufficient to raise the amount of money necessary during the ensuing year to pay the incidental expenses of the district, the costs of the work which the directors may deem advisable to be done during the ensuing year, the estimated costs of repairs to and maintenance of the property and works of the district, and the estimated expenses of any action or proceeding to which the district is or may be a party, including the cost of employing engineers and attorneys.

9504. Assessments levied pursuant to this article shall be known as regular assessments.

9505. The regular assessment in any one year shall not exceed two cents (\$0.02) on each one hundred dollars (\$100) of assessed valuation of the land, exclusive of improvements, trees, and mineral rights, within the district. The valuation shall be determined according to the last assessment roll, reduced proportionately when mineral rights, standing trees, or timber are involved.

The cost to the assessor, if any, of recomputing assessed valuations in accordance with this section shall be paid by the district requesting an assessment levy pursuant to this article.

9506. The board of supervisors of each county in which there lies any portion of the district shall, annually, at the time of levying county taxes, levy an assessment on the land exclusive of improvements, trees, and mineral rights, within the county and within the district to be known as the " ____ (name of district) Resource Conservation District assessment," sufficient to raise the amount reported to them in the estimate of the directors.

9507. The rate, as determined by the board, shall be such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll. On or before September 1st of each year the board shall fix the rate, composed of the number of cents or fraction thereof for each one hundred dollars (\$100) of assessed valuation of land exclusive of improvements and mineral rights, such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll.

9508. If the board fails to levy the assessment the auditor of the county shall do so, providing the directors have requested the assessment.

9509. The assessment shall be computed and entered on the assessment roll by the auditor.

9510. The provisions of law relating to the levy and collection of county taxes and the duties of county officers with respect thereto, insofar as they are applicable and not in conflict with this chapter, are hereby adopted and made part of this chapter. Said officers are liable on their several official bonds for the faithful discharge of their duties under this chapter.

9511. The treasurers of each of the counties, other than the principal county, shall, not less than twice a year or upon order of the directors, settle with the directors and pay to the treasurer of the principal county all money belonging to the district and in their possession.

9512. If during the current fiscal year the directors are not, by reason of the fact that no assessment has been levied, collecting a regular assessment levied during the year immediately preceding, then notwithstanding other provisions of this code, the board of supervisors in each county in which a natural resource protection district, or a portion thereof is located may, upon a showing by the directors that funds are needed for the purposes of the district for the current year, appropriate money from the general fund of the county for the use of said district in an amount equal, during any one year, to the amount which said district could have raised by assessment, as limited by this code, in said current year, or so much thereof as may be required. This provision shall not be deemed to prohibit the board of supervisors from appropriating to such districts sums in excess of these amounts.

9513. A district may impose a special tax pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. The special taxes shall be applied uniformly to all taxpayers or all real property within the district, except that unimproved property may be taxed at a lower rate than improved property.

Article 2. District Fiscal Procedure

9521. (a) Except as provided in subdivision (b), the treasury of the principal county is the depository of all of the funds of the district.

(b) As an alternative to using the county treasury as depository, a district may adopt a resolution transferring responsibility for the district treasury to the board of directors of the district, which shall deposit district funds as provided in Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code. Following adoption of the resolution, the provisions of this article relating to the county treasurer and county treasury shall not apply to the district.

9522. The treasurer of the principal county shall receive and receipt for all money of the district and place the same to the credit of the district. He is responsible on his official bond for the safekeeping and disbursement, in the manner provided in this article, of the money of the district held by him.

9523. The treasurer shall pay out money of the district only upon warrants approved by the county auditor, drawn upon order of the board of directors signed by the president and attested by the secretary.

Whenever two or more districts enter into a joint powers agreement, or whenever a district enters into a joint powers agreement with other agencies of the state, the agency or entity administering the agreement shall determine where its funds shall be deposited and how such funds shall be paid out.

9524. The treasurer shall report in writing at each regular meeting of the directors and as often at other times as the directors may request the amount of money on hand, and the receipts and disbursements since his last report. The report shall be verified and filed with the secretary.

9525. The directors or other officers or employees of a district shall have no power to incur any indebtedness or liability in excess of the amount of money available under the provisions of this division. Any debt or liability incurred in excess of the express provisions of this division is void. Except, however, that nothing in this section shall prevent the directors from borrowing from such federal, state, county, public or private funds which are, or which may in the future become, available to the directors for the furthering of the work of the district in any manner or by the sale

of bonds payable solely from any revenue of the district, if the assets acquired by such a loan or bond constitute the entire security for the loan or bond and if no indebtedness or liability is incurred by the directors in excess of the amount of the assets acquired.

9526. The directors at their regular monthly meeting in July of each year shall make and file with the secretary a verified statement of the financial condition of the district showing particularly the receipts and disbursements of the preceding fiscal year together with the source of the receipts and the purposes of the disbursements.

9527. The annual financial statement shall be posted or published as the directors may determine. Such posting or publication shall be commenced within 10 days after the financial statement is filed with the secretary. If it is posted it shall be posted at the place of regular meeting of the directors and copies thereof shall be made available for delivery to any landowner in the district upon his request to the secretary. If the statement is published, it shall be published pursuant to Section 6066 of the Government Code in the principal county and in each other county in which any part of the district lies.

9528. An annual audit of the books, accounts, records, papers, money, and securities shall be made as required by Section 26909 of the Government Code.

9529. The directors of the district may, at such times as they deem necessary, determine whether any portion of the money on deposit in the treasury of the principal county is not necessary for immediate use; and if so, it shall determine the amount, which amount shall thereupon be designated as "surplus money" and transferred to a "surplus money account" in the treasury of the principal county.

9530. (a) "Surplus moneys," as determined pursuant to Section 9529, shall be invested exclusively in bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Interest earned and other increment derived from any investment under this section shall be credited to the surplus money account for investment under this section.

Article 3. Claims

9541. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

Article 4. District Election Costs

9545. Except as provided in Section 9546, the county shall pay any and all costs attributable to the conduct of district elections and shall be reimbursed for such expenditure the following year by a special assessment levied and collected in the same manner as regular assessments pursuant to the provisions of Article 1 (commencing with Section 9501), except that the limitations set forth in Section 9505 shall not apply to such assessment.

9546. The county shall bill any candidate for district office for the actual prorated costs of printing, handling, and translating his statement of qualifications contained in the voter's pamphlet accompanying the sample ballot.

CHAPTER 5. DISTRICT REORGANIZATION

Article 1. Consolidation

9601. Any two or more contiguous districts, or districts situated within the same geophysical area, organized under this division may consolidate in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

Article 2. Partition

9611. A partition of a district shall be made in accordance with the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

Article 3. Changing Name of District

9621. A district may change its name by action of the board of supervisors of the principal county as provided by this article.

9622. Whenever in the judgment of the board of directors it is for the best interest of a district that its name be changed to a stated name, it may pass a resolution reciting such fact.

9623. A copy of the resolution shall be forwarded to the board of supervisors of the principal county with the request that the name of the district be changed to the stated name.

9624. The board of supervisors of the principal county shall consider this request at their next regular meeting and may grant or deny the request. Their action shall be officially recorded in their minutes.

9625. If the action of the board of supervisors on this request is negative, they shall forward a copy of the resolution to the board of directors initiating the request.

9626. If the action of the board of supervisors on this request is favorable, it shall cause certified copies of the resolution to be forwarded to the board of directors initiating the request, the boards of supervisors and county clerks of all the other counties in which any portion of the district lies and the State Board of Equalization.

9627. On acknowledgment of the change of name by the Secretary of State, the name of the district shall be considered changed.

Article 4. Transferring Lands From One District to Another

9635. One district may transfer land within its boundaries to a district contiguous thereto in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

CHAPTER 9. FEDERAL AID PROJECTS

9751. In order to carry out the purposes of the Natural resource protection and Domestic Allotment Act enacted by the Congress of the United States, the State Resource Conservation Commission (hereinafter referred to as "commission") is hereby designated as the agency of the State of California to administer any state plan authorized by this chapter which shall be approved by the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary of Agriculture") for the State of California pursuant to the provisions of the Natural resource protection and Domestic Allotment Act.

9752. The commission is hereby authorized, empowered and directed to formulate and submit to the Secretary of Agriculture, in conformity with the provisions of the Natural resource protection

and Domestic Allotment Act, a state plan for each calendar year beginning with the year 1949. It shall be the purpose of each such plan to promote such utilization of land and such farming practices as the commission finds will tend, in conjunction with the operation of such other plans as may be approved for other states by the Secretary of Agriculture, to preserve and improve soil fertility, promote the economic use of land, diminish the exploitation and wasteful and unscientific use of natural soil resources, and reestablish and maintain the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms as defined in subsection (a) of Section 7 of the Natural resource protection and Domestic Allotment Act. Each such plan shall provide for adjustments in the utilization of land and in farming practices, through agreements with producers or through other voluntary methods, and for benefit payments in connection therewith, and also for such methods of administration not in conflict with any law of this state and such reports as the Secretary of Agriculture finds necessary for the effective administration of the plan and for ascertaining whether the plan is being carried out according to its terms.

9753. Upon the acceptance of each such plan by the Secretary of Agriculture, the commission is authorized and empowered to accept and receive all grants of money made pursuant to the Natural resource protection and Domestic Allotment Act for the purpose of enabling the state to carry out the provisions of such plan, and all such funds, together with any moneys which may be appropriated by the state for such purpose, shall be available to the commission for expenditures necessary in carrying out the plan, including administrative expenses, expenditures in connection with educational programs in aid of the plan, and benefit payments.

9754. In carrying out the provisions of each such plan, the commission shall have power: to employ such agents or agencies, and to establish such agencies, as it may find to be necessary; to cooperate with local and state agencies and with agencies of other states and of the federal government; to conduct research and educational activities in connection with the formulation and operation of such plan; to enter into agreements with producers, and to provide by other voluntary methods, for adjustments in the utilization of land and in farming practices, and for payments in connection therewith in amounts which the commission determines to be fair and reasonable.

9755. For the purpose of carrying out each such plan according to its terms, the commission is hereby authorized to delegate any of the powers herein conferred to such agents or agencies as may be designated by the commission and approved by the Secretary of Agriculture.

9757. Nothing herein shall be construed or operate to impose any obligation or liability upon the commission or other than as herein specified.

CHAPTER 10. IMPROVEMENT DISTRICTS IN RESOURCE CONSERVATION DISTRICTS

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CHAPTER 11. TAHOE RESOURCE CONSERVATION DISTRICT

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CHAPTER 13. VENTURA COUNTY RESOURCE CONSERVATION DISTRICT

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Source: <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=prc&codebody=&hits=20>

ABBREVIATIONS

AB	Assembly Bill
CA	California
CDP	Census Designated Place
CAFR	Comprehensive Annual Financial Reports
CEQA	California Environmental Quality Act
CIP	Capital Improvement Plan
CKH Act	Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
CKH	Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
CLG	Commission on Local Governance for the 21st century
COG	Council of Governments
CSD	Community Services District
DOF	State Department of Finance
DUC	Disadvantaged Unincorporated Community
EDU	Equivalent Dwelling Unit
ERAF	Educational Revenue Augmentation Fund
FY	Fiscal Year
GASB	Governmental Accounting Standards Board
JPA	Joint Powers Agreement
LAFCO	Local Agency Formation Commission
LAIF	Local Agency Investment Fund
MSR	Municipal Service Review (LAFCO)
MSRG	Municipal Service Review Guidelines
OPR	Office of Planning and Research (California)
PG&E	Pacific Gas and Electric Company
RCD	Resource Conservation District
SFD	Single Family Dwelling
SOI	Sphere of Influence (LAFCO)
TOC	Table of Contents
USDA	United States Department of Agriculture

DEFINITIONS

Agriculture: Use of land for the production of food and fiber, including the growing of crops and/or the grazing of animals on natural prime or improved pasture land.

Bond: An interest-bearing promise to pay a stipulated sum of money, with the principal amount due on a specific date. Funds raised through the sale of bonds can be used for various public purposes.

California Environmental Quality Act (CEQA): A State Law requiring State and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, an environmental impact report (EIR) must be prepared and certified as to its adequacy before taking action on the proposed project.

Impact Fee: A fee, also called a development fee, levied on the developer of a project by a county, or other public agency as compensation for otherwise-unmitigated impacts the project will produce. California Government Code Section 66000, et seq., specifies that development fees shall not exceed the estimated reasonable cost of providing the service for which the fee is charged. To lawfully impose a development fee, the public agency must verify its method of calculation and document proper restrictions on use of the fund.

Infrastructure: Public services and facilities such as sewage-disposal systems, water-supply systems, and other utility systems, schools and roads.

Land Use Classification: A system for classifying and designating the appropriate use of properties.

Leapfrog Development; New development separated from existing development by substantial vacant land.

Local Agency Formation Commission (LAFCO): A five-or seven-member commission within each county that reviews and evaluates all proposals for formation of special districts, incorporation of cities, annexation to special districts or cities, consolidation of districts, and merger of districts with cities. Each county's LAFCO is empowered to approve, disapprove, or conditionally approve such proposals. The LAFCO members generally include two county supervisors, two city council members, and one member representing the general public. Some LAFCOs include two representatives of special districts.

Mello-Roos Bonds: Locally issued bonds that are repaid by a special tax imposed on property owners within a community facilities district established by a governmental entity. The bond proceeds can be used for public improvements and for a limited number of services. Mello-Roos Bonds are named after the program's legislative authors.

Ordinance: A law or regulation set forth and adopted by a governmental authority.

Proposition 13: (Article XIII A of the California Constitution) Passed in 1978, this proposition enacted sweeping changes to the California property tax system. Under Proposition 13, property taxes cannot exceed 1% of the value of the property and assessed valuations cannot increase by more than 2% per

year. Property is subject to reassessment when there is a transfer of ownership or improvements are made.⁸

Proposition 218: (Article XIID of the California Constitution) This proposition, named "The Right to Vote on Taxes Act", filled some of the perceived loopholes of Proposition 13. Under Proposition 218, assessments may only increase with a two-thirds majority vote of the qualified voters within the District. In addition to the two-thirds voter approval requirement, Proposition 218 states that effective July 1, 1997, any assessments levied may not be more than the costs necessary to provide the service, proceeds may not be used for any other purpose other than providing the services intended, and assessments may only be levied for services that are immediately available to property owners.⁹

Sphere of Influence (SOI): The probable physical boundaries and service area of a local agency, as determined by the Local Agency Formation Commission (LAFCO) of the county.

Urban: Of, relating to, characteristic of, or constituting a city. Urban areas are generally characterized by moderate and higher density residential development (i.e., three or more dwelling units per acre), commercial development, and industrial development, and the availability of public services required for that development, specifically central water and sewer service, an extensive road network, public transit, and other such services (e.g., safety and emergency response). Development not providing such services may be "non-urban" or "rural". CEQA defines "urbanized area" as an area that has a population density of at least 1,000 persons per square mile (Public Resources Code Section 21080.14(b)).

Urban Services: Utilities (such as water, gas, electricity, and sewer) and public services (such as police, fire protection, schools, parks, and recreation) provided to an urbanized or urbanizing area.

Variances and Exemptions: Department permission to exceed an MCL or not comply with a treatment technique under certain conditions.

Zoning: The division of a city by legislative regulations into areas, or zones, that specify allowable uses for real property and size restrictions for buildings within these areas; a program that implements policies of the general plan.

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East Lake & West Lake RCD Boundaries

