



AGENDA
SPECIAL BOARD MEETING
Wednesday, June 21 – 2:00 PM
 District Board Room, Community Services Building
 33540 Loop Road, Kirkwood, CA 95646

BOARD MEMBERS

Robert Epstein, President

John Schroeder, Vice President
 Doug Mitarotonda, Treasurer

Peter Dornbrook, Secretary
 Bertrand Perroud, Assistant Secretary

IMPORTANT NOTICE REGARDING TELECONFERENCED MEETINGS:

As authorized by Assembly Bill 361 and Governor Newsom’s Proclamation of Emergency dated March 1, 2023, this meeting will be held via video/teleconferencing with members of the Board attending from separate remote locations. This altered format is in observance of recommendations when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

HOW TO PARTICIPATE / OBSERVE THE MEETING:

Public access is available at the physical location of the meeting. You may participate in person or via the Zoom Webinar.

Telephone: Listen to the meeting live by calling Zoom at (669) 900-6833 and enter the Webinar ID# **874 0646 8432** followed by the pound (#) key. Raise your hand to talk by pressing *9.

Computer: Watch the live streaming of the meeting from a computer by navigating to <https://us02web.zoom.us/j/87406468432> using a computer with internet access the meets Zoom’s system requirements (see <https://support.zoom.us/hc/en-us/articles/204003179-System-Requirements-for-Zoom-Rooms>) Raise your hand to talk by clicking Participants/Raise Hand.

Mobile: Login through the Zoom mobile app on a smartphone and enter Meeting ID# **874 0646 8432**

HOW TO SUBMIT PUBLIC COMMENTS:

Prior to the meeting, please mail comments to P.O. Box 247, Kirkwood, CA 95646, fax your comments to (209) 258-8727 Attn: Erik Christeson or email at echristeson@kmpud.com, write “Public Comments” in the subject line. Include the agenda item number and title, as well as your comments. During the meeting, the Board President will announce the opportunity to make public comments. Please utilize the “raise your hand” function via the Zoom application or your telephone if participating in this manner.

ACCESSIBILITY INFORMATION:

Board meetings are accessible to people with disabilities and others who need assistance. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to observe and/or participate in this meeting and access meeting-related materials should contact Brittne Morris, Clerk of the Board, at least 48-hours before the meeting at (209) 258-4444 or bmorris@kmpud.com. Advanced notification will enable the District to swiftly resolve such requests and ensure accessibility.

AGENDA

- 1) **CALL TO ORDER** *President Epstein*
- 2) **ROLL CALL** *Secretary Dornbrook*
- 3) **ANNOUNCEMENTS** *General Manager Christeson*
- 4) **CORRECTIONS TO THE AGENDA** (For purposes of the Brown Act, all Action and Consent items listed give a brief description of each item of business to be transacted or discussed. Recommendations of the staff, as shown, do not prevent the Board from taking other action.)
- 5) **COMMENTS FROM THE AUDIENCE** (This is an opportunity for members of the public to address the Board on any short non-agenda items that are within the subject matter jurisdiction of the District. No discussion or action can be taken on matters not listed on the agenda, per the Brown Act.)
- 6) **WRITTEN COMMENTS FROM THE PUBLIC** (This is an opportunity for Directors and Staff to share written comments received from the public. No discussion or action can be taken on matters not listed on the agenda, per the Brown Act.)
- 7) **ITEMS FOR BOARD ACTION**
 - a) **Resolution 23-06 Declaring a General District Election.** Discussion & possible action.
 - b) **Sun Meadows 3/4 Unit Loan Repayment.** Discussion and possible action.
 - c) **Measure E – Board Intentions and Resolution 23-07.** Discussion & possible action.
- 8) **GENERAL DISCUSSION** Opportunity for the Board to ask questions for clarification, provide information to Staff, request Staff to report back on a matter, or to direct Staff to place a matter on a subsequent agenda.
- 9) **ADJOURNMENT**
The next Regular Board Meeting is scheduled for Friday, July 14, 2023 at 2:00 PM.

The Kirkwood Meadows Public Utility District Board of Directors regularly meets the second Friday of each month. A complete Agenda packet is available for review at the meeting and at the District office during the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. This meeting is recorded and broadcast over Volcano Community Channel 19 and on the internet at www.kmpud.com. Items on the Agenda are numbered for identification purposes only and will not necessarily be considered in the order in which they appear. Designated times are for particular items only. Public Hearings will not be called to order prior to the time specified but may occur slightly later than the specified time.

Public participation is encouraged. Public comments on items appearing on the Agenda will be taken at the same time the Agenda items are heard; comments should be brief and directed to the specifics of the item being considered. Please provide the Clerk of the Board with a copy of all written materials presented at the meeting. Comments on items not on the Agenda can be heard during "Comments from the Audience"; however, action cannot be taken on items not on the Agenda.

Backup materials relating to an open session item on this Agenda, which are not included with the Board packet, will be made available for public inspection at the same time they are distributed or made available to the Board, and can be viewed at the District office, at the Board meeting and upon request to the Clerk of the Board.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the Brittne Morris at (209) 258-4444, by email at bmorris@kmpud.com. Requests must be made as early as possible, and at least two business days before the meeting.

From: Christian Bastoul <chrbas@outlook.com>
Sent: Saturday, June 17, 2023 2:22 PM
To: Erik Christeson
Cc: Christian Bastoul
Subject: Public Comments for BoD meeting on June 21 - Measure E

I have the following questions regarding Measure E and the information that the Board provided regarding its implementation. It would be helpful if these were addressed during the Board meeting on the 23rd.

1. “contracting two certified fire fighters/EMT available full-time”: the Board indicated a headcount of 12 at the meeting in April to provide 4 Full Time resources in Kirkwood. Is it correct to assume that 2 full-time coverage (7x24x365) requires 6 headcounts + management headcount?
2. Could we get an update on discussions since April with Vail on how their EMTs could be used in the Valley?
3. “Review the methodology used in Measure E which is called “The Rate and Method of Apportionment (RMA)””: can the methodology be changed without another vote like the one in July?
4. “until an actual contract is executed, the Board will not know the cost for contract services” in 2025 and beyond: do we have any protection again an initial cost surprise once the Amador Fire Protection District know that the Board has taxation power of \$1.9M or against large future annual increases?
5. “the Board will self-impose the following limits on Measure E revenue collection”: could a future Board approve a resolution changing these limits?
6. We have decades of experience planning for snow removal, yet the snow removal budget is going up over 30% in 2023/24. What will prevent the same thing from happening to the Fire Department budget at some point in the future? What will this Board (or a future Board) do in this case given the taxation power allowed by Measure E?
7. Measure E, as presented by the Board in April, was for a fully staffed professional department costing \$1.9M/year with a defined allocation method based on parking spaces. The Board is now telling us that half of the original headcount would work, that the allocation method will have to change and that they will commit to spending much less than what they asked. Yet, Measure E, which is a taxation measure, has not changed. Any urgency for a vote is artificially created. Why not have a resolution to withdraw it and then create a Measure that has widespread support throughout the valley? Would a Director introduce this resolution?

Thank you,

Christian Bastoul
Kirkwood Meadows PUD is an equal opportunity provider and employer.

RESOLUTION NO. 23-06

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT
DECLARING A GENERAL DISTRICT ELECTION**

WHEREAS, an election will be held within the Kirkwood Meadows Public Utility District that will affect the Counties of Alpine, Amador and El Dorado on November 7, 2023, for the purpose of electing Director Seat #1 and #2 to expire 12/01/2027.

WHEREAS, a statewide general election will be held within the County of Alpine on the same day;

WHEREAS, Election Code §10403 requires jurisdictions to file with the Board of Supervisors, and a copy with the Registrar of Voters, a resolution requesting consolidation with a statewide election.

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Kirkwood Meadows Public Utility District that the Kirkwood Meadows Public Utility District requests the Board of Supervisors of Alpine County to consolidate the regularly scheduled General District Election with the statewide election to be held on November, 7th, 2023; and

BE IT FURTHER RESOLVED, that the candidate pre-pays at the County Clerk’s office for publication of the voluntary candidate’s statements, pursuant to Elections Code §13307. The limitation on the number of words that a candidate may use in his or her candidate’s statement is 200 words; and

BE IT FURTHER RESOLVED, in the event of a tie vote, the winning candidate shall be decided by the drawing of straws administered by the General Manager.

PASSED AND ADOPTED by the Board of Directors of the Kirkwood Meadows Public Utility District on this 21st Day of June 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By: _____
Robert Epstein, President

ATTEST:

Peter Dornbrook, Secretary

April 25, 2023

Kirkwood Meadows Public Utility District
P.O. Box 247
Kirkwood, CA 95646

Attn: Brittnie Morris, Clerk of the Board

Dear Brittnie:

Preparations are currently in progress for the November 7, 2023 election. Several items will need to be acted upon by your district board in conjunction with the required "Notice of Election". Please provide in writing the information outlined below.

1. **NOTICE CALLING THE ELECTION**

The general district election will be held on November 7, 2023. Pursuant to Elections Code §10509, on the 125th day (July 5, 2023) prior to the day fixed for the general district election, the secretary shall deliver a notice to the county elections official. The notice shall bear the secretary's signature and the district seal and shall also contain all of the following:

Please include in the notice, in case of a tie vote, how the method of selecting the winner will be determined, and who is responsible for determining the winner.

A. **Elective offices**

The elective office of this district to be filled at the next general district election, specifying which offices, if any, are for the balance of an unexpired term.

It is the District's responsibility to ensure accurate information is provided to the Registrar's office when a vacancy occurs. According to law, you have 15 days to notify the Registrar's office of the vacancy. If you have a vacancy occur between the date of your resolution and the beginning of the nomination period, you must notify the Registrar within 48 hours of vacancy.

B. **Candidate's statement — number of words**

The district board must determine whether to limit candidate statements of qualifications to 200 words or authorize an extension to 400 words (We recommend 200 words). (Reference: Elections Code §13307(a))

C. **Candidate's statement costs**

The district board must determine whether the individual candidate(s) or the district will pay for the publication of the voluntary candidates' statements included in the Sample Official Ballot Pamphlet. If prepayment is required, a statement to this effect must be included in the notice. The Registrar of Voters office will then direct candidates to prepay the estimated costs at the district office or the County Clerk's office prior to the statement being filed with the nomination documents.

Enclosed is a sample notice, which may be of assistance to you in providing the required information. **The deadline for submission of the notice for the November 7, 2023 Utility District Election is no later than July 5, 2023.** This date is to ensure that the information, for your general board member election, is included in the Candidates Guide that is prepared and distributed by this office.

2. **NOTICE OF DISTRICT ELECTION AND PUBLICATION OF ELECTION NOTICE**

Elections Code §12112 requires that we publish a notice of election providing information on the date of the election, offices for which candidates may file, qualifications required by your principal act, etc. Since we have no newspaper of general circulation in Alpine County, the Attorney General has determined that we may post rather than publish. Your district board has a choice of how they would prefer this required publication:

A. **Combined election notice with other districts**

In an effort to reduce costs to the district(s) while still meeting requirements of code, we propose to post one election notice, combining information on all special districts scheduled for election on November 7, 2023.

OR

B. **Individual district notice**

If your district board prefers an individual election notice, I will prepare an individual notice and only post it within your district.

Please complete the attached two forms ("Notice of Election" and "Publication of Notice of Election"). They are to be submitted with the election resolution.

3. **REIMBURSEMENT OF COSTS**

The Board of Supervisors adopted a Resolution establishing a schedule of fees and charges for the administration of elections by Alpine County Elections.

A bill will be submitted to your district after the November 7, 2023 election.

4. **CERTIFICATION OF MAPS AND BOUNDARIES**

Elections Code §10522 requires that at least 125 days before the election a current map and boundary description be delivered to the Registrar of Voters. For the November 7, 2023 Election, **our administrative deadline is July 5, 2023**. If, however, there have been no boundary changes since your last election, you may certify the map and boundary description, which we have on file, as being current. You can do so, by enclosing a signed letter stating this information, or stating that there has been no boundary changes in your resolution submitted to our department.

5. **OTHER**

A. **If your district is contemplating placing a measure in the November 7, 2023 Election, please coordinate this with our office at the earliest date possible. The administrative deadline for a district measure to be consolidated with the November election is August 11, 2023.** If this deadline cannot be met, contact this office immediately. It is important for your district and our office to coordinate the details of what and how items need to be submitted to us.

B. If any resolutions necessitate special requirements that the Elections' Office needs to fulfill, such requirements need to be listed in the resolution.

6. **RETURN TO VOTER REGISTRATION AND ELECTIONS**

- ▶ Notice of Election
- ▶ Posting of Notice of Election form
- ▶ Certification of maps and boundaries

The nomination period for the November 7, 2023 election is July 17, 2023 through August 11, 2023. A "Candidate Guide" for the election is being prepared and will be provided to all candidates at the time they obtain their nomination papers.

If you have any questions regarding the election, or require additional information or clarification of the above, please call me at (530) 694-2281.

Very truly yours,



Teola L. Tremayne
County Clerk / Elections Official
Enclosures

NOTICE OF DISTRICT ELECTION

DISTRICT

Notice is hereby given that a General District Election will be held November 7, 2023 in this district. The offices for which candidates may declare their candidacy are (list title of office and number of positions):

Qualifications: Each candidate must meet the following qualifications for office as specified in the principal act or code under which this district is organized:

Candidate’s Statement – Number of words: **(check one)**

- 200 word limit
- 400 word limit

Candidate Statement - Costs

- Candidate pre-pays at the district office or the County Clerk’s office
- District pays for the candidate statement

for the publication of the candidate’s statement, pursuant to Elections Code §13307.

Reimbursement of Costs: Kirkwood Meadows Public Utility District agrees to reimburse the Alpine County Clerk for actual costs accrued, such costs to be calculated by the method set forth in the County’s current Election Cost Allocation Procedures.

In case of a tie vote, in the event of a tie cote, the winning candidate shall be decided by the drawing of straws administered by the General Manager

Code Reference:

Official declarations of candidacy for eligible candidates desiring to file for any of the elective offices may be obtained from the office of the County Clerk at 99 Water Street, Markleeville CA on and after July 17, 2023, and must be filed not later than 5:00 p.m. on August 11, 2023. However, if a declaration of candidacy for an incumbent is not filed by the latter date and hour, any person other than the incumbent shall have until 5:00 p.m. on August 16, 2023 to file a declaration of candidacy for such office.

Appointment to each elective office will be made by the supervising authority as prescribed by Elections Code §10515 in the event there are no candidates or an insufficient number of candidates for such office and a petition for an election is not filed within the time prescribed by Elections Code §10515; that is, by 5:00 p.m. on August 16, 2023.

Dated this _____ day of _____, 2023.

(District Seal)

District Secretary

PUBLICATION OF NOTICE OF ELECTION

Elections Code §12112 requires the publication of a “Notice of Election.” The notice shall contain the date of the general district election, name the offices for which candidates may file, and state the qualifications required by the principal act for each office, as well as other pertinent information. Since Alpine County has no newspaper of local circulation, the Attorney General has determined that the notice may be posted.

Kirkwood Meadows Public Utility District

Recommends that the Registrar of Voters publish (check one only):

A combined election notice with other districts

or

A separate/individual district notice.

Dated:

District Secretary

STAFF REPORT

Sun Meadows 3/4 Unit Loan Repayment

Background:

In 2019 the District expanded employee housing by purchasing units in Sun Meadows 3/4 and The Meadows. When The Meadows unit was vacated in 2023 no staff wanted to live in The Meadows unit. Due to exorbitant HOA costs and lack of employee interest, the unit was sold at a profit of \$108,447.53.

The loan for the Sun Meadows 3/4 unit started on 06/18/2019 for \$172,000, has a 4.6% interest rate over ten years with payments of \$972.49 a month and the remaining balance must be paid off on 05/18/2029 for \$126,687.83. As of 05/19/2023 there is still a balance of \$156,510.94 on the loan.

There are three options at this time. The first option is to take all the profits from the Meadows unit of \$108,447.53 and apply this to the Sun Meadows 3/4 loan. The second option is to apply the profits to offset the negative fund balance in employee housing of \$34,000 for fiscal year 2023 and then apply the rest, \$67,000, to offset the Sun Meadows 3/4 loan. The third option would be to leave the profits in the employee housing fund to offset employee housing for the next few years until exhausted.

Fiscal Impact:

Option one would save the District approximately \$33,000 in interest payments over the next six years and would end the loan on 12/18/2027. Option two would save the District approximately \$20,900 in interest payments and leave a remaining payment of \$36,486.74 for 05/18/2029. Option three would make the employee housing fund a stand-alone fund for three years but would then go negative again once these profits run out.

Reviewed by Committee:

Finance.

CEQA:

The General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA.

Recommendation:

Staff and Finance recommend implementation of Option one above.

Prepared By:

Tommy Baggett

RESOLUTION NO. 23-07

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE KIRKWOOD MEADOWS
PUBLIC UTILITY DISTRICT DECLARING ITS INTENTIONS REGARDING
IMPLEMENTATION OF “MEASURE E” IF IT IS APPROVED BY DISTRICT VOTERS AT THE
SPECIAL ELECTION SET FOR JULY 11, 2023**

WHEREAS, on April 3, 2023, the Board of Directors (the “Board”) of the Kirkwood Meadows Public Utility District (“District”) adopted a resolution forming the “Kirkwood Meadows Public Utility District Community Facilities District No. 2023-1 (Fire Services)” (the “CFD”) to fund fire safety, prevention, response and suppression services, medical services, and costs incidental thereto pursuant to the Mello-Roos Community Facilities Act of 1982, and authorized the levy of a special tax on property within the CFD, subject to voter approval; and

WHEREAS, a mail ballot election has been set for July 11, 2023, wherein voters in the District will have the opportunity to vote on “Measure E”, which includes an authorization to levy “... a maximum annual special tax levy of \$513 per parking space in fiscal year 2023-24, increasing annually thereafter and continuing in perpetuity, annually generating approximately \$1,900,000 initially...”; and

WHEREAS, the Board has received and considered inquiries and feedback from voters in the District regarding the Board’s intentions, if Measure E passes, regarding the future staffing and operation of the District’s fire department and the levy of the annual CFD special tax in an amount less than the authorized maximum; and

WHEREAS, after due consideration of citizen input, the Board desires to express certain intentions with regard to voter approval of Measure E.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Future Staffing of Fire Department. If Measure E passes, the Board hereby declares the following as its intention with regard to the staffing of the Kirkwood Volunteer Fire Department (KVFD).

- i. Advance the KVFD from an all-volunteer operation to contracting two certified fire fighters/EMTs available full-time, complemented by trained volunteers.
- ii. KVFD will continue to work with the Amador Fire Protection District (AFPD), or any other entity capable and interested in providing staff and services under contract with the District.

2. Amount of Annual CFD Tax Levy. If Measure E passes, the Board hereby declares the following as its intention with regard to the amount of special taxes to be levied for the CFD.

- i. Limit the levy of Measure E special taxes as follows:
 - a. For Fiscal Year 2024: Limit special tax revenue from Measure E to \$700,000.
 - b. For Fiscal Year 2025: Limit special tax revenue from Measure E will be limited to no more than \$1,100,000, with the intention to keep revenue

below this level in the future, however until an actual contract (described in item 1 above) is executed, the Board will not know the cost for contract services.

- ii. Implement a formal community review process policy prior to any increase in the KVFD budget beyond that which is adopted for Fiscal Year 2025, other than for annual CPI increases.

3. Consideration of Permanent Amendment to Special Tax. If Measure E passes, the Board hereby declares the following as its intention with regard to considering an amendment to the maximum special tax authorization for the CFD.

- i. The Rate and Method of Apportionment (RMA) will be reviewed relative to benefit assessment and parking spaces, possibly resulting in a permanent amendment to the special tax authorization based on those factors.
- ii. Reduce the maximum revenue down from what is on the ballot (\$1.9 million plus inflation adjustment) to a lower amount consistent with actual contract costs.

4. Effective Date. This resolution shall take effect upon its adoption.

* * * * *

PASSED AND ADOPTED at a regular meeting of the Board of Directors on the _____ day of _____, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

President

Secretary