

NEW BUSINESS
ITEM 9.F.

Georgetown Divide Public Utility District | 2013 Policy Manual

POLICY TITLE: Legal Counsel and Auditor

POLICY NUMBER: 4048

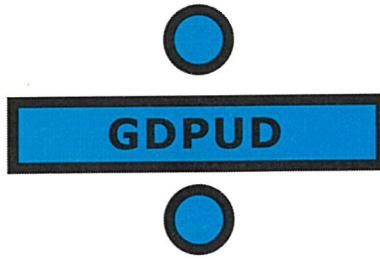
4048.1 The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities.

4048.2 Legal Counsel shall be the legal adviser of the District and shall perform such duties as may be prescribed by the Board of Directors. Legal Counsel is required to review and approve District legal documents, i.e. contracts, agreements, etc. The Legal Counsel shall present and report on all legal issues to the Board President and/or the Board, in both Open and Closed Session. The Legal Counsel shall serve at the pleasure of the Board, and shall be compensated for services as determined by the Board.

4048.2.2 The Legal Counsel reports to the Board as a whole but is available to each director for consultation regarding legal matters affecting or concerning the District. No Board member may request a legal opinion of legal counsel without concurrence by the Board President except as such requests relate to questions regarding that member's participation. The Legal Counsel shall be available to the District General Manager for consultation on applicable issues and activities. All correspondence with legal counsel is to be copied to the Board President.

4048.3 The Auditor shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Auditor. Selection of the Auditor shall be done in a noticed public meeting and at least every five years.

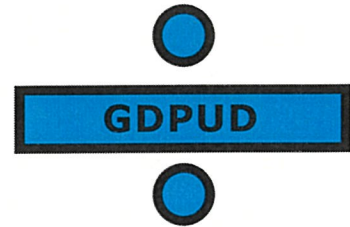
4048.3.1 The Board may appoint a committee to oversee the work of an independent auditor, which will report to the Board, to conduct an annual audit of the District's books, records, and financial affairs in accordance with state law and the Finance Committee Charter which is appointed by the Board for Audit Compliance.



NEW BUSINESS

ITEM 9.F.

**REPORT TO THE BOARD OF DIRECTORS
BOARD MEETING OF JANUARY 12, 2021
AGENDA ITEM NO. 9.F.**



**AGENDA
SECTION:**

NEW BUSINESS

SUBJECT:

INDEPENDENT AUDIT

PREPARED BY:

Jeff Nelson, PE, General Manager

APPROVED BY:

Jeff Nelson, PE, General Manager

BACKGROUND

This item was requested to be added to the January 2021 Regular Board meeting agenda by the Board during the December 8th, 2020 Regular Board meeting so the Board can discuss and consider an audit of certain aspects of the District's finances not addressed by the Annual Independent audit.

DISCUSSION

Policy 4048 (attached) applies to the District's Annual Independent audit and does not directly apply to a special independent audit. Therefore, there currently is no District Policy that applies to a Special Independent audit.

FISCAL IMPACT

There is no fiscal impact associated with this item. If the Board chooses to retain an Independent Special Auditor, costs associated with retaining the auditor will be incurred.

CEQA ASSESSMENT

This item does not require a CEQA action.

RECOMMENDED ACTION

If the Board wishes to pursue retaining an Independent Special auditor, staff recommends the Board form an *ad hoc* independent audit committee to work with staff to develop an RFP for selecting an auditor to perform a special audit separate from the annual independent audit.

ALTERNATIVES

The Board may direct Staff to make changes to the existing District policy.

ATTACHMENTS

1. Board Policy 4048 – Legal Counsel and Auditor

Georgetown Divide Public Utility District

Policy Manual

2013

POLICY TITLE: Legal Counsel and Auditor

POLICY NUMBER: 4048

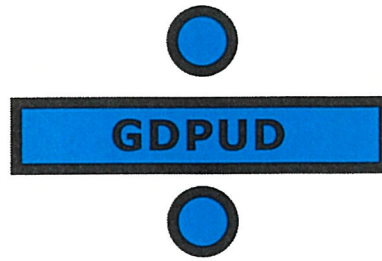
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4048.3.1 The Board may appoint a committee to oversee the work of an independent auditor, which will report to the Board, to conduct an annual audit of the District's books, records, and financial affairs in accordance with state law and the Finance Committee Charter which is appointed by the Board for Audit Compliance.



NEW BUSINESS
ITEM 9.G.

**REPORT TO THE BOARD OF DIRECTORS
BOARD MEETING OF JANUARY 12, 2021
AGENDA ITEM NO. 9.G.**

GDPUD

AGENDA SECTION: NEW BUSINESS

**SUBJECT: NOMINATION OF GDPUD REPRESENTATIVE TO LOCAL
AGENCY FORMATION COMMISSION (LAFCO)**

PREPARED BY: Kelly Molloy, Board Assistant

APPROVED BY: Jeff Nelson, PE, Interim General Manager

BACKGROUND

The El Dorado Local Agency Formation Commission ("LAFCO") is a State mandated local agency whose jurisdiction is all of El Dorado County. It is composed of seven regular Commissioners: two members from the Board of Supervisors; two members who represent cities; two members who represent special districts; and one public member who represents the public as a whole.

DISCUSSION

The Georgetown Divide Public Utility District ("GDPUD") has been invited to nominate a representative to LAFCO. Currently, there are two special district seats that are open this year: one Regular Special District Member seat with a 4-year term and one Regular Special District Member seat with a 2-year term. The latter would finish the Regular Special District Term vacated last year. The Executive Officer has determined that the business of the Special District Selection Committee will be conducted in writing to elect a regular and an alternate Special District Representative for new four-year terms beginning May 2021 pursuant to the provisions of Government Code §56332(f).

All nominations are due in writing on or before February 15, 2021. Nominations received after that date cannot be accepted and will be returned to the District. A nominee must be a Director from an independent special district within El Dorado County. To be valid, all nominations must include the following:

- 1) Name and district of the nominee
- 2) Name of the nominating district
- 3) **Signature** of the **Presiding Officer** of the District's Board of Directors or the record of nomination made by majority vote at an official meeting of your District's board (Resolution or Minute Order can be attached)

Please submit a statement of qualifications (not to exceed one page) for each nominee.

The election for both seats will be held concurrently. The recipient of the most votes will serve the 4-year term and the recipient of the second most number of votes will serve the 2-year term. Once the nomination period is closed, one ballot listing valid candidates and voting instructions will be sent via email to those Districts who have opted to receive and complete the election by email and by certified mail to each District opting to receive materials by mail. The one-page statement of qualifications will be included as submitted.

Contact the LAFCO office at (530) 295-2707, if you have any questions.

FISCAL IMPACT

There is no fiscal impact.

CEQA ASSESSMENT

This is not a CEQA project.

RECOMMENDED ACTION

Staff recommends the GDPUD Board of Directors adopt the attached Resolution nominating one of its' Directors as a representative to LAFCO.

ALTERNATIVES

Decline to nominate a representative to LAFCO and reject Resolution 2021-XX.

ATTACHMENTS

1. Memo from LAFCO
2. SDE Nomination Ballot
3. LAFCO Handout Helping CA
4. Government Code Section 56332
5. Resolution 2021-XX

AGENDA ITEM 9.G.


ATTACHMENT 1

MEMO FROM LAFCO



LOCAL AGENCY FORMATION COMMISSION
550 Main Street, Suite E. Placerville, CA 95667
(530) 295-2707 • lafco@edlafco.us • www.edlafco.us

M E M O

TO: Presiding Officer
FROM: José C. Henríquez, Executive Officer 
El Dorado Local Agency Formation Commission
DATE: January 6, 2021
SUBJECT: ***Election of Special District Representatives to El Dorado LAFCO
Nominations for Special District Commissioner***

This is a follow up to the January 4, 2021 Memo sent to all of the districts. In that memo, El Dorado LAFCO notified you that the nomination period was open for the election for the Special District Alternate to this agency. That was an error: There are two special district seats that are will be open this year: one Regular Special District Member seat with a 4-year term and one Regular Special District Member seat with a 2-year term. The latter would finish the Regular Special District Term vacated last year.

As noted before, the Executive Officer has determined that the business of the Special District Selection Committee will be conducted in writing to elect a regular and an alternate Special District Representative for new four-year terms beginning in May 2021 pursuant to the provisions of Government Code §56332(f).

All nominations are due in writing on or before **February 15, 2021**. Nominations received after that date cannot be accepted and will be returned to your District. A nominee must be a Director from an independent special district within El Dorado County. To be valid, all nominations must include the following:

- 1) Name and district of the nominee
- 2) Name of the nominating district
- 3) **Signature** of the **Presiding Officer** of the District's Board of Directors or the record of nomination made by majority vote at an official meeting of your District's board (Resolution or Minute Order can be attached)

Please submit a statement of qualifications (not to exceed one page) for each nominee.

The election for both seats will be held concurrently. The recipient of the most votes will serve the 4-year term and the recipient of the second most number of votes will serve the 2-year term. Once the nomination period is closed, one ballot listing valid candidates and voting instructions will be sent via email to those Districts who have opted to receive and complete the election by email and by certified mail to each District opting to receive materials by mail. The one-page statement of qualifications will be included as submitted.

Contact the LAFCO office at (530) 295-2707, if you have any questions.

Enclosure: Election Nomination Ballot

C:\Users\GDPUD\AppData\Local\Microsoft\Windows\NetCache\Content.Outlook\NXMJVKPL\2021 May Special District Election Nomination Memo - Follow Up.docx

COMMISSIONERS

Public Member: Michael Powell • Alternate Public Member: Holly Morrison
City Members: Cody Bass, Michael Saragosa • Alternate City Member: Kara Taylor
County Members: John Hidahl, Wendy Thomas • Alternate County Member: George Turnboo
Special District Members: Tim Palmer, Vacant • Alternate Special District Member: Michael Saunders

STAFF

José C. Henríquez, Executive Officer • Erica Sanchez, Assistant Executive Officer
Malathy Subramanian, Commission Counsel

AGENDA ITEM 9.G.
ATTACHMENT 2
SDE NOMINATION BALLOT



LOCAL AGENCY FORMATION COMMISSION
550 Main Street, Suite E. Placerville, CA 95667
(530) 295-2707 • lafco@edlafco.us • www.edlafco.us

SPECIAL DISTRICT NOMINATION

Special District Representative to LAFCO

Position	Nominee's Name	Originating District

SIGNATURE OF PRESIDING OFFICER: _____
(Original Signature Required)

Note: Presiding Officer is the Chair/President. Any other signature invalidates this ballot, unless accompanied by Meeting Minutes designating an alternate.

PRINTED NAME OF PRESIDING OFFICER: _____
(Required)

NAME OF NOMINATING DISTRICT: _____

MINUTES ATTACHED (Optional): Yes ☐ No ☐

Nominations must be received by LAFCO before

5:00 p.m. on February 15, 2021

Return to:

**LAFCO
550 Main Street, Suite E
Placerville, CA 95667**

COMMISSIONERS

Public Member: Michael Powell • Alternate Public Member: Holly Morrison
City Members: Cody Bass, Michael Saragosa • Alternate City Member: Kara Taylor
County Members: John Hidahl, Wendy Thomas • Alternate County Member: George Turnboo
Special District Members: Tim Palmer, Vacant • Alternate Special District Member: Michael Saunders

STAFF

José C. Henríquez, Executive Officer • Erica Sanchez, Assistant Executive Officer
Malathy Subramanian, Commission Counsel

AGENDA ITEM 9.G.

ATTACHMENT 3

LAFCO HANDOUT HELPING CA

REVITALIZING OUR COMMUNITIES

LAFCO IS HERE TO HELP

We understand how difficult the COVID-19 pandemic has been on the staff and operations of cities and special districts, and we are looking forward to emerging from this very difficult period in our collective history. LAFCo is here to help guide the recovery process through proven leadership and fair decision-making that acknowledges and balances competing interests. LAFCo uses its regulatory and planning powers to manage growth and development and promote efficient service delivery. LAFCo has the tools and resources that can help your organization through the next steps.

LAFCOS ARE COMMITTED TO:



1. LEADING THE CONVERSATION WITHOUT BIAS

- Facilitating a constructive discussion with local and regional agencies
- Reaching out to local and regional agencies to identify issues and solutions
- Coordinating agency access to information, programs and resources
- Bringing agencies together by building relationships
- Offering unique local solutions to meet local challenges



2. DEVELOPING MORE EFFICIENT SERVICES

- Building on interagency strengths
- Developing options for efficient and effective services in the new normal
- Connecting agencies to each other for service streamlining
- Giving great weight to proposals that promote improved service delivery to underserved communities while achieving orderly growth patterns



3. PARTNERING TO REBUILD LOCAL ECONOMY IN A BALANCED WAY

- Considering the impacts of LAFCo decisions
- Facilitating economic opportunities based on local circumstances
- Balancing economic growth and conservation of open space and agricultural lands



4. TAKING CRISIS ACTIONS TOGETHER WITH STRESSED AGENCIES

- Helping agencies look at key health indicators (i.e. fiscal, governance)
- Working with agencies to identify internal solutions
- Exploring alternative service delivery options

WE OFFER:

- ✓ Email lists and contacts
- ✓ Connections to other agencies
- ✓ Local stakeholder access
- ✓ Professional affiliations
- ✓ SOI/MSRs/Special Studies
- ✓ Key agency health indicators
- ✓ LAFCo actions: Annexations, activation powers, reorganizations, applications, etc.



AGENDA ITEM 9.G.

ATTACHMENT 4

GOVERNMENT CODE SECION 56332

Public member restrictions

No person appointed as a public member or alternate public member pursuant to this chapter shall be an officer or employee of the county or any city or district with territory in the county, provided, however, that any officer or employee serving on January 1, 1994, may complete the term for which he or she was appointed.

Alternative member; one vote

56331.3. If two or more members are absent or disqualify themselves from participating in a meeting of the commission, any alternate member who is authorized to serve and vote in the place of a member shall only have one vote.

Independent special district selection committee

56332. (a) The independent special district selection committee shall consist of the presiding officer of the legislative body of each independent special district. However, if the presiding officer of an independent special district is unable to participate in a meeting or election of the independent special district selection committee, the legislative body of the district may appoint one of its members as an alternate to participate in the selection committee in the presiding officer's place. Those districts shall include districts located wholly within the county and those containing territory within the county representing 50 percent or more of the assessed value of taxable property of the district, as shown on the last equalized county assessment roll. Each member of the committee shall be entitled to one vote for each independent special district of which he or she is the presiding officer or his or her alternate as designated by the governing body. Members representing a majority of the eligible districts shall constitute a quorum.

Meetings

(b) The executive officer shall call and give written notice of all meetings of the members of the selection committee. A meeting shall be called and held under one of the following circumstances:

Anticipated vacancy

(1) Whenever the executive officer anticipates that a vacancy will occur within the next 90 days among the members or alternate member representing independent special districts on the commission.

(2) Whenever a vacancy exists among the members or alternate member representing independent special districts upon the commission.

(3) Upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll.

(4) Upon the adoption of a resolution of intention pursuant to Section 56332.5.

(5) Upon receipt of a written request by one or more members of the selection committee notifying the executive officer of the need

Appointment of special district members

District member disqualification

Call for nominations

Elections by mailed ballot

to appoint a member representing independent special districts on an oversight board pursuant to paragraph (3) of subdivision (j) of Section 34179 of the Health and Safety Code.

(c) The selection committee shall appoint two regular members and one alternate member to the commission. The members so appointed shall be elected or appointed members of the legislative body of an independent special district residing within the county but shall not be members of the legislative body of a city or county. If one of the regular district members is absent from a commission meeting or disqualifies himself or herself from participating in a meeting, the alternate district member may serve and vote in place of the regular district member for that meeting. Service on the commission by a regular district member shall not disqualify, or be cause for disqualification of, the member from acting on proposals affecting the special district on whose legislative body the member serves. The special district selection committee may, at the time it appoints a member or alternate, provide that the member or alternate is disqualified from voting on proposals affecting the district on whose legislative body the member serves.

(1) The executive officer may prepare and deliver a call for nominations to each eligible district. The presiding officer, or his or her alternate as designated by the governing body, may respond in writing by the date specified in the call for nominations, which date shall be at least 30 days from the date on which the executive officer mailed the call for nominations to the eligible district.

(2) At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed appointed. This paragraph shall be operative only if the written notice of the meeting provided pursuant to subdivision (b) discloses that, if nominations are received for only one candidate by the end of the nominating period, the candidate shall be deemed appointed and the meeting may be cancelled.

(d) If the office of a regular district member becomes vacant, the alternate member may serve and vote in place of the former regular district member until the appointment and qualification of a regular district member to fill the vacancy.

(e) A majority of the independent special district selection committee may determine to conduct the committee's business by mail, including holding all elections by mailed ballot, pursuant to subdivision (f).

(f) If the independent special district selection committee has determined to conduct the committee's business by mail or if the executive officer determines that a meeting of the special district selection committee is not feasible, the executive officer shall conduct the business of the committee by mail. Elections by mail shall be conducted as provided in this subdivision.

(1) The executive officer shall prepare and deliver a call for nominations to each eligible district. The presiding officer, or his or her alternate as designated by the governing body, may respond in writing by the date specified in the call for nominations, which date shall be at least 30 days from the date on which the executive officer mailed the call for nominations to the eligible district.

(2) At the end of the nominating period, if only one candidate is nominated for a vacant seat, that candidate shall be deemed appointed. If two or more candidates are nominated, the executive officer shall prepare and deliver one ballot and voting instructions to each eligible district. The ballot shall include the names of all nominees and the office for which each was nominated. Each presiding officer, or his or her alternate as designated by the governing body, shall return the ballot to the executive officer by the date specified in the voting instructions, which date shall be at least 30 days from the date on which the executive officer mailed the ballot to the eligible district.

Ballot and voting instructions

(3) The call for nominations, ballots, and voting instructions shall be delivered by certified mail to each eligible district. **As an alternative to the delivery by certified mail, the executive *** officer may transmit materials by electronic mail. All notices and election materials shall be addressed to the presiding officer, care of the clerk of the district.**

(4) *****Nominations and ballots may be returned to the executive officer by electronic mail.**

(5) Each returned nomination and ballot shall be signed by the presiding officer or his or her alternate as designated by the governing body of the eligible district.

Quorum

(6) For an election to be valid, at least a quorum of the special districts must submit valid ballots. The candidate receiving the most votes shall be elected, unless another procedure has been adopted by the selection committee. Any nomination and ballot received by the executive officer after the date specified is invalid, provided, however, that if a quorum of ballots is not received by that date, the executive officer shall extend the date to submit ballots by 60 days and notify all districts of the extension. **If ballots from a quorum of the districts have not been received at the end of the 60-day extension period, the executive officer shall extend the period to return ballots for a length of time at his or her discretion until a quorum is achieved, unless another procedure has been adopted by the selection committee.** The executive officer shall announce the results of the election within seven days of the date specified.

(7) For a vote on special district representation to be valid, at least a quorum of the special districts must submit valid ballots **to the executive officer by the date specified in the voting instructions, which date shall be at least 30 days from the date on which the executive officer mailed the ballot to the eligible**

	<p><u>district. If ballots from a quorum of the districts have not been received at the end of the 60-day extension period, the executive officer shall extend the period to return ballots for a length of time at his or her discretion until a quorum is achieved, unless another procedure has been adopted by the selection committee.</u> By a majority vote of those district representatives voting on the issue, the selection committee shall either accept or deny representation. <u>The executive officer shall announce the results of the election within seven days of the date specified.</u></p> <p>(8) All election materials shall be retained by the executive officer for a period of at least six months after the announcement of the election results.</p>
"Executive officer"	<p>(g) For purposes of this section, "executive officer" means the executive officer or designee as authorized by the commission.</p> <p>(Amended by Stats. 2018, Ch. 86)</p>
Representation of independent special districts	<p>56332.5. (a) If the commission does not have representation from independent special districts on or before January 1, 2001, the commission shall initiate proceedings for representation of independent special districts upon the commission if either of the following occur:</p>
Proceedings	<p>(1) Upon receipt of a written request by one or more members of the selection commission representing districts having 10 percent or more of the assessed values of taxable property within the county, as shown on the last equalized county assessment roll.</p> <p>(2) Upon adoption of a resolution by the commission proposing representation of special districts upon the commission.</p>
Meeting	<p>(b) The commission, at its next regular meeting, shall adopt a resolution of intention. The resolution of intention shall state whether the proceedings are initiated by the commission or by an independent special district or districts, in which case, the names of those districts shall be set forth. The commission shall order the executive officer to call and give notice of a meeting of the independent special district selection committee to be held within 15 days after the adoption of the resolution in order to determine whether independent special districts shall accept representation on the commission and appoint independent special district representation pursuant to Section 56332.</p>
Appointment of public member when commission includes special district representation	<p>56333. When a commission is enlarged to seven members as provided in Section 56332, the public members appointed pursuant to Sections 56325 and 56329 shall thereafter be appointed by members of the commission representing cities, counties, and special districts. Those appointments shall be made at the times and in the manner provided in Section 56334.</p>

AGENDA ITEM 9.G.

ATTACHMENT 5

RESOLUTION 2021-XX

RESOLUTION NO. 2021-XX
OF THE BOARD OF DIRECTORS OF THE
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT
NOMINATING A REPRESENTATIVE TO
THE LOCAL AGENCY FORMATION COMMISSION

WHEREAS, the El Dorado Local Agency Formation Commission ("LAFCO") is composed of seven regular Commissioners, two of whom represent independent special districts; and

WHEREAS, The LAFCO Special District Selection Committee is electing for two special district seats; and

WHEREAS, one representative will serve a two-year term, and one representative will serve a four-year term beginning in May 2021; and

WHEREAS, the Georgetown Divide Public Utility District ("GDPUD") has been invited to nominate a representative to LAFCO; and

WHEREAS, once the nomination period is closed, one ballot listing valid candidates and voting instructions will be sent to the special districts who will vote for the representative and alternate from among the names submitted as nominees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT THAT Director _____ is nominated as a representative to LAFCO.

PASSED AND ADOPTED by the Board of Directors of the Georgetown Divide Public Utility District at a meeting of said Board held on the twelfth day of January 2021, by the following vote:

AYES:

NOES:

ABSENT/ABSTAIN:

Michael Saunders, President, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

Attest:

Jeff Nelson, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of Resolution 2021-XX duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on this twelfth day of January 2021.

Jeff Nelson, Clerk and Ex officio
Secretary, Board of Directors
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT