

EL DORADO LAFCO

LOCAL AGENCY FORMATION COMMISSION

AGENDA OF JUNE 28, 2017

REGULAR MEETING

TO: Shiva Frentzen, Chair, and
Members of the El Dorado County Local Agency Formation
Commission

FROM: José C. Henríquez, Executive Officer

**AGENDA ITEM #10: CONSIDER WAIVER OF CERTAIN APPLICATION
REQUIREMENTS FOR THE TAHOE PARADISE RESORT
IMPROVEMENT DISTRICT CONVERSION**

RECOMMENDATION

Staff recommends that the Commission consider waiving certain LAFCO application requirements for the Tahoe Paradise Resort Improvement District application to convert to a recreation and park district. Staff recommends waiving the following requirements:

- Plan of Service
- Project Information Form
- Reimbursement Agreement
- Disclosure of Gifts to LAFCO Commissioners
- Maps

REASON FOR RECOMMENDED ACTION AND BACKGROUND

The Tahoe Paradise Resort Improvement District (TPRID) operates under an archaic principal statute that has not been updated since the 1960s. In 2010, Senate Bill 1023 (Wiggins) was enacted to encourage districts similar to Tahoe Paradise RID to convert to other types of agencies with more modern statutes by accelerating the LAFCO process. The original bill called for all RIDs to convert to community services districts. This LAFCO successfully lobbied for the bill to allow TPRID to convert to a recreation and park district because the reporting requirements that a CSD has to make with the State are too onerous for a small district like TPRID.

In order to encourage the conversion before the January 1, 2018 sunset date, the Commission waived the LAFCO application fees for TPRID in 2011 and renewed the fee waiver again in 2015. TPRID's budget is very small and its revenue sources too limited to absorb the \$5,000 deposit. For various reasons, including skepticism on the part of the TPRID Board of Directors at the time on the usefulness of the conversion, no such request was filed until very recently.

On June 15, 2017, the TPRID Board submitted a resolution of application to LAFCO to convert the TPRID to Tahoe Paradise Recreation and Park District (Attachment A).

Plan of Service Requirement

Section 3.3.1(a), "Plans of Service," of the LAFCO Policies and Guidelines requires all applicants to include a plan to provide services to the proposal area. The Plan of Service is intended to outline the municipal services that are to be provided to a proposal area and to ensure the capacity, cost and adequacy of services within the district or City are not adversely impacted by the proposed LAFCO action (Government Code §56668).

Staff recommends the waiver of this requirement for two reasons. First, the conversion of the TPRID to a recreation and park district is mainly administrative; the services provided by the District (parks and recreation) will not change as a result of this application. In addition, the 2015-16 TPRID Municipal Service Review and Sphere of Influence Study provides an extensive account of the provision of services. Therefore, the Plan of Service requirement is not necessary.

Additional Requirements

Section 3.1, "Application Process," of the LAFCO Policies and Guidelines requires all applications for consideration by the Commission to be submitted on LAFCO application forms found in Appendix E (Government Code §56652). Additional requirements include:

- **Project Information form** – Completed by the applicant to provide staff with an overview of the proposed action as well as a description of present, future and surrounding land use, current boundaries, population, nearby agricultural operations and open spaces.

The information provided in the Project Information form is not needed for this application because the form is designed for development-type of projects and government restructuring projects (dissolutions, consolidations, etc.). It does not cover district conversions. The comparable information that may otherwise be obtained through this form may be more appropriately obtained by LAFCO staff.

- **Reimbursement Agreement** – Signed by the application to verify understanding and agreement to reimburse LAFCO for its staff, consultant, and legal costs in conjunction with its Application.

The Commission waived the LAFCO application fees for the TPRID in 2011 and 2015; therefore, an agreement to reimburse LAFCO for such fees is unnecessary.

- **Disclosure of Gifts to LAFCO Commissioners** – Completed by the applicant if contributions to any one LAFCO Commissioner exceeds \$250 in the 12 months prior to submitting an application to LAFCO.

The applicant in this case is the TPRID and special districts are prohibited by State Law from making campaign contributions. In addition, the disclosure form is in response to Government Code Section 84308 – campaign contribution prohibitions. This section requires the disclosure of any contribution of over \$250 made by a single party, and received by an elected official, involving any proceeding that affects a license, permit or "other entitlement for use." The type of action requested by TPRID – a conversion – does not fall under GC 84308 as

the conversion is not considered a license, permit, or other entitlement for use. Therefore, the disclosure form is unnecessary.

- **Project Maps** – Required by the State Board of Equalization along with a Statement of Boundary Change for most LAFCO projects.

The State Board of Equalization requires notification of changes to property tax distribution; the TPRID does not collect an increment of the property taxes in its service area. Additionally, the TPRID service boundaries will not change as a result of this application. While maps will be generated for LAFCO purposes, maps that comply with SBOE standards should not be necessary.

Attachments

Attachment A: TPRID Resolution of Application (Resolution 17-01)

Attachment B: Senate Bill 1023 (Chaptered) and Analysis