# Golden West
# Community Services District
# Municipal Service Review

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## September 2016

**El Dorado Local Agency Formation Commission**

# EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

# GOLDEN WEST COMMUNITY SERVICES DISTRICT MUNICIPAL SERVICE REVIEW

SEPTEMBER 2016

*Commissioners*

*Ken Humphreys, Chair*
*Diana Anderly*
*Dale Coco*
*Shiva Frentzen*
*Austin Sass*
*Brian Veerkamp*

*Alternates*

*John Clerici*
*Holly Morrison*
*Michael Powell*
*Michael Ranalli*

*Staff*

*José C. Henríquez*
*Erica Sanchez*
*Denise Tebaldi*
*Kara Ueda*

# EL DORADO LAFCO

## LOCAL AGENCY FORMATION COMMISSION

## NOTICE OF EXEMPTION

**TO: OFFICE OF PLANNING AND RESEARCH**
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

**COUNTY CLERK**

County of El Dorado
330 Fair Lane
Placerville, CA 95667

**FROM:**
**EL DORADO COUNTY LAFCO**
550 Main Street, Suite E
Placerville, CA 95667
José Henriquez
(530) 295-2707

Project Title: Golden West Community Services District Sphere of Influence Study (LAFCO Project 2015-04)

Project Applicant: El Dorado LAFCO

Project Location – Specific: South part of El Dorado County, along Highway 49 between the areas of El Dorado and Nashville

Project Location – City: N/A Project Location – County: El Dorado County

Description of Nature, Purpose and Beneficiaries of Project: Update the sphere of influence for the Golden West Community Services Districts and to establish a new sphere of influence, which was last updated in February 2008

Name of Public Agency Approving Project: El Dorado LAFCO

Name of Person or Agency Carrying Out Project: El Dorado LAFCO

FILED
SEP 30 2016
WILLIAM A. [illegible] Recorder-Clerk
By [illegible]

Exempt Status: **(check one)**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number:
- ☒ Statutory Exemptions. State code number: 15061(b)(3)

Reasons why project is exempt: 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. This sphere of influence update has no possibility for causing a significant effect on the environment.

Lead Agency
Contact Person: José C. Henríquez Area Code/Telephone/Extension: 530-295-2707

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: September 30, 2016 Title: Executive Officer
José C. Henríquez

☑ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

**Revised 2011**

# EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

APPROVED

## *RESOLUTION NUMBER L-2016-05*

### Update to the Golden West Community Services District Sphere of Influence

***LAFCO Project No. 2015-04***

***WHEREAS***, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the organization and reorganization of cities and special districts by local agency formation commissions established in each county, as defined and specified in Government Code §56000 et seq. (unless otherwise indicated all statutory references are to the Government Code); and

***WHEREAS***, §56425 et seq. provides that the local agency formation commission in each county shall develop and determine the sphere of influence of each local governmental agency within the county, and enact policies designed to promote the logical and orderly development of areas within the spheres of influence, as more fully specified in §56425 et seq.; and

***WHEREAS,*** §56430 requires that local agency formation commissions conduct a municipal service review (MSR) prior to, or in conjunction with, consideration of actions to establish or update a sphere of influence (SOI) in accordance with §56076 and §56425; and

***WHEREAS,*** pursuant to §56430, in order to prepare and update the sphere of influence, the Commission conducted a municipal service review for the Golden West Community Services District and adopted a written statement of determinations in conjunction with this sphere of influence update on September 28, 2016; and

***WHEREAS,*** the Executive Officer reviewed the sphere of influence update pursuant to the California Environmental Quality Act (CEQA), and recommended that the project is exempt from CEQA under §15061(b)(3) because it 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, and, based thereon, the Executive Officer prepared a Notice of Exemption; and

***WHEREAS,*** the Executive Officer set a public hearing for September 28, 2016 for consideration of the environmental review and the sphere of influence update for the Golden West Community Services District and caused notice thereof to be posted, published and distributed at the times and in the manner required by law at least twenty-one (21) days in advance of the date; and

***WHEREAS,*** on September 28, 2016 the sphere of influence update came on regularly for hearing before LAFCO, at the time and place specified in the Notice; and

***WHEREAS,*** at said hearing, LAFCO reviewed and considered the sphere of influence, and the Executive Officer's Report and Recommendations; each of the policies, priorities and factors set forth in Government Code §56425 et seq.; LAFCO's Policies and Guidelines related to spheres of influence, starting with Policy 4.0; and all other matters presented as prescribed by law; and

***WHEREAS,*** at that time, an opportunity was given to all interested persons, organizations, and agencies to present oral or written testimony and other information concerning the proposal and all related matters; and

***WHEREAS,*** the Commission received, heard, discussed, and considered all oral and written testimony related to the sphere update, including but not limited to protests and objections, the Executive Officer's report and recommendation, the environmental document and determinations and the service review; and

***WHEREAS,*** the Commission does hereby make the following determinations regarding the proposal pursuant to Government Code §56425(e):

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

   Present land uses in the area include residential uses, vacant residential lands, and open space. Planned land uses are anticipated to remain the same as current land uses.

2. ***The present and probable need for public facilities and services in the area.***

   Probable needs for public facilities and services are not currently anticipated to vary from present needs, as future demands are expected to remain the same.

3. ***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.***

   The present capacity of public facilities provided is adequate to serve the existing community. The District has made tremendous strides in updating its Road Policy, policy and procedures and is currently working on developing road standards as well as operational guidelines. The District has a General Manager and a Consultant, both under contract, who understand the operational needs of a road maintenance district.

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.***

   There are no social or economic communities of interest in the area. Nearby communities include the Nashville and Frenchtown areas.

5. ***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, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.***

   While CRCSD does not provide any municipal services as defined in Government Code 56425(e)5, LAFCO has not identified any disadvantaged communities within the District's boundaries or on its sphere of influence.

***NOW, THEREFORE, BE IT HEREBY RESOLVED, DETERMINED, ORDERED AND FOUND***:

Section 1. Each of the foregoing recitals is true and correct.

Section 2. The Notice of Exemption prepared by the Executive Officer is approved as the appropriate environmental document for this project.

Section 3. The update to the Golden West Community Services District sphere of influence to detach territory from the current sphere is orderly, logical and justifiable. The parcels proposed for detachment from the sphere are:

| | | | |
|---|---|---|---|
| 092-203-02 | 092-420-07 | 092-420-08 | 092-420-09 |
| 092-420-10 | 092-420-11 | 092-420-12 | 092-420-14 |
| 092-420-15 | | | |

Section 4. The Executive Officer is directed to file a Notice of Exemption under §15061(b)(3) in compliance with the California Environmental Quality Act and local ordinances implementing the same.

Section 5. The Golden West Community Services District sphere of influence is updated to affirm its current sphere as shown on the attached map, marked Exhibit A, attached hereto and incorporated herein by this reference.

**PASSED AND ADOPTED** by the El Dorado Local Agency Formation Commission at a regular meeting of said Commission, held September 28, 2016 by the following vote of said Commission.

| | AYE | NO | ABSTAIN | ABSENT | NOT VOTING |
|---|---|---|---|---|---|
| Commissioner Acuna | ☒ | ☐ | ☐ | ☐ | ☐ |
| Commissioner Anderly | ☒ | ☐ | ☐ | ☐ | ☐ |
| Commissioner Coco | ☐ | ☐ | ☐ | ☒ | ☐ |
| Commissioner Frentzen | ☒ | ☐ | ☐ | ☐ | ☐ |
| Commissioner Humphreys | ☒ | ☐ | ☐ | ☐ | ☐ |
| Commissioner Sass | ☒ | ☐ | ☐ | ☐ | ☐ |
| Commissioner Veerkamp | ☒ | ☐ | ☐ | ☐ | ☐ |
| Alt. Commissioner Clerici | ☐ | ☐ | ☐ | ☒ | ☐ |
| Alt. Commissioner Morrison | ☒ | ☐ | ☐ | ☐ | ☐ |
| Alt. Commissioner Powell | ☐ | ☐ | ☐ | ☐ | ☒ |
| Alt. Commissioner Ranalli | ☐ | ☐ | ☐ | ☒ | ☐ |

ATTEST:

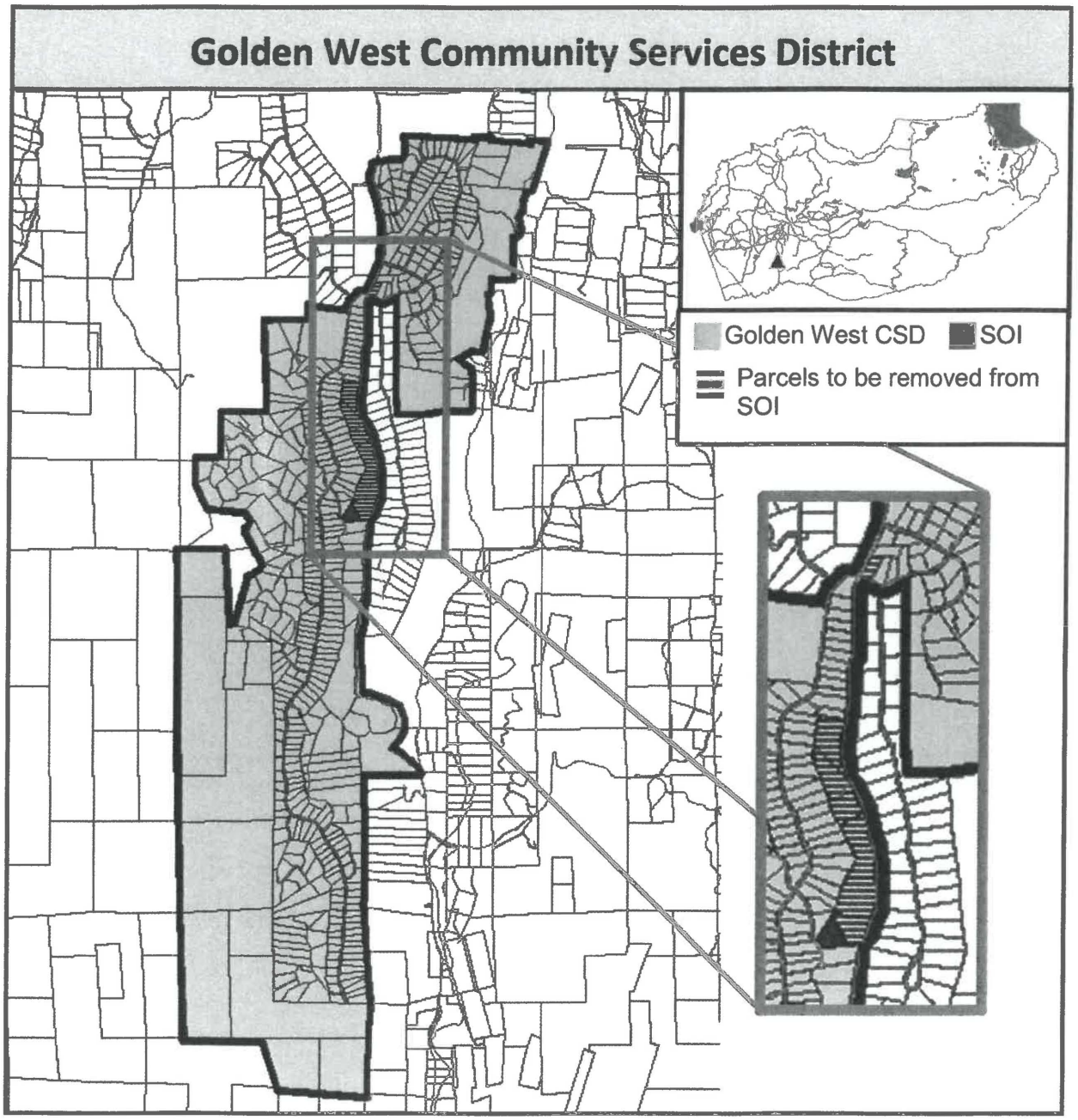
Denise Ball
Interim Clerk to the Commission

Ken Humphreys
Chairperson

APPROVED

# Golden West CSD Sphere of Influence Update
## LAFCO Project No. 2015-04
## Resolution L-2016-05

# EXHIBIT A



# TABLE OF CONTENTS

**LIST OF MAPS** ..... **1**
**I EXECUTIVE SUMMARY** ..... **2**
**II BACKGROUND** ..... **4**
A. Legislative Framework ..... 4
B. Relationship Between Spheres of Influence and Service Reviews ..... 6
C. Service Review Guidelines ..... 7
**III Golden West Community Services District** ..... **9**
**IV MSR DETERMINATIONS** ..... **28**
**V SOI DETERMINATIONS** ..... **33**
**VI ENVIRONMENTAL REVIEW** ..... **35**
**VII ENVIRONMENTAL JUSTICE** ..... **36**
**VIII REFERENCES AND SOURCES** ..... **40**
**IX MAPS** ..... **41**

## LIST OF TABLES

Table 1: District Revenues, Expenditures and Net Assets in Detail (FY 2010-11 to 2015-16) ..... 23
Table 2: Study Area Population by Race ..... 37
Table 3: Poverty Status in the Past 12 Months by Sex and Age (Census Tract 315.03) ..... 37
Table 4: Student Enrollment Population by Race – Indian Creek Elementary ..... 38
Table 5: Student Enrollment Population by Race – Herbert Green Middle ..... 38

## LIST OF MAPS

Map 1: Golden West Community Services District ..... 41
Map 2: Census Tract 3153.03 and Golden West Community Services District ..... 42
Map 3: Mother Lode School District and Golden West Community Services District ..... 43

# I EXECUTIVE SUMMARY

State mandates enacted in 2000 establish requirements for a Local Agency Formation Commission to conduct comprehensive reviews of all municipal services (MSRs) in its county. This service review includes a summary and analysis of the Golden West Community Services District (GWCSD), along with a subsequent update to its sphere of influence. The MSR serves as a basis for the accompanying sphere of influence determinations and considerations for future government reorganizations. The information contained in this document does not explicitly plan for future services, nor will any action or change in services result directly from LAFCO's adoption of the document. This service review provides a description of existing road maintenance-related services provided by the district and is inherently retrospective, and taking a "snapshot" of existing conditions. However, this document will be used as a guide for future decisions by LAFCO in determining the agency's ability to provide services. The report complies with all guidelines adopted by the Governor's Office of Planning and Research and will be available to other agencies and to the public.

As part of the inaugural cycle of municipal service reviews (2001-2008), El Dorado LAFCO contracted with Pacific Municipal Consultants (PMC) to prepare the *Streets and Highways Municipal Services Review*, adopted by the Commission in December 2007, which reviewed all of the road maintenance service providers in the county. However, starting with the second cycle, LAFCO utilized a different approach. Each public agency under LAFCO jurisdiction which provides public services will be reviewed in an individual MSR, instead of a single comprehensive report. For more detailed information on the other agencies which provide similar services, please refer to the *2007 Streets and Highways Municipal Services Review*.

The 2007 MSR found that Golden West CSD had numerous administrative, operational and governing problems. Added to that was a finding by LAFCO staff that the District's Board at the time was also not very forthcoming about the District's true financial situation. For this review, LAFCO staff found that GWCSD has made significant improvements to its operations. The District is much more stable financially than in the past and its procedures and rules have been updated and upgraded. The most recent audit found no exceptions, and its Bylaws and Road Policy are tighter and more comprehensive. The District has also made strides in being more transparent in its governance and operations.

This MSR and LAFCO's adoption of a subsequent resolution making sphere of influence determinations are statutorily exempt from the California Environmental Quality Act [Class 6, §15061(b)(3)]. In undertaking this service review and making sphere of influence determinations, LAFCO considered its responsibilities under federal and state civil rights and environmental justice laws. The activities are 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. The MSR and sphere of influence update have no possibility for causing a significant effect on the environment.

The structure of this report is as follows: Section II contains important background information, Section III contains a description of the Golden West Community Services District, Sections IV and V contain the service review and sphere of influence determinations, Sections VI and VII cover the environmental review and environmental justice determinations and Section VIII contains the references. Section IX contains the maps used in this report.

For each of the six categories of required determinations, staff has prepared recommended determinations recognizing the following: unique land use and planning conditions, government organization and fiscal circumstance that affect the provision of service, effects of rapid demographic changes and growth, communities with different and similar service needs, and efforts to enhance service and impediments to doing so.

# II BACKGROUND

## A. Legislative Framework

In 1997, the State Legislature established the Commission on Local Governance for the 21st Century (CLG). The CLG was tasked with assessing governance issues and making recommendations, directing special attention to the Cortese-Knox Local Government Reorganization Act of 1985, the then-57 Local Agency Formation Commissions governed by the Act and citizen participation in local government. CLG members included a broad spectrum of constituent groups and perspectives including counties, cities, special districts, educators, industry and elected officials.

The CLG determined that LAFCOs needed more specific information in order to make informed decisions on projects that came before them. It was recommended that LAFCOs be required to collect and review the information necessary to guide decisions before specific proposals were made. The CLG concluded that this information was necessary for LAFCOs to encourage orderly growth and to provide planned, well-ordered, efficient urban development patterns and to advantageously provide for the present and future needs of each county and its communities. Specifically, the CLG recommended that information on public service capacity and issues be gathered through periodic service reviews. These service reviews would ultimately constitute a statewide body of knowledge that could be used to resolve California's growth-related public service issues. Based on these recommendations, the State Legislature enacted Government Code §56430 as part of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH), which became effective on January 1, 2001.

Section 56430 of the CKH Act, in part, and as amended effective January 1, 2012, states as follows:

(a) In order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The commission shall include in the area designated for service review the county, the region, the sub-region, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

(1) Growth and population projections for the affected area.

(2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

(3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies, including needs or deficiencies related to sewers, municipal and industrial water, and

structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.

(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.

(7) The potential effect of agency services on agricultural and open space lands.

(b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area. The commission may assess various alternatives for improving efficiency and affordability of infrastructure and service delivery within and contiguous to the sphere of influence, including, but not limited to, the consolidation of governmental agencies.

(c) In conducting a service review, the commission may include a review of whether the agencies under review, including any public water system as defined in Section 116275, are in compliance with the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12 of Division 104 of the Health and Safety Code). A public water system may satisfy any request for information as to compliance with that act by submission of the consumer confidence of water quality report prepared by the public water system as provided by Section 116470 of the Health and Safety Code.

(d) The commission may request information, as part of a service review under this section, from identified public or private entities that provide wholesale or retail supply of drinking water, including mutual water companies formed pursuant to Part 7 (commencing with Section 14300) of Division 3 of Title 1 of the Corporations Code, and private utilities, as defined in Section 1502 of the Public Utilities Code.

(e) The commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or Section 56426.5 or to update a sphere of influence pursuant to Section 56425.

In addition, several sections of CKH empower LAFCOs to obtain information for service reviews:

- Section 56378 authorizes LAFCOs to initiate and make studies of existing governmental agencies. "In conducting those studies, the commission may ask for land use information, studies, and plans of cities, counties, districts, including school districts, community college districts, and regional agencies and state agencies and departments.

  (Those agencies) shall comply with the request of the commission for that information..."

- Section 56846 states, "Every officer of any affected county, affected city, or affected district shall make available to a reorganization committee any records, reports, maps, data, or other documents which in any way affect or pertain to the committee's study, report, and recommendation and shall confer with the committee concerning the problems and affairs of the county, city, or district."

- Section 56844 authorizes the Commission to undertake a study or report in place of a reorganization committee, thereby transferring those access rights.

## B. Relationship Between Spheres of Influence and Service Reviews

The CKH Act requires LAFCOs to develop and determine the sphere of influence (SOI) for each applicable local governmental agency that provides services or facilities related to development. Government Code §56076 defines a SOI as "a plan for the probable physical boundaries and service area of a local agency." Service reviews must be completed prior to the establishment or update of SOIs (§56430(a)). Spheres of influence must be reviewed and updated, as necessary, not less than once every five years (§56425). El Dorado LAFCO's policies already contain the update requirement (Policy 4.2).

The information and determinations contained in a municipal service review are intended to guide and inform SOI decisions. Service reviews enable LAFCO to determine SOI boundaries and to establish the most efficient service provider for areas needing new service. They also function as the basis for other government reorganizations. Section 56430, as noted above, states that LAFCO can conduct these reviews "before, in conjunction with, but no later than the time it is considering an action to establish a SOI."

In addition to the factors in Government Code §§56425 and 56430, the Commission's Policies and Guidelines Section 4.4 require that it make the following determinations prior to establishing a sphere of influence:

(1) The service capacity, level and types of services currently provided by the agency and the areas where these services are provided.

(2) Financial capabilities and costs of service.

(3) Topographic factors and social and economic interdependencies.

(4) Existing and planned land uses, land use plans and policies; consistency with county and city general plans and projected growth in the affected area.

(5) Potential effects on agricultural and open space lands.

(6) A description of the services that will be provided to any areas which may be added to the sphere and the timing and method for funding expansion of facilities or services.

(7) An analysis of the effects a proposed sphere of influence on other agencies and their service capabilities.

## C. Service Review Guidelines

The Governor's Office of Planning and Research (OPR) was directed by statute (§56430) to prepare guidelines to assist LAFCOs in complying with the new service review requirements. In that regard, the final *Local Agency Formation Commission Municipal Service Review Guidelines* was released in August 2003. OPR's intent in developing these guidelines was "to provide a structure to assist LAFCOs to carry out their statutory responsibility of promoting orderly growth and development, preserving the state's finite open space and agricultural land resources, and working to ensure that high quality public services are provided to all California residents in the most cost effective and efficient manner." These guidelines were utilized in the preparation of this service review document.

The guidelines identify several possible goals and objectives for municipal service reviews to be achieved through written determinations in the six required areas. These goals and objectives are as follows:

- Promote orderly growth and development in appropriate areas with consideration of service feasibility, service costs that affect housing affordability and preservation of open space, important agricultural land and finite natural resources.
- Encourage infill development and direct growth to areas planned for growth in general plans.
- Learn about service issues and needs.
- Plan for provision of high quality infrastructure needed to support healthy growth.
- Provide tools to support regional perspectives or planning that address regional, cross-county or statewide issues and processes.
- Develop a structure for dialogue among agencies that provide services.
- Develop a support network for smaller or ill-funded districts that provide valuable services.
- Provide backbone information for service provider directories or inventory reference documents for counties that do not have them.
- Develop strategies to avoid unnecessary costs, eliminate waste and improve public service provision.

- Provide ideas about opportunities to streamline service provision through use of shared facilities, approval of different or modified government structures, joint service agreements, or integrated land use planning and service delivery programs.
- Promote shared resource acquisition, insurance policies, joint funding requests or strategies.

The guidelines emphasize that "LAFCOs may need to modify these recommendations to reflect local conditions, circumstances and types of services that are being reviewed." To that end, El Dorado LAFCO also utilized its own set of policies for service reviews (Policy 5 et seq.), which incorporate the goals and objectives listed above.

# III Golden West Community Services District

*Contact Information*

**Address:** PO Box 448, El Dorado, CA 95623
**Phone:** 530-620-6844
**Website:** www.gwcsd.org

*Management Information*

**Manager:** Edwin White
**Secretary:** Marc Regelbrugge
**Consultant:** Hope Leja
**Engineer:** (vacant)
**Governing Body:** Board of Directors

**Board Members:**

| | |
|---|---|
| Ken Hasse | 12/2015-12/2019 |
| Diana Kaighn | 12/2014-12/2017 |
| Audrey Keebler | 12/2013-12/2017 |
| Connaught Lindberg | 12/2015-12/2017 |
| John MacConnell | 12/2015-12/2019 |

**Board Meetings:** Second Saturday of each month, Fire Station #44, Quartz Dr., El Dorado
**Staffing:** Part-time volunteer Secretary, Contracted General Manager, Contracted Administrative Consultant and Contracted Engineer (vacant)

*Service Information*

**Empowered Services:** Road and road maintenance
**Services Provided:** Road and road maintenance
**Latent Powers:** None
**Area Served:** Approximately 3,276 acres
**Population Served:** 1,400 (estimate)
**Major Infrastructure:** Roadways

*Fiscal Information*

**Budget:** $437,904 (FY2015-16 adopted budget)
**Sources of Funding:** Property taxes and property assessments
**Assessments:** $120 per parcel
**Rate Structure:** None

## ***Background***

Golden West Community Services District (District) was formed in 1983 to provide roadway services by maintaining three primary and several secondary roadways that provide access to a residential subdivision. Roadway services provided are within the District's powers, as authorized in their enabling legislation codified in Government Code 61000 et seq.

The District is located between the Nashville and Frenchtown areas on both sides of State Highway 49 and approximately three miles south of Pleasant Valley Road in the El Dorado area of the County.

Golden West Community Services District maintains a good portion of the paved and unpaved roadways within the District's boundaries. How many of these roadways should be maintained by the District has been a source of controversy for many years up until the District Board clarified it in its Road Policy in 2013. The three primary roadways, and a secondary road (Ore Ct.), connect to State Highway 49 at various points. The remaining secondary roadways provide more direct access to residential homes not immediately adjacent to the primary roadways.

Roadway maintenance services are necessary to ensure that roadways remain usable and safe for residents and visitors to the area. The need for services varies from year to year based primarily on roadway usage and weather conditions. Fluctuations in demand are to be expected with this type of service, and maintenance activities must be adaptable and responsive to local conditions in order to be effective and efficient.

The District does not provide additional non-roadway services outside of their enabling legislation nor does it provide service beyond designated service boundaries. Additionally, the District is not contracted to provide service to other service providers.

## ***Service Area and Sphere of Influence***

The District's service area has not changed since its creation. While the external boundaries have not changed, the internal road network has expanded significantly over the past 30 years. This has caused GWCSD's residents to argue amongst themselves about what roads should or should not be included as district-maintained roads up until the Board clarified which roads would be maintained in its Road Policy.

The District used to have a substantial sphere of influence, but because the 2007 MSR found a myriad of governance, operational and fiscal problems, PMC recommended shrinking the SOI to be mostly concurrent with the District's boundaries. This report is the first review of GWCSD's operations since the 2007 MSR.

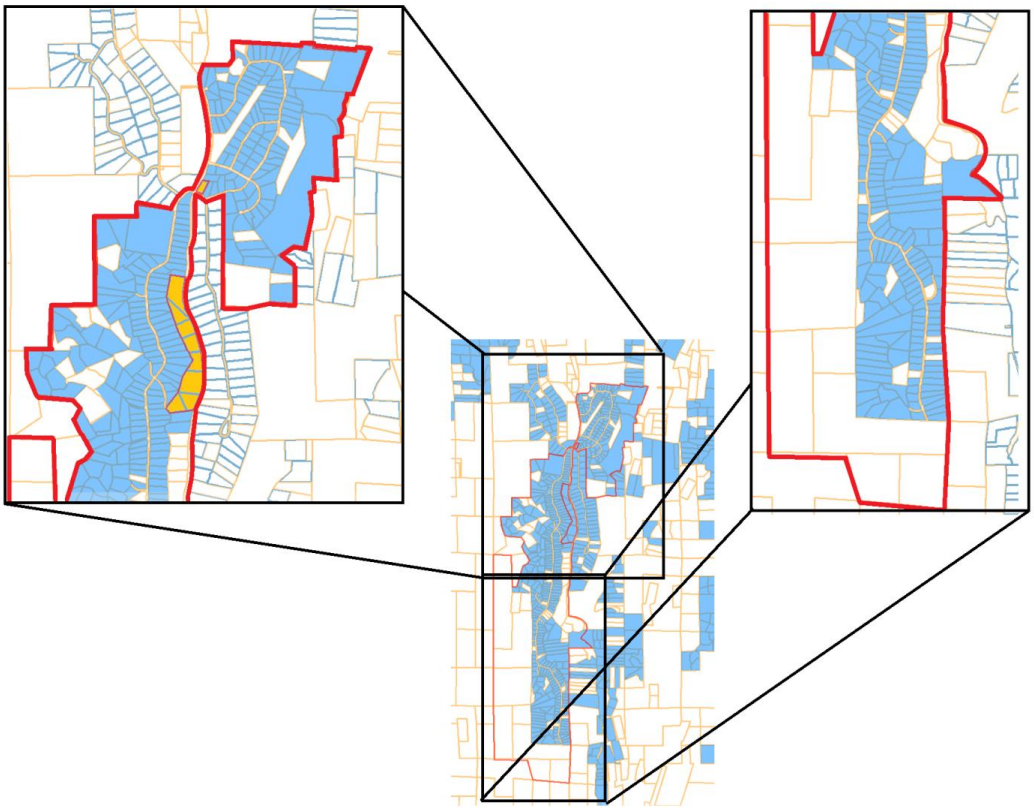
The current sphere of influence contains parcels along Highway 49 that do not use the District's network for access. Given the topography, and the location of the District's road network, it is unlikely that the property owners would find any advantage or benefit for ever annexing into the District. It does not appear logical to continue to retain these parcels in the District's SOI.

***Boundaries***

Golden West CSD is fairly isolated, located along State Highway 49 and between the community of El Dorado and the historical area of Nashville. Its boundaries mostly conform with the boundaries of a development called Golden West Paradise Units #2 and 5. The maps to those units show the location of the dedicated roads and the parcels lines of what eventually became Golden West CSD. GWCSD is wholly within County Service Areas 7 (ambulance services), 9 (road maintenance services) and 10 (library services), the Diamond Springs Fire Protection District, the El Dorado Resource Conservation District, and the El Dorado Irrigation District.

***Growth and population projections for the affected area.***

The District is currently providing roadway services to approximately 3,276 acres within the District's boundaries. The District does not anticipate any significant future growth, population increases, or changes in land uses. Most of the parcels within the District have been developed according to the land uses specified by their zoning district in the County's General Plan; however, district staff have indicated that a few vacant lots remain within the District. The map below highlights the developed and undeveloped parcels within the District's boundaries. The District's boundaries are shown in red, with the developed parcels within the red line marked in blue. The white parcels are currently undeveloped. The yellow parcels are the District's sphere of influence:



While there are several large, undeveloped parcels to the District's west and south, District staff and County Planning indicate there are no plans for future development and expansion.

***Services Provided***

Special districts are limited-purpose governments that have only the powers that the Legislature has delegated to them. State law lets districts provide public facilities and services, but rarely gives them regulatory powers. In contrast, counties and cities are general-purpose local governments with broad police powers that let them regulate private behavior in the public interest. For example, counties and cities use zoning to regulate land use; however, special districts cannot.

The Golden West Community Services District (District) is a legal subdivision of the State of California, organized in 1984 for the purpose of road maintenance services. The LAFCO staff report dated November 15, 1983 states that the "residents within the subject area are petitioning for formation of the Golden West Community Services District for road improvement and maintenance purposes."

At the time that the District was formed, the conducting authority hearings were conducted by the Board of Supervisors. The board's conducting authority resolution, Number 324-83, adopted in November 30, 1983, states "WHEREAS, the purpose for which the district is proposed is the opening, widening, extending, straightening, and surfacing, in whole or part, of any street in such district as authorized in subdivision (j) of Section 61600 of the Government Code and the construction and improvement of bridges, culverts, curbs, gutters, drains and works incidental to the purposes set forth in said subdivision (j) as authorized in subdivision (k) of Section 61600 of the Government Code."

Golden West CSD's own resolution, Resolution 94-5 signed on November 3, 1994 states, "Whereas the Golden West Community Services District is responsible for providing road improvement and road maintenance under LAFCO Resolution L-83-43 and as authorized under California Government Code Section 61600 subdivision (j) and (k)."

Two things should be noted. First, the references to Government Code 61600 are outdated, through no fault of the District, LAFCO or the County. The references were correct at the time, it is just that the Community Services District Law has changed. Among other things, Senate Bill 135 (Kehoe, 2005) overhauled the CSD Law to consolidate, renumber and delete the provisions governing the authorized powers that a CSD may have. Prior to 2005, Government Code 61600 (j) and (k) read, in part:

61600: A district formed under this law may exercise the powers granted for any of the following purposes designated in the petition for formation of the district and for any other of the following purposes that the district shall adopt:

(j) The constructing, opening, widening, extending, straightening, surfacing and maintaining, in whole or in part, of any street in the

district, subject to the consent of the governing body of the county or city in which the improvement is made.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which the improvement is made.

The modern, post-SB135 equivalent to these code sections is Government Code Section 61100(l), which reads in part:

61100: Within its boundaries, a district may do any of the following:

(l) Acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works. A district shall not acquire, construct, improve, or maintain any work owned by another public agency unless that other public agency gives its written consent.

The second note is that based on the information immediately above, Golden West CSD was intended, from its creation, to provide road and road maintenance services only. It was not authorized to provide any other services then and no request has ever been filed with LAFCO to expand its powers to cover other services. Based on that, there is no factual evidence to support the contention found in the Notes to the Financial Statements for Fiscal Years 2002-2007 and the Notes to the Financial Statements Fiscal Years 2008-2014 that GWCSD "is a legal subdivision of the State of California, organized in 1984 for the purpose of road maintenance services *and enforcement of covenants, conditions, and restrictions (CC&R)*" (emphasis added). As a result, any contention in these referenced audits, or any other document, to GWCSD having CC&R enforcement powers should be ignored.

## ***Personnel and Staffing***

The District has no permanent full time employees. It does have a part time general manager under contract, a part time volunteer district secretary and a part time administrative consultant under contract. The District has also contracted from time to time with a consulting Engineer. The District no longer uses volunteers for physical work or repair.

The District contracts for roadway maintenance services when necessary, utilizing the Uniform Public Construction Cost Accounting Act (UPCCA) standards. The District has stated that they utilize a competitive bid process for the maintenance, repair and upgrades of the existing roadways. Requests for proposals are circulated, depending on the need and the availability of funds, as needed. The District has stated that the competitive bid process has been effective in controlling costs, as it allows the District to select the lowest cost qualified contractor to provide services.

*Past Issues With Personnel*

The 2007 MSR found several problems relating to District management. Specifically, PMC wrote "The District, under its current management, is unable to

function…. [It] has inappropriately expended funds that were not available, resulting in the District being unable to pay off its excessive debt burdens." Specifically, this referred to the District entering into a contract with Delta Construction Company for an amount much larger than what the District had on hand. While PMC knew of the contracting problem, the full extent was not known by the time LAFCO adopted the2007 Street and Highways MSR. The Notes to the Financial Statements for Fiscal Years 2002-2007 prepared by the El Dorado County Auditor-Controller noted, "As of June 30, 2007, the District owed Delta Construction Co, Inc. (Delta Construction) $260,135 for road maintenance work. This amount is past due and has accumulated $3,902 in interest by June 30,2007."

The current GM, Ed White, reports that GWCSD settled with Delta in 2008 and provided the supporting documentation to LAFCO. Under the settlement agreement, GWCSD agreed to pay $175,000 plus interest. An initial lump-sum payment of $45,000 was made within two weeks of the settlement and the remaining balance was to be paid in monthly installments of $3,297.14. The matter was fully settled in 2010 when the last payment was made.

The District has also resolved other issues, one was a lawsuit filed by two property owners on Ramales Lane, which was dismissed with prejudice. The other was a long-delayed reimbursement for repairs by the Federal Emergency Management Agency.

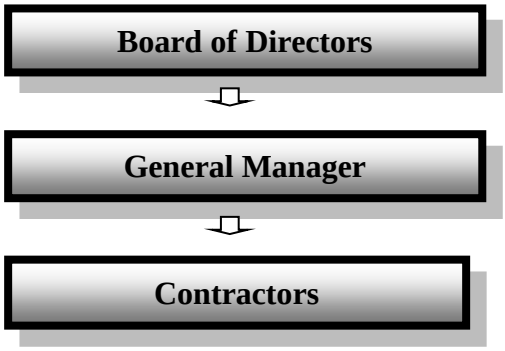
## ***Administration and Management***

### Board of Directors

The District's governing Board of Directors is composed of five officials, elected by voters to four-year terms. The board elections are held every two years. Terms for the board members are staggered, with two or three terms maximum expiring at the same time. The last contested Board election was in November 2014 when three people vied for two seats. Board members are comprised of registered voters within the District. Board positions are unpaid.

District board meetings are determined annually by the Board. For 2015 and 2016, the Board generally met during the second Saturday of the month 10:30 a.m. The 2015 meetings were held at Fire Station 44 located at 6109 Quartz Drive in the town of El Dorado. For the first three meetings of 2016 the location was switched to Fire Station 49, located at 501 Pleasant Valley Road in Diamond Springs before they switched back to Station 44. Meeting agendas are posted at five locations district wide.

**GOLDEN WEST CSD ORGANIZATIONAL CHART**




***Past issues with Governance***

The 2007 MSR found several problems relating to governance. It noted, "As of March 2007, the District's board of directors has not appointed a general manager… The District's local accountability remains questionable. Several residents have alleged improper conduct and accountability during Board meetings. In addition, the District has not provided documentation or meeting minutes upon request...."

The Notes to the Financial Statements for Fiscal Years 2002-2007 provided more detail on these statement as well as highlight other issues with governance, including:

- The District has not yet enacted capitalization and depreciation policies;
- The District's adopted rules and procedures stipulate that vehicle expenses to be reimbursed at the mileage rate of 35 cents per mile. The District reimbursed its general manager fuel purchase costs instead of standard mileage rate;
- The District reimbursed its general manager the vehicle expenses thru [sic] petty cash fund in several instances;
- The District's adopted rules and procedures require all resolutions or orders for the payment of money be adopted or made only at regular meetings. The District did not consistently comply with this rule;
- The District did not consistently maintain its Board minutes;
- Community Services District Law requires the District to hold public hearings, with proper advance public notices, for the adoption of final budgets in the Board meetings. The District was not in compliance with these requirements;
- Government Code Section 7910 requires the District to establish, by resolution, its annual appropriations limit. The District did not establish fiscal year 2001-02 annual appropriations limit.

### *Fixes Implemented Since 2007*

Since the last MSR, Golden West CSD appears to have tightened its policies and bylaws significantly.

- The Bylaws were adopted on December 12, 2015. In it, roles for directors and the general manager are defined, and certain procedures, such as how and when an agenda may be amended, are detailed. The Bylaws also include guidelines for ethics and decorum.
- In May 2014, Rules and Procedures for the Board were adopted. These govern compensation, how meetings are to be conducted, budget adoptions, publication of ordinances, how officers are selected and the duties of the Board officers.
- The Road Policy, adopted in November 2013, is instrumental in removing two ambiguities identified in the previous MSR: The identification of the roads that are to be maintained by the District and a delineation of the District's responsibilities and program management. The Road Policy also specified the manner in which roads can be dedicated for public use and the prohibition of using loans for maintenance. The Road Policy is explicit in stating that the District will only carryout maintenance duties if it has the funding to do so.
- The District's website also contains a page of "frequently asked questions," one of which states why the District only maintains certain roads. It specifically states that the District will not maintain "side roads."
- The District's Board is currently drafting a roads standards policy. The goal is to achieve an understanding with the residents about the level and manner in which the roads will be maintained.

In discussion with General Manager White, the impetus for these changes was that the District's Board realized it was not possible to continue to operate with antiquated rules, procedures and bylaws. For example, with the adoption of the Road Policy, the District has made it clear to its residents which roadways the District is responsible for maintaining. That action alone has reduced the number of complaints significantly.

### Staffing

The District utilizes a volunteer for the Secretary position, resulting in an avoidance of costs.. The current, contracted General Manager is a previous District Director and has a background with road construction equipment, allowing the District to benefit from his expertise and knowledge. The consultant was a former general manager for another road maintenance CSD.

Although its rules and procedures specifies the parameters on how volunteers will be utilized, the District no longer utilizes community volunteers to perform physical road repairs. For all maintenance, grading and paving, the District engages outside contractors.

The District has, in the past, been successful in applying for and receiving grant monies from the Federal Emergency Management Agency (FEMA) for repairs to major storm-related damages. Since the last MSR, the District received financial assistance in the form of a grant from FEMA and CalOES to fund the repair of road damage caused by the Winter Storms (fiscal year 2005-06). The District received $11,453 and $18,194 in 2007-08 from FEMA and OES respectively and $150,838 from OES in 2009-2010 for work done under that grant.

**Operations**

The District has a "Road Policy," which not only identifies the roads that will be maintained by the District, it also outlines the road maintenance responsibilities and management, policy and contract administration and prohibits the maintenance of easement roads, as defined. The Road Policy also contains a standardized format for contracts from vendors.

The District's board continues to evaluate the roadways to determine if repairs or overall maintenance is required; if so, repairs and maintenance services are then contracted out accordingly. The District is working on creating a roads standard policy, but it is still in the drafting stage. The roadways are adequate for the current users and existing demand. It is the District's opinion that the roadways are in a "pretty good" condition, but require additional maintenance, especially for drainage. A driving tour of the District-maintained roads corroborated the District's opinion of their condition.

Residents have been unwilling to increase property assessments to provide additional funding for roadway maintenance, indicating that they may be satisfied with the current roadway conditions. The District has no plans for expansion of services or major infrastructure. The District does not own any facility, and given its relatively isolated location, there are no opportunities for shared facilities for roadway maintenance with other entities.

***Infrastructure***

This section addresses the adequacy of roadways and roadway maintenance programs within the District. The adequacy of the District's roadways is generally based on the District's self-assessment, as determined by adherence to local preferences and expectations for roadway quality, repair frequency, and overall roadway operations, consistent with GWCSD's Road Policy. Typical roadway maintenance services include pothole repair, crack sealing, resurfacing, and roadway reconstruction.

*District Roadways*

The infrastructure within the District's boundaries consists of three primary roads, multiple secondary roads. The primary roadways that connect to State Highway 49 are Crystal Boulevard (4.2 miles), Dolomite Drive (1.6 miles) and Galena Street (0.6 miles). Crystal Boulevard is the most heavily used roadway within the District. A visual review of all roads within the District's boundaries (public and private) indicates that more than half are paved, with the remainder being paved with gravel only.

*Public versus Private Roadway Dispute*

The prior MSR discussed a then-ongoing dispute between residents and the District regarding the public and private roadways within the District. For the past 20 years, several residents allege that the District has been using the District's funding to maintain private roads. The issue is important because the Attorney General has opined that public monies used to maintain or improve private roads "is a gift of public money in violation of Article IV, section 31 of the California Constitution [now Article XI, section 6]. (45 Ops.A.G. 98 (1965)," which is illegal.

For purposes of clarity, the following terms will be defined. "Public roads" are those accessways that were publicly offered for dedication and accepted by either the District or the County in accordance with applicable law. The District's "Road Policy" also has a mechanism for the District to accept a public road into its system. Public roads can be either maintained by the District or the County, depending on their location. "Parcel map roads," also referred to as "private driveways" are accessways that generally only carry the traffic of landowners accessing their property. The owner(s) of the property(ies) where these driveways cross own and maintain them.

Several factors may have led to the confusion regarding public and private roads within the District. This includes the change in board members, lack of adequate documentation and general misconceptions and assumptions. It is clear that the roads shown on the maps of the Golden West Paradise Unit Numbers 2 and 5 subdivision at the time they were recorded were publicly dedicated roads. These public roads include, in their entirety: Amalgam Street, Cinnabar Court, Crystal Boulevard, Dolomite Drive, Manganite Street, Ore Court and Pyrite Street.

There are other public roads shown on the maps of the Golden West Paradise Unit Numbers 2 and 5 subdivision that have been subsequently extended beyond the original length. The public road status of these streets as shown on the original maps is not in question. The legal status of whether these extensions are public is unknown. The streets that are public, at least as shown on the maps, with questionable extensions include Galena Drive, Calcite Street Sodalite Street and Talcite Street.

Several roadways have portions that were publicly dedicated at the time the subdivision was approved, but these dedications were specifically on the small portion that connects to the Districts' other public roads. Over time, confusion may have occurred when people assumed that the entire road segment is a public road. The maps of the Golden West Paradise Unit Numbers 2 and 5 subdivision show short sections projecting from Crystal Boulevard for Barite Street, Ferrite, Mica Street, Oak Ridge Circle North, Oak Ridge Circle South and Talcite Street. It is probably safe to assume that only these short sections are public roads and the legal status of the roads is questionable beyond those sections.

Further muddying the waters were two late 1980s memos from County Counsel. The inter-office memos, dated March 23, 1988 and December 28, 1989, stated that it was the opinion of the County Counsel "that the use of tax monies to maintain community service district roads transforms such roads into public roads or

highways which the public in general is entitled to use." A memo also stated that "when public monies are expended without objection upon what had previously been a 'private' road the expenditure of public monies is tantamount to an offer of dedication and acceptance thereof by the district and that thereby the road becomes a public road or highway available to the public in general." This opinion ran counter to the aforementioned Attorney General opinion.

LAFCO inadvertently added to the confusion about the legal status of these roads in the 2007 Streets and Highways MSR. In it, PMC had a chart that tried to clarify the status of each road based on conversations with the Districts then-Board members. That chart, which will not be replicated here to minimize confusion, included all sections of some roads whose status was unclear. It also contained two confusing assertions:

- "Talcite Street appears to have been the only subsequent private road fully accepted into the District as a public road after the District's formation." Subsequent to that MSR, LAFCO staff has not found any documents to support this statement.
- "[T]he District constructed a fire access road… to be used in case of an emergency." These "fire access roads" were only described in the report ("narrow," "unpaved" and "gated"). The new category was not defined in the legal sense and it is a term no one currently associated with the District knows or understands.

  The MSR went on to state that the fire access road was a public road. Subsequent to that report, LAFCO staff has not found any document to support that contention.

Because of these misconceptions, it is possible that the District expended public monies for the maintenance and repair of private roads. Certainly that is an allegation that has been brought to LAFCO's attention for the past 10 years, although the District has denied its occurrence. No evidence has been presented by any party, one way or the other. General Manager White has indicated that since 2008 the District has been diligent in ensuring that public funds are used only on streets that are known to be public.

For its part, GWCSD's Road Policy now contains the following language:

"Roads that are public in total are:

Dolomite Drive

Galena Drive to and including the cul-de-sac

Manganite Street

Crystal Boulevard with the exception of approximately 825 feet of Crystal Boulevard measured from the west edge of Highway 49 which is owned and maintained by the County of El Dorado as designated at the time of adoption of this District.

Roads that have public segments connecting to Highway 49, Dolomite Drive or Crystal Boulevard and which have road extensions with easements on private property are (listed alphabetically):

Amalgam Street (335 feet from the center of Crystal Blvd.)

Barite Street (425 feet from the center of Crystal Blvd.)

Calcite Drive (1,320 feet from the center of Crystal Blvd.)

Cinnabar Street (555 feet from the center of Crystal Blvd.)

Ferrite Street (335 feet from the center of Crystal Blvd.)

Mica Street (338 feet from the center of Crystal Blvd.)

Oak Ridge Circle North (50 feet from the center of Crystal Blvd.)

Oak Ridge Circle South (52 feet from the center of Crystal Blvd.)

Obrizo Street 520 feet from the center of Crystal Blvd.)

Ore Court (90 feet from adjoining edge of Highway 49)

Pyrite Street (590 feet from the center of Dolomite Drive)

Sam Hill Mine Court (Antimonite Way on Map) (590 feet from the center of Dolomite Drive)

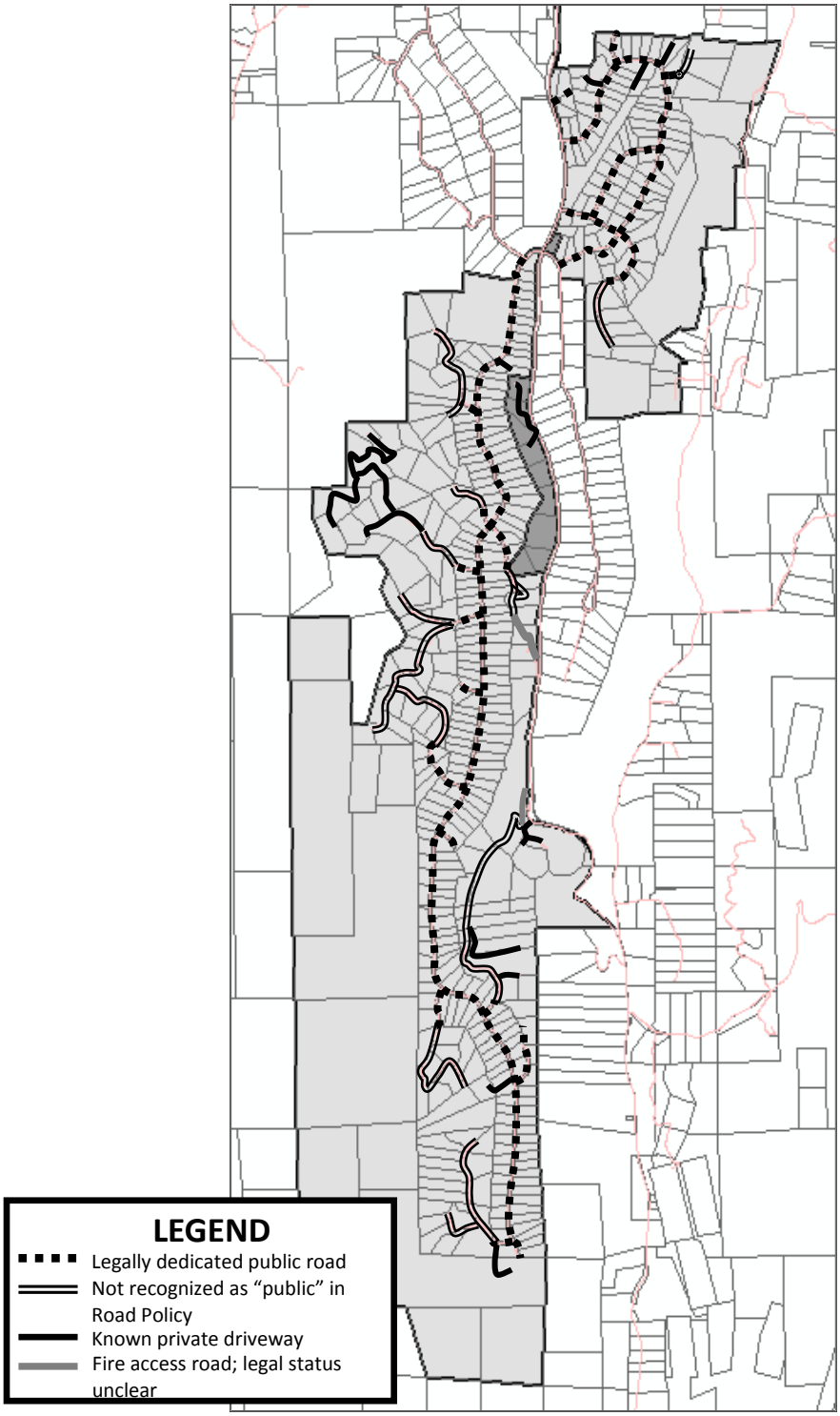
Sodalite Street North (625 feet from the center of Crystal Blvd.)

Sodalite Street South (1,025 feet from the center of Crystal Blvd.)

Talcite Street (795 feet from the center of Crystal Blvd.)"

The Road Policy also contains exact length of road segments that are in the public domain to the point of demarcation to private easement roads, as stipulated on the recorded Maps of Golden West Paradise Subdivision Unit No. 2 and Unit No.5 at the time of County approval. These measurements serve as a guide to what the District is or is not able to maintain in order to minimize confusion. Since the Road Policy's adoption, LAFCO staff has not received a complaint about the District's practices.

The following map visually summarizes the status of the roads:


LEGEND
Legally dedicated public road
Not recognized as "public" in Road Policy
Known private driveway
Fire access road; legal status unclear

*Culverts*

A culvert is a structure that allows water to flow under a road, driveway, railroad, trail, or similar obstruction from one side to the other side. Typically embedded so as to be surrounded by soil, a culvert may be made from a pipe, reinforced concrete or other material.

A visual tour of the District's culverts (those culverts that pass under District roadways) revealed some need for maintenance, although several were observed to be currently adequately maintained. GWCSD's old Road Policy, stated that the District should be maintaining the culverts; however, the current Road Policy makes no mention of them. Since the District is responsible for drainage, culverts not only aid in that effort but also play a key role in the maintenance of roadways by preventing damaging erosion or hazardous flooding. Culverts that are the District's responsibility have been cleared and improved in the last two years.

On January 2016, the District adopted Ordinance 5, which updated the District's original Ordinance 1 (adopted in 1984), clearly defining the landowner's responsibility for maintaining culverts and driveways located in driveway encroachments and provides a permitting process for new and improved driveway encroachments. Ordinance 5 simply restates the requirements of Ordinance 1 but also incorporates language that clarifies the landowner's responsibility for encroachment maintenance and provides mechanisms for enforcement.

A site tour revealed that many of the encroachment culverts along Crystal Boulevard, Galena Drive, Manganite Street and Dolomite Road were obstructed, half-buried, or fully buried. Very few of the observed culverts appeared to be adequate for draining excess water. The 2007 MSR reported that, "residents have complained of localized flooding of their property by water draining from parcels in higher ground." However, no one has submitted any complaints to LAFCO since then. Several landowners that have been cited for improperly maintained encroachment culverts have been responsive and have cleared, or are presently clearing, their culverts.

In 2015, the District announced the installation of drop culverts along Crystal Boulevard and Calcite Road.

## ***Funding and Budget***

This section analyzes the financial operations of the District, including financial statements, audits, and other budgetary documents, to assess the long-term financial viability of the District. GWCSD's financial statements (audits) from Fiscal Years 2002-2007 and its budget from FY 2015-2016 were retrieved from the County Auditor-Controller's website.

Golden West Community Services District provided the financial audits from fiscal year (FY) 2011-16, and general information in response to LAFCO's questions.

LAFCO retrieved information on the last five budgets, assessment collections and the District's assessed value from the County Auditor-Controller's website. All financial documents were reviewed to determine the fiscal status of the District.

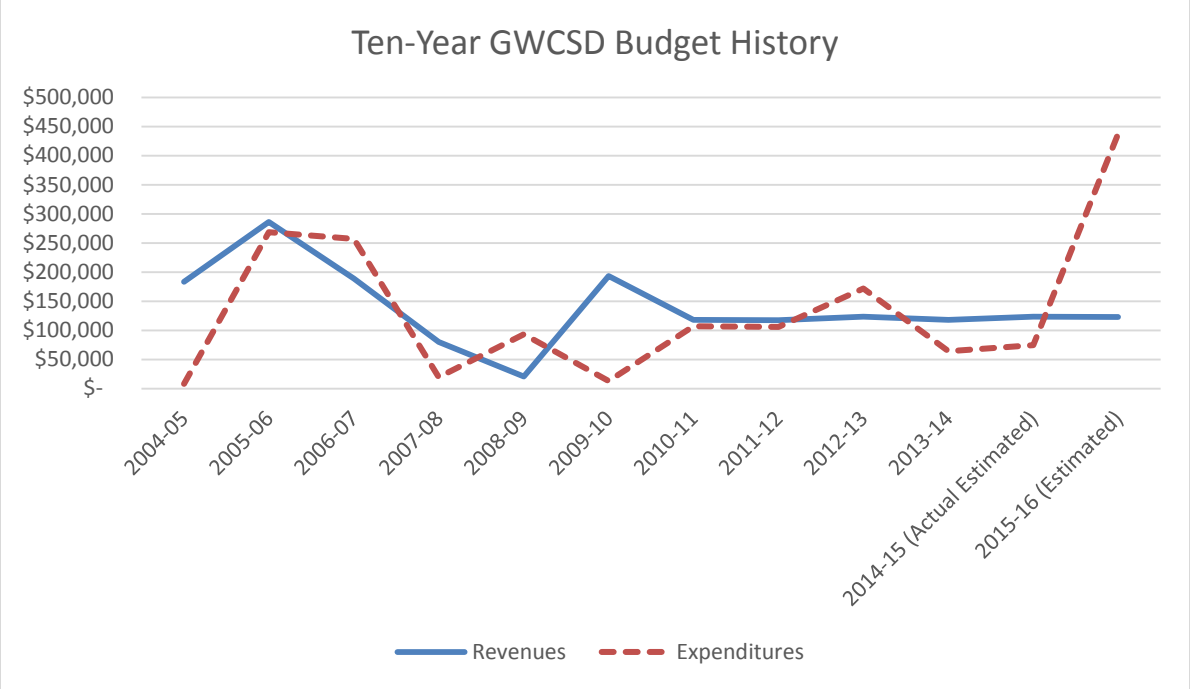
The table below is taken from the Auditor-Controller's information and provides a summary of Golden West Community Services District's revenues, expenditures and change in net assets from FY 2010-11 to FY 2014-16:

**Table 1: District Revenues, Expenditures and Net Assets in Detail (FY 2010-11 to 2015-16)**

| | 2010-11 (Actual) | 2011-12 (Actual) | 2012-13 (Actual) | 2013-14 (Actual) | 2014-15 (Actual Estimated) | 2015-16 (Adopted by District) |
|---|---|---|---|---|---|---|
| Revenues – Property Taxes | $61,541 | $61,041 | $65,534 | $62,121 | $64,572 | $67,595 |
| Revenues – Direct Assessment | $54,882 | $54,580 | $54,642 | $54,762 | $55,242 | $55,080 |
| Revenues – Other | $1,752 | $1,680 | $3,461 | $1,287 | $3,664 | $0 |
| **Total Revenues** | **$118,175** | **$117,301** | **$123,636** | **$118,171** | **$123,478** | **$122,675** |
| | | | | | | |
| Expenditures – Road Maintenance | $97,524 | $95,444 | $162,532 | $56,340 | $34,973 | $359,404 |
| Expenditures – Insurance | $1,700 | $1,591 | $1,176 | $1,873 | $3,255 | $2,500 |
| Expenditures – Administrative | $6,905 | $4,022 | $3,946 | $2,032 | $3,537 | $6,000 |
| Expenditures – Professional Servs | $588 | $4,857 | $4,226 | $3,926 | $32,693 | $55,000 |
| Expenditures – Appropriations for Contingencies | $0 | $0 | $0 | $0 | $0 | $15,000 |
| **Total Expenditures** | **$106,717** | **$105,914** | **$171,878** | **$64,170** | **$74,458** | **$437,904** |
| | | | | | | |
| **Net Revenue (Deficit)** | **$11,458** | **$11,387** | **$(48,242)** | **$54,001** | **$49,020** | **$(315,229)** |
| **Fund Balance: $180,123 June 30, 2010 (Negative balance)** | **$11,460* June 30, 2011** | **$11,387* June 30, 2012** | **$(48,242)* June 30, 2013** | **$54,001* June 30, 2014** | **$49,020* June 30, 2015** | **$(315,229)* June 30, 2016 (Estimated)** |

***** Approximate amount estimated by LAFCO staff; County Auditor Special District Final Budget Reports no longer include Fund Balance information beyond FY 2010-11.

For a longer perspective and to bridge this MSR to the 2007 MSR, the chart below tracks the twelve-year budget history for the District:



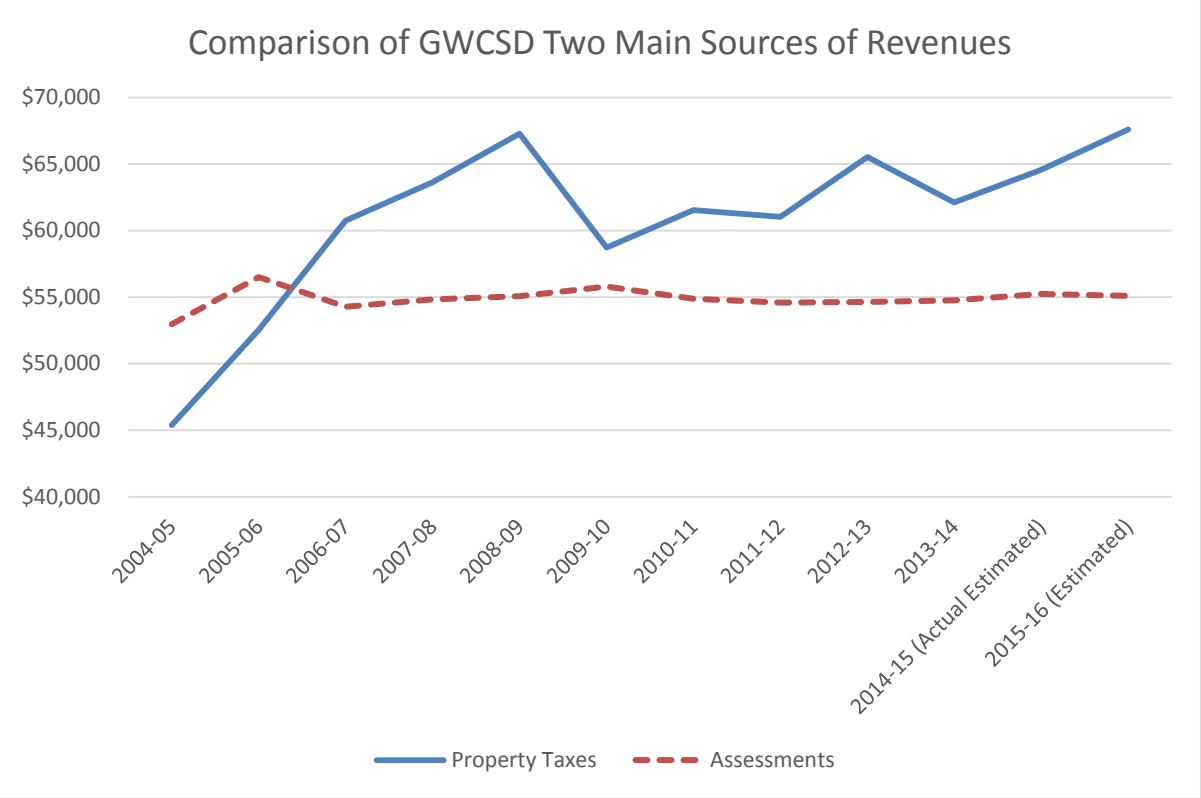

*Revenues*

Community Services Districts in El Dorado County typically rely upon property taxes, property assessments, and volunteers to provide roadway maintenance services. The District is financed primarily through property taxes and property assessments. Properties are currently assessed $120 per parcel, annually. Assessments have not been increased since the District's formation in 1983. Voters repeatedly rejected proposed increases in property assessments to provide additional funds for roadway maintenance.

**Property Taxes –** During FY2014-15, Golden West CSD received an average property tax share of 10.3035% from each parcel within the District service area. This is approximately ten cents of every dollar collected in property tax revenue. The ad-valorem property taxes are calculated by the County and transferred to the District. For FY2013-14, the total property tax collected amounted to $62,121; for FY2014-15, it is estimated to be $64,572; for FY2015-16, it is projected to be 67,595.

**Direct Assessments –** Subject to voter approval, special districts have the option to levy an additional assessment upon the parcels within their boundaries. Golden West CSD collects an annual assessment of $120 per parcel, which amounted to $54,762 in FY2013-14; it is estimated that the District will collect $55,242 for FY2014-15; and projected to collect $55,080 for FY2015-16. In recent years the District has collected almost as much revenue in assessments as property taxes.

As seen in the chart below, this annual revenue stream is relatively stable and does not fluctuate much from year to year.




**Interest –** The District collects modest amounts of interest revenue annually. The County Treasury has an annual variable interest rate that is between 1% to 5.5%, depending on how the entire pool of County-controlled funds is invested. The amount received by each independent district whose funds are deposited in the County Treasury is apportioned by the County based on the ratio of the district's average daily cash balance to the total cash balance within the Treasury. Since 2008, interest has been consistently below $800 per year. Prior to that, the District collected several thousand dollars in interest earned from the balance in its operating account.

*Fiscal Administration*

The County handles the District's fiscal administration. All the District's funds are deposited into the County Treasury. The County Auditor's office manages the District's receivables and payables. The District submits payment requests or reimbursements to the County, which in turn sends payments to contractors.

*Audits*

The most recent audit, performed by Vaughn Johnson, CPA, covered the time period between FY2007-08 through FY2013-14. The audit found that the district's financial position to be "presented fairly" and "in accordance with accounting principles generally accepted in the United States." Specifically, Ms. Johnson indicated that he "did not identify any deficiencies in internal control that" would be considered "to be material weaknesses;" although he cautioned that "material weaknesses may exist that have not been identified." The audit further noted that the District complied with the requirement under Government Code Section 53901 to file its annual budgets with the El Dorado County Auditor-Controller's Office in each fiscal year in the audit period.

If anything, the audit highlighted that the Board has not implemented a recommendation from a previous audit. Specifically, that the District does not have a capitalization and depreciation policy:

> While the District has not adopted capitalization and depreciation policies; capital assets are recorded at historical cost and donated capital assets are valued at their estimated fair market value on the date of donation.
>
> The District owns approximately 21 acres of donated land acquired from Golden West Property Owners Association in 1986. The intended use of the land when the subdivision was formed was to be "beach front" access to a lake that would have been formed as the result of the Nashville Dam. Since the Nashville Dam was never put into place, the need for community access to the lakefront property no longer exists. The land's estimated fair value at the time of donation is $65,000.
>
> The District also owns several capitalized equipment items. Since the District purchased all of the equipment prior to 1995, all items are fully depreciated as of June 30, 2001.

It should be noted that, according to the General Manager, the District does not own any equipment. It is unknown how or why Ms. Johnson included the last paragraph in the audit.

*Other Issues Found in the 2007 MSR*

As per the usual LAFCO process when conducting MSR/SOI studies, the 2007 MSR was made available for public comment. Several residents of GWCSD brought issues to LAFCO's attention, including information proving that the District's staff and Board had failed to disclose the District's true financial status:

- The District had initiated a contract with Delta Construction in 2006 for roadway repair and maintenance that greatly exceeded their available funding;
- The District was not financially solvent to pay the County back for an advance of funds;

- The District had submitted reimbursement requests for FEMA funding. Had the reimbursement requests been denied, the District would have been rendered financially incapable of providing any roadway services;
- While the then-staff at GWCSD had provided the most recent financial audit of the District, it was an audit from FY 1993-94 to FY 2000-01. It did not accurately represent the financial condition of the District at the time of the 2007 study;
- A 2001-2002 Grand Jury Report determined in its Report Findings that the District is underfunded, and that the lack of funds results in the District's inability to maintain the roads.

These issues were above the previously-mentioned allegation of public funds being expended on private driveways.

As such, the Commission concluded that the accuracy and truthfulness of the information provided by the District at the time could not be fully relied upon. The District was unable to perform any roadway maintenance and repair due to a lack of funds; it had outstanding debt with a large late fee charge that would require years of tax revenues to pay off. Since the District could not continue further operations under those financial conditions, it was not logical to contemplate the expansion of the District. This led to the Commission significantly reducing the District's SOI in 2008.

*Current State of Affairs*

LAFCO staff has not found any evidence that the financial or operational issues found in the 2007 MSR have continued. The opposite has happened. Since 2010, the District's directors and management have taken significant steps to increase transparency, reduce or eliminate the problems delineated above. To their credit, GWCSD's Board and management have tightened their internal financial controls and operational guidelines to ensure that it is not borrowing money from the County or entering into contracts that stress (or exceed) their revenues. The budgets obtained from the El Dorado Auditor's website repeatedly show that the District plans on a major expenditure in that fiscal year but then does not commit until sufficient revenues are present. Since 2015, the District's website has also started publishing the projects, along with their respective costs, conducted by the District. An informative newsletter, periodically distributed to the residents, was recently launched. As a result, the District appears to be more stable financially and more professionally operated than it was ten years ago.

# IV MSR DETERMINATIONS

In January 2008, the Legislature consolidated the nine factors used in the inaugural cycle down to six. These factors are listed in Government Code §56430:

(1) Growth and population projections for the affected area.

(2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence

(3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.

(4) Financial ability of agencies to provide services.

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

(6) Any other matter related to effective or efficient service delivery, as required by commission policy. On January 30, 2008, the Commission adopted the following determination as the sixth factor to study: "The potential effect of agency services on agricultural and open space lands."

In addition, the Commission's Policies and Guidelines Section 4.4 require that it make the following determinations prior to establishing a sphere of influence:

(1) The service capacity, level and types of services currently provided by the agency and the areas where these services are provided.

(2) Financial capabilities and costs of service.

(3) Topographic factors and social and economic interdependencies.

(4) Existing and planned land uses, land use plans and policies; consistency with county and city general plans and projected growth in the affected area.

(5) Potential effects on agricultural and open space lands.

(6) A description of the services that will be provided to any areas which may be added to the sphere and the timing and method for funding expansion of facilities or services.

(7) An analysis of the effects a proposed sphere of influence on other agencies and their service capabilities.

To the extent that is feasible, both sets of determinations will be addressed in this section. In addition, the following sections will detail the meaning of each factor and explain how it applies to road and road maintenance services.

## 1. Growth and Population Projections for the Affected Area

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

Information in this section addresses #3 and #4 of LAFCO Policy 4.4, which are:

- Topographic factors and areas of social and economic interdependencies.
- Existing and planned land uses, land use plans and policies, consistency with county and city general plans, and projected growth in the affected area.

The District encompasses over 3,200 acres and serves a population base of 1,400 people. It has a network of less than 12 miles of road and most of the parcels within the District's core are built out consistent with the County's General Plan. As a result, the population is not expected to rise significantly from the most recent estimate. Demands for service are not increasing. Current and future land uses are anticipated to remain primarily residential.

Parcels along the District's periphery are still undeveloped and in agricultural use. It is probable that these areas would serve as the platforms for future growth; however, no significant growth or population increases are anticipated by Golden West CSD in the near term. It is unknown what the plans will be for the roads servicing these new areas. There are many probable scenarios regarding development in these areas:

- When and if these parcels are developed, there may not be a subsequent increase in the size of the District's road network.
- There may be no new public road dedications despite development.
- If there are new, dedicated road network, they may be dedicated to the County, not the District.
- These parcels could be developed so that they are accessed by other public roads, outside of the District's network.

What is known is that if there is further development, there will an increase in population and an increase in service demand over the existing road network as people living the outlying parcels access Highway 49 and other public thoroughfares to get to their parcels.

## 2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence

*Purpose: To identify underserved areas in or around the district.*

According to information from the County's Community Development Department, there are no disadvantaged communities within or adjacent to the District's service area or in its sphere of influence. LAFCO was unable to identify a disadvantaged community utilizing the resources available from the United States Census, the Sacramento Area Council of Governments or from the California Department of Water.

**3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence**

*Purpose: To evaluate the infrastructure needs and deficiencies of a district in terms of capacity, condition of facilities, service quality, and levels of service and its relationship to existing and planned service users.*

Information in this section addresses #1 and #6 of LAFCO Policy 4.4, which are:

- Service capacity, level and types of services currently provided by the agency, and areas where these services are provided.
- A description of the services that will be provided to any areas which may be added to the sphere and the timing and method for funding expansion of facilities or services.

The Golden West CSD's infrastructure consists of two primary roadways and multiple secondary roadways. The Golden West CSD does not own major roadway maintenance equipment and contracts for roadway maintenance services.

The District is developing standards for roadway repair and maintenance; however, these standards have not been adopted. The District does have a Road Policy that governs where and how the district will exercise its road maintenance duties. Roadway conditions appear adequate for the current demand, as determined by adherence to local preferences and expectations for roadway quality, repair frequency, and overall roadway operations. The Golden West CSD does not have plans for expansion of infrastructure or facilities.

Several of the District's culverts appear to need maintenance. The District is making an effort to improve and expand its drop culvert infrastructure.

The District is also making an effort to be transparent in disclosing the types of projects it conducts every year and the costs of each project.

In the past, there were allegations that the District may have expended funds to maintain private roadways. No new allegations have been brought to LAFCO's attention for the past six years. In an effort to clarify matters, the District's Road Policy specifies the roads (or in certain cases, the length of specific roads) that it will maintain.

There are no disadvantaged communities within or adjacent to the District's service area or in its sphere of influence. In addition, GWCSD does not provide water, wastewater or structural fire protection.

## 4. Financial Ability of Agencies to Provide Services

*Purpose: To evaluate factors that affect financing constraints and opportunities, cost avoidance opportunities, and opportunities for rate restructuring.*

Information in this section addresses #2 of LAFCO Policy 4.4, which is:

- Financial capabilities and costs of service.

The Golden West CSD is financed primarily by assessment and property taxes. Property assessments have not been increased since the District's formation in 1983.

In the past, the District had significant debts. The District was diligent in resolving and retiring those debts. Further, the Board has enacted policies that limit how and when it will contract out for projects as well as prohibit the use of debt to finance projects.

Golden West CSD does not charge any rates for services. This is an appropriate arrangement for the type of services provided.

The District appears to be utilizing a sufficient range of cost avoidance opportunities, including bidding of and utilizing contract services, seeking grant funding, and utilizing volunteers to reduce costs. The district minimizes the possibility of lawsuits by no longer utilizing volunteers for physical work. No additional significant cost avoidance opportunities have been identified.

Golden West CSD does not own any facilities and does not share any facilities with another provider. The District serves a community that is fairly isolated from any other community whose public roads are maintained by a CSD. Sharing facilities with the County of El Dorado's Department of Transportation is not possible because of the difference in road standards between the two entities. As a result, no significant opportunities for shared facilities have been identified.

## 5. Accountability for Community Service Needs, Including Governmental Structure and Operational Efficiencies

*Purpose: To consider Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers; an evaluation of management efficiencies; and local accountability and governance.*

Information in this section addresses #7 of LAFCO Policy 4.4, which is:

- An analysis of the effects of a proposed sphere of influence on other agencies and their service capabilities.

Golden West CSD is the only agency providing roadway maintenance services within its jurisdictional boundary. The overall government structure of the District should be sufficient to perform necessary services and maintain operation. If an alternative governmental structure option becomes necessary, transferring roadway maintenance service responsibilities to either a homeowners' association or the County may be the next best option. A full analysis of the financial and operational impacts of any such transition should be made prior to formal action to change the government structure of the District.

The District's board is elected by voters within the District. The District's Board of Directors has an appointed General Manager, as required of all Community Services Districts. The District also has a volunteer secretary and a contracted administrative consultant. The District does not currently employ any staff and contracts for services when needed.

Golden West CSD is able to operate under its existing management and its financial situation is stable. The Board of Directors has tightened its internal governing and operational rules, procedures and bylaws in the past six years, including when it will engage with contractors and prohibiting the use of debt financing for projects. Finally, the District is attempting to introduce some transparency rules by providing information on its website. In 2016, the District published a Newsletter in an attempt to improve communications with District residents.

**6. The potential effect of agency services on agricultural and open space lands.**

*Purpose: The protection of open space and agricultural resources is one of LAFCO's four core missions.*

Information in this section addresses #5 of LAFCO Policy 4.4, which is:

- Potential effects on agricultural and open space lands.

The services provided by the District have no effect on agricultural and open space lands. While the creation of roads may have growth inducing effects, GWCSD is not in the business of creating new roads. Most of the road network the District maintains is within the core of the District and it is private driveways that spread out from that network into the District's outer regions. Most of the undeveloped land is on Golden West CSD's periphery and it is unknown whether and when these parcels will convert to non-agricultural uses.

# V SOI DETERMINATIONS

In determining the sphere of influence for each local agency, Government Code §56425(e) requires the Commission to consider and prepare a written statement of determinations with respect to four factors. Staff recommends the following determinations for amending the sphere for Golden West Community Services District:

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

   Present land uses in the area include residential uses, vacant residential lands, and open space. Planned land uses are anticipated to remain the same as current land uses.

2. **The present and probable need for public facilities and services in the area.**

   Probable needs for public facilities and services are not currently anticipated to vary from present needs, as future demands are expected to remain the same.

3. **The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

   The present capacity of public facilities provided is adequate to serve the existing community. The District has made tremendous strides in updating its Road Policy, policy and procedures and is currently working on developing road standards as well as operational guidelines. The District has a General Manager and a Consultant, both under contract, who understand the operational needs of a road maintenance district.

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.**

   There are no social or economic communities of interest in the area. Nearby communities include the Nashville and Frenchtown areas.

5. ***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, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.***

   While CRCSD does not provide any municipal services as defined in Government Code 56425(e)5, LAFCO has not identified any disadvantaged communities within the District's boundaries or on its sphere of influence.

The last update to the Golden West CSD SOI was in 2008. Based upon the information contained in this report, it is recommended that the Golden West CSD SOI be shrunk to remove the parcels along Highway 49 that do not use the District's network for access. Specifically, the parcels to be removed from the SOI should be:

| | | | |
|---|---|---|---|
| 092-203-02 | 092-420-07 | 092-420-08 | 092-420-09 |
| 092-420-10 | 092-420-11 | 092-420-12 | 092-420-14 |
| 092-420-15 | | | |

This change would make GWCSD's SOI to be almost concurrent with the District's boundaries. Map 1 in Section IX contains a map of the area to be removed from the SOI and the District's boundaries with the new SOI.

# VI ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA, Public Resources Code §21000 et seq.) requires public agencies to evaluate the potential environmental effects of their actions. OPR's Service Review Guidelines Chapter 7, *Integrating Municipal Service Reviews with the California Environmental Quality Act,* advises that "no two municipal service reviews will be exactly alike and each needs to be evaluated on its specific merits and characteristics." The environmental review for El Dorado LAFCO's service review of Golden West Community Services District is specific to this study and may differ from the environmental review of other service reviews and other LAFCOs.

Service reviews are intended to support sphere of influence updates, including the creation and amendment of SOI boundaries, as well as other government reorganization proposals. Such activities could influence future growth patterns, and as such are considered discretionary projects under CEQA. LAFCO has the principal responsibility for carrying out and approving this service review and therefore the principal responsibility for preparing CEQA documents as lead agency.

## *Exemption*

This service review and accompanying sphere of influence determinations qualify for a statutory exemption as outlined in Public Resources Code §15061(b)(3). These activities are 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. The MSR and sphere of influence update have no possibility for causing a significant effect on the environment. Any future projects that make use of this service review and the information contained herein will be subject to separate environmental review under CEQA.

# VII ENVIRONMENTAL JUSTICE

State law defines environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies" (Government Code §65040.12(e)). OPR explains that "as the primary agency with responsibility for approving changes in boundaries, LAFCOs play an important role in coordinating growth and ensuring that proposed changes are consistent with environmental justice obligations." Changes of organization must be consistent with spheres of influence, and the information contained in this service review will guide future updates to agency spheres of influence.

OPR identifies several uses for data obtained in the service review process:

1. Improving the community participation process.
2. Identifying low-income/minority neighborhoods under-served by public facilities and services that enhance the quality of life.
3. Considering the equitable distribution of public facilities and services.
4. Considering infrastructure and housing needs.
5. Identifying low-income/minority neighborhoods where facilities and uses that pose a significant hazard to human health and safety may be over-concentrated.
6. Screening of issues for potential environmental justice implications.

Consideration of the issues listed above will assist LAFCO and other public agencies in identifying, preventing, and reversing historical problems of procedural and geographic inequity. In undertaking this service review and making the six determinations, LAFCO used an open public participation process to screen for and identify environmental justice issues.

Demographic data for the County as a whole is limited. Typically analysts rely on Census data, specifically information gleamed from the Census' American Community Survey since that data tends to be more recent even if the pool or respondents is not as large as the pool for the decennial Census. It must be acknowledged, however, that information from the ACS is at the tract level, which is the smallest level in which ACS information can be aggregated. In a rural county, with a dispersed population and few concentrated communities, this means that tracts cover large geographic areas.

Specific to Golden West CSD, we can only approximate, as the District boundaries do not conform to any demographic area in the Census. As it can be seen in Map 2 in Section IX, Census Tract 315.03, which encompasses GWCSD, also includes the communities of East China Hill and Sierra Oaks. As a result, the information summarized in the below from the 2010-14 ACS should not be interpreted as solelyrepresenting Golden West. For comparative purposes, information from the 2010-14 ACS on El Dorado County is also included:

## Table 2: Study Area Population by Race

| Area | Total | RACE | | | | | | | Hispanic or Latino (Of Any Race) |
|---|---|---|---|---|---|---|---|---|---|
| | | White | Black or African American | American Indian and Alaska Native | Asian | Native Hawaiian and Other Pacific Islander | Some Other Race | Two or More Races | |
| El Dorado County | 181,465 | 158,367 (87.3%) | 1,781 (1.0%) | 1,629 (1.0%) | 6,885 (3.8%) | 191 (0.1%) | 6,368 (3.5%) | 6,244 (3.4%) | 22,411 (12.4%) |
| Census Tract 315.03 | 2,941 | 2,796 (95.1%) | 0 (0%) | 0 (0%) | 10 (0.3%) | 0 (0%) | 110 (3.7%) | 25 (0.8%) | 282 (9.6%) |

Sources: 2010-2014 American Community Survey by the U.S. Census

Percentages may not add due to rounding

## Table 3: Poverty Status in the Past 12 Months by Sex and Age (Census Tract 315.03)

| | Total | Under 11 | 12-17 | 18-34 | 35-64 | 65+ |
|---|---|---|---|---|---|---|
| Male | 200 | 38 | 9 | 11 | 136 | 6 |
| Female | 101 | 28 | 0 | 35 | 32 | 6 |

Sources: 2010-2014 American Community Survey by the U.S. Census

Since the only statistically significant populations in Census Tract 315.03 are those of “whites,” “some other race” and “Hispanic/Latino (of any race),” ACS data was pulled for these categories. According to the ACS, the White, non-Hispanic/Latino population in Census Tract 315.03 was the only contributor to the numbers contained in Table 2.

Another set of demographic data to use are the student information collected by the State Department of Education. These contain other limitations as well. GWCSD resides in the Mother Lode School District. As it can be seen from Map 3 in Section IX, the Mother Lode School District includes the communities of El Dorado, Diamond Springs, Sierra Oaks, East China Hill and Golden West. The following statistics are based on school attendance at Indian Creek Elementary and Herbert Green Middle School. Information about reduced priced meals, which can be used as a proxy for the level of poverty in a community, is also provided here. Unfortunately, these data are aggregate since the Department of Education does not provide racial or ethnic breakdowns.

**Table 4: Student Enrollment Population by Race – Indian Creek Elementary**

| | Total | White | Black or African American | American Indian and Alaska Native | Asian | Native Hawaiian and Other Pacific Islander | Two or More Races | Hispanic or Latino |
|---|---|---|---|---|---|---|---|---|
| Male | 306 | 161 | 1 | 9 | 2 | 1 | 10 | 122 |
| Female | 288 | 158 | 0 | 12 | 1 | 0 | 10 | 107 |
| English Learners | 134 | | | | | | | |
| Reduced Meals | 365 | | | | | | | |

Sources: California Department of Education's DataQuest

**Table 5: Student Enrollment Population by Race – Herbert Green Middle**

| | Total | White | Black or African American | American Indian and Alaska Native | Asian | Native Hawaiian and Other Pacific Islander | Two or More Races | Hispanic or Latino |
|---|---|---|---|---|---|---|---|---|
| Male | 244 | 160 | 1 | 4 | 4 | 0 | 6 | 69 |
| Female | 218 | 139 | 1 | 4 | 0 | 0 | 4 | 70 |
| English Learners | 43 | | | | | | | |
| Reduced Meals | 243 | | | | | | | |

Sources: California Department of Education's DataQuest

From these data, it can be concluded that environmental justice issues, if any, are likely to arise based on levels of poverty in Census Tract 315.03 just as much as it can for minority populations. Both are approximately the same size; albeit, small overall relative to the general population. The largest ethnic minority population in Census Tract 315.03 is Hispanic/Latino (approximately 10%). By the same token, income data available from the Census suggests that about 10% of the population,

all of it coming from the white, non-Hispanic/Latino community, have lived in poverty for the last 12 months. On the other hand, while it appears that there are low income and minority population concentrations in or around the vicinity of Golden West CSD, it is not possible to identify the exact locations of those areas.

The 2004 County General Plan does not address environmental justice directly. Although the Environmentally Constrained Alternative did contain related land use and housing policies, the 1996 Alternative and the 2004 General Plan do not contain those sections. The 2004 General Plan Housing Element includes Goal HO: "To provide housing that meets the needs of existing and future residents in all income categories." The housing element also discusses the following special needs groups: people with disabilities, seniors, agricultural employees, female heads of households, homeless persons, and large families and households. Consequently, the extent that the County's planning documents address environmental justice is in its discussion of these special needs groups. Further, the discussion is mostly general to the county as a whole, with some discussion on specific areas.

Nothing on the record indicate that GWCSD's services have benefited one group over another in terms of race, ethnicity or income.

# VIII REFERENCES AND SOURCES

**General Background Information:**

2004 El Dorado County General Plan: A Plan for Managed Growth and Open Roads; a Plan for Quality Neighborhoods and Traffic Relief, adopted July 2004

Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, prepared by Assembly Committee on Local Government, last updated November 2008

Local Agency Formation Commission Municipal Service Review Guidelines, Governor's Office of Planning and Research, August 2003

County of El Dorado, Independent Special Districts Fiscal Budgets for the Fiscal Year 2006-2007.

LAFCO Procedures Guide, 2006 Edition, San Diego County LAFCO

**Governing and Defining Legislation:**

Government Code Section 61000 et seq.

**Agency:**

GWCSD Budgets for FYs 2011-12, 2012-13, 2013-14, 2014-15, 2015-16

Settlement with Delta Construction Company

Meeting minutes for calendar years 2015 (provided by staff) & 2016 (obtained from website)

Closure of reimbursement funds provided by the Federal Emergency Management Agency

GWCSD Audit for FYs 2008-2014

GWCSD Board Policy, Resolution 14-003, adopted May 2014

GWCSD Bylaws, Resolution 2015-07, December 2015

GWCSD Ordinance 2015-5, recorded January 11, 2016

GWCSD Resolution 2016-04, adopted May 14, 2016

GWCSD Road Maintenance Responsibilities (version 1.3), dated March 2013

GWCSD Road Policy, Resolution 13-2, adopted November 2013

Dismissal of the Mica Lawsuit

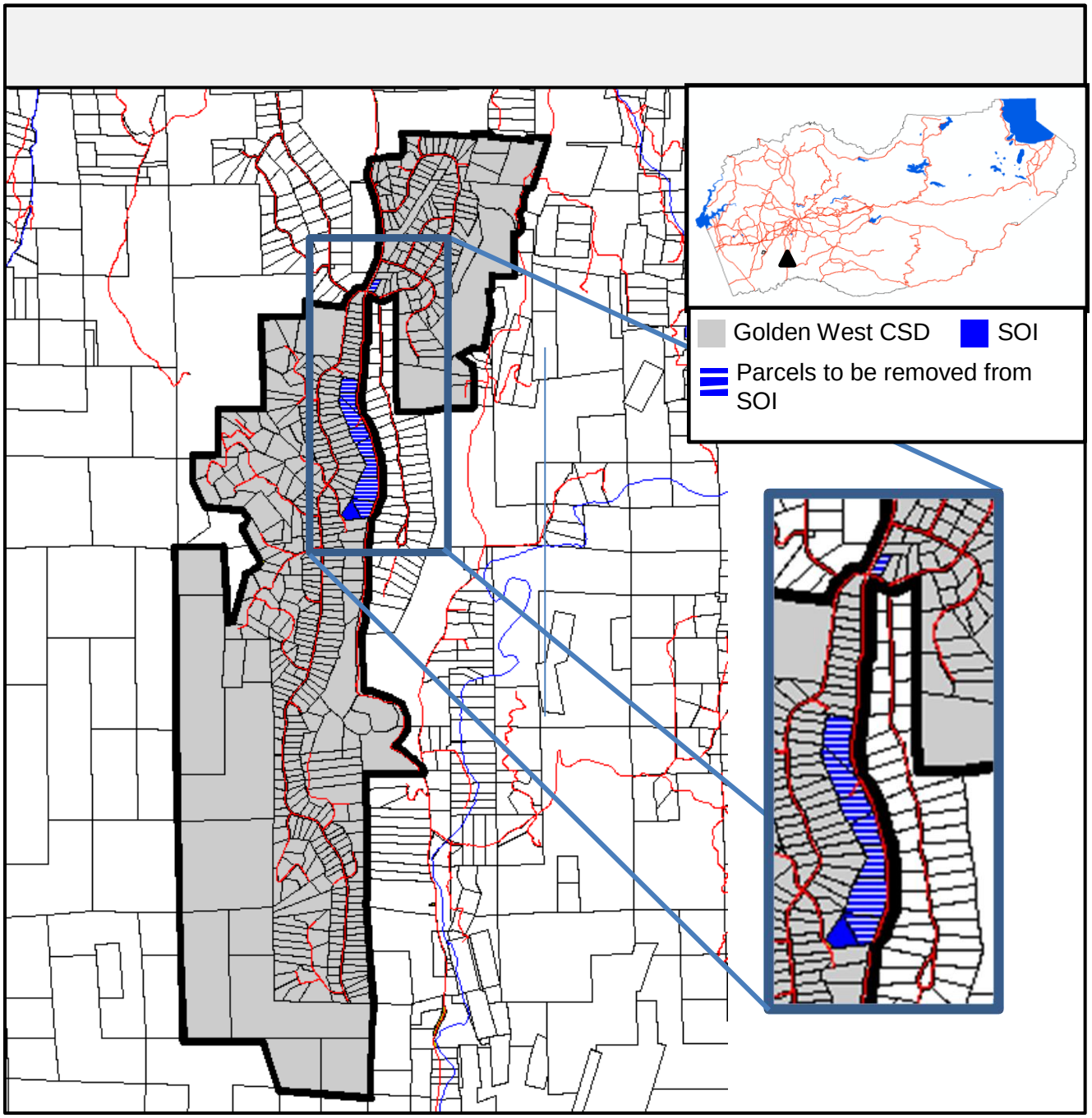
Locations of GWCSD Public Notice postings

**Other:**

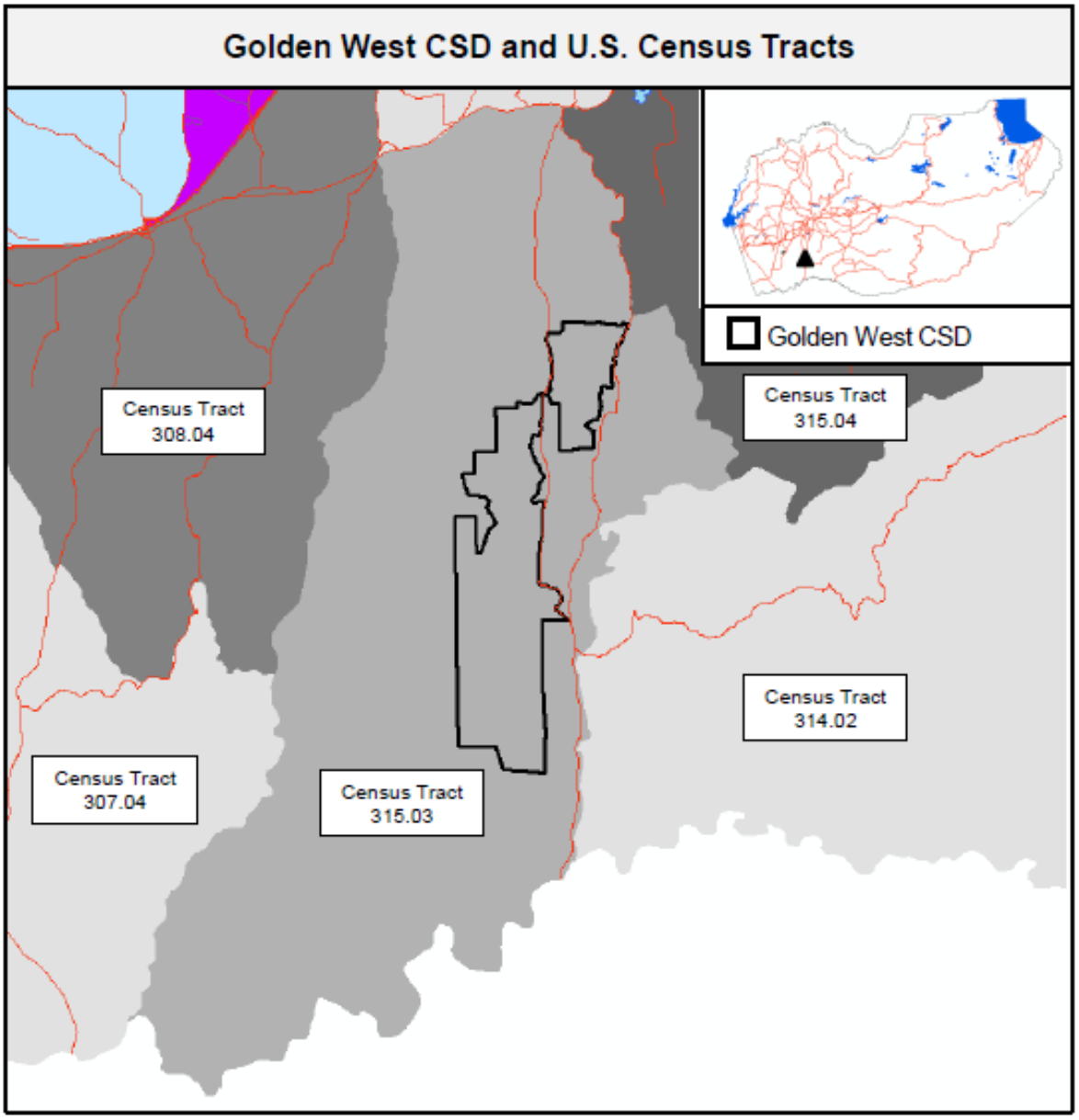
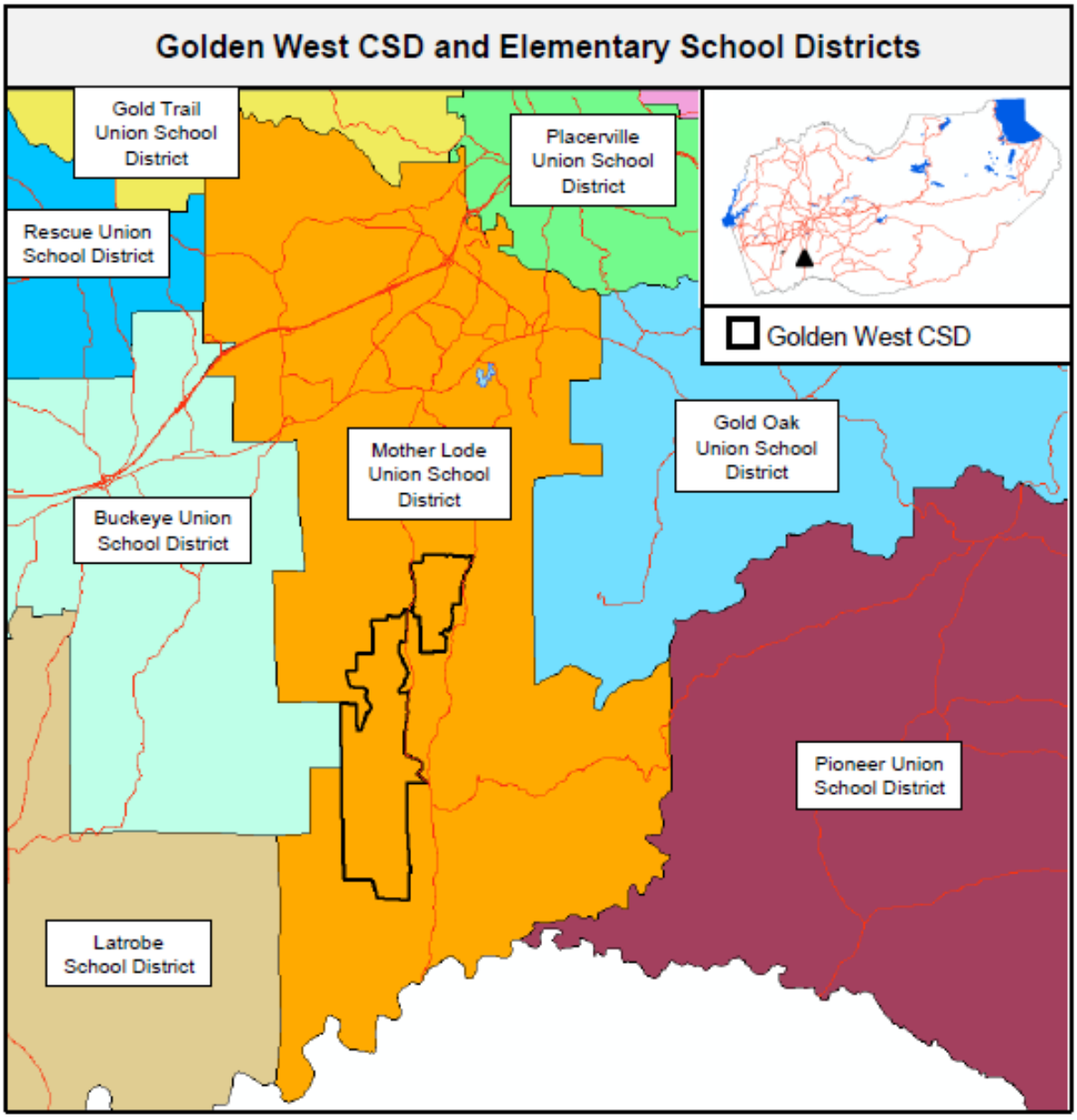
El Dorado County Board of Supervisors Resolution 112-2016, adopted July 19, 2016

# IX MAPS

## Map 1: Golden West Community Services District



## Map 2: Census Tract 3153.03 and Golden West Community Services District



## Map 3: Mother Lode School District and Golden West Community Services District