

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION)
OF THE COUNTY OF ALPINE MAKING DETERMINATION ON)
LAFC PROPOSAL NO. 82-3 AND APPROVING THE FORMATION)
OF THE KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT)
AND DETACHMENT FROM EL DORADO IRRIGATION DISTRICT)

RESOLUTION NO. 84-1

WHEREAS, the application for the proposed formation of the Kirkwood Meadows Public Utility District and detachment from El Dorado Irrigation District in the counties of Alpine, Amador and El Dorado was heretofore filed with the Executive Officer of this Local Agency Formation Commission, as the designated lead agency, and the Executive Officer has examined said application and executed her certificate in accordance with law, determining and certifying that said filings are sufficient, and

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of public hearing by this Commission upon the application; and

WHEREAS, the Executive Officer has reviewed available information and prepared a report, including her recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and

WHEREAS, the public hearing by this Commission was held upon the date and at the time and place specified in the notice of public hearing and in any order or orders continuing the hearing; and

WHEREAS, at the hearing, this Commission heard and received all oral and written protests, all plans and proposed changes of organization and reorganization, objections and evidence which were made, presented, or filed, (received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved) and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application in evidence presented at the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Local Agency Formation Commission of the County of Alpine does hereby find, determine, resolve and order as follows:

FINDINGS:

1. The territory proposed for formation is inhabited.
2. Notice as required by law has been made.
3. All persons requesting to be heard have been given the opportunity to be heard.

4. The area can provide for needed public services.
5. The Commission heard testimony on finding of facts pursuant to Government Code 54796 and made determinations.

DETERMINATIONS:

SECTION 1. The proposal is approved subject to the terms and conditions hereinafter specified:

CONDITIONS:

Condition No. 1. The conducting agencies shall not make any changes in the boundaries hereby approved nor shall it impose any new conditions or modify any conditions hereby imposed unless and until it receives the approval of the Local Agency Formation Commission for such changes, modifications, or conditions pursuant to the procedures prescribed by Section 56275 of the Government Code.

Condition No. 2. The conducting agency shall provide the Local Agency Formation Commission Executive Officer with a copy of the resolution calling the hearing and a copy of the resolution indicating final disposition of the proposal which indicate full compliance with this resolution, and shall provide copies of the documents submitted to the State Board of Equalization and the Secretary of State for recording.

Condition No. 3. The boundaries are hereby approved as presented and as approved are set forth in Exhibit A attached hereto.

Condition No. 4. The following distinctive short form designation shall be used throughout this proceeding: LAFC NO. 82-3.

Condition No. 5. The conducting agency for this proceeding shall be the Board of Supervisors of Alpine County, pursuant to Public Utility Code, Division 7, Chapter 2, Section 15709 as follows: "Notwithstanding any provision of law to the contrary, for purposes of this division all territory in Kirkwood Meadows Public Utility District shall be deemed to be solely within the County of Alpine, which shall be the principal county for purposes of formation of the district and which shall have jurisdiction to approve, disapprove, and carry out all matters pertaining to formation of the district; provided, however, that nothing in this section shall limit or impair the authority of the board of supervisors of the County of El Dorado or the County of Amador to disapprove, by resolution, formation of all or any part of the Kirkwood Meadows Public Utility District within its territory any time prior to final approval of the district by the County of Alpine. If either county so disapproves, any territory designated by the resolution of disapproval shall be excluded from the boundaries of the district.

If the Kirkwood Meadows Public Utility District is not incorporated on or before March 1, 1986, this section is repealed on that date."

Condition No. 6. The district shall be known as Kirkwood Meadows Public Utility District and shall be governed by the Public Utility Code, Division 7, and all other applicable state law.

Condition No. 7. The formation of the district shall be undertaken pursuant to the provisions of the Public Utility Code, Division 7, Chapter 2, and all applicable state election laws.

Condition No. 8. The Board of Directors of the district shall be designated and selected pursuant to PUD Code 15976.

Condition No. 9. The district shall have additional powers pursuant to PUD Code 16486.

Condition No. 10. The district shall be able to incur indebtedness for gas and electricity pursuant to PUD Code 16487.

Condition No. 11. The district shall be apportioned tax revenue from Alpine, Amador and El Dorado counties in the following manner: Alpine County: Twenty percent (20%) of the 1983-84 tax base allocation and twenty percent (20%) of the increased tax allocation each year thereafter that is generated within the boundaries of the district that is located within Alpine County. Amador County: Ten percent (10%) of the 1983-84 tax base allocation and twenty percent (20%) of the increased tax allocation each year thereafter that is generated within the boundaries of the district that is located within Amador County. El Dorado County: Twenty-two point Five-Nine-Six percent (22.596%) of the increased tax allocation each year from 1983-84 that is generated within the boundaries of the district that is located in El Dorado County.

Condition No. 12. The tax allocations shall be apportioned in 1984-85 based on the effective date of formation of the district. The tax allocations thereafter shall be on an annual basis and allocated on the same basis as all other property tax allocations within each county.

Condition No. 13. The effective date of detachment shall be July 1, 1985. At that time, Kirkwood Meadows Public Utility District shall take over the existing sewer and water facilities in Kirkwood that are now operated by the El Dorado Irrigation District.

Condition 14. On July 1, 1985, taxes, assessments, assessment fund accounts and capital connection fees which have been paid from date of detachment action by the Alpine County Board of Supervisors (July 17, 1984) to the El Dorado Irrigation District to provide water and sewer services shall be paid to the Kirkwood Meadows Public Utility District, which District will be the provider of these services pursuant to the Revenue and Taxation Code, Section 99.

Condition 15.

A. On the effective date of the detachment the water and sewer facilities at Kirkwood constructed and paid for by Kirkwood and now in the ownership of El Dorado Irrigation District, included but not limited to the lands, easements, water and sewer pipe lines, pumping stations and treatment plants, as well as any service, shall be the property and responsibility of Kirkwood Meadows Public Utility District and El Dorado Irrigation District shall cease to own such facilities and/or contract rights. Said property shall be transferred in "as is" condition on the date of detachment.

B. Equipment and vehicles used for operation at Kirkwood may be purchased by Kirkwood Meadows Public Utility District for continued use in operation and maintenance of facilities at Kirkwood on consideration of a sum to be paid to El Dorado Irrigation District, said sum to be determined at the time of detachment by inventory and appraisal.

C. On July 1, 1985, all accounts payable are the responsibility of El Dorado Irrigation District and all accounts receivable are the property of El Dorado Irrigation District.

Condition 16. On the effective date of detachment the KMPUD will be responsible for collection, servicing and payment of Assessment District and Improvement District debts existing at the time of the detachment. The District may contract with EID or the County of Jurisdiction to administer said Assessment and Improvement District bonds.

Condition 17. On the effective date of the detachment (July 1, 1985), lands in the Kirkwood Meadows Public Utility District shall not be subject to any taxes or assessments of the El Dorado Irrigation District to repay costs of the remaining El Dorado Distribution System outside the detached area.

Condition 18. As an essential condition to the formation of the PUD and the detachment from EID in general, the PUD Board of Directors shall advise EID of all its budget processes and board actions to allow input on said activities from EID.

Should the PUD decline to implement or follow recommendations as to its management, fiscal or otherwise, it shall make specific findings subject to Superior Court review by EID as to its reasons for not following or implementing EID's suggestions.

It is found by Alpine LAFCO and Alpine Board of Supervisors that this condition is necessary, fair and justifiable inasmuch as EID will continue to have ultimate

legal and fiscal exposure requiring that it not lose meaningful management input to the new district.

This entire condition shall expire at such time as warrant and bond refinancing or debt retirement occurs, which refinancing shall be actively pursued.

Condition 19. A detachment fee of \$100,000.00 shall be paid by the PUD to EID over a period of five (5) years at 5 percent annual interest on the balance. This fee shall be evidenced and secured by a note by the pud reflecting its exact terms.

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SECTION 2. The governing body of the conducting agency is directed to initiate appropriate proceedings in compliance with this resolution and state law.

SECTION 3. The Executive Officer is authorized and directed to mail certified copies of this resolution in the manner and as provided in Section 56272 of the Government Code.

SECTION 4. Approval by the Local Agency Formation Commission is not to be interpreted as indicating that the Commission recommends, requires or advocates that particular proceeding. It should be construed only to mean that if the people, acting by election or through their elected representatives, as required by existing statutory provisions, wish to change the boundaries of a political taxing agency in order to provide a necessary service. The proposal as approved by this Commission would accomplish the service in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other Local Agencies in the area.

PASSED AND ADOPTED this 22nd day of May, 1984, by the Local Agency Formation Commission of Alpine County, State of California, by the following polled vote:


AYES: Commissioners Merrill, Test, Sawdey, Parker and Chairman Freeman

NOES:


ABSENT:

ATTEST:


Karen Keebaugh, Executive Officer


William K. Freeman, Chairman, Local Agency
Formation Commission, County of Alpine,
State of California

APPROVED AS TO FORM:


Henry G. Murdock, County Counsel

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION)
OF THE COUNTY OF ALPINE AMENDING RESOLUTION NO. 84-1) RESOLUTION NO. 84- 2
RE: THE KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT)

BE IT RESOLVED that Local Agency Formation Commission Resolution No. 84-1
is hereby amended as follows:

(A) Condition No. 14. is amended to read:

Condition No. 14. On July 1, 1985, taxes, sewer and water fees and capital connection fees which have been paid from date of detachment action by the Alpine County Board of Supervisors (July 17, 1984) to the El Dorado Irrigation District to provide water and sewer services shall be paid to the Kirkwood Meadows Public Utility District, which District will be the provider of these services pursuant to Revenue and Taxation Code, Section 99.

(B) Condition No. 16. is amended to read:

Condition No. 16. On the effective date of detachment Kirkwood Meadows Public Utility District will enter into a contract with El Dorado Irrigation District to pay for the collections, servicing and payment of Assessment and Improvement District bonds. Said contract is subject to approval of bond counsel.

(C) Condition No. 17. is amended to read:

Condition No. 17. On the effective date of the detachment (July 1, 1985), lands in the Kirkwood Meadows Public Utility District shall not be subject to any taxes or assessments of the El Dorado Irrigation District to repay costs of any improvements located outside the detached area.

PASSED AND ADOPTED this 7th day of June , 1984, by the Local Agency Formation Commission of Alpine County, State of California, by the following polled vote:

AYES: Commissioners Merrill, Sawdey, Parker, and Chairman Freeman

NOES:

ABSENT: Commissioner Test

ATTEST:

Karen Keebaugh
Karen Keebaugh, Executive Officer

William K. Freeman
William K. Freeman, Chairman, Local Agency Formation Commission, County of Alpine, State of California

Approved as to Form:

Henry G. Murdock
Henry G. Murdock, County Counsel