ROSSMOOR

COMMUNITY SERVICES DISTRICT

Regular Meeting of the Board

Agenda Package

March 13, 2012

PUBLIC COPY

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AGENDA
BOARD OF DIRECTORS
ROSSMOOR COMMUNITY SERVICES DISTRICT

REGULAR MEETING

RUSH PARK
3021 Blume Drive
Rossmoor, California

Tuesday, March 13, 2012

7:00 p.m.

A. ORGANIZATION

1. CALL TO ORDER: 7:00 p.m.

2. ROLL CALL: Directors Casey, Kahlert, Maynard, Rips
President Coletta

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS - None

B. ADDITIONS TO AGENDA – None

In accordance with Section 54954 of the Government Code (Brown Act), action may be taken on items not on the agenda, which was distributed, if:

A majority of the Board determines by formal vote that an emergency exists per Section 54956.5 (for example, work stoppage or crippling disaster which severely impairs public health and/or safety); or

Two-thirds (2/3) of the Board formally votes or, if less than 2/3 of members are present, all of the Board members present vote, that there is a need to take immediate action, which arose after the agenda was posted.

C. PUBLIC FORUM

Any person may address the Board of Directors at this time upon any subject within the jurisdiction of the Rossmoor Community Services District; however, any matter that requires action may be referred to Staff at the discretion of the Board for a report and action at a subsequent Board meeting.

D. REPORTS TO THE BOARD

1. REPORT OF THE GENERAL MANAGER RE: GOVERNANCE.

2. REPORT OF THE PUBLIC WORKS/CIP COMMITTEE RE: FY 2011-2012 CAPITAL IMPROVEMENT PROJECT RECOMMENDATIONS

E. CONSENT CALENDAR

1. MINUTES:

a. Regular Board Meeting of February 14, 2012.

2. JANUARY 2012 REVENUE AND EXPENDITURE REPORT.

Consent items are expected to be routine and non-controversial, to be acted upon by the Board of Directors at one time. If any Board member requests that an item be removed from the Consent Calendar, it shall be removed by the President so that it may be acted upon separately.

F. PUBLIC HEARING-None

G. RESOLUTIONS

1. RESOLUTION NO. 12-03-13-01 AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUB. RESOURCES CODE SECTION 20000 ET SEQ.)

H. REGULAR CALENDAR

1. SECOND READING OF REVISION TO POLICY NO. 3050-PURCHASING

2. AGREEMENT FOR PROVISION OF PRODUCTION SERVICES-DISTRICT BOARD MEETINGS.

3. ADOPTION OF FY 2012-2013 BUDGET CALENDAR.

4. RHA REQUEST FOR DISTRICT COSPONSORSHIP OF 2012 ROSSMOOR COMMUNITY FESTIVAL.

1. GENERAL MANAGER ITEMS

This part of the Agenda is reserved for the General Manager to provide information to the Board on issues that are not on the Agenda, and/or to inform the Board that specific items may be placed on a future Agenda. No Board action may be taken on these items that are not on the Agenda

J. BOARD MEMBER ITEMS

This part of the Agenda is reserved Board members to discuss issues that are not on the Agenda, and/or to request that specific items be placed on a future Agenda. No Board action may be taken on these items that are not on the Agenda.

K. CLOSED SESSION - None

L. ADJOURNMENT

It is the intention of the Rossmoor Community Services District to comply with the Americans With Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the District will attempt to accommodate you in every reasonable manner.

Please contact the District Office at (562) 430-3707 at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible. Please advise us at that time if you will need accommodations to attend or participate in meetings on a regular basis.

Pursuant to Government Code Section 54957.5, any writing that: (1) is a public record; (2) relates to an agenda item for an open session of a regular meeting of the Board of Directors; and (3) is distributed less than 72 hours prior to that meeting, will be made available for public inspection at the time the writing is distributed to the Board of Directors.

Any such writing will be available for public inspection at the District offices located at 3001 Blume Drive, Rossmoor, CA 90720. In addition, any such writing may also be posted on the District's web site at www.rossmoor-csd.org.

CERTIFICATION OF POSTING

I hereby certify that the attached Agenda for the March 13, 2012, 7:00 p.m. Regular Meeting of the Board of Directors of the Rossmoor Community Services District was posted at least 72 hours prior to the time of the meeting.

ATTEST:

Date 3-9-12

HENRY TABOADA
Consulting General Manager

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM D-1

Date: March 13, 2012

To: Honorable Board of Directors

From: General Manager

Subject: REPORT ON GOVERNANCE

RECOMMENDATION:

Receive the report and provide direction to General Manager on future governance initiatives.

BACKGROUND:

At the conclusion of your Meeting on February 14, 2012, the Board signed a letter in response to Supervisor Moorlach's letter of December 22, 2011 (attached) which stated that the District would not receive additional financial data regarding the cost of providing services to Rossmoor. That letter is attached. To date, no reply has been received.

Also, Public Records Act requests have been prepared and sent by Mr. Fred Brousseau, of the Harvey Rose firm, making specific requests for financial data. Those requests are also attached.

Further, Special Counsel Janet Morningstar has been communicating with the State Attorney General's office regarding the AG Opinion requested by the District through Assemblymember Jim Silva. The opinion requested an interpretation of the Government Code regarding the ability of the Orange County Sheriff to withdraw the current "core" service levels and instead contract with the District for services as negotiated with the County and the Sheriff.

County Counsel has opined that the Sheriff cannot withdraw the current service levels being provided and may only contract for supplemental services, with LAFCO approval, to be paid for by the District. Such an impediment would stand in the way of a service level agreement similar to that enjoyed by contract cities in the County.
Attached are communications from the Attorney General's Office and County Counsel. The responses provided by Special Counsel Morningstar to Deputy Attorney General (DAG) Marc J. Nolan are based on the questions and responses posed by County and subsequent clarifications requested by DAG Nolan.

From the specificity of the questions posed by DAG Nolan, it would appear that an opinion may be close at hand. Should the opinion be favorable to the District's position, the next steps would be to secure a draft Service Level Agreement from the Sheriff and then secure an agreement for the transfer of funds from the County to pay for those contract services. All of this would be required by a Plan for Services document to be included with the application to LAFCO for latent powers.

ATTACHMENTS:

1. Letter of December 22, 2011 from Supervisor John M. W. Moorlach.

2. Letter of February 14, 2012 from the Board to Supervisor Moorlach.

3. Public Comments Regarding the District's Request for Financial Data made by Supervisor Moorlach.

4. Public Records Act Requests Submitted to the Orange County.

5. Letter dated February 20, 2012 from Special Counsel Janet Morningstar to Deputy Attorney General Marc J. Nolan.

6. Email dated February 9, 2012 from DAG Nolan to General Counsel Jeff Ferre. (Responded to by Special Counsel Janet Morningstar).

7. Letter dated May 4, 2011 from Senior Deputy County Counsel Nicole A. Sims.

Attachment 1

JOHN M. W. MOORLACH, C.P.A.
ORANGE COUNTY BOARD OF SUPERVISORS
SUPERVISOR, SECOND DISTRICT

ORANGE COUNTY HALL OF ADMINISTRATION
333 W. SANTA ANA BLVD
10 CIVIC CENTER, SANTA ANA, CALIFORNIA 92701
Phone: (714) 834-3220 Fax: (714) 834-6107
john.moorlach@ocgov.com

RICK FRANCIS
Chief of Staff

LINDSAY BRENNAN
Policy Advisor

KATHLEEN MORAN
Policy Advisor

PAMELA NEWCOMB
Policy Advisor

ALYSON PRICE
Policy Advisor

MARGARET CHANG
Executive Assistant

December 22, 2011

Alfred Coletta
Rossmoor Community Services District
3001 Blume Drive
Rossmoor, CA 90720

Dear President Coletta:

My office is in receipt of your latest request for financial data. I have made it clear on several occasions that the reference to the "$600,000 drain on the County" was derived from the Comprehensive Fiscal Analysis that was completed during the failed incorporation process in 2008. Since that time, I requested that LAFCO prepare the Case Study for the super city concept. I have not promised, nor do I intend to supply any additional financial data to the Rossmoor Community Services District.

Concerning the "fourth corner", it is still my office's position that the corner is a part of a county island and as such, the County maintains the prerogative to dispose of that parcel as it sees fit. I am not sure what Rossmoor's "future options" are, but the community resoundingly opted not to incorporate in 2008 and there appears to be no interest in annexation. Therefore, I do not see why keeping this parcel unincorporated is of such great interest to the community. The sales taxes derived from this parcel are allocated to the County General Fund. If the parcel were to transfer to the city of Los Alamitos, there would be no financial impact to the Rossmoor community. The best way for Rossmoor to assure itself that it has control over these dynamics would be for the community to incorporate or merge with surrounding communities.

I trust that this correspondence puts this matter to rest.

Very truly yours,

John M. W. Moorlach
Vice Chairman
Orange County Board of Supervisors

Attachment 2

ROSSMOOR COMMUNITY SERVICES DISTRICT
3001 BLUME DRIVE, ROSSMOOR, CA 90720 / (562) 430-3707 / FAX (562) 431-3710

February 14, 2012

John M. W. Moorlach
Supervisor, Second District
10 Civic Center Plaza
Santa Ana, CA 92701

Dear Supervisor Moorlach:

This letter is in response to your correspondence of December 22, 2011 rejecting our request for financial data.

In your letter you stated, *"I have not promised, nor do I intend to supply any additional financial data to the Rossmoor Community Services District."* We, as taxpayers, have a fundamental right to know how our tax dollars and other income generated by Rossmoor is spent and you, as our elected County representative, have a duty, both to us and to the County, to provide that financial information. It is the duty of elected officials to protect the interests and the pocketbooks of their constituents. Fundamental to that duty is ensuring revenues received and expenses incurred are appropriate and accurately reported to the people who fund them – the taxpayers.

We intend to do everything within our power to obtain this information for our residents.

The LAFCO case study on the "super city concept" which you cited in your letter is riddled with errors, relies on inaccurate and incomplete data and is simply useless. An independent critique of the LAFCO study found Rossmoor is not a "drain on the County" as you have repeatedly alleged, but is in fact a donor, contributing hundreds of thousands of dollars more in revenue than is expended by the County.

With respect to the "fourth corner," you stated in your letter that *"it is still my office's position that the corner is a part of a county island and as such, the County maintains the prerogative to dispose of that parcel as it sees fit."* The Cortese-Knox-Hertzberg Local Government Reorganization Act provides property owners and registered voters in this "parcel" certain rights to challenge any attempt by Los Alamitos to annex the parcel if specified numbers of such groups protest.

Eighty-two percent of Rossmoor voters opposed letting Los Alamitos annex Rossmoor's commercial center at the corner of Los Alamitos Boulevard and Katella Avenue,

according to a recent poll. A majority of the property owners are opposed to any annexation along with a majority of the registered voters in the Rossmoor Apartments.

Your letter also stated, *"If the parcel were to transfer to Los Alamitos, there would be no financial impact to the Rossmoor community."* This is patently untrue. The sales tax revenue from this parcel and the property tax revenue from this parcel do in fact go in to the Orange County General Fund, which help pay for both the County provided services in Rossmoor as well as for services provided by the Rossmoor Community Services District (RCSD). If the General Fund is reduced through the loss of these revenues, a reduction which would be substantial, how do you propose that the County would pay for maintaining service levels provided to Rossmoor?

Finally, you state, *"The best way for Rossmoor to assure itself that it has control over these dynamics would be for the community to incorporate or merge with surrounding communities."* This statement shows a lack of understanding of California municipal law and of Community Services Districts ("CSDs"). The California Legislature created CSDs to fill a gap for communities for whom incorporation was not an appropriate option but who wanted to retain their unique community and provide defined municipal services.

The CSD form of government is the most ideal form for a community like Rossmoor. It has proven exceedingly successful. A recent poll found a majority of Rossmoor residents wish to remain unincorporated. The Rossmoor Community Services District is the perfect form of government to get Orange County out of the municipal services business by transferring remaining County-provided municipal services and the associated budgets to the RCSD. Annexation or incorporation would require a vote of Rossmoor residents – a costly endeavor which, based on years of research and polling of our community, will surely fail.

We strongly urge you to reconsider activating latent powers for the RCSD as it is the only way to meet the County's goals.

Your refusal to take an objective view of our request for financial data or give thoughtful consideration of our request to LAFCO for additional latent powers hardly puts "this matter to rest."

Cordially,

Alfred Coletta
RCSD Board President

Michael Maynard
1st Vice President

Bill Kahlert
2nd Vice President

Ron Casey
Director

Jeffrey Rips
Director

Attachment 3

Henry Taboada

From: Moorlach, John [John.Moorlach@ocgov.com]
Sent: Wednesday, February 15, 2012 12:41 PM
To: Moorlach, John
Subject: MOORLACH UPDATE -- CalOptima -- February 15, 2012

The second piece is a press release that appears in the *Orange County Breeze*. (I found this piece on Google News – Congratulations, Shelley.) I'm providing it because it shows how very little there is for a park district to do. It is not the business of the Rossmoor Community Services District (RCSD) to be worried about what may occur with this unincorporated area. It's not in their charter and it is not their purpose. Retaining a firm to parry with LAFCO is an inappropriate use of the RCSD's public funds. Whether Rossmoor is a donor to or subsidized by the County is irrelevant. Trying to figure it out is not an important task. There are no "behind closed doors" meetings and the "fourth corner" belongs to the County of Orange, period. RCSD should not display its insecurities, but stick to its mission. Plus, I'm not sure why badgering the Supervisor is a wise strategy when there are times that I may be of assistance for matters of real concern, like Seal Beach's discussion of low income housing at the Shops at Rossmoor.

Orange County Breeze

RCSD responds to denial of financial data by Supervisor Moorlach

After three separate letters to **Supervisor Moorlach** for financial data for Rossmoor, the District received a letter from the Supervisor stating, "I have not promised nor do I intend to supply any additional financial data to the Rossmoor Community Services District." After several weeks of discussing this matter with community leaders, the RCSD Board authored and signed response to **Supervisor Moorlach**, the essence of which was, "We intend to do everything within our power to obtain this information for our residents."

When asked why the Board was continuing to pursue this request, Board President Coletta responded, "Because the future of Rossmoor is being discussed behind closed doors at the County without the benefit of sound financial reasoning." He went on to say, "How can **Supervisor Moorlach** make such cavalier statement that, 'it is still my office's position that the (fourth) corner is a part of a county island and as such the County maintains the prerogative to dispose of that parcel as it sees fit?' It has always been the position of the RCSD Board and the community that Rossmoor was not a drain on the County and that the reverse was true. The Harvey Rose analysis of the LAFCO Case Study on a super city clearly demonstrated that Rossmoor was contributing at least $317,000 to the County and yet, Supervisor has often stated that the granting of additional powers to Rossmoor, "don't pencil out" The letter (attached) responding to **Supervisor Moorlach's** letter (attached) is intended to put the Supervisor on notice that the RCSD will not sit idly by while the future of Rossmoor is in jeopardy. In furtherance of this position, the District has once again engaged the Services of the Harvey Rose company to request Public Record Act requests to County to provide the data to refute the Supervisor's claims.

"This," said 1st Vice President Michael Maynard, "is not an idle threat; it is a serious attempt to get the County to act in a responsible manner. It is also intended to make a statement, that the Supervisor's letter certainly does not, 'put this matter to rest.' as he has suggested."

Attachment 5

JANET MORNINGSTAR

A LAW CORPORATION
1048 IRVINE AVENUE, #407
NEWPORT BEACH, CALIFORNIA 92660-4602
(949) 274-0972
(949) 722-8322 (FACSIMILIE)

JANET MORNINGSTAR
E-mail: janetmorningstar@sbcglobal.net

February 20, 2012

Mr. Marc J. Nolan
Deputy Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013

Re: Rossmoor Community Services District; Request for Opinion No. 11-204

Dear Mr. Nolan,

I have been retained by the Rossmoor Community Services District (RCSD) to provide legal advice to the District in connection with its proceedings before the Local Agency Formation Commission (LAFCO) for authorization to exercise latent powers within its service area. I understand that you are preparing an opinion for the Attorney General pursuant to a request from Assemblyman Jim Silva, regarding RCSD's ability to contract with the Orange County Sheriff for provision of enhanced police services within the District, assuming RCSD's application to exercise latent powers is approved by LAFCO. By e-mail dated February 9, 2012, you asked the RCSD's General Counsel, Jeff Ferre, to provide the District's response to certain issues raised in a letter from County Counsel for Orange County. Due to my involvement in advising RCSD on this matter, the District and Mr. Ferre have asked me to provide a response. A brief response is provided below with the discussion and legal authority following.

Government Code Section 61107 (b) does not preclude LAFCO from granting RCSD's application for latent powers.

Although the request for an opinion from the Attorney General specified that it was to be based upon the assumption that LAFCO granted RCSD's application to exercise its latent power to provide police services, the letter from County Counsel raises the concern that such an assumption would be improper. County Counsel cites Government Code § 61107 (b), which provides that LAFCO shall not approve a proposal of a community services district to exercise

latent powers where LAFCO determines that another local agency already provides "*substantially similar services*" to the territory where the district proposes to exercise the latent power. Since the Sheriff already provides some level of law enforcement services within the territory of RCSD, County Counsel implies that LAFCO would be precluded by Section 61107 (b) from approving RCSD's application. RCSD maintains that the police services proposed in its application are the different type of police services customarily provided by municipal police departments and is not substantially similar to the services the Sheriff currently provides. If the Sheriff's Department were already providing the services RCSD is seeking to provide, it would not make sense for the Sheriff to offer to enter into a contract with RCSD, and demand a substantial additional payment from RCSD to provide services "substantially similar" to those it currently claims to provide. Therefore, Government Code § 61107 (b) does not preclude LAFCO from granting the application.

Any LAFCO approval required by Government Code § 56133 for RCSD to contract with another local agency for provision of police services will be covered by LAFCO's approval of the application for latent powers.

The second issue you asked RCSD to address is the effect that Government Code § 56133 would have on RCSD's ability to contract for enhanced police services under a joint powers arrangement with another local agency. Government Code § 56133 requires LAFCO approval for any local agency to provide services outside its jurisdictional boundaries. Subsection (e) makes an exception to the requirement for LAFCO approval, for services provided under a contract between two public agencies to provide a public service which is an alternative to or substitute for services already provided by a public service provider. County Counsel suggests that a contract for enhanced services with an agency other than the County and Sheriff, would not qualify under the exception provided by subdivision (e), because it is not an alternative to a public service already provided by a public service provider.

This Section is not an impediment to RCSD's application for exercise of latent powers for two reasons. LAFCO has required RCSD to have an agreement to provide the police services as a part of its plan of service required to be submitted with the application for exercise of latent powers, so the approval required by Section 56133 would necessarily be given by LAFCO as a part of the approval of the RCSD application. Also, since the grant of latent powers to RCSD would not divest the Sheriff of jurisdiction for its statutory services ("core services") within RCSD, a contract, as contemplated, with the Sheriff would not constitute providing service outside the Sheriff's jurisdictional boundaries. Future contracts with the Sheriff or other local agencies would fall within the subdivision (e) exception because RCSD will then have been providing the services under contract.

Discussion:

Government Code Section 61107 does not bar LAFCO approval of RCSD's application.

In 2001, the Legislature added Sections 56824.10 through 56824.14 to the Cortese-Knox-Hertzberg Act which governs LAFCO proceedings, requiring local governments to apply to and receive LAFCO approval to exercise "latent powers", new or different services which they had not previously provided within their jurisdictions. The legislative intent was that LAFCO would be "the watchdog the Legislature established to guard against the **wasteful duplication of services** that results from indiscriminate formation of new local agencies or haphazard annexation of territory to existing local agencies." *Bookout v. Local Agency Formation Com.*, (1975) 49 Cal. App. 3d 383, 387-388 (emphasis added); *see also South San Joaquin Irr. Dist. v. Superior Court,* (2008) 162 Cal. App. 4th 146, 156. Government Code § 61107 (b) furthers the intent of these sections, by providing that LAFCO shall not grant an application for latent powers if it determines that another local agency already provides substantially similar services to the same territory. The Sheriff provides services throughout the County pursuant to state statute, yet the incorporated cities also maintain their own police forces or contract with the Sheriff or other cities to provide police services that are beyond the services the Sheriff provides generally throughout the County. There are several community services districts which also provide police services within the State and one in Orange County. These services are not substantially similar to services provided by the Sheriff or there would be no reason for cities and community services districts to provide police services, or contract with the Sheriff to provide such services in addition to the services the Sheriff already provides.

County Counsel outlines the law enforcement duties of the Sheriff within RCSD and other unincorporated areas as including preserving the peace, arresting persons committing public offenses, suppressing public disturbances and investigation of public offenses. These core services are not limited to the unincorporated areas of the County but are duties the Sheriff performs for the entire County including the incorporated areas which are also served by municipal police departments. "There is no constitutional or statutory provision that confines these activities of a sheriff to the unincorporated area of the county. In fact, a sheriff's jurisdiction extends throughout the county, including territory within its incorporated cities. [] The sheriff has concurrent jurisdiction with the chief of police within the city limits." 64 Ops. Cal Atty Gen. 846 (No. 81-608) (citations omitted). The only function of the sheriff's department that is different for unincorporated areas is the duty to enforce the Vehicle Code "but only upon county highways", (Government Code §26613). The services provided by municipal police departments of incorporated cities and community services districts are not duplicative of the sheriff's services, but provide different and additional benefits to the community, including parking enforcement, and a constant presence of patrol officers. RCSD's application to provide police protection services seeks to provide those services to the community over and above the core services which the Sheriff provides throughout the County. This is not the "substantially

similar service" which would preclude LAFCO approval, but new and additional services not currently provided within RCSD.

The difference between the sheriff's core services and the municipal police department-quality of services is analogous to the difference between wholesale and retail electrical service which the Court of Appeal addressed in *South San Joaquin Irr. Dist. v. Superior Court, supra.* There the irrigation district maintained that it did not need LAFCO approval to provide retail electrical service to the area to which it already provided wholesale electrical supplies. While pointing out that wholesale and retail electrical service are both electric service, the Court found that retail service was "certainly a different class of service that wholesale electrical service" and held that LAFCO approval was required before the district could provide the new service. Likewise, County Counsel's letter recognizes that the services provided to the area within RCSD do not cover all law enforcement services. County Counsel states that "the District may contract with the County for the Sheriff to provide only an enhanced level of law enforcement services." These enhanced services, which are not being provided currently, are what a municipal police department provides, and what RCSD seeks to provide to its service area.

Approving RCSD's application for exercise of its latent power for police services does not require the Sheriff's department to be divested of its function of providing statutory sheriff services within the entire county. RCSD is seeking the authority to contract to provide additional services customarily provided by municipal police. Under its proposal, RCSD would contract with the County and the Sheriff to provide those services. Since the municipal-type police services sought by RCSD are not currently provided within RCSD, Government Code § 61107 (b) does not preclude LAFCO from approving RCSD's application. To the extent any overlap in services exist, between those services currently provided by the Sheriff and those proposed by RCSD, that overlap could be eliminated by the terms of the LAFCO approval and the contract between RCSD, the County and the Sheriff.

LAFCO Approval of the Contract for Provision of Police Services by Another Local Agency

Based upon its conclusion that LAFCO is precluded from authorizing RCSD's exercise of the latent power to provide police services, County Counsel addresses whether RCSD could contract for full police services with another public agency. Government Code § 56133 restricts local agencies from providing new or extended services outside their jurisdictional boundaries except with the approval of LAFCO. An exception is made for services provided under an agreement or contract between two local agencies where the service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider. County Counsel maintains that an arrangement between RCSD and any local agency other than the Sheriff would not qualify for the exception because RCSD is not currently providing police services and the services would not be provided as a substitute for services

already being provided by a public service provider. County Counsel concludes that RCSD's only option is to contract with the County and the Sheriff for additional or enhanced law enforcement services. Aside from County Counsel's admission that the law enforcement services which RCSD seeks to provide are not currently being provided by the Sheriff and will not be provided in the absence of a contract for additional services, (i.e. substantially similar services are not already being provided which would preclude authorization of latent powers), Government Code § 56133 does not create any barrier to RCSD's proposal for providing enhanced police services. As explained in the discussion of Section 61107 (b), the approval of RCSD's application would not divest the Sheriff of authority to provide the Sheriff's statutory services within RCSD to the same extent as all incorporated and unincorporated areas in the County. The services to be provided by RCSD would be a new service comparable to municipal police services.

The requirement of Government Code § 56133 for LAFCO approval of new or extended services provided outside of an agency's jurisdictional boundaries, if applicable, will be covered by LAFCO's approval of RCSD's application. Government Code § 56824.12 requires a local agency submitting an application for approval of its exercise of latent powers, to include a plan of service showing in detail how the agency proposes to provide the service and the cost thereof. RCSD's plan of service calls for a contract with the County and the Sheriff to provide the enhanced police services sought in the application. Orange County LAFCO has required RCSD to present the proposed agreement negotiated with the County and Sheriff as a part of its application. Therefore, assuming RCSD's application is approved as proposed, the provision of services by the County and Sheriff under agreement will have received LAFCO approval. Even if RCSD proposed to contract with a city for provision of police services to its service area as a part of its application for latent powers, the approval of the application would necessarily include approval of the extra-territorial service by the city which was part of the application.

If LAFCO approves RCSD's exercise of its latent power to provide police services and it has done so under contract with the Sheriff or other city or district for a period of time. RCSD would subsequently be able to contract with any other city to provide such services, without LAFCO approval under the exception provided by Government Code §56133 (e).

I hope that this discussion fully addresses the issues that were of concern with County Counsel's letter. If you have any questions regarding RCSD's position on these issues or any

other issues in connection with Assemblyman Silva's request for an opinion, please do not hesitate to contact us.

Very truly yours,

JANET MORNINGSTAR, a law corporation

Janet Morningstar

cc: Henry Taboada, Rossmoor Community Services District
Jeff Ferre, Best, Best & Krieger

Attachment 6

-----Original Message-----
From: Marc Nolan [mailto:Marc.Nolan@doj.ca.gov]
Sent: Thursday, February 09, 2012 4:30 PM
To: Jeff Ferre
Subject: Rossmoor CSD

Hi Jeff,

Here is the letter from county counsel submitted in connection with this request for an AG opinion. As mentioned, county counsel makes reference in footnote 1 (page 2) to Govt. Code sec. 61107(b), which states:

"Notwithstanding subdivision (a) of Section 56824.14, the local agency formation commission shall not, after a public hearing called and held for that purpose pursuant to subdivisions (b) and (c) of Section 56824.14, approve a district's proposal to exercise a latent power if the local agency formation commission determines that another local agency already provides substantially similar services or facilities to the territory where the district proposes to exercise that latent power."

Although this opinion request asks us to assume the fact that LAFCO will approve the district's request to exercise the latent power to provide law enforcement services, we would appreciate having the district's position on the effect (or lack of effect) that this provision might have on LAFCO's decision given that the sheriff is currently fulfilling its statutory law enforcement duties within district boundaries.

In addition and in the same vein, we would appreciate hearing the district's position on the effect that Govt. Code sec. 56133 might have on the district's ability to contract with another local agency under the authority granted in Govt. Code sec. 61070 (for context, please see fn. 3 (page 2) of the county counsel letter and the text to which it refers).

Thank you for your time and attention to this. Kind regards. Marc Nolan

Marc Nolan
Deputy Attorney General

California Department of Justice
Office of the Attorney General
Executive Programs / Legal Opinions
300 S. Spring Street, Los Angeles, California 90013
tel. (213) 897-2255 fax (213) 897-7605
Marc.Nolan@doj.ca.gov
http://ag.ca.gov/opinions

Attachment 7

THE COUNTY COUNSEL
COUNTY OF ORANGE
333 W. SANTA ANA BLVD., SUITE 407
SANTA ANA, CA 92701
MAILING ADDRESS: P.O. BOX 1379
SANTA ANA, CA 92702-1379
(714) 834-3300
FAX: (714) 834-2359

Nicole A. Sims
Senior Deputy
(714) 834-3319

File No. SH-175; SH-210

May 4, 2011

Via First Class Mail and E-Mail

Mr. Marc J. Nolan
Deputy Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
E-mail: Marc.Nolan@doj.ca.gov

Re: Request for Opinion No. 11-204

Dear Mr. Nolan:

This office represents the County of Orange and its Sheriff-Coroner. We have reviewed the questions posed in Assemblymember Jim Silva's request for Opinion No. 11-204 regarding Rossmoor Community Services District (hereinafter "District"), and we respectfully submit the following analysis for your consideration.

Question 1

"Assuming the District obtains LAFCO approval to exercise latent powers for law enforcement, can the District provide law enforcement services through contract with a third party or is the Sheriff the only law enforcement body that can provide such services to Rossmoor? If the District can so contract for law enforcement services, would the District be required to first obtain competitive bids or otherwise solicit proposals from multiple bidders/parties/agencies/cities for the provision of such services?"

Short Answer to Question 1

Assuming the District obtains LAFCO approval to exercise latent powers for law enforcement, the District may, by ordinance, order the exercise of that power. The District may then establish its own police department or contract with a public agency for the public agency to provide law enforcement services through a Joint Exercise of Powers Agreement. We believe that such agreement may be with a City, through its police department, or the County of Orange, through its Sheriff's Department. The District is not legally required to first obtain competitive bids or otherwise solicit proposals because the statutory authority does not include a competitive bidding requirement.

Analysis for Question 1

Assuming the District obtains LAFCO approval to exercise latent powers for law enforcement[1], the District's board of directors may then, by ordinance, order the exercise of that power. (Gov't Code[2] § 61106(b).)

Within its boundaries, the District may "[p]rovide police protection and law enforcement services by establishing and operating a police department that employs peace officers pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code." (§ 61100(i).) Alternatively, the District may enter into a joint powers agreement pursuant to the Joint Exercise of Powers Act (commencing with Section 6500). (§ 61060(j).) The joint powers agreement may be with either the County, through its Sheriff, or a City, through its police agency. It is not necessary that any power common to the contracting parties be exercisable by each such contracting party with respect to the geographical area in which such power is to be jointly exercised. (§ 6502.) Thus, "[o]ne or more of the parties may agree to provide all or a portion of the services to the other parties in the manner provided in the agreement." (§ 6506.) The District may also contract with any local agency under Section 61070 to provide to the District any services authorized by the Community Services District Law, subject to compliance with Section 56133.[3]

The District would not be required to obtain competitive bids for the provision of law enforcement services. The statutory scheme under both the Joint Exercise of Powers Act and

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[1] This assumption is also notwithstanding Government Code section 61107(b), which provides: "Notwithstanding subdivision (a) of Section 56824.14, the local agency formation commission shall not, after a public hearing called and held for that purpose, pursuant to subdivision (b) and (c) of Section 56824.14, approve a district's proposal to exercise a latent power if the local agency formation commission determines that another local agency already provides substantially similar services or facilities to the territory where the district proposes to exercise that latent power." The Orange County Sheriff currently provides law enforcement services in the unincorporated area of Rossmoor.

[2] All statutory references are to the California Government Code unless otherwise specified.

[3] LAFCO approval is required under Section 56133 if a city wants to provide new services by contract outside its jurisdictional boundaries, but within its sphere of influence. However, 56133, subdivision (e) states that this requirement "does not apply to contracts or agreements solely involving two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider."

Section 61070 does not contain a requirement that the public agencies engage in competitive bidding prior to contracting with another public agency. "[A]bsent a statutory requirement, a public entity is not bound to engage in competitive bidding." (*San Diego Service Authority for Freeway Emergencies v. Superior Court*, 198 Cal. App. 3d 1466, 1469 (1988) (citing *Smith v. City of Riverside*, 34 Cal.App.3d 529, 535-536 (1973); *County of Riverside v. Whitlock*, 22 Cal.App.3d 863, 877-878 (1972); and 62 Ops. Cal. Atty. Gen. 643, 647 (1979)); see also, *Beckwith v. County of Stanislaus*, 175 Cal. App. 2d 40, 48 (1959) (joint power agreements at issue were "in no sense contracts for construction within the meaning of the competitive bidding or prevailing wage law, but [were] agreements to exercise a power common to both parties."))

Question 2

"Do the County of Orange and the Orange County Sheriff have the authority to enter into a contract with the District to provide law enforcement services to the unincorporated area of Rossmoor?"[4]

Short Answer to Question 2

Because the District does not currently have LAFCO approval to exercise its latent powers for law enforcement services, we believe that the County has the authority to enter into a contract with the District to provide only additional or enhanced Sheriff law enforcement services in the unincorporated area of Rossmoor. The Sheriff already has the legal duty to provide general law enforcement services in the unincorporated area of Rossmoor.

Analysis for Question 2

Under Section 61060, subdivision (h), a district has the power "[t]o enter into and perform all contracts, including, but not limited to, contracts pursuant to Article 43 (commencing with Section 20680) of Chapter 1 of Part 3 of the Public Contract Code." The word "including" in a statute is "ordinarily a term of enlargement, rather than limitation." (*Ornelas v. Randolph*, 4 Cal.4th 1095, 1101 (1993); accord, *Flanagan v. Flanagan*, 27 Cal.4th 766, 774 (2002).) Although the phrase "including, but not limited to" is a phrase of enlargement, the use of this phrase in a statute does not conclusively demonstrate that the Legislature intended a category to be without limits. (*People v. Giordano*, 42 Cal.4th 644, 660 (2007).) While the District's exercise of this contractual power could not be used to circumvent the requirement that LAFCO approval be obtained to exercise a latent power, we believe that the District contracting with the County for an enhanced level of Sheriff law enforcement services to the unincorporated area of Rossmoor would not require the District's exercise of any latent power listed in Section 61100.

[4] Questions 2 and 3 do not ask to assume that the District obtains LAFCO approval to exercise the latent powers for law enforcement.

Under Section 54981, the County has the authority to enter into contracts with local agencies, which include districts under Section 54980. Section 54981 broadly provides: "The legislative body of any local agency may contract with any other local agency for the performance by the latter of municipal services or functions within the territory of the former."

Section 54980 defines these terms as follows:

> (a) "Legislative body" means the board of supervisors in the case of a county or a city and county, the city council or board of trustees in the case of a city, and the board of directors or other governing body in the case of a district.
>
> (b) "Local agency" means any county, city, city and county, or public district which provides or has authority to provide or perform municipal services or functions.
>
> (c) "Municipal services or functions" includes, but is not limited to, firefighting, police, ambulance, utility services, and the improvement, maintenance, repair, and operation of streets and highways.

(Emphasis added.)[5]

But because the Sheriff already has the legal duty to provide law enforcement services in the unincorporated area of Rossmoor, we believe the District may contract with the County for the Sheriff to provide only an enhanced level of law enforcement services.

The Sheriff's statutory duties include preserving the peace (§ 26600), arresting persons committing a public offense (§ 26601), suppressing public disturbances (§ 26602), and investigation of public offenses (§ 26602). The Sheriff's jurisdiction extends throughout the County, and the Sheriff is the primary officer with a mandate to perform a statutory duty in areas

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[5] Section 54983 provides limitations on the authority to contract which are not applicable here. Section 54983 declares that Section 54981 does not grant the authority to contract for services which the providing agency "is [otherwise] prohibited to provide by law," or which exceed the receiving agency's "force account limit." "Force account limit[s]" pertain to ceilings imposed by the Local Agency Public Construction Act (Pub. Contract Code § 20100, et seq.) on the monetary value of public works construction, repair, and maintenance projects which local agencies may perform for themselves without "contracting out" the work to private bidders. (*Lockheed Info. Management Servs. v. City of Inglewood*, 17 Cal. 4th 170, 184 n.13 (1998).)

where no other officer has a statutory mandate to perform the same function. (*People v. Scott*, 259 Cal. App. 2d 268, 280 (1968); 64 Ops. Cal. Att'y Gen. 846, 847 (1981); 8 Ops. Cal. Att'y Gen. 149, 150 (1946).)

The California law on payment of the costs of general law enforcement services is that ". . . the expense of capture, detention, and prosecution of persons charged with crime is to be borne by the county. [Fn. omitted.] . . ." (*County of San Luis Obispo v. Abalone Alliance*, 178 Cal. App. 3d 848, 859 (1986); see also, § 29601 (Sheriff's expenses in detection and prosecution of crime are county charges.)) In 50 Opinions California Attorney General 64 (1967), the Attorney General, applying this principle, held that the State Parks could not pay for the Sheriff's general law enforcement duties in the parks, reasoning as follows:

> It has been inquired whether the state park authorities could contract with a county and pay for law enforcement. At present, the Director of Parks and Recreation does not have authority to contract for the services of general peace officers to provide the law enforcement which the county now already owes generally to all those within its political confines. He has the authority to contract for additional services, not for services which are already owed by the county. . . .

(50 Ops. Cal. Att'y Gen. 64, 69 (1967).)

Similarly, we believe that while the District may not contract with the County for law enforcement services which the Sheriff now already provides in the unincorporated area of Rossmoor, the District may contract for additional or enhanced law enforcement services.

Question 3

"If the District cannot contract directly for Sheriff services, could the Sheriff instead contract with a third party/agency/city to provide law enforcement services to Rossmoor? If so, would the County and/or Sheriff be required to first obtain competitive bids or otherwise solicit proposals from multiple bidders/parties/agencies/cities for the provision of such services?"

Short Answer to Question 3

If the District cannot contract directly for Sheriff services, we believe that the County may contract with a city to provide law enforcement services in the unincorporated area of Rossmoor with the consent of the Sheriff. The County is not required to first obtain competitive bids or otherwise solicit proposals for the provision of such services.

Analysis for Question 3

The Government Code authorizes the County to contract with a city for police services in an unincorporated area under two separate statutory schemes. The County may contract with a city for the city to provide police services under Section 54981, discussed *supra.*

The second statutory basis for the County to contract with a city is Section 55632, which states: "The legislative body of any local agency may contract with any other local agency for the furnishing of fire or police protection to such other local agency." (Emphasis added.) "Local agency" is defined to mean "a neighboring city, county, fire protection district, joint powers authority that provides fire protection services, police protection district, federal government or any federal department or agency." (§ 55631.)

Therefore, the County may contract with a city for the city to provide police services in unincorporated County areas.[6] However, as discussed below, the Sheriff's consent will need to be obtained.

The Board of Supervisors has the responsibility and authority to supervise the official conduct of all County officers. (§ 25303.) However, the Board has no power to direct the manner in which the Sheriff's statutorily prescribed duties are performed. (*See, Brandt v. Board of Supervisors*, 84 Cal. App. 3d 598, 602 (1978); *Hicks v. Board of Supervisors*, 69 Cal. App. 3d 228, 242 (1977).) The Board also has no power to control the manner in which the Sheriff assigns personnel. (77 Ops. Cal. Att'y Gen. 82 (1994).) The Sheriff's performance of her functions is subject only to the supervision of the Attorney General. (Cal. Const. art. V, § 13 (". . .The Attorney General shall have direct supervision over every. . . sheriff. . . in all matters pertaining to the duties of their respective offices. . . ."); § 12560 ("The Attorney General has direct supervision over the sheriffs of the several counties of the State. . . .").) Therefore, the Board does not have the authority to order the Sheriff to cease patrolling in a specific unincorporated area. The Sheriff's consent is necessary.

The Sheriff may exercise some degree of discretion in performing her statutory duties. (81 Ops. Cal. Att'y Gen. 86 (1998); *Gates v. Superior Court*, 32 Cal. App. 4th 481, 503, 506-507 (1995).) The Attorney General has addressed the issue "whether a sheriff, assuming he has authority to investigate criminal acts alleged to have been committed at a state prison, may decline to investigate the allegations." (81 Ops. Cal. Att'y Gen. at 88.) "[A] sheriff may decline to investigate criminal acts alleged to have occurred at a state correctional facility [in his jurisdiction] when, for example, the crime report is patently frivolous, a preliminary investigation shows the allegations to be without merit, or [the Sheriff] has an agreement that

[6] See footnote 3, *supra.*

another law enforcement agency having jurisdiction over the matter will carry out the appropriate investigation." (*Id.* at 90 (emphasis added).) According to the Attorney General, the sheriff "must be satisfied that serious criminal charges will be investigated by some law enforcement agency with jurisdiction to act." (*Id.* at 90; *see also*, *People v. Mullin*, 197 Cal. App. 2d 479, 487 (1961) (when a sheriff received serious complaints of felony child abuse, he had the duty to investigate the matter or at least refer the matter to another government agency for appropriate investigation).) Similarly, the Sheriff may agree to cease her statutory duties in a particular unincorporated area if there is an agreement for another law enforcement agency to perform that function.

The Legislature has provided that, with certain exceptions not pertinent here, the consent of the Sheriff is necessary before a municipal police officer may exercise peace officer powers in the unincorporated area of a county. (Pen. Code § 830.1(a)(2).) Without the Sheriff's consent, a municipal police officer is no more effective from a legal standpoint in carrying out the law enforcement function than a private citizen would be under similar circumstances. (*People v. Pina*, 72 Cal. App. 3d Supp. 35, 39 (1977).)

Lastly, the County is not required to first obtain competitive bids or otherwise solicit proposals for the provision of such services. The Government Code sections authorizing contracts between local agencies do not require competitive bidding.

We appreciate the Attorney General's time and review of these issues.

Very truly yours,

NICHOLAS S. CHRISOS
COUNTY COUNSEL

By Nicole A. Sims
Nicole A. Sims, Senior Deputy

cc: Supervisor John M. W. Moorlach, Second District
Sandra Hutchens, Sheriff-Coroner
Jennifer Henning, Executive Director, County Counsels' Association of California

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM D-2

Date: March 13, 2012

To: Honorable Board of Directors

From: Public Works/CIP Committee

Via: General Manager

Subject: COMMITTEE REPORT RE: FY 2011-2012 CAPITAL PROJECT RECOMMENDATIONS

RECOMMENDATION:

Receive the report of the Public Works/CIP Committee recommending approval of a revised Fund 40 Project List.

BACKGROUND:

The Public Works/CIP Committee met on February 27, 2011 to review the current state of the District's capital projects and make recommendations to the Board. Documents reviewed by the Committee on the District's Capital Improvement Program are attached as a part of Committee Agenda Items C-1 and C-2. Following are the recommendations of the Committee:

1. Approve in concept a project for the installation of monument signage at the Rossmoor Shopping Village.

2. Authorize General Manager to adjust the project list of the District's 2011-2012 Capital Improvement Plan to include a project for the installation of monument signage at three locations at the Rossmoor Shopping Village.

3. Direct General Manager to perform due diligence for determining the requirements, approvals and actual cost of the installations(s) and inform the Board of findings for possible approval of the project.

ATTACHMENTS:

1. Public Works/CIP Committee Agenda Item C-1 Discussion with General Manager re: Current Capital Improvement Program. Fund 40 Budgets.

2. Public Works/CIP Committee Agenda Item C-2 Discussion with General Manager re: Signage for Rossmoor Shopping Village.

Attachment 1

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM C-1

Date: February 27, 2012

To: CIP/Public Works Committee

From: RCSD, General Manager

Subject: DISCUSSION WITH GENERAL MANAGER RE: CURRENT CAPITAL IMPROVEMENT FUND 40 BUDGETS

RECOMMENDATION:

Review and make recommendations to the Board regarding management of the District's FY 2011-2012 Capital Improvement Program (CIP) Fund 40 Adjusted Budget.

BACKGROUND:

As you know, the Board approved FY 2011-2012 mid-year budget adjustments to account for fluctuations in expenses and revenues. Attached is the updated budget and project list for your review. Also attached is a Weekly Update of current projects.

ATTACHMENTS:

1. Adjusted FY 2011-2012 Budget for Fund 40 Capital Improvement Projects.

2. CIP Weekly Update for 2/20/12.

Fund 40 Capital Improvement Projects

Account		Footnote	Original Budget	December 2011 Actuals	Adjusted Budget	Variance	Total for Fund
	Audited Beginning Fund Balance		**$147,838.00**		**$147,838.00**	**$0.00**	
REVENUES							
40-00-3600	Transfer from other Fund 10	Original Budget/Carry over from Fund 10. These fund were eliminated due part of Fund 40 reconciliation.	30,000	0	30,000	0.00	
40-00-3600	Transfer from other Fund 20	Improvement Fund reimbursement to be moved from Fund 10 to Fund 40	100,000	0	100,000	0.00	
TOTAL FUND 40 REVENUE			**277,838.00**	**0.00**	**277,838.00**	**0.00**	
EXPENDITURES							
	ROSSMOOR PARK	YTD ACTUAL				0.00	
	Tennis Repaired & Resurfaced			$36,475			
	Tot Lot Equipment		$21,275		$40,400	19,125.00	
		Swing Set and Hooded Slide (1) to be consistent with safety regulations.	$0	$0	$5,000	5,000.00	
TOTAL ROSSMOOR PARK			**$21,275**	**$36,475**	**$45,400**	**24,125.00**	
	MONTECITO	YTD ACTUAL					
	Redesign Interior			$0			
TOTAL MONTECITO			$65,000		$65,000	0.00	
	RUSH PARK	YTD ACTUAL	**$65,000**		**$65,000**	0.00	
	Rehabilitate and Upgrade Outdoor Men's Restrooms		19,200.00	4,600.00	19,200.00	0.00	
	Rehabilitate and Upgrade Indoor Men's Restrooms		3,120.00		3,120.00	0.00	
	Upgrade Auditorium Lamp Fixtures and Install Emergency Lighting		19,950.00		19,950.00	0.00	
	Replace Peripheral HVAC System in Auditorium	Project moved to later FY	32,400.00			(32,400.00)	
	Replace Temporary Picnic Canopy with Permanent Shade Structure	Project moved to later FY	39,000.00			(39,000.00)	
	Baseball Field - Replace with dustless dirt		0.00		35,000.00	35,000.00	
	Tot Lot Equipment - Swing Set and Hooded Slides (2) to be consistent with safety regulations.				10,000.00	10,000.00	
	Pour-in-Place Rubber Surfacing (Partial 2,132 sq.ft.) for Tot Lot to be consistent with safety regulations.		0.00		28,736.00	28,736.00	
TOTAL RUSH PARK			**113,670.00**	**4,600.00**	**116,006.00**	(2,336.00)	
	GENERAL						
	Scissor Lift and Utility Trailer	Project moved to later FY	14,750.00		0.00	(14,750.00)	
40-75-6500	Installation of Rossmoor signage for Rossmoor Village at three locations	New project added at December 13, 2011 Board Meeting	**0.00**	**TBD**	**TBD**	**N/A**	
TOTAL GENERAL			**0.00**	**TBD**	**TBD**	**N/A**	
		EXPENDITURE TOTAL	199,945.00	41,075.00	226,406.00	(26,461.00)	
		REVENUE TOTAL	$277,838.00	$0.00	$277,838.00	(24,125.00)	
		BUDGETED REVENUES LESS EXPENDITURES	77,893.00		51,432.00	2,336.00	

CIP Weekly Update

Week Of: February 20, 2012

Rossmoor Park

1. Tot Lot Equipment - Swing Set and Hooded Slide (1) — $5,000
   - No issues w/ swing set
   - Slide quote received
   - EG-also need to replace a few broken items. Quote received. Will wait for decision to be made on Rush Swings and order in one shipment

Rush Park

1. Tot Lot Equipment - Swing Set and Hooded Slide (3) — $10,000
   - Swings (2 quotes received)-EG will make cost comparison and present to HT and CIP Committee
   - Slides-quote received. Will order once swing set decision is made
2. Pour-in-Place Rubber Surfacing for Tot Lot — $28,736
   - Will recruit Rick Conklin for writing of bid
3. Baseball Field - Replace with dustless dirt — $35,000
   - Need schedule of work to block out calendar
4. Upgrade Outdoor Men's Restrooms — $19,200
   - Rick will get back to us w/ revised plans for cost of porcelain urinals
   - Per Rick-March 1 contractors will study bids
   - Dates scheduled for closure 3/26-4/13
5. Upgrade Indoor Men's Restrooms — $3,120
   - Dates scheduled for closure 4/11-5/3
6. Upgrade Auditorium Lamp Fixtures and Install Emergency Lighting — $19,950
   - OP contacted West Coast Electric and is waiting for updated quote since the price of materials has increased since last quote was received
7. Replace Peripheral HVAC System in Auditorium — $32,400
   - Project moved to later FY
8. Permanent Shade Structure — $39,000
   - Project moved to later FY
   - EG-waiting for Miracle Recreation's Poligon Structure catalogue to pass along to Rick
   - Received quote from Miracle for structure and install priced at $53,000

Montecito Center

1. Redesign Interior

2011-2012 $65,000
2012-2013 $50,000

- Per Rick-plans will be ready for bidding in May with contract awarded in June and Board approval in June
- Dates for closure: 6/25-8/31 (can begin 6/21 at the earliest if need be)
- EG-gathered pricing for appliances
    a. Stove $600
    b. Refrigerator $500-$800
    c. Convection over $550
- OP is gathering quotes for chairs

Other

1. Rossmoor Mini Signature Walls
    - OP-gathering quotes for monument & electrical if needed
    - OP-determining best location of 'mini wall'

Attachment 2

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM C-2

Date: February 27, 2012

To: CIP/Public Works Committee

From: RCSD, General Manager

Subject: DISCUSSION WITH GENERAL MANAGER RE: SIGNAGE FOR ROSSMOOR SHOPPING VILLAGE

RECOMMENDATION:

Review and make recommendations to the Board regarding the addition of a project for installing monuments at the Rossmoor Shopping Village.

BACKGROUND:

As you know, the Board approved FY 2011-2012 mid-year budget adjustments to account for fluctuations in expenses and revenues. Subsequently, interest has been expressed to add a project for the installation of monument signage at the Rossmoor Shopping Village. Attached is a proposal from Pioneer Masonry, Inc. for the installation of monuments at three locations in the northeast block of Rossmoor with accompanying photographs of the three sites.

It should be kept in mind that the cost estimates are only for the actual installation of the monuments similar to the style present at our two parks. Other costs could include County permits, securing permission of the owners/lessees, possible surveying of the property lines, replanting of landscape, possible lighting, permit inspections and staff hours to oversee the project.

ATTACHMENTS:

1. Cost Estimates for Monument Signage at Rossmoor Shopping Village with Accompanying Photographs.

Retaining Walls Lic. No. 469934 Block Walls

SINCE 1961

PIONEER MASONRY, INC.

Telephone: (562) 860-5850
Fax: (562) 860-3300

P.O. Box 1295
11603 183rd Street
Artesia, CA 90701

February 24, 2012

Rossmoor Community Service
3001 Blume Dr
Rossmoor, CA 90720

1. Katella and Wallingford Rd.

   8' X 2 ½' brick veneer sign wall on existing concrete curb.
   8' X 4 ½' brick veneer sign wall on existing footing $6,400.00

2. Katella and Los Alamitos Blvd.

   6' X 3' sign wall to match Rush Park sign wall $4,200.00

3. Hedwig and Los Alamitos Blvd.

   6' X 3' sign wall to match Rush Park sign wall $4,200.00

   $14,800.0

These are the same prices as we quoted to you on 11/17/08

We appreciate the opportunity to submit this proposal.


Rush Park

2007/03/13

01/30/2002


:18
POLLY'

CARPETS

81/30/2002

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM E-1a.

Date: March 13, 2012

To: Honorable Board of Directors

From: RCSD, General Manager

Subject: MINUTES: REGULAR MEETING OF FEBRUARY 14, 2012

RECOMMENDATION:

Approve the Minutes of the Regular Meeting of February 14, 2012 as prepared by the Board's Secretary/General Manager.

BACKGROUND:

The report reflects the actions of the Board at their Regular February 14, 2012 Meeting of the Board as recorded by the Board's Secretary/General Manager.

ATTACHMENTS:

1. Minutes-Regular Meeting of February 14, 2012 Prepared by the Board's Secretary/General Manager.

MINUTES
BOARD OF DIRECTORS
ROSSMOOR COMMUNITY SERVICES DISTRICT

REGULAR MEETING

RUSH PARK
3021 Blume Drive
Rossmoor, California

Tuesday, February 14, 2012

A. ORGANIZATION

1. CALL TO ORDER: 7:00 P.M.

2. ROLL CALL: Directors Casey, Kahlert, Maynard, Rips, President Coletta

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS:

a. OC Sheriff-Lt. Wren: Annual/Quarterly Crime Statistics

Lt. Wren gave a PowerPoint presentation and reported to the Board on Quarterly and annual crime statistics, vandalism and response times. Discussion ensued relative to the Polly's Pies burglary which occurred in October 2011 and the armed home invasion robbery on Weatherby Road in December of 2011. Lt. Wren provided residents with practical crime prevention tips and reminders.

B. ADDITIONS TO AGENDA – None

C. PUBLIC FORUM:

Shawn Crumby with the City of Seal Beach had comments relative to the Shops at Rossmoor in Seal Beach traffic study.

Resident David Lara complimented the Orange County Sheriff's Department for their outstanding job in the community. He had comments relative to the Rossmoor Predator Management Team's recent unleashed dog campaign.

D. REPORTS TO THE BOARD

1. REPORT OF THE BUDGET COMMITTEE RE: MID-YEAR BUDGET ADJUSTMENTS

Receive the report of the Budget and the Public Works/CIP Committees recommending approval of FY 2011-2012 Mid-year Budget Adjustments. The report was received and filed.

2. GENERAL MANAGER REPORT ON GOVERNANCE

Receive the report and provide direction to General Manager on future governance initiatives.

The General Manager reported that at the Special Board Meeting in closed session on January 24, 2012 the Board considered two matters reflected in Agenda Item C-1c., Special Board Meeting Minutes. The matter of the engagement of Special Legal Counsel Services is in progress. The matter of the engagement of a Special Auditor was vetted by staff and a proposal for additional forensic accounting by the firm of Harvey Rose Associates, LLC was received consistent with the parameters discussed at the Special Meeting. Sufficient funds were identified for this purpose. Discussion ensued.

President Coletta opined relative to County's lack of response to Rossmoor's many requests for financial data. No action was taken at this time.

E. CONSENT CALENDAR

1a. MINUTES-REGULAR BOARD MEETING OF JANUARY 10, 2012

1b. MINUTES-PIFC MEETING OF JANUARY 10, 2012

1c. MINUTES-SPECIAL BOARD MEETING OF JANUARY 24, 2012

2. DECEMBER 2011 REVENUE AND EXPENDITURE REPORT

3. QUARTERLY STATUS REPORT

4. QUARTERLY RECREATION REPORT

5. QUARTERLY TREE REPORT

Motion by Director Rips, seconded by Director Casey to approve the Consent Calendar as submitted. The Consent Calendar was unanimously approved, 5-0.

F. PUBLIC HEARING-None

G. RESOLUTIONS

1. RESOLUTION NO. 12-02-14-01 ESTABLISHING THE ANNUAL BUDGET REVENUES AND EXPENDITURES MID-YEAR BUDGET ADJUSTMENT TOTAL AMOUNTS FOR FISCAL YEAR 2011-2012 FOR THE ROSSMOOR COMMUNITY SERVICES DISTRICT.

Recommendation to approve Resolution No. 12-02-14-01 by reading the title only and waiving further reading as follows:

RESOLUTION NO. 12-02-14-01 ESTABLISHING THE ANNUAL BUDGET REVENUES AND EXPENDITURES MID-YEAR BUDGET ADJUSTMENT TOTAL AMOUNTS FOR FISCAL YEAR 2011-2012 FOR THE ROSSMOOR COMMUNITY SERVICES DISTRICT.

Resolution No. 12-02-14-01 was unanimously approved by roll call vote, 5-0.

H. REGULAR CALENDAR

ITEM H-4 THE YOUTH CENTER SUMMER PROGRAM CO-SPONSORSHIP PROPOSAL WAS TAKEN OUT OF ORDER AND MOVED UP IN THE AGENDA AT THIS TIME

4. THE YOUTH CENTER SUMMER PROGRAM CO-SPONSORSHIP PROPOSAL

Youth Center Executive Director Lina Lumme reported to the Board on the Youth Center Summer Program. Discussion ensued.

Motion by Director Kahlert, seconded by Director Rips to Approve the request of Lina Lumme, Executive Director of the Youth Center, to continue a partnering relationship with the RCSD in providing the annual Summer Day Camp Program at Rossmoor Park, waive fees and approve program hours exceeding, the 8:00 a.m. starting time, the eight hours per day and the more than four hours per day per month limitations. Motion passed 5-0.

THE BOARD RETURNED TO ITS REGULAR AGENDA AT THIS TIME

1. RESIDENT APPEALS OF DECISIONS OF GENERAL MANAGER RE: TREE PLANTING/REMOVAL

Receive report and provide guidance to General Manager regarding appeals of General Manager's decisions regarding tree planting/removals.

The following individuals appeared in person to appeal the General Manager's decision regarding denial of requests to not plant trees: Dave and Rebecca Lara (for Rose Simpson, who was not present) and Tanya Demeter (whose appeal was submitted untimely). The other appellants, Angela Epstein, Lawrence P. Padulo and Janet Eickhoff

failed to appear. Dave and Rebecca Lara stated that Rose Simpson was disabled and on a limited income and could not water the tree or pay to replace the tree if it died due to lack of watering. Tanya Demeter cited allergies, curb appeal and tree roots as her list of concerns. Discussion ensued. Rose Simpson's neighbor, Julia Tessiner and Michele Fieldson, Neighborhood Assistance Program (NAP) coordinator, both volunteered to water Rose Simpson's new parkway tree. The General Manager also offered to have the District water the tree in order to accommodate Ms. Simpson. Director Maynard volunteered to be a part of the NAP Program.

Resident Erwin Anisman opined relative to the parkway hardscape issue, stating that he had successfully watered parkway trees in the past that now thrived despite the resident's opposition to them.

Resident Joel Rattner had questions relative to the tree watering allowance in the District budget. President Coletta stated that Mr. Rattner was not an appellant and the budget matter was not relevant under the current agenda item. He suggested that Mr. Rattner submit a request to have the matter placed on a subsequent agenda.

Motion by Director Maynard, seconded by Director Casey to make the following accommodation for Mrs. Tanya Demeter: remove the center Juniper bush from the parkway in front of her residence and replace it with a tree of her liking (possibly a Magnolia tree), selected in consultation with the District Tree Consultant from the District approved tree list, in accordance with District policy. Motion passed 5-0.

Motion by Director Rips, seconded by Director Maynard to deny the appeal of Angela Epstein regarding the General Manager's denial of her request not to plant a tree in the parkway. Mrs. Epstein was not present at the meeting. Motion passed 5-0.

Motion by Director Casey, seconded by Director Rips to deny the appeal of Lawrence P. Padulo regarding the General Manager's denial of his request not to plant a tree in the parkway. Mrs. Padulo was not present at the meeting. Motion passed 5-0.

Motion by Director Maynard, seconded by Director Rips to deny the appeal of Janet Eickhoff regarding the General Manager's denial of her request not to plant a tree in the parkway. Ms. Eickhoff was not present at the meeting. Motion passed 5-0.

2. FUTURE TELECASTING OF BOARD MEETINGS

Recommendation to receive report and provide guidance to the General Manager regarding options for future broadcasting of District Board Meetings. Discussion ensued relative to the various options that had been researched. It was further recommended that:

1. The Board direct the General Manager to refine the proposals submitted for production of District Board meetings and to recommend Board approval of an Agreement with either Mr. Wood or Mr. Underwood at the Board's March meeting.

2. Have staff refine the cost proposal for the purchase of equipment, determine the cost of an operator to produce a DVD on an annual basis and also explore the time required for the Board of Supervisors to consider approval of the 1% fee.

3. Have staff explore the cost of a cloud based URL provider on a long term basis.

The General Manager's report was received and filed. It was agreed that the matter be agendized at the March Board meeting.

3. FIRST READING OF REVISION TO POLICY NO. 3021 BUDGETARY CONTROL AND POLICY NO. 3050 PURCHASING.

Recommendation to give first reading to proposed revision of Policy No. 3021 Budgetary Control and Policy No. 3050 Purchasing.

Motion by Director Kahlert, seconded by Director Maynard to authorize the General Manager to remove the ".70" from Policy No. 3021.33, without a second reading, in order to make the policy consistent with the $5,000 limit, and bring Policy No. 3050 back to the Board next month for a second reading. Director Rips disagreed, stating that in order to be in compliance with their own policies, both No. 3021 and No. 3050 should be brought back for a second reading. Motion passed 4-1, with Director Rips voting, No.

4. THE YOUTH CENTER SUMMER PROGRAM CO-SPONSORSHIP PROPOSAL

Was moved ahead of Item H-1 in the agenda.

5. CITIZEN REQUEST: REBECCA LARA RE: HARASSMENT OF A COMMUNITY ACTIVIST BY A BOARD MEMBER

In accordance with Board policy Ms. Lara requested that the matter of a telephone conversation between Ms. Rebecca Lara and Mr. Bill Kahlert be placed on this month's Board Agenda. This request was reviewed by the District's General Counsel and he opined that this was a matter of a private conversation between two residents and not within the subject matter jurisdiction of the Board. Rebecca Lara addressed the Board with said allegations. President Coletta suggested that she discuss the matter in private with Director Kahlert, as it was of a personal nature between two private citizens and not within the jurisdiction of the District. Ms. Lara declined the invitation. Michele Fieldson opined relative to Ms. Lara going beyond the boundaries of the RPMT's original intent and expressed frustration and disgust for her disrespectful, unsolicited emails and bullying tactics. The matter was concluded with no action in accordance with District policy and General Counsel's recommendation.

I. GENERAL MANAGER ITEMS-None

J. BOARD MEMBER ITEMS

President Coletta had comments relative to District governance. He stated that the RCSD General Manager would continue to provide a monthly report on governance in order to show the community that the Board cared about preserving the community's voice. He concluded that in the interest of the community, the Board would continue to pursue its requests for financial data from the County and intended to confront all misinformation generated by the County.

K. CLOSED SESSION-None

L. ADJOURNMENT

Motion by Director Rips, seconded by Director Maynard to adjourn the regular meeting at 9:10 p.m. Motion passed 5-0.

SUBMITTED BY:

Henry Taboada
Consulting General Manager

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM E-2

Date: March 13, 2012

To: Honorable Board of Directors

From: RCSD, General Manager

Subject: REVENUE & EXPENDITURE REPORT – JANUARY, 2012

RECOMMENDATION:

Receive and file the Revenue and Expenditure Report for January, 2012.

BACKGROUND:

The Revenue & Expenditure Report is submitted on a monthly basis as an indication of the District's unaudited year-to-date revenues and expenses. Where appropriate, footnotes provide information which explains current anomalies.

ATTACHMENTS:

1. Revenue & Expenditure Report for the month of January, 2012.

REVENUE / EXPENDITURE SUMMARY REPORT
FUND 10 - GENERAL FUND
January 2012 @ 58.34%

	Original Budget	Amended Budget	YTD Actual	Current Month	Unenc. Balance	% Budget
Revenues						
PROPERTY TAXES	742,700.00	717,400.00	385,148.82	20,173.92	332,251.18	53.7
ASSESSMENTS	260,000.00	260,000.00	135,540.53	7,775.78	124,459.47	52.1
USE OF MONEY AND PROPERTY	20,000.00	10,000.00	3,928.95	767.45	6,071.05	39.3
OTHER GOVERNMENT AGENCIES	56,400.00	57,200.00	2,821.59	1,975.12	54,378.41	4.9
FEES AND SERVICES	117,000.00	133,000.00	79,383.60	18,561.00	53,616.40	59.7
OTHER REVENUE	2,000.00	10,264.00	2,025.58	30.00	8,238.42	19.7
OTHER FINANCING SOURCES	-10,000.00	-10,000.00	0.00	0.00	-10,000.00	0.0
Total Revenues	1,188,100.00	1,177,864.00	608,849.07	49,283.27	569,014.93	51.7
Expenditures						
ADMINISTRATION	307,240.00	321,168.00	179,323.37	31,087.48	141,844.63	55.8
RECREATION 1	104,600.00	105,200.00	67,624.85	12,290.57	37,575.15	64.3
ROSSMOOR PARK	169,146.00	171,526.00	88,482.43	11,420.31	83,043.57	51.6
MONTECITO CENTER	66,167.00	67,967.00	36,608.62	4,974.45	31,358.38	53.9
RUSH PARK	190,356.00	193,836.00	102,024.37	11,559.05	91,811.63	52.6
STREET LIGHTING	98,480.00	98,480.00	61,979.14	8,869.51	36,500.86	62.9
ROSSMOOR WALL	1,900.00	2,147.00	2,055.91	0.00	91.09	95.8
STREET SWEEPING	51,600.00	51,600.00	26,596.56	4,619.30	25,003.44	51.5
PARKWAY TREES	130,900.00	130,900.00	83,053.56	3,075.51	47,846.44	63.4
MINI-PARKS, MEDIANS & TRIANGLE	14,405.00	14,405.00	8,400.78	772.58	6,004.22	58.3
Expenditures	1,134,794.00	1,157,229.00	656,149.59	88,668.76	501,079.41	56.7

Audited Fund Balance (Reserves)
at June 30, 2011 726,348.00

For the Period: 7/1/2011 to 1/31/2012	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 10 - GENERAL FUND							
Revenues							
Function:							
Dept: 00							
PROPERTY TAXES	742,700.00	717,400.00	385,148.82	20,173.92	0.00	332,251.18	53.7
ASSESSMENTS	260,000.00	260,000.00	135,540.53	7,775.78	0.00	124,459.47	52.1
USE OF MONEY AND PROPERTY	20,000.00	10,000.00	3,928.95	767.45	0.00	6,071.05	39.3
OTHER GOVERNMENT AGENCIES	56,400.00	57,200.00	2,821.59	1,975.12	0.00	54,378.41	4.9
FEES AND SERVICES	117,000.00	133,000.00	79,383.60	18,561.00	0.00	53,616.40	59.7
OTHER REVENUE	2,000.00	10,264.00	2,025.58	30.00	0.00	8,238.42	19.7
OTHER FINANCING SOURCES	-10,000.00	-10,000.00	0.00	0.00	0.00	-10,000.00	0.0
Dept: 00	1,188,100.00	1,177,864.00	608,849.07	49,283.27	0.00	569,014.93	51.7
Function:	1,188,100.00	1,177,864.00	608,849.07	49,283.27	0.00	569,014.93	51.7
Revenues	1,188,100.00	1,177,864.00	608,849.07	49,283.27	0.00	569,014.93	51.7
Grand Total Net Effect:	1,188,100.00	1,177,864.00	608,849.07	49,283.27	0.00	569,014.93	

For the Period: 7/1/2011 to 1/31/2012	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 10 - GENERAL FUND							
Expenditures							
Function:							
Dept: 10 ADMINISTRATION							
SALARIES AND BENEFITS	135,940.00	139,940.00	80,260.61	12,396.36	0.00	59,679.39	57.4
OPERATIONS AND MAINTENANCE	42,300.00	43,504.00	27,535.70	3,012.60	0.00	15,968.30	63.3
CONTRACT SERVICES	125,000.00	132,724.00	69,243.43	14,571.65	0.00	63,480.57	52.2
CAPITAL EXPENDITURES	4,000.00	5,000.00	2,283.63	1,106.87	0.00	2,716.37	45.7
ADMINISTRATION	307,240.00	321,168.00	179,323.37	31,087.48	0.00	141,844.63	55.8
Dept: 20 RECREATION							
SALARIES AND BENEFITS	80,200.00	80,700.00	51,081.45	7,749.06	0.00	29,618.55	63.3
OPERATIONS AND MAINTENANCE	16,900.00	17,000.00	14,792.71	4,150.38	0.00	2,207.29	87.0
CONTRACT SERVICES	5,500.00	5,500.00	2,497.18	391.13	0.00	3,002.82	45.4
CAPITAL EXPENDITURES	2,000.00	2,000.00	-746.49	0.00	0.00	2,746.49	-37.3
RECREATION	104,600.00	105,200.00	67,624.85	12,290.57	0.00	37,575.15	64.3
Dept: 30 ROSSMOOR PARK							
SALARIES AND BENEFITS	48,670.00	49,600.00	29,197.44	4,135.21	0.00	20,402.56	58.9
OPERATIONS AND MAINTENANCE	77,576.00	79,026.00	32,053.05	4,251.04	0.00	46,972.95	40.6
CONTRACT SERVICES	41,900.00	41,900.00	27,077.76	3,034.06	0.00	14,822.24	64.6
CAPITAL EXPENDITURES	1,000.00	1,000.00	154.18	0.00	0.00	845.82	15.4
ROSSMOOR PARK	169,146.00	171,526.00	88,482.43	11,420.31	0.00	83,043.57	51.6
Dept: 40 MONTECITO CENTER							
SALARIES AND BENEFITS	40,250.00	41,150.00	23,578.10	3,374.94	0.00	17,571.90	57.3
OPERATIONS AND MAINTENANCE	15,217.00	16,117.00	7,403.17	925.45	0.00	8,713.83	45.9
CONTRACT SERVICES	10,200.00	10,200.00	5,690.02	674.06	0.00	4,509.98	55.8
CAPITAL EXPENDITURES	500.00	500.00	-62.67	0.00	0.00	562.67	-12.5
MONTECITO CENTER	66,167.00	67,967.00	36,608.62	4,974.45	0.00	31,358.38	53.9
Dept: 50 RUSH PARK							
SALARIES AND BENEFITS	50,870.00	52,600.00	32,172.30	4,275.78	0.00	20,427.70	61.2
OPERATIONS AND MAINTENANCE	97,086.00	98,336.00	42,329.46	4,249.21	0.00	56,006.54	43.0
CONTRACT SERVICES	41,900.00	41,900.00	26,885.02	3,034.06	0.00	15,014.98	64.2
CAPITAL EXPENDITURES	500.00	1,000.00	637.59	0.00	0.00	362.41	63.8

For the Period: 7/1/2011 to 1/31/2012	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 10 - GENERAL FUND							
Expenditures							
Function:							
RUSH PARK	190,356.00	193,836.00	102,024.37	11,559.05	0.00	91,811.63	52.6
Dept: 60 STREET LIGHTING							
OPERATIONS AND MAINTENANCE	480.00	480.00	289.75	48.62	0.00	190.25	60.4
CONTRACT SERVICES	98,000.00	98,000.00	61,689.39	8,820.89	0.00	36,310.61	62.9
STREET LIGHTING	98,480.00	98,480.00	61,979.14	8,869.51	0.00	36,500.86	62.9
Dept: 65 ROSSMOOR WALL							
OPERATIONS AND MAINTENANCE	1,900.00	2,147.00	2,055.91	0.00	0.00	91.09	95.8
ROSSMOOR WALL	1,900.00	2,147.00	2,055.91	0.00	0.00	91.09	95.8
Dept: 70 STREET SWEEPING							
OPERATIONS AND MAINTENANCE	600.00	600.00	289.75	48.62	0.00	310.25	48.3
CONTRACT SERVICES	51,000.00	51,000.00	26,306.81	4,570.68	0.00	24,693.19	51.6
STREET SWEEPING	51,600.00	51,600.00	26,596.56	4,619.30	0.00	25,003.44	51.5
Dept: 80 PARKWAY TREES							
OPERATIONS AND MAINTENANCE	2,200.00	2,200.00	796.07	119.31	0.00	1,403.93	36.2
CONTRACT SERVICES	113,700.00	113,700.00	70,651.19	2,597.00	0.00	43,048.81	62.1
CAPITAL EXPENDITURES	15,000.00	15,000.00	11,606.30	359.20	0.00	3,393.70	77.4
PARKWAY TREES	130,900.00	130,900.00	83,053.56	3,075.51	0.00	47,846.44	63.4
Dept: 90 MINI-PARKS AND MEDIANS							
SALARIES AND BENEFITS	1,255.00	1,255.00	630.05	85.79	0.00	624.95	50.2
OPERATIONS AND MAINTENANCE	8,100.00	8,100.00	5,404.56	386.97	0.00	2,695.44	66.7
CONTRACT SERVICES	4,800.00	4,800.00	2,366.17	299.82	0.00	2,433.83	49.3
CAPITAL EXPENDITURES	250.00	250.00	0.00	0.00	0.00	250.00	0.0
MINI-PARKS AND MEDIANS	14,405.00	14,405.00	8,400.78	772.58	0.00	6,004.22	58.3
Function:	1,134,794.00	1,157,229.00	656,149.59	88,668.76	0.00	501,079.41	56.7
Expenditures	1,134,794.00	1,157,229.00	656,149.59	88,668.76	0.00	501,079.41	56.7
Grand Total Net Effect:	-1,134,794.00	-1,157,229.00	-656,149.59	-88,668.76	0.00	-501,079.41	

For the Period: 7/1/2011 to 1/31/2012	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 10 - GENERAL FUND							
Revenues							
Function:							
Dept: 00							
Acct Class: 30 PROPERTY TAXES							
3000 Current secured property taxes	676,000.00	650,000.00	345,390.97	10,451.42	0.00	304,609.03	53.1
3001 Current unsecured prop tax	26,500.00	28,000.00	22,367.16	3,416.76	0.00	5,632.84	79.9
3002 Prior secured property taxes	18,800.00	18,800.00	8,954.64	668.81	0.00	9,845.36	47.6
3003 Prior unsecured prop taxes	1,000.00	1,000.00	0.00	0.00	0.00	1,000.00	0.0
3004 Delinquent property taxes	1,200.00	1,200.00	0.00	0.00	0.00	1,200.00	0.0
3010 Current supplemental assessmt	7,800.00	7,000.00	2,868.45	69.33	0.00	4,131.55	41.0
3020 Public utility tax	11,400.00	11,400.00	5,567.60	5,567.60	0.00	5,832.40	48.8
PROPERTY TAXES	742,700.00	717,400.00	385,148.82	20,173.92	0.00	332,251.18	53.7
Acct Class: 31 ASSESSMENTS							
3105 Street light assessments	260,000.00	260,000.00	135,540.53	7,775.78	0.00	124,459.47	52.1
ASSESSMENTS	260,000.00	260,000.00	135,540.53	7,775.78	0.00	124,459.47	52.1
Acct Class: 32 USE OF MONEY AND PROPERTY							
3200 Interest on investments	20,000.00	10,000.00	3,928.95	767.45	0.00	6,071.05	39.3
USE OF MONEY AND PROPERTY	20,000.00	10,000.00	3,928.95	767.45	0.00	6,071.05	39.3
Acct Class: 33 OTHER GOVERNMENT AGENCIES							
3301 State homeowner proptax relief	4,000.00	4,800.00	2,821.59	1,975.12	0.00	1,978.41	58.8
3302 State Mandated Cost Reimb	500.00	500.00	0.00	0.00	0.00	500.00	0.0
3305 County street sweep reimburse	51,900.00	51,900.00	0.00	0.00	0.00	51,900.00	0.0
OTHER GOVERNMENT AGENCIES	56,400.00	57,200.00	2,821.59	1,975.12	0.00	54,378.41	4.9
Acct Class: 34 FEES AND SERVICES							
3402 Park way tree permits	500.00	1,500.00	1,141.00	0.00	0.00	359.00	76.1
3404 Court reservations	13,500.00	11,500.00	4,624.50	267.00	0.00	6,875.50	40.2
3406 Ball field reservations	22,000.00	22,000.00	18,380.00	5,553.00	0.00	3,620.00	83.5
3410 Rossmoor building rental	8,000.00	10,000.00	6,346.60	830.00	0.00	3,653.40	63.5
3412 Montecito building rental	23,000.00	23,000.00	12,637.50	3,084.00	0.00	10,362.50	54.9
3414 Rush Park Building Rental	50,000.00	65,000.00	36,254.00	8,827.00	0.00	28,746.00	55.8
FEES AND SERVICES	117,000.00	133,000.00	79,383.60	18,561.00	0.00	53,616.40	59.7
Acct Class: 35 OTHER REVENUE							
3500 Other miscellaneous revenue	2,000.00	3,000.00	2,025.58	30.00	0.00	974.42	67.5
3501 Funding/Misc. Studies	0.00	7,264.00	0.00	0.00	0.00	7,264.00	0.0
OTHER REVENUE	2,000.00	10,264.00	2,025.58	30.00	0.00	8,238.42	19.7
Acct Class: 36 OTHER FINANCING SOURCES							
3600 TRANSFER IN/OUT OTHER FUNDS	-10,000.00	-10,000.00	0.00	0.00	0.00	-10,000.00	0.0
OTHER FINANCING SOURCES	-10,000.00	-10,000.00	0.00	0.00	0.00	-10,000.00	0.0
Dept: 00	1,188,100.00	1,177,864.00	608,849.07	49,283.27	0.00	569,014.93	51.7
Function:	1,188,100.00	1,177,864.00	608,849.07	49,283.27	0.00	569,014.93	51.7
Revenues	1,188,100.00	1,177,864.00	608,849.07	49,283.27	0.00	569,014.93	51.7
Expenditures							
Function:							
Dept: 10 ADMINISTRATION							
Acct Class: 40 SALARIES AND BENEFITS							
4000 Board of Directors Compensatn	9,000.00	10,000.00	6,150.00	1,400.00	0.00	3,850.00	61.5
4001 Salaries - Full-time	90,640.00	90,640.00	53,675.68	7,748.04	0.00	36,964.32	59.2
4003 Salaries - Overtime	1,550.00	1,550.00	877.15	48.71	0.00	672.85	56.6
4007 Vehicle Allowance	750.00	750.00	160.60	30.25	0.00	589.40	21.4
4010 Workers Compensation Insurance	3,000.00	3,000.00	247.75	0.00	0.00	2,752.25	8.3
4011 Medical Insurance	22,500.00	25,500.00	14,708.57	2,240.66	0.00	10,791.43	57.7

For the Period: 7/1/2011 to 1/31/2012	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 10 - GENERAL FUND							
Expenditures							
Function:							
Dept: 10 ADMINISTRATION							
Acct Class: 40 SALARIES AND BENEFITS							
4015 Federal Payroll Tax -FICA	7,000.00	7,000.00	4,097.79	585.63	0.00	2,902.21	58.5
4018 State Payroll Taxes	1,500.00	1,500.00	343.07	343.07	0.00	1,156.93	22.9
SALARIES AND BENEFITS	135,940.00	139,940.00	80,260.61	12,396.36	0.00	59,679.39	57.4
Acct Class: 50 OPERATIONS AND MAINTENANCE							
5002 Insurance - Liability	9,000.00	9,704.00	9,703.61	0.00	0.00	0.39	100.0
5004 Memberships and Dues	5,500.00	5,500.00	5,371.96	377.29	0.00	128.04	97.7
5006 Travel & Meetings	3,000.00	3,000.00	934.87	0.00	0.00	2,065.13	31.2
5010 Publications & Legal Notices	4,000.00	4,500.00	2,853.67	0.00	0.00	1,646.33	63.4
5012 Printing	500.00	500.00	394.71	104.14	0.00	105.29	78.9
5014 Postage	3,500.00	3,500.00	2,829.21	757.20	0.00	670.79	80.8
5016 Office Supplies	8,300.00	8,300.00	3,273.81	1,347.63	0.00	5,026.19	39.4
5020 Telephone	1,500.00	1,500.00	869.18	145.85	0.00	630.82	57.9
5045 Miscellaneous Expenditures	5,500.00	5,500.00	565.90	201.55	0.00	4,934.10	10.3
5046 Bank Service Charge	1,000.00	1,000.00	738.78	78.94	0.00	261.22	73.9
5051 Equipment Rental	500.00	500.00	0.00	0.00	0.00	500.00	0.0
OPERATIONS AND MAINTENANCE	42,300.00	43,504.00	27,535.70	3,012.60	0.00	15,968.30	63.3
Acct Class: 56 CONTRACT SERVICES							
5610 Legal Counsel	40,000.00	40,000.00	17,782.68	1,510.26	0.00	22,217.32	44.5
5615 Financial Audit-Consulting	8,000.00	8,460.00	8,460.00	0.00	0.00	0.00	100.0
5620 Miscellaneous Studies	0.00	7,264.00	7,263.27	7,263.27	0.00	0.73	100.0
5670 Other Professional Services	77,000.00	77,000.00	35,737.48	5,798.12	0.00	41,262.52	46.4
CONTRACT SERVICES	125,000.00	132,724.00	69,243.43	14,571.65	0.00	63,480.57	52.2
Acct Class: 60 CAPITAL EXPENDITURES							
6010 Equipment	4,000.00	5,000.00	2,283.63	1,106.87	0.00	2,716.37	45.7
CAPITAL EXPENDITURES	4,000.00	5,000.00	2,283.63	1,106.87	0.00	2,716.37	45.7
ADMINISTRATION	307,240.00	321,168.00	179,323.37	31,087.48	0.00	141,844.63	55.8
Dept: 20 RECREATION							
Acct Class: 40 SALARIES AND BENEFITS							
4001 Salaries - Full-time	47,250.00	44,000.00	25,123.06	3,584.54	0.00	18,876.94	57.1
4002 Salaries - Part-time	17,000.00	20,000.00	17,025.68	2,789.15	0.00	2,974.32	85.1
4003 Salaries - Overtime	1,900.00	1,900.00	1,090.03	19.55	0.00	809.97	57.4
4005 Salaries - Event Attendant	300.00	300.00	156.00	20.25	0.00	144.00	52.0
4007 Vehicle Allowance	750.00	750.00	195.50	0.00	0.00	554.50	26.1
4010 Workers Compensation Insurance	1,300.00	1,300.00	100.15	0.00	0.00	1,199.85	7.7
4011 Medical Insurance	5,800.00	6,550.00	3,739.98	569.74	0.00	2,810.02	57.1
4015 Federal Payroll Tax -FICA	4,500.00	4,500.00	3,290.28	490.50	0.00	1,209.72	73.1
4018 State Payroll Taxes	1,400.00	1,400.00	360.77	275.33	0.00	1,039.23	25.8
SALARIES AND BENEFITS	80,200.00	80,700.00	51,081.45	7,749.06	0.00	29,618.55	63.3
Acct Class: 50 OPERATIONS AND MAINTENANCE							
5006 Travel & Meetings	800.00	800.00	435.32	65.00	0.00	364.68	54.4
5010 Publications & Legal Notices	150.00	150.00	38.80	0.00	0.00	111.20	25.9
5012 Printing	500.00	500.00	286.39	23.27	0.00	213.61	57.3
5014 Postage	200.00	300.00	161.67	0.00	0.00	138.33	53.9
5016 Office Supplies	1,250.00	1,250.00	516.39	243.12	0.00	733.61	41.3
5017 Community Events	5,000.00	5,000.00	6,284.96	3,673.14	0.00	-1,284.96	125.7
5019 Fireworks	6,200.00	6,200.00	6,200.00	0.00	0.00	0.00	100.0
5020 Telephone	1,800.00	1,800.00	869.18	145.85	0.00	930.82	48.3
5045 Miscellaneous Expenditures	500.00	500.00	0.00	0.00	0.00	500.00	0.0
5051 Equipment Rental	500.00	500.00	0.00	0.00	0.00	500.00	0.0
OPERATIONS AND MAINTENANCE	16,900.00	17,000.00	14,792.71	4,150.38	0.00	2,207.29	87.0
Acct Class: 56 CONTRACT SERVICES							

For the Period: 7/1/2011 to 1/31/2012	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 10 - GENERAL FUND							
Expenditures							
Function:							
Dept: 20 RECREATION							
Acct Class: 56 CONTRACT SERVICES							
5670 Other Professional Services	5,500.00	5,500.00	2,497.18	391.13	0.00	3,002.82	45.4
CONTRACT SERVICES	5,500.00	5,500.00	2,497.18	391.13	0.00	3,002.82	45.4
Acct Class: 60 CAPITAL EXPENDITURES							
6010 Equipment	2,000.00	2,000.00	-746.49	0.00	0.00	2,746.49	-37.3
CAPITAL EXPENDITURES	2,000.00	2,000.00	-746.49	0.00	0.00	2,746.49	-37.3
RECREATION	104,600.00	105,200.00	67,624.85	12,290.57	0.00	37,575.15	64.3
Dept: 30 ROSSMOOR PARK							
Acct Class: 40 SALARIES AND BENEFITS							
4001 Salaries - Full-time	28,600.00	28,600.00	16,906.39	2,432.77	0.00	11,693.61	59.1
4002 Salaries - Part-time	5,670.00	6,200.00	4,447.36	478.40	0.00	1,752.64	71.7
4003 Salaries - Overtime	1,100.00	1,100.00	715.30	107.19	0.00	384.70	65.0
4005 Salaries - Event Attendant	500.00	500.00	343.20	44.55	0.00	156.80	68.6
4010 Workers Compensation Insurance	2,600.00	2,600.00	247.75	0.00	0.00	2,352.25	9.5
4011 Medical Insurance	7,000.00	7,400.00	4,620.00	703.80	0.00	2,780.00	62.4
4015 Federal Payroll Tax -FICA	2,650.00	2,650.00	1,709.96	233.66	0.00	940.04	64.5
4018 State Payroll Taxes	550.00	550.00	207.48	134.84	0.00	342.52	37.7
SALARIES AND BENEFITS	48,670.00	49,600.00	29,197.44	4,135.21	0.00	20,402.56	58.9
Acct Class: 50 OPERATIONS AND MAINTENANCE							
5010 Publications & Legal Notices	300.00	300.00	38.80	0.00	0.00	261.20	12.9
5012 Printing	300.00	300.00	75.98	11.64	0.00	224.02	25.3
5014 Postage	100.00	100.00	73.10	25.80	0.00	26.90	73.1
5016 Office Supplies	700.00	700.00	255.43	121.56	0.00	444.57	36.5
5018 Janitorial Supplies	1,800.00	2,500.00	1,417.82	0.00	0.00	1,082.18	56.7
5020 Telephone	1,600.00	1,600.00	869.18	145.85	0.00	730.82	54.3
5022 Utilities	44,000.00	44,000.00	19,476.61	978.95	0.00	24,523.39	44.3
5025 Sewer Tax	676.00	676.00	369.68	0.00	0.00	306.32	54.7
5030 Vehicle Maintenance	750.00	1,500.00	1,076.77	30.70	0.00	423.23	71.8
5032 Building & Grounds-Maintenance	25,000.00	25,000.00	7,926.55	2,849.96	0.00	17,073.45	31.7
5034 Alarm Systems	650.00	650.00	327.93	86.58	0.00	322.07	50.5
5045 Miscellaneous Expenditures	500.00	500.00	0.00	0.00	0.00	500.00	0.0
5051 Equipment Rental	700.00	700.00	145.20	0.00	0.00	554.80	20.7
5052 Minor Facility Repairs	500.00	500.00	0.00	0.00	0.00	500.00	0.0
OPERATIONS AND MAINTENANCE	77,576.00	79,026.00	32,053.05	4,251.04	0.00	46,972.95	40.6
Acct Class: 56 CONTRACT SERVICES							
5655 Landscape Maintenance	35,500.00	35,500.00	23,452.50	2,655.00	0.00	12,047.50	66.1
5656 Tree Trimming	1,000.00	1,000.00	830.97	0.00	0.00	169.03	83.1
5670 Other Professional Services	5,400.00	5,400.00	2,794.29	379.06	0.00	2,605.71	51.7
CONTRACT SERVICES	41,900.00	41,900.00	27,077.76	3,034.06	0.00	14,822.24	64.6
Acct Class: 60 CAPITAL EXPENDITURES							
6010 Equipment	1,000.00	1,000.00	154.18	0.00	0.00	845.82	15.4
CAPITAL EXPENDITURES	1,000.00	1,000.00	154.18	0.00	0.00	845.82	15.4
ROSSMOOR PARK	169,146.00	171,526.00	88,482.43	11,420.31	0.00	83,043.57	51.6
Dept: 40 MONTECITO CENTER							
Acct Class: 40 SALARIES AND BENEFITS							
4001 Salaries - Full-time	23,400.00	23,400.00	14,125.83	2,032.95	0.00	9,274.17	60.4
4002 Salaries - Part-time	3,300.00	3,300.00	2,112.72	215.28	0.00	1,187.28	64.0
4003 Salaries - Overtime	750.00	750.00	538.49	85.72	0.00	211.51	71.8
4005 Salaries - Event Attendant	2,500.00	2,500.00	1,310.40	170.10	0.00	1,189.60	52.4
4010 Workers Compensation Insurance	1,900.00	1,900.00	199.25	0.00	0.00	1,700.75	10.5
4011 Medical Insurance	5,700.00	6,600.00	3,739.98	569.74	0.00	2,860.02	56.7

For the Period: 7/1/2011 to 1/31/2012	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 10 - GENERAL FUND							
Expenditures							
Function:							
Dept: 40 MONTECITO CENTER							
Acct Class: 40 SALARIES AND BENEFITS							
4015 Federal Payroll Tax -FICA	2,200.00	2,200.00	1,355.16	190.92	0.00	844.84	61.6
4018 State Payroll Taxes	500.00	500.00	196.27	110.23	0.00	303.73	39.3
SALARIES AND BENEFITS	40,250.00	41,150.00	23,578.10	3,374.94	0.00	17,571.90	57.3
Acct Class: 50 OPERATIONS AND MAINTENANCE							
5010 Publications & Legal Notices	150.00	150.00	38.80	0.00	0.00	111.20	25.9
5012 Printing	150.00	150.00	75.98	11.64	0.00	74.02	50.7
5014 Postage	100.00	100.00	72.90	25.60	0.00	27.10	72.9
5016 Office Supplies	900.00	900.00	255.43	121.56	0.00	644.57	28.4
5018 Janitorial Supplies	1,850.00	2,500.00	1,417.82	0.00	0.00	1,082.18	56.7
5020 Telephone	1,650.00	1,650.00	869.18	145.85	0.00	780.82	52.7
5022 Utilities	3,500.00	3,500.00	1,674.99	348.03	0.00	1,825.01	47.9
5025 Sewer Tax	567.00	567.00	310.45	0.00	0.00	256.55	54.8
5030 Vehicle Maintenance	750.00	1,000.00	617.08	30.70	0.00	382.92	61.7
5032 Building & Grounds-Maintenance	4,000.00	4,000.00	1,820.82	230.83	0.00	2,179.18	45.5
5034 Alarm Systems	500.00	500.00	249.72	11.24	0.00	250.28	49.9
5045 Miscellaneous Expenditures	500.00	500.00	0.00	0.00	0.00	500.00	0.0
5051 Equipment Rental	500.00	500.00	0.00	0.00	0.00	500.00	0.0
5052 Minor Facility Repairs	100.00	100.00	0.00	0.00	0.00	100.00	0.0
OPERATIONS AND MAINTENANCE	15,217.00	16,117.00	7,403.17	925.45	0.00	8,713.83	45.9
Acct Class: 56 CONTRACT SERVICES							
5655 Landscape Maintenance	3,800.00	3,800.00	2,065.00	295.00	0.00	1,735.00	54.3
5656 Tree Trimming	1,000.00	1,000.00	830.97	0.00	0.00	169.03	83.1
5670 Other Professional Services	5,400.00	5,400.00	2,794.05	379.06	0.00	2,605.95	51.7
CONTRACT SERVICES	10,200.00	10,200.00	5,690.02	674.06	0.00	4,509.98	55.8
Acct Class: 60 CAPITAL EXPENDITURES							
6010 Equipment	500.00	500.00	-62.67	0.00	0.00	562.67	-12.5
CAPITAL EXPENDITURES	500.00	500.00	-62.67	0.00	0.00	562.67	-12.5
MONTECITO CENTER	66,167.00	67,967.00	36,608.62	4,974.45	0.00	31,358.38	53.9
Dept: 50 RUSH PARK							
Acct Class: 40 SALARIES AND BENEFITS							
4001 Salaries - Full-time	28,600.00	28,600.00	16,906.39	2,432.77	0.00	11,693.61	59.1
4002 Salaries - Part-time	5,670.00	7,000.00	5,507.41	478.40	0.00	1,492.59	78.7
4003 Salaries - Overtime	1,100.00	1,100.00	845.10	107.19	0.00	254.90	76.8
4005 Salaries - Event Attendant	2,500.00	2,500.00	1,851.15	170.10	0.00	648.85	74.0
4010 Workers Compensation Insurance	2,600.00	2,600.00	247.75	0.00	0.00	2,352.25	9.5
4011 Medical Insurance	7,000.00	7,400.00	4,620.08	703.79	0.00	2,779.92	62.4
4015 Federal Payroll Tax -FICA	2,650.00	2,650.00	1,937.03	243.33	0.00	712.97	73.1
4018 State Payroll Taxes	750.00	750.00	257.39	140.20	0.00	492.61	34.3
SALARIES AND BENEFITS	50,870.00	52,600.00	32,172.30	4,275.78	0.00	20,427.70	61.2
Acct Class: 50 OPERATIONS AND MAINTENANCE							
5010 Publications & Legal Notices	500.00	500.00	38.80	0.00	0.00	461.20	7.8
5012 Printing	500.00	500.00	75.98	11.63	0.00	424.02	15.2
5014 Postage	100.00	100.00	72.90	25.60	0.00	27.10	72.9
5016 Office Supplies	900.00	900.00	255.41	121.56	0.00	644.59	28.4
5018 Janitorial Supplies	2,000.00	2,500.00	1,422.06	0.00	0.00	1,077.94	56.9
5020 Telephone	1,800.00	1,800.00	869.18	145.85	0.00	930.82	48.3
5022 Utilities	50,000.00	50,000.00	28,332.17	3,137.38	0.00	21,667.83	56.7
5025 Sewer Tax	2,586.00	2,586.00	1,414.79	0.00	0.00	1,171.21	54.7
5030 Vehicle Maintenance	750.00	1,500.00	1,076.77	30.70	0.00	423.23	71.8
5032 Building & Grounds-Maintenance	30,000.00	30,000.00	8,295.48	765.26	0.00	21,704.52	27.7
5034 Alarm Systems	750.00	750.00	330.72	11.23	0.00	419.28	44.1
5045 Miscellaneous Expenditures	1,200.00	1,200.00	0.00	0.00	0.00	1,200.00	0.0

For the Period: 7/1/2011 to 1/31/2012	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 10 - GENERAL FUND							
Expenditures							
Function:							
Dept: 50 RUSH PARK							
Acct Class: 50 OPERATIONS AND MAINTENANCE							
5051 Equipment Rental	1,500.00	1,500.00	145.20	0.00	0.00	1,354.80	9.7
5052 Minor Facility Repairs	4,500.00	4,500.00	0.00	0.00	0.00	4,500.00	0.0
OPERATIONS AND MAINTENANCE	97,086.00	98,336.00	42,329.46	4,249.21	0.00	56,006.54	43.0
Acct Class: 56 CONTRACT SERVICES							
5655 Landscape Maintenance	35,500.00	35,500.00	23,260.00	2,655.00	0.00	12,240.00	65.5
5656 Tree Trimming	1,000.00	1,000.00	830.97	0.00	0.00	169.03	83.1
5670 Other Professional Services	5,400.00	5,400.00	2,794.05	379.06	0.00	2,605.95	51.7
CONTRACT SERVICES	41,900.00	41,900.00	26,885.02	3,034.06	0.00	15,014.98	64.2
Acct Class: 60 CAPITAL EXPENDITURES							
6010 Equipment	500.00	1,000.00	637.59	0.00	0.00	362.41	63.8
CAPITAL EXPENDITURES	500.00	1,000.00	637.59	0.00	0.00	362.41	63.8
RUSH PARK	190,356.00	193,836.00	102,024.37	11,559.05	0.00	91,811.63	52.6
Dept: 60 STREET LIGHTING							
Acct Class: 50 OPERATIONS AND MAINTENANCE							
5020 Telephone	480.00	480.00	289.75	48.62	0.00	190.25	60.4
OPERATIONS AND MAINTENANCE	480.00	480.00	289.75	48.62	0.00	190.25	60.4
Acct Class: 56 CONTRACT SERVICES							
5650 Lighting and Maintenance	98,000.00	98,000.00	61,689.39	8,820.89	0.00	36,310.61	62.9
CONTRACT SERVICES	98,000.00	98,000.00	61,689.39	8,820.89	0.00	36,310.61	62.9
STREET LIGHTING	98,480.00	98,480.00	61,979.14	8,869.51	0.00	36,500.86	62.9
Dept: 65 ROSSMOOR WALL							
Acct Class: 50 OPERATIONS AND MAINTENANCE							
5002 Insurance - Liability	1,800.00	2,047.00	2,046.91	0.00	0.00	0.09	100.0
5032 Building & Grounds-Maintenance	100.00	100.00	9.00	0.00	0.00	91.00	9.0
OPERATIONS AND MAINTENANCE	1,900.00	2,147.00	2,055.91	0.00	0.00	91.09	95.8
ROSSMOOR WALL	1,900.00	2,147.00	2,055.91	0.00	0.00	91.09	95.8
Dept: 70 STREET SWEEPING							
Acct Class: 50 OPERATIONS AND MAINTENANCE							
5020 Telephone	500.00	500.00	289.75	48.62	0.00	210.25	58.0
5030 Vehicle Maintenance	100.00	100.00	0.00	0.00	0.00	100.00	0.0
OPERATIONS AND MAINTENANCE	600.00	600.00	289.75	48.62	0.00	310.25	48.3
Acct Class: 56 CONTRACT SERVICES							
5642 Street Sweeping	51,000.00	51,000.00	26,306.81	4,570.68	0.00	24,693.19	51.6
CONTRACT SERVICES	51,000.00	51,000.00	26,306.81	4,570.68	0.00	24,693.19	51.6
STREET SWEEPING	51,600.00	51,600.00	26,596.56	4,619.30	0.00	25,003.44	51.5
Dept: 80 PARKWAY TREES							
Acct Class: 50 OPERATIONS AND MAINTENANCE							
5012 Printing	50.00	50.00	0.00	0.00	0.00	50.00	0.0
5014 Postage	500.00	500.00	171.05	0.00	0.00	328.95	34.2
5016 Office Supplies	200.00	200.00	45.58	22.08	0.00	154.42	22.8
5020 Telephone	900.00	900.00	579.44	97.23	0.00	320.56	64.4
5030 Vehicle Maintenance	300.00	300.00	0.00	0.00	0.00	300.00	0.0
5051 Equipment Rental	250.00	250.00	0.00	0.00	0.00	250.00	0.0
OPERATIONS AND MAINTENANCE	2,200.00	2,200.00	796.07	119.31	0.00	1,403.93	36.2

For the Period: 7/1/2011 to 1/31/2012	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 10 - GENERAL FUND							
Expenditures							
Function:							
Dept: 80 PARKWAY TREES							
Acct Class: 56 CONTRACT SERVICES							
5656 Tree Trimming	71,000.00	71,000.00	51,989.61	0.00	0.00	19,010.39	73.2
5660 TREE REMOVAL	3,700.00	3,700.00	437.50	0.00	0.00	3,262.50	11.8
5664 Tree Watering Program	1,000.00	1,000.00	0.00	0.00	0.00	1,000.00	0.0
5670 Other Professional Services	38,000.00	38,000.00	18,224.08	2,597.00	0.00	19,775.92	48.0
CONTRACT SERVICES	113,700.00	113,700.00	70,651.19	2,597.00	0.00	43,048.81	62.1
Acct Class: 60 CAPITAL EXPENDITURES							
6015 Trees	15,000.00	15,000.00	11,606.30	359.20	0.00	3,393.70	77.4
CAPITAL EXPENDITURES	15,000.00	15,000.00	11,606.30	359.20	0.00	3,393.70	77.4
PARKWAY TREES	130,900.00	130,900.00	83,053.56	3,075.51	0.00	47,846.44	63.4
Dept: 90 MINI-PARKS AND MEDIANS							
Acct Class: 40 SALARIES AND BENEFITS							
4001 Salaries - Full-time	750.00	750.00	350.24	52.66	0.00	399.76	46.7
4002 Salaries - Part-time	285.00	285.00	197.06	21.24	0.00	87.94	69.1
4003 Salaries - Overtime	20.00	20.00	21.45	2.68	0.00	-1.45	107.3
4010 Workers Compensation Insurance	125.00	125.00	11.60	0.00	0.00	113.40	9.3
4015 Federal Payroll Tax -FICA	65.00	65.00	43.48	5.86	0.00	21.52	66.9
4018 State Payroll Taxes	10.00	10.00	6.22	3.35	0.00	3.78	62.2
SALARIES AND BENEFITS	1,255.00	1,255.00	630.05	85.79	0.00	624.95	50.2
Acct Class: 50 OPERATIONS AND MAINTENANCE							
5020 Telephone	500.00	500.00	289.86	48.62	0.00	210.14	58.0
5022 Utilities	6,000.00	6,000.00	4,307.37	338.35	0.00	1,692.63	71.8
5030 Vehicle Maintenance	100.00	100.00	0.00	0.00	0.00	100.00	0.0
5032 Building & Grounds-Maintenance	1,000.00	1,000.00	616.79	0.00	0.00	383.21	61.7
5045 Miscellaneous Expenditures	200.00	200.00	0.00	0.00	0.00	200.00	0.0
5051 Equipment Rental	100.00	100.00	0.00	0.00	0.00	100.00	0.0
5052 Minor Facility Repairs	200.00	200.00	190.54	0.00	0.00	9.46	95.3
OPERATIONS AND MAINTENANCE	8,100.00	8,100.00	5,404.56	386.97	0.00	2,695.44	66.7
Acct Class: 56 CONTRACT SERVICES							
5655 Landscape Maintenance	4,000.00	4,000.00	2,065.00	295.00	0.00	1,935.00	51.6
5656 Tree Trimming	500.00	500.00	276.91	0.00	0.00	223.09	55.4
5670 Other Professional Services	300.00	300.00	24.26	4.82	0.00	275.74	8.1
CONTRACT SERVICES	4,800.00	4,800.00	2,366.17	299.82	0.00	2,433.83	49.3
Acct Class: 60 CAPITAL EXPENDITURES							
6010 Equipment	250.00	250.00	0.00	0.00	0.00	250.00	0.0
CAPITAL EXPENDITURES	250.00	250.00	0.00	0.00	0.00	250.00	0.0
MINI-PARKS AND MEDIANS	14,405.00	14,405.00	8,400.78	772.58	0.00	6,004.22	58.3
Function:	1,134,794.00	1,157,229.00	656,149.59	88,668.76	0.00	501,079.41	56.7
Expenditures	1,134,794.00	1,157,229.00	656,149.59	88,668.76	0.00	501,079.41	56.7
Net Effect for GENERAL FUND	53,306.00	20,635.00	-47,300.52	-39,385.49	0.00	67,935.52	-229.2
Change in Fund Balance:			-47,300.52				

For the Period: 7/1/2011 to 1/31/2012	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 20 - ASSESSMENT DISTRICT FUND-RUSH							
Revenues							
Function:							
Dept: 00							
Acct Class: 31 ASSESSMENTS							
3100 Property assessments	382,500.00	382,500.00	228,590.29	8,416.50	0.00	153,909.71	59.8
3101 Property assessments-prior yr	7,500.00	7,500.00	4,054.49	129.44	0.00	3,445.51	54.1
ASSESSMENTS	390,000.00	390,000.00	232,644.78	8,545.94	0.00	157,355.22	59.7
Acct Class: 32 USE OF MONEY AND PROPERTY							
3200 Interest on investments	5,000.00	5,000.00	0.00	0.00	0.00	5,000.00	0.0
USE OF MONEY AND PROPERTY	5,000.00	5,000.00	0.00	0.00	0.00	5,000.00	0.0
Acct Class: 35 OTHER REVENUE							
3500 Other miscellaneous revenue	13,800.00	13,800.00	0.00	0.00	0.00	13,800.00	0.0
OTHER REVENUE	13,800.00	13,800.00	0.00	0.00	0.00	13,800.00	0.0
Dept: 00	408,800.00	408,800.00	232,644.78	8,545.94	0.00	176,155.22	56.9
Function:	408,800.00	408,800.00	232,644.78	8,545.94	0.00	176,155.22	56.9
Revenues	408,800.00	408,800.00	232,644.78	8,545.94	0.00	176,155.22	56.9
Expenditures							
Function:							
Dept: 50 RUSH PARK							
Acct Class: 56 CONTRACT SERVICES							
5619 Bond Trustee	2,875.00	2,875.00	2,875.00	0.00	0.00	0.00	100.0
CONTRACT SERVICES	2,875.00	2,875.00	2,875.00	0.00	0.00	0.00	100.0
Acct Class: 58 DEBT SERVICE							
5800 Principal	150,000.00	150,000.00	111,183.10	0.00	0.00	38,816.90	74.1
5801 Interest	146,555.00	146,555.00	75,565.00	0.00	0.00	70,990.00	51.6
DEBT SERVICE	296,555.00	296,555.00	186,748.10	0.00	0.00	109,806.90	63.0
Acct Class: 66 OTHER FINANCING USES							
6600 Transfer out to other funds	120,000.00	120,000.00	0.00	0.00	0.00	120,000.00	0.0
OTHER FINANCING USES	120,000.00	120,000.00	0.00	0.00	0.00	120,000.00	0.0
RUSH PARK	419,430.00	419,430.00	189,623.10	0.00	0.00	229,806.90	45.2
Function:	419,430.00	419,430.00	189,623.10	0.00	0.00	229,806.90	45.2
Expenditures	419,430.00	419,430.00	189,623.10	0.00	0.00	229,806.90	45.2
Net Effect for ASSESSMENT DISTRICT FUND-RUSH	-10,630.00	-10,630.00	43,021.68	8,545.94	0.00	-53,651.68	-404.7
Change in Fund Balance:			43,021.68				

For the Period: 7/1/2011 to 1/31/2012	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 30 - SPECIAL TAX FUND-ROSSMOOR WALL							
Revenues							
Function:							
Dept: 00							
Acct Class: 31 ASSESSMENTS							
3100 Property assessments	85,700.00	85,700.00	51,493.70	1,884.00	0.00	34,206.30	60.1
3101 Property assessments-prior yr	2,300.00	2,300.00	709.23	28.62	0.00	1,590.77	30.8
ASSESSMENTS	88,000.00	88,000.00	52,202.93	1,912.62	0.00	35,797.07	59.3
Acct Class: 32 USE OF MONEY AND PROPERTY							
3200 Interest on investments	1,000.00	1,000.00	0.00	0.00	0.00	1,000.00	0.0
USE OF MONEY AND PROPERTY	1,000.00	1,000.00	0.00	0.00	0.00	1,000.00	0.0
Dept: 00	89,000.00	89,000.00	52,202.93	1,912.62	0.00	36,797.07	58.7
Function:	89,000.00	89,000.00	52,202.93	1,912.62	0.00	36,797.07	58.7
Revenues	89,000.00	89,000.00	52,202.93	1,912.62	0.00	36,797.07	58.7
Expenditures							
Function:							
Dept: 65 ROSSMOOR WALL							
Acct Class: 56 CONTRACT SERVICES							
5619 Bond Trustee	2,530.00	2,530.00	2,530.00	0.00	0.00	0.00	100.0
CONTRACT SERVICES	2,530.00	2,530.00	2,530.00	0.00	0.00	0.00	100.0
Acct Class: 58 DEBT SERVICE							
5800 Principal	55,000.00	55,000.00	55,000.00	0.00	0.00	0.00	100.0
5801 Interest	25,665.00	25,665.00	25,665.00	12,035.00	0.00	0.00	100.0
DEBT SERVICE	80,665.00	80,665.00	80,665.00	12,035.00	0.00	0.00	100.0
ROSSMOOR WALL	83,195.00	83,195.00	83,195.00	12,035.00	0.00	0.00	100.0
Function:	83,195.00	83,195.00	83,195.00	12,035.00	0.00	0.00	100.0
Expenditures	83,195.00	83,195.00	83,195.00	12,035.00	0.00	0.00	100.0
Net Effect for SPECIAL TAX FUND-ROSSMOOR WALL	5,805.00	5,805.00	-30,992.07	-10,122.38	0.00	36,797.07	-533.9
Change in Fund Balance:			-30,992.07				

For the Period: 7/1/2011 to 1/31/2012	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Fund: 40 - CAPITAL PROJECTS CONTRIBUTIONS							
Revenues							
Function:							
Dept: 00							
Acct Class: 35 OTHER REVENUE							
3620 OTHER SOURCES	147,838.00	147,838.00	0.00	0.00	0.00	147,838.00	0.0
OTHER REVENUE	147,838.00	147,838.00	0.00	0.00	0.00	147,838.00	0.0
Acct Class: 36 OTHER FINANCING SOURCES							
3600 TRANSFER IN/OUT OTHER FUNDS	130,000.00	130,000.00	0.00	0.00	0.00	130,000.00	0.0
OTHER FINANCING SOURCES	130,000.00	130,000.00	0.00	0.00	0.00	130,000.00	0.0
Dept: 00	277,838.00	277,838.00	0.00	0.00	0.00	277,838.00	0.0
Function:	277,838.00	277,838.00	0.00	0.00	0.00	277,838.00	0.0
Revenues	277,838.00	277,838.00	0.00	0.00	0.00	277,838.00	0.0
Expenditures							
Function:							
Dept: 30 ROSSMOOR PARK							
Acct Class: 60 CAPITAL EXPENDITURES							
6005 Buildings and Improvements	21,275.00	45,400.00	36,475.00	0.00	0.00	8,925.00	80.3
CAPITAL EXPENDITURES	21,275.00	45,400.00	36,475.00	0.00	0.00	8,925.00	80.3
ROSSMOOR PARK	21,275.00	45,400.00	36,475.00	0.00	0.00	8,925.00	80.3
Dept: 40 MONTECITO CENTER							
Acct Class: 60 CAPITAL EXPENDITURES							
6005 Buildings and Improvements	60,000.00	60,000.00	0.00	0.00	0.00	60,000.00	0.0
6006 Permits Licenses Fees	5,000.00	5,000.00	0.00	0.00	0.00	5,000.00	0.0
CAPITAL EXPENDITURES	65,000.00	65,000.00	0.00	0.00	0.00	65,000.00	0.0
MONTECITO CENTER	65,000.00	65,000.00	0.00	0.00	0.00	65,000.00	0.0
Dept: 50 RUSH PARK							
Acct Class: 56 CONTRACT SERVICES							
5670 Other Professional Services	10,000.00	10,000.00	4,600.00	0.00	0.00	5,400.00	46.0
CONTRACT SERVICES	10,000.00	10,000.00	4,600.00	0.00	0.00	5,400.00	46.0
Acct Class: 60 CAPITAL EXPENDITURES							
6005 Buildings and Improvements	98,815.00	101,151.00	0.00	0.00	0.00	101,151.00	0.0
6006 Permits Licenses Fees	4,855.00	4,855.00	0.00	0.00	0.00	4,855.00	0.0
CAPITAL EXPENDITURES	103,670.00	106,006.00	0.00	0.00	0.00	106,006.00	0.0
RUSH PARK	113,670.00	116,006.00	4,600.00	0.00	0.00	111,406.00	4.0
Dept: 75 CAPITAL PROJECTS							
Acct Class: 50 OPERATIONS AND MAINTENANCE							
5045 Miscellaneous Expenditures	14,750.00	0.00	0.00	0.00	0.00	0.00	0.0
OPERATIONS AND MAINTENANCE	14,750.00	0.00	0.00	0.00	0.00	0.00	0.0
CAPITAL PROJECTS	14,750.00	0.00	0.00	0.00	0.00	0.00	0.0
Function:	214,695.00	226,406.00	41,075.00	0.00	0.00	185,331.00	18.1
Expenditures	214,695.00	226,406.00	41,075.00	0.00	0.00	185,331.00	18.1

For the Period: 7/1/2011 to 1/31/2012

	Original Bud.	Amended Bud.	YTD Actual	CURR MTH	Encumb. YTD	UnencBal	% Bud
Net Effect for CAPITAL PROJECTS CONTRIBUTIONS	63,143.00	51,432.00	-41,075.00	0.00	0.00	92,507.00	-79.9
Change in Fund Balance:			-41,075.00				
Grand Total Net Effect:	111,624.00	67,242.00	-76,345.91	-40,961.93	0.00	143,587.91	

ROSSMOOR COMMUNITY SERVICES DISTRICT
FOOTNOTES - FINANCIAL REPORT
JANUARY 2012
EXPENDITURES

#1	**Community Events** 10-20-5017	Deposits for 2012-13 Movies and Concerts in the Park paid. Will be adjusted to FY 2012-13 at annual audit.

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM G-1

Date: March 13, 2012

To: Honorable Board of Directors

From: RCSD, General Manager

Subject: RESOLUTION NO. 12-03-13-01, A RESOLUTION OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUB. RESOURCES CODE SECTIONS 21000 ET SEQ.).

RECOMMENDATION:

Approve by roll call vote, Resolution No. 12-03-13-01 by reading the title only and waiving further reading as follows: A Resolution of the Rossmoor Community Services District Amending and Adopting Local Guidelines for Implementing the California Environmental Quality Act (Pub. Resources Code Sections 21000 Et Seq.)

BACKGROUND:

The California Legislature has amended the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, and the California courts have interpreted specific provisions of CEQA. Section 21082 of CEQA requires all public agencies to adopt objectives, criteria and procedures for the evaluation of public and private projects undertaken or approved by such public agencies, and the preparation, if required, of environmental impact reports and negative declarations in connection with that evaluation. The RCSD must revise its local guidelines for implementing CEQA to make them consistent with the current provisions and interpretations of CEQA.

ATTACHMENTS:

1. Resolution 12-03-13-01.

2. Memorandum Dated February 10, 2012 from Best Best & Krieger, LLP, 2012 Summary of Changes to local CEQA Guidelines.

3. CEQA Guidelines 2012.

Attachment 1

RESOLUTION NO. 12-03-13-01

A RESOLUTION OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUB. RESOURCES CODE §§ 21000 ET SEQ.)

WHEREAS, the California Legislature has amended the California Environmental Quality Act ("CEQA") (Pub. Resources Code §§ 21000 et seq.) and the State CEQA Guidelines (Cal. Code of Regs, tit. 14, §§ 15000 et seq.) and the California courts have interpreted specific provisions of CEQA;

WHEREAS, Section 21082 of CEQA requires all public agencies to adopt objectives, criteria and procedures for the evaluation of public and private projects undertaken or approved by such public agencies, and the preparation, if required, of environmental impact reports and negative declarations in connection with that evaluation; and

WHEREAS, the ROSSMOOR COMMUNITY SERVICES DISTRICT ("District") must revise its local guidelines for implementing CEQA to make them consistent with the current provisions and interpretations of CEQA.

NOW, THEREFORE, the Board of Directors of the ROSSMOOR COMMUNITY SERVICES DISTRICT hereby resolves as follows:

SECTION 1. The Board of Directors adopts "Local Guidelines for Implementing the California Environmental Quality Act (2012 Revision)," a copy of which is on file at the offices of the District and is available for inspection by the public.

SECTION 2. All prior actions of the Board of Directors enacting earlier guidelines are hereby repealed.

ADOPTED this 13th day of March, 2012.

_____
President Alfred Coletta
Rossmoor Community Services District

ATTEST:

_____
Henry Taboada, Secretary
Rossmoor Community Services District

Attachment 2

Memorandum

TO: Project 5 Clients

FROM: Best Best & Krieger LLP

DATE: February 10, 2012

RE: 2012 Summary of Changes to Local CEQA Guidelines

Important changes in the law have been incorporated into the 2012 Update to your Local Guidelines for Implementing the California Environmental Quality Act ("Local Guidelines"). For easy reproduction and access to these Local Guidelines, as well as the California Environmental Quality Act ("CEQA") forms your agency will need, and any other important legal alerts, please access the CEQA client portal at www.bbklaw.net/CEQA. For technical support please contact Gar House at Gar.House@bbklaw.com.

Public agencies are required to adopt implementing procedures for administering their responsibilities under CEQA annually. These procedures include provisions on how the agency will process environmental documents and provide for adequate comment, time periods for review, and lists of permits that are ministerial actions and projects that are considered categorically exempt. Agency procedures should be updated within 120 days after the State CEQA Guidelines are revised.

This memorandum summarizes the substantive amendments to your Local Guidelines made in response to legislation and legal cases that changed or impacted certain aspects of CEQA between January 2011 and January 2012. Your Local Guidelines and this memorandum are designed to assist in assessing the environmental implications of a project prior to its approval, as mandated by CEQA. We still recommend, however, that you consult with an attorney when you have specific questions on major, controversial or unusual projects or activities.

Revisions to Local CEQA Guidelines.

1. SECTION 1.08 ELECTRONIC DELIVERY OF COMMENTS AND NOTICES.

In response to Assembly Bill 209, this section was amended to add language regarding the provision of environmental documents in an electronic format.

As explained in this amendment to Section 1.08, AB 209 requires lead agencies to provide certain environmental documents, including Draft EIRs, Draft Negative Declarations and Draft Mitigated Negative Declarations, in electronic format. It is unclear how far this new requirement will extend, although it should not extend to reference materials and other background documents involved in the environmental process, nor should it require public agencies to reconstruct a record in electronic format. Additionally, the new legislation is silent regarding what method of electronic delivery is necessary or required. If the public agency has a

formal policy regarding the dissemination of information electronically, it should apply that policy to environmental documents as well.

AB 209 amends Section 21092 of the Public Resources Code to require lead agencies preparing an EIR, Negative Declaration or Mitigated Negative Declaration to also include a description in the Notice of Availability of "how the draft EIR or draft Negative Declaration can be provided in an electronic format."

2. SECTION 1.09 THE DISTRICT MAY CHARGE REASONABLE FEES FOR REPRODUCING ENVIRONMENTAL DOCUMENTS.

As explained above, AB 209 amended Section 21092 of the Public Resources Code to require public agencies to make environmental documents available electronically. Accordingly, this section was amended to state that if a member of the public or another public agency requests an electronic copy of a document, the public agency must provide it in electronic format, if possible. The public agency may charge a reasonable fee for providing the document electronically. For example, the public agency can charge for the actual cost of providing a CD-ROM of an Environmental Impact Report. In responding to a request for an electronic record made pursuant to the California Public Records Act, the public agency should comply with Government Code Section 6253.9.

3. SECTION 3.05 NOTICE OF EXEMPTION.

This section was amended in response to AB 320. CEQA previously required the plaintiff or petitioner in a CEQA lawsuit to name, as a real party in interest, any recipient of an approval that is the subject of the action or proceeding. Failure to name a "recipient of an approval" was grounds for dismissal. AB 320 clarified this requirement by requiring a public agency to identify in an NOE (should it choose to file one) those persons who receive an entitlement that falls under CEQA's definition of project as defined in Public Resources Code section 21065. (Note, that while recommended, filing an NOE is still optional in most cases.) This includes the person(s) undertaking an activity that receives financial assistance from a public agency or the person(s) receiving a lease, permit, license, certificate or other entitlement of use from the public agency.

4. SECTION 3.05 NOTICE OF EXEMPTION.

In addition to the amendment explained above, this section was also amended to clarify that the thirty (30) day county posting requirement for an NOE excludes the first day of posting and includes the last day of posting. On the 30th day, the NOE must be posted for the entire day. Case law (see e.g., *Latinos Unidos de Napa v. City of Napa* (June 27, 2011) 196 Cal.App.4th 1154) indicates that the removal of the NOE before the close of business on the 30th day deems the posting inadequate and thus, the shortened statute of limitations on legal challenges *does not apply*.

5. SECTION 3.16 OTHER SPECIFIC EXEMPTIONS.

This section was slightly modified to acknowledge that SB 226 created a new exemption for the installation of a "solar energy system" on the roof of an existing building or at an existing

parking lot. The full exemption can be found at Public Resources Code section 21080.35. "Solar energy system" includes solar electric (photovoltaic) and solar hot water projects, and associated equipment not located on the roof, including connections to the electric grid adjacent to the parcel, but excludes a substation. The exemption for Solar Energy Systems does not apply if:

(1) Installation requires an individual permit under the Clean Water Act, the Porter Cologne Water Quality Control Act, an individual take permit under the either the Federal or State Endangered Species Acts, or a streambed alteration permit under the Fish and Game Code;

(2) The associated equipment exceeds 500 square feet of ground surface or the site itself contains plants protected under the Native Plants Protection Act;

(3) The installation of a system involves either the removal of a tree required to be planted, maintained or protected under local, state, or federal requirements or removal of a native tree over 25 years old; or

(4) The activity includes a transmission or distribution facility or connection.

This new exemption is extremely narrow and only applies under very specific circumstances, accordingly, this section was briefly modified to include a brief reference to the new exemption.

6. SECTION 3.17 CATEGORICAL EXEMPTIONS.

This section was modified in response to SB 226's revisions to Section 21084 of the Public Resources Code, which clarified that a project's Greenhouse Gas ("GHG") emissions do not, in and of themselves, preclude a lead agency from proceeding under a categorical exemption if the action otherwise complies with regulations adopted to implement related statewide, regional, or local plans as provided in CEQA. Specifically, if an agency can demonstrate that the action is consistent with State CEQA Guidelines 15183.5 regarding GHG emissions, then the agency may be able to use a categorical exemption. Keep in mind that all of the limitations for using a categorical exemption also apply, regardless of the action's compliance with GHG plans.

7. SECTION 5.15 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

This section was amended in response to SB 267 to state that Water Supply Assessments ("WSA") are not required for certain renewable energy projects. Under SB 267, a proposed photovoltaic or wind energy generation facility approved on or after October 8, 2011, that uses no more than 75 acre feet of water annually is excused from the requirement to prepare a WSA under SB 610 and 221, even if it occupies more than 40 acres. This new exclusion took effect immediately on October 8, 2011, but it only remains in place until January 1, 2017.

However, note that unless they are otherwise exempt, these renewable energy projects are still subject to CEQA review and must satisfy CEQA's separate and independent water supply sufficiency standards. Click here to read the entire text of SB 267.

8. SECTION 6.04 NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

In response to AB 209's revisions to Public Resources Code section 21092, the list of information required in a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration was amended to add subsection (e), which states, "The Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration shall contain . . . [a] description of how the proposed Negative Declaration or Mitigated Negative Declaration can be obtained in electronic format." The remainder of the list was renumbered to accommodate the new addition.

9. SECTION 6.13 ADOPTION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

To simplify the text, the words "but not before" have replaced the phrase "but in no event sooner than." This change does not substantively effect the meaning of this section.

10. SECTION 6.17 NOTICE OF DETERMINATION ON A PROJECT FOR WHICH A PROPOSED NEGATIVE OR MITIGATED NEGATIVE DECLARATION HAS BEEN APPROVED.

In response to AB 320, which amended Public Resources Code section 21108, this section was revised to state that, for private projects, the Notice of Determination must identify the person undertaking the project, including any person undertaking an activity that receives financial assistance from the public agency as part of the project or the person receiving a lease, permit, license, certificate, or other entitlement of use from the public agency as part of the project.

11. SECTION 7.05 ENVIRONMENTAL LEADERSHIP DEVELOPMENT PROJECT.

This new section was added in response to AB 900, which created the "Jobs and Economic Improvement Through Environmental Leadership Act of 2011." The Act establishes expedited judicial review procedures for certain projects certified as "environmental leadership development projects." It is important to note that AB 900 does not exempt these projects from CEQA or in any way reduce or limit a lead agency's obligations under CEQA. AB 900 simply streamlines any litigation that is brought against a certified project claiming non-compliance with CEQA. The explanation in the 2012 Local CEQA Guidelines of this new streamlined review is brief because it will only apply to a very narrow type of project and the specific requirements are currently vague and will probably be subject to amendments and litigation this year. As the law settles regarding this new procedure, additional information will be added to the Local Guidelines. Please see Public Resources Code section 21178 for a complete description of the requirements for such projects. The remainder of the subsections in Chapter 7 were renumbered to reflect this addition.

12. SECTION 7.07 CONSULTATION WITH OTHER AGENCIES AND PERSONS.

Consistent with the authorization contained in SB 226, this section was amended to state that referral of a proposed action to adopt or substantially amend a general plan to an adjacent city or county can be conducted concurrently with the scoping meeting required by CEQA for a project of statewide, regional or area-wide significance. Additionally, this section now states

that a city or county can submit its comments on the proposed general plan action at the CEQA scoping meeting.

13. SECTION 7.21 NOTICE OF COMPLETION OF DRAFT EIR; NOTICE OF AVAILABILITY OF DRAFT EIR.

In response to AB 209's new requirements, this section was revised to state that the Notice of Completion and the Notice of Availability must state how the Draft EIR can be obtained in electronic format.

14. SECTION 7.25 PUBLIC HEARING ON DRAFT EIR.

Additional information was added to this section to address AB 1344's requirement that any legislative body or its presiding officer must post an agenda for each regular or special meeting on the local agency's Internet website, if the local agency has one, in addition to the other agenda notice requirements. Note that this requirement is not a CEQA requirement, but instead, reflects an amendment to the Brown Act.

15. SECTION 7.36 NOTICE OF DETERMINATION.

In response to AB 320, which amended Public Resources Code section 21108, this section was revised to state that, for private projects, the Notice of Determination must identify the person undertaking the project, including any person undertaking an activity that receives financial assistance from the public agency as part of the project or the person receiving a lease, permit, license, certificate, or other entitlement of use from the public agency as part of the project.

16. SECTION 8.02 TIERING.

A new paragraph was added to this section to address the procedure for tiering for certain specified infill projects. This new paragraph mirrors Section 21094.5 of the Public Resources Code which was added by AB 226. Section 21094.5 creates a new abbreviated CEQA review procedure for specified "infill projects," where only specific or more significant effects on the environment which were not addressed in a prior planning-level EIR need be addressed. An EIR for such a project need not consider alternative locations, densities, and building intensities or growth-inducing impacts.

Section 8.02 was also broken up into subparagraphs with new headings for easier reading.

17. SECTION 9.03 ADMINISTRATIVE RECORD.

A new subparagraph (C) was added to address Environmental Leadership Projects created by AB 900. As mentioned above, this section is brief because the requirements for these projects may change and there are some outstanding issues regarding the timing for litigation. However, AB 900 requires the Judicial Council to adopt rules implementing AB 900 by July 1, 2012. Once those rules are adopted, the Local CEQA Guidelines will be updated, as necessary.

18. CHAPTER 10 DEFINITION FOR WATER DEMAND PROJECT AT SECTION 10.74.

The definition for "Water Demand Project" was revised in response to SB 267 which amended Section 10912 of the Water Code to state that a proposed photovoltaic or wind energy generation facility approved on or after October 8, 2011, is not a Water Demand Project if the facility would demand no more than 75 acre-feet of water annually.

Other Changes.

Several other minor grammatical and/or formatting changes were made to the Local Guidelines to facilitate the reading and use of the Local Guidelines.

2012 Form "F" Notice of Determination. In response to AB 320, which amended Public Resources Code section 21108, Form "F" was revised to include a line for the public agency to identify the person undertaking the project, including any person undertaking an activity that receives financial assistance from the public agency as part of the project or the person receiving a lease, permit, license, certificate, or other entitlement of use from the public agency as part of the project. This requirement only applies to private projects.

2012 Form "H" Notice of Completion. In response to AB 209's new requirements, this form was revised state how the Draft EIR can be obtained in electronic format.

2012 Form "K" Notice of Availability. In response to AB 209's new requirements, this form was revised state how the Draft EIR can be obtained in electronic format.

County Contact Chart. The chart identifying county contacts and notice filing procedures has been updated for 2012. However, all agencies are encouraged to check with the applicable county prior to filing environmental notices to ensure that the appropriate policies are followed. Other changes to specific counties are identified in the memo attached to the new county contact chart.

Conclusion.

As always, CEQA remains complicated and difficult to apply. The only constant in this area of law is how quickly the rules change. Should you have any questions about any of the provisions discussed above, or about the environmental review of any of your agency's projects, please contact a BB&K attorney for assistance.

BEST BEST & KRIEGER LLP

Attachment 3

BEST BEST & KRIEGER LLP
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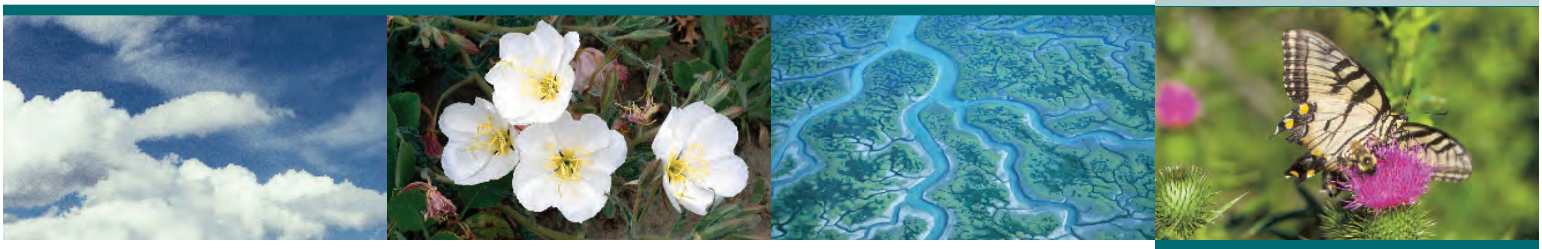

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CEQA GUIDELINES

2012

Prepared for:

Rossmoor Community Services District

Local Guidelines for Implementing the California Environmental Quality Act

2012

LOCAL GUIDELINES

FOR IMPLEMENTING THE

CALIFORNIA ENVIRONMENTAL QUALITY ACT

FOR

ROSSMOOR COMMUNITY SERVICES DISTRICT

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LOCAL GUIDELINES
FOR IMPLEMENTING THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

(2012 REVISION)

1. GENERAL PROVISIONS, PURPOSE AND POLICY.

1.01 GENERAL PROVISIONS.

These Local Guidelines ("Local Guidelines") are to assist the Rossmoor Community Services District ("District") in implementing the provisions of the California Environmental Quality Act ("CEQA"). These Local Guidelines are consistent with the Guidelines for the Implementation of CEQA ("State Guidelines") which have been promulgated by the Resources Agency for the guidance of state and local agencies in California. These Local Guidelines have been adopted pursuant to California Public Resources Code Section 21082.

1.02 PURPOSE.

The purpose of these Local Guidelines is to help the District accomplish the following basic objectives of CEQA:

(a) To enhance and provide long-term protection for the environment, while providing a decent home and satisfying living environment for every Californian;
(b) To provide information to governmental decision-makers and the public regarding the potential significant environmental effects of the proposed project;
(c) To provide an analysis of the environmental effects of future actions associated with the project to adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences of the project;
(d) To identify ways that environmental damage can be avoided or significantly reduced;
(e) To prevent significant avoidable environmental damage through utilization of feasible project alternatives or mitigation measures; and
(f) To disclose and demonstrate to the public the reasons why a governmental agency approved the project in the manner chosen. Public participation is an essential part of the CEQA process. Each public agency should encourage wide public involvement, formal and informal, in order to receive and evaluate public reactions to environmental issues related to a public agency's activities. Such involvement should include, whenever possible, making environmental information available in electronic format on the Internet, on a web site maintained or utilized by the public agency.

1.03 APPLICABILITY.

These Guidelines apply to any activity of the District which constitutes a "project" as defined in Local Guidelines Section 10.53 and/or to any activity for which the District is a Responsible Agency. These Local Guidelines are also intended to assist the District in

determining whether a proposed activity does not constitute a project that is subject to CEQA review, or whether the activity is exempt from CEQA.

An Environmental Impact Report ("EIR") is required for each such project which may have a significant effect on the environment. When the District finds that a project will have no significant environmental effect, a Negative Declaration or Mitigated Negative Declaration rather than an EIR shall be prepared.

An EIR serves several functions for the benefit of the District and the public. An EIR: (1) identifies and analyzes the significant environmental effects of a proposed project; (2) identifies alternatives to the project; and (3) discloses possible ways to reduce or avoid potential environmental damage. These matters are to be evaluated by the District before the project is approved or disapproved.

The EIR is an informational document. It should not be used to rationalize approval of a project. CEQA requires that decisions be informed and balanced. It must not be subverted into an instrument for the oppression and delay of social, economic, or recreational development or advancement. Indications of adverse environmental impacts from the project which are identified in the EIR do not necessarily require disapproval of a project. Rather, when an EIR shows that a project would cause substantial adverse changes in the environment, the District, as Lead Agency, must respond to the information by one or more of the following methods:

(a) Changing the proposed project;
(b) Imposing conditions on the approval of the project;
(c) Adopting plans or ordinances to control a broader class of activities to avoid the problems;
(d) Choosing an alternative way of meeting the same need;
(e) Disapproving the project; or
(f) Finding that the unavoidable, significant environmental impact is acceptable pursuant to a Statement of Overriding Considerations.

Although CEQA requires that major consideration be given to preventing environmental damage, the District also has an obligation to balance other public objectives for each project including economic and social factors.

1.04 REDUCING DELAY AND PAPERWORK.

The State Guidelines encourage local governmental agencies to reduce delay and paperwork by, among other things:

(a) Integrating the CEQA process into early planning review; to this end, the project approval process and these procedures, to the maximum extent feasible, are to run concurrently, not consecutively;
(b) Identifying projects which fit within categorical or other exemptions and are therefore exempt from CEQA processing;
(c) Using initial studies to identify significant environmental issues and to narrow the scope of EIRs;

(d) Using a Negative Declaration when a project not otherwise exempt will not have a significant effect on the environment;
(e) Consulting with state and local responsible agencies before and during the preparation of an EIR so that the document will meet the needs of all the agencies which will use it;
(f) Allowing applicants to revise projects to eliminate possible significant effects on the environment, thereby enabling the project to qualify for a Negative Declaration rather than an EIR;
(g) Integrating CEQA requirements with other environmental review and consultation requirements;
(h) Emphasizing consultation before an EIR is prepared, rather than submitting adverse comments on a completed document;
(i) Combining environmental documents with other documents, such as general plans;
(j) Eliminating repetitive discussions of the same issues by using EIRs on programs, policies or plans and tiering from statements of broad scope to those of narrower scope;
(k) Reducing the length of EIRs by means such as setting appropriate page limits;
(l) Preparing analytic, rather than encyclopedic EIRs;
(m) Mentioning insignificant issues only briefly;
(n) Writing EIRs in plain language;
(o) Following a clear format for EIRs;
(p) Emphasizing the portions of the EIR that are useful to decision-makers and the public and reducing emphasis on background material;
(q) Incorporating information by reference; and
(r) Making comments on EIRs as specific as possible.

1.05 COMPLIANCE WITH STATE LAW.

These Local Guidelines are intended to implement the provisions of CEQA and the State Guidelines, and the provisions of CEQA and the State Guidelines shall be fully complied with even though they may not be set forth or referred to herein.

1.06 TERMINOLOGY.

The terms "must" or "shall" identify mandatory requirements. The terms "may" and "should" are permissive, with the particular decision being left to the discretion of the District.

1.07 PARTIAL INVALIDITY.

In the event any part or provision of these Local Guidelines shall be determined to be invalid, the remaining portions which can be separated from the invalid unenforceable provisions shall continue in full force and effect.

1.08 ELECTRONIC DELIVERY OF COMMENTS AND NOTICES.

Individuals may file a written request to receive copies of public notices provided under these Local Guidelines or the State Guidelines. The requestor may elect to receive these notices via email rather than regular mail. Notices sent by email are deemed delivered when the staff person sending the email sends it directed to the last email address provided by the requestor to the public agency. The District may require requests for notices to be renewed annually.

Individuals may also submit comments on the CEQA documentation for a project via email. Comments submitted via email shall be treated as written comments for all purposes. Comments sent to the public agency via email are deemed received when they actually arrive in an email account of a staff person who has been designated or identified as the point of contact for a particular project.

CEQA also requires the lead agency to make copies of certain environmental documents available in an electronic format (such as Draft Environmental Impact Reports, Draft Negative Declarations and Draft Mitigated Negative Declarations), on request.

1.09 THE DISTRICT MAY CHARGE REASONABLE FEES FOR REPRODUCING ENVIRONMENTAL DOCUMENTS.

A public agency may charge and collect a reasonable fee from members of the public that request a copy of an environmental document, so long as the fee does not exceed the cost of reproduction. The kinds of "environmental documents" that CEQA specifically allows public agencies to seek reimbursement for includes: initial studies, negative declarations, mitigated negative declarations, draft and final EIRs, and documents prepared as a substitute for an EIR, negative declaration, or a mitigated negative declaration.

A public agency may choose to make documents available to the public-at-large on the agency's website or charge a reasonable fee for reproducing the document in hard-copy form, on compact discs, email attachments, or other digital transfers. Requests for documents made pursuant to the California Public Records Act must comply with the Government Code. (See, for example, Government Code Section 6253.9 for information regarding providing documents in electronic format.)

1.10 STATE AGENCY FURLOUGHS.

Due to budget concerns, the State may institute mandatory furlough days for state government agencies. Local agencies may also change their operating hours.

Because state and local agencies may enact furloughs that limit their operating hours, if the District has time sensitive materials or needs to consult with a state agency, the District should check with the applicable state agency office or with the District's attorney to ensure compliance with all applicable deadlines.

2. LEAD AND RESPONSIBLE AGENCIES

2.01 LEAD AGENCY PRINCIPLE.

The District will be the Lead Agency if it will have principal responsibility for carrying out or approving a project. Where a project is to be carried out or approved by more than one public agency, only one agency shall be responsible for the preparation of environmental documents. This agency shall be called the Lead Agency.

2.02 SELECTION OF LEAD AGENCY.

Where two or more public agencies will be involved with a project, the Lead Agency shall be designated according to the following criteria:

(a) If the project will be carried out by a public agency, that agency shall be the Lead Agency even if the project will be located within the jurisdiction of another public agency; or

(b) If the project will be carried out by a nongovernmental person or entity, the Lead Agency shall be the public agency with the greatest responsibility for supervising and approving the project as a whole. The Lead Agency will normally be the agency with general governmental powers, rather than an agency with a single or limited purpose. (For example, a district which will provide a public service or utility to the project serves a limited purpose.) If two or more agencies meet this criteria equally, the agency which acts first on the project will be the Lead Agency.

If two or more public agencies have a substantial claim to be the Lead Agency under either (a) or (b), they may designate one agency as the Lead Agency by agreement. An agreement may also provide for cooperative efforts by contract, joint exercise of powers, or similar devices. If the agencies cannot agree which agency should be the Lead Agency for preparing the environmental document, any of the disputing public agencies or the project applicant may submit the dispute to the Office of Planning and Research. Within 21 days of receiving the request, the Office of Planning and Research will designate the Lead Agency. The Office of Planning and Research shall not designate a Lead Agency in the absence of a dispute. A "dispute" means a contested, active difference of opinion between two or more public agencies as to which of those agencies shall prepare any necessary environmental document. A dispute exists when each of those agencies claims that it either has or does not have the obligation to prepare that environmental document.

2.03 DUTIES OF A LEAD AGENCY.

As a Lead Agency, the District shall decide whether a Negative Declaration, Mitigated Negative Declaration or an EIR will be required for a project and shall prepare, or cause to be prepared, and consider the document before making its decision on whether and how to approve the project. The documents may be prepared by Staff or by private consultants pursuant to a contract with the District. However, the District shall independently review and analyze all draft and final EIRs or Negative Declarations prepared for a project and shall find that the EIR or Negative Declaration reflects the independent judgment of the District prior to approval of the document. If a Draft EIR or Final EIR is prepared under a contract to the District, the contract

must be executed within forty-five (45) days from the date on which the District sends a Notice of Preparation. (See Local Guidelines Section 7.02.)

During the process of preparing an EIR, the District, as Lead Agency, shall have the following duties:

(a) Immediately after deciding that an EIR is required for a project, the District shall send to the Office of Planning and Research and each Responsible Agency a Notice of Preparation (Form "G") stating that an EIR will be prepared (see Local Guidelines Section 7.03);
(b) The District shall prepare or cause to be prepared the Draft EIR for the project (see Local Guidelines Sections 7.06 and 7.15);
(c) Once the Draft EIR is completed, the District shall file a Notice of Completion (Form "H") with the Office of Planning and Research (see Local Guidelines Section 7.21);
(d) The District shall consult with state, federal and local agencies which exercise authority over resources which may be affected by the project for their comments on the completed Draft EIR (see, e.g., Local Guidelines Sections 5.02, 5.15, Section 7.22);
(e) The District shall provide public notice of the availability of a Draft EIR (Form "K") at the same time that it sends a Notice of Completion to the Office of Planning and Research (see Local Guidelines Section 7.21);
(f) The District shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare or cause to be prepared a written response to all comments that raise significant environmental issues and that were timely received during the public comment period. A written response must be provided to all public agencies who commented on the project during the public review period at least ten (10) days prior to certifying an EIR (see Local Guidelines Section 7.26);
(g) The District shall prepare or cause to be prepared a Final EIR before approving the project (see Local Guidelines Section 7.27);
(h) The District shall certify that the Final EIR has been completed in compliance with CEQA and has been reviewed by the Board of Directors (see Local Guidelines Section 7.29); and
(i) The District shall include in the Final EIR any comments received from a Responsible Agency on the Notice of Preparation or the Draft EIR (see Local Guidelines Sections 2.07, 7.26 and 7.27).

As Lead Agency, the District may charge a non-elected body with the responsibility of making a finding of exemption or adopting, certifying or authorizing environmental documents; however, the District must have a procedure allowing for the appeal of the CEQA decisions of any non-elected body to the Board of Directors.

2.04 PROJECTS RELATING TO DEVELOPMENT OF HAZARDOUS WASTE AND OTHER SITES.

An applicant for a development project must submit a signed statement to the District, as Lead Agency, stating whether the project and any alternatives are located on a site which is included in any list compiled by the Secretary for Environmental Protection of the California Environmental Protection Agency ("California EPA") listing hazardous waste sites and other

specified sites located in the District's boundaries. The applicant's statement must contain the following information:

(a) The applicant's name, address, and phone number;
(b) Address of site, and local agency (city/county);
(c) Assessor's book, page, and parcel number; and
(d) The list which includes the site, identification number, and date of list.

Before accepting as complete an application for any development project as defined in Local Guidelines Section 10.14, the District, as Lead Agency, shall consult lists compiled by the Secretary for Environmental Protection of the California EPA pursuant to Government Code Section 65962.5 listing hazardous waste sites and other specified sites located in the District's boundaries. When acting as Lead Agency, the District shall notify an applicant for a development project if the project site is located on such a list and not already identified. In the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (see Local Guidelines Section 6.04) or the Notice of Preparation of Draft EIR (see Local Guidelines Section 7.03), the District shall specify the California EPA list, if any, which includes the project site, and shall provide the information contained in the applicant's statement.

This provision does not apply to projects for which applications have been deemed complete on or before January 1, 1992.

2.05 RESPONSIBLE AGENCY PRINCIPLE.

When a project is to be carried out or approved by more than one public agency, all public agencies other than the Lead Agency which have discretionary approval power over the project shall be identified as Responsible Agencies.

2.06 DUTIES OF A RESPONSIBLE AGENCY.

When it is identified as a Responsible Agency, the District shall consider the environmental documents prepared or caused to be prepared by the Lead Agency and reach its own conclusions on whether and how to approve the project involved. The District shall also both respond to consultation and attend meetings as requested by the Lead Agency to assist the Lead Agency in preparing adequate environmental documents. The District should also review and comment on Draft EIRs and Negative Declarations. Comments shall be limited to those project activities which are within the District's area of expertise or are required to be carried out or approved by the District or are subject to the District's powers.

As a Responsible Agency, the District may identify significant environmental effects of a project for which mitigation is necessary. As a Responsible Agency, the District may submit to the Lead Agency proposed mitigation measures which would address those significant environmental effects. If mitigation measures are required, the District should submit to the Lead Agency complete and detailed performance objectives for such mitigation measures which would address the significant environmental effects identified, or refer the Lead Agency to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to the Lead Agency by the District, when acting as a Responsible Agency, shall be limited to measures which mitigate impacts to resources that are within the District's authority.

For private projects, the District, as a Responsible Agency, may require the project proponent to provide such information as may be required and to reimburse the District for all costs incurred by it in reporting to the Lead Agency.

2.07 RESPONSE TO NOTICE OF PREPARATION BY RESPONSIBLE AGENCIES.

Within thirty (30) days of receipt of a Notice of Preparation of an EIR, the District, as a Responsible Agency, shall specify to the Lead Agency the scope and content of the environmental information related to the District's area of statutory responsibility in connection with the proposed project. At a minimum, the response shall identify the significant environmental issues and possible alternatives and mitigation which the District, as a Responsible Agency, will need to have explored in the Draft EIR. Such information shall be specified in writing, shall be as specific as possible, and shall be communicated to the Lead Agency, by certified mail or any other method of transmittal which provides it with a record that the response was received. The Lead Agency shall incorporate this information into the EIR.

2.08 USE OF FINAL EIR OR NEGATIVE DECLARATION BY RESPONSIBLE AGENCIES.

The District, as a Responsible Agency, shall consider the Lead Agency's Final EIR or Negative Declaration before acting upon or approving a proposed project. As a Responsible Agency, the District must independently review and consider the adequacy of the Lead Agency's environmental documents prior to approving any portion of the proposed project. In certain instances the District, in its role as a Responsible Agency, may require that a Subsequent EIR or a Supplemental EIR be prepared to fully address those aspects of the project over which the District has approval authority. Mitigation measures and alternatives deemed feasible and relevant to the District's role in carrying out the project shall be adopted. Findings which are relevant to the District's role as a Responsible Agency shall be made. After the District decides to approve or carry out part of a project for which an EIR or negative declaration has previously been prepared by the Lead Agency, the District, as Responsible Agency, should file a Notice of Determination with the County Clerk within five (5) days of approval, but need not state that the Lead Agency's EIR or Negative Declaration complies with CEQA. The District, as Responsible Agency should state that it considered the EIR or Negative Declaration as prepared by a Lead Agency.

2.09 SHIFT IN LEAD AGENCY RESPONSIBILITIES.

The District, as a Responsible Agency, shall assume the role of the Lead Agency if any one of the following three conditions is met:

(a) The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency;

(b) The Lead Agency prepared environmental documents for the project, and all of the following conditions occur:

(1) A Subsequent or Supplemental EIR is required;

(2) The Lead Agency has granted a final approval for the project; and

(3) The statute of limitations has expired for a challenge to the action of the appropriate Lead Agency;

(c) The Lead Agency prepared inadequate environmental documents without providing public notice of a Negative Declaration or sending Notice of Preparation of an EIR to Responsible Agencies and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

3. ACTIVITIES EXEMPT FROM CEQA

3.01 ACTIONS SUBJECT TO CEQA.

CEQA applies to discretionary projects proposed to be carried out or approved by public agencies such as the District. If the proposed activity does not come within the definition of "project" contained in Local Guidelines Section 10.53, it is not subject to environmental review under CEQA.

"Project" does not include:

(a) Proposals for legislation to be enacted by the State Legislature;
(b) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, and general policy and procedure making (except as provided in Local Guidelines Section 10.53);
(c) The submittal of proposals to a vote of the people in response to a petition drive initiated by voters, or the enactment of a qualified voter-sponsored initiative under California Constitution Art. II, Section 11(a) and Election Code Section 9214;
(d) The creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to any specific project which may have a potentially significant physical impact on the environment. Government funding mechanisms may include, but are not limited to, assessment districts and community facilities districts;
(e) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment; and
(f) Activities that do not result in a direct or reasonably foreseeable indirect physical change in the environment.

3.02 MINISTERIAL ACTIONS.

Ministerial actions are not subject to CEQA review. A ministerial action is one that is approved or denied by a decision which a public official or a public agency makes that involves only the use of fixed standards or objective measurements without personal judgment or discretion.

When a project involves an approval that contains elements of both a ministerial and discretionary nature, the project will be deemed to be discretionary and subject to the requirements of CEQA. The decision whether a proposed project or activity is ministerial in nature may involve or require, to some extent, interpretation of the language of the legal mandate, and should be made on a case-by-case basis. The following is a non-exclusive list of examples of ministerial activities:

(a) Issuance of business licenses;
(b) Approval of final subdivision maps and final parcel maps;
(c) Approval of individual utility service connections and disconnections;
(d) Issuance of licenses;
(e) Issuance of a permit to do street work; and
(f) Issuance of building permits where the Lead Agency does not retain significant discretionary power to modify or shape the project.

3.03 EXEMPTIONS IN GENERAL.

CEQA and the State Guidelines exempt certain activities and provide that local agencies should further identify and describe certain exemptions. The requirements of CEQA and the obligation to prepare an EIR, Negative Declaration or Mitigated Negative Declaration do not apply to the exempt activities which are set forth in CEQA, the State Guidelines and Chapter 3 of these Local Guidelines.

3.04 PRELIMINARY EXEMPTION ASSESSMENT.

If, in the judgment of Staff, a proposed activity is exempt, Staff should so find on the form entitled "Preliminary Exemption Assessment" (Form "A"). The Preliminary Exemption Assessment shall be retained at District Offices as a public record.

3.05 NOTICE OF EXEMPTION.

After approval of an exempt project, a "Notice of Exemption" (Form "B") may be filed by Staff with the Clerk. If the Lead Agency exempts an agricultural housing, affordable housing, or residential infill project under State Guidelines Sections 15193, 15194 or 15195 and approves or determines to carry out that project, it must file a notice with the Office of Planning and Research ("OPR") identifying the exemption. The Preliminary Exemption Assessment shall be attached to the Notice of Exemption for filing. If filed, the Clerk must post the Notice within twenty-four (24) hours of receipt, and the Notice must remain posted for thirty (30) days. Although no California Department of Fish and Game ("DFG") filing fee is applicable to exempt projects, most counties customarily charge a documentary handling fee to pay for record keeping on behalf of the DFG. Refer to the Index in the Staff Summary to determine if such a fee will be required for the project. The Notice of Exemption must also identify the person undertaking the project, including any person undertaking an activity that receives financial assistance from the District as part of the project or the person receiving a lease, permit, license, certificate, or other entitlement of use from the District as part of the project.

When filing a Notice of Exemption, Staff has different responsibilities for certain types of actions. If the activity is either:

a) undertaken by a *person* (not a public agency) which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies; or

b) involves the issuance to a *person* (not a public agency) of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies; then

Staff may direct that person to file the Notice of Exemption with the county clerk of each county in which the activity will be located. (See Public Resources Code 21065 (b) and (c)). A Notice of Exemption filed by a person as described above must have a certificate of determination attached to it issued by the District stating that the action is not subject to CEQA. (See Public Resources Code Sections 21080 and 21172.) The certificate of determination may be in the form of a certified copy of an existing document or record of the District.

The filing of a Notice of Exemption is recommended for District actions because it starts a 35-day statute of limitations on legal challenges to the District's determination that the activity is exempt from CEQA. The District is encouraged to make postings of all filed notices available in electronic format on the Internet. These electronic postings are in addition to the procedures required by the State Guidelines and the Public Resources Code. If a Notice of Exemption is not filed, a 180-day statute of limitations will apply. Please see Local Guidelines Section 3.12 for certain circumstances in which the Lead Agency is required to file a Notice of Exemption. The thirty-day posting requirement excludes the first day of posting and includes the last day of posting. On the 30th day, the Notice of Exemption must be posted for the entire day.

When a request is made for a copy of the Notice prior to the date on which the District determines the project is exempt, the Notice must be mailed, first class postage prepaid, within five (5) days after the District's determination. If such a request is made following the District's determination, then the copy should be mailed in the same manner as soon as possible.

3.06 DISAPPROVED PROJECTS.

Projects which the Lead Agency rejects or disapproves are exempt. An applicant shall not be relieved of paying the costs for an EIR or Negative Declaration prepared for a project prior to the Lead Agency's disapproval of the project.

3.07 PROJECTS WITH NO POSSIBILITY OF SIGNIFICANT EFFECT.

Where it can be seen with absolute certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is exempt.

3.08 EMERGENCY PROJECTS.

The following types of emergency projects are exempt (the term "emergency" is defined in Local Guidelines Section 10.18):

(a) Work in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Section 8550 of the Government Code. This includes projects that will remove, destroy, or significantly alter a historical resource when that resource represents an imminent threat to the public of bodily harm or of damage to adjacent property or when the project has received a determination by the State Office of Historic Preservation pursuant to Section 5028(b) of the Public Resources Code;

(b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare;

(c) Projects necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term;

(d) Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This exemption does not apply to highways designated as official state scenic highways, nor to any project undertaken, carried out, or approved by a public agency to expand or widen a

highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide; and

(e) Seismic work on highways and bridges pursuant to Section 180.2 of the Streets and Highways Code Section.

3.09 FEASIBILITY AND PLANNING STUDIES.

A project that involves only feasibility or planning studies for possible future actions which the District has not yet approved, adopted or funded is exempt.

3.10 RATES, TOLLS, FARES AND CHARGES.

The establishment, modification, structuring, restructuring or approval of rates, tolls, fares or other charges by the District that the District finds are for one or more of the purposes listed below are exempt.

(a) Meeting operating expenses, including employee wage rates and fringe benefits;
(b) Purchasing or leasing supplies, equipment or materials;
(c) Meeting financial reserve needs and requirements; or
(d) Obtaining funds for capital projects necessary to maintain service within existing service areas.

When the District determines that one of the aforementioned activities pertaining to rates, tolls, fares or charges is exempt from the requirements of CEQA, it shall incorporate written findings setting forth the specific basis for the claim of exemption in the record of any proceeding in which such an exemption is claimed.

3.11 SUBSURFACE PIPELINES WITHIN A PUBLIC RIGHT-OF-WAY.

The installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal or demolition of an existing subsurface pipeline is exempt where the project is less than one mile in length and located within a public street, highway or any other public right-of-way.

3.12 CERTAIN RESIDENTIAL HOUSING PROJECTS.

CEQA does not apply to the construction, conversion, or use of residential housing if the project meets all of the general requirements described in Section A below and satisfies the specific requirements for any one of the following three categories: (1) agricultural housing (Section B below), (2) affordable housing projects in urbanized areas (Section C below), or (3) affordable housing projects near major transit stops (Section D below).

A. General Requirements. The construction, conversion, or use of residential housing units affordable to low-income households (as defined in Section 10.33) located on an infill site in an urbanized area is exempt from CEQA if all of the following general requirements are satisfied:

(1) The project is consistent with:

(a) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application was deemed complete; and

(b) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application was deemed complete. However, the project may be inconsistent with zoning if the zoning is inconsistent with the general plan and the project site has not been rezoned to conform to the general plan;

(2) Community level environmental review has been adopted or certified;

(3) The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees;

(4) The project site meets all of the following four criteria relating to biological resources:

(a) The project site does not contain wetlands;
(b) The project site does not have any value as a wildlife habitat;
(c) The project does not harm any species protected by the federal Endangered Species Act of 1973, the Native Plant Protection Act, or the California Endangered Species Act; and
(d) The project does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete;

(5) The site is not included on any list of facilities and sites compiled pursuant to Government Code Section 65962.5;

(6) The project site is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps must have been taken in response to the results of this assessment:

(a) If a release of a hazardous substance is found to exist on the site, the release shall be removed or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements; or

(b) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements;

(7) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code (See Local Guidelines Section 10.25.);

(8) The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection; unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard;

(9) The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties;

(10) The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency;

(11) Either the project site is not within a delineated earthquake fault zone, or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard;

(12) Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood;

(13) The project site is not located on developed open space;

(14) The project site is not located within the boundaries of a state conservancy;

(15) The project site has not been divided into smaller projects to qualify for one or more of the exemptions for affordable housing, agricultural housing, or residential infill housing projects found in the subsequent sections; and

(16) The project meets the requirements set forth in either Public Resources Code Sections 21159.22, 21159.23 or 21159.24.

B. Specific Requirements for Agricultural Housing. (Public Resources Code Sections 21084, 21159.22, and State Guidelines Section 15192.) CEQA does not apply to the construction, conversion, or use of residential housing for agricultural employees that meets all of the general requirements described above in Section A and meets the following additional criteria:

(1) The project either:

(a) Is affordable to lower income households, lacks public financial assistance, and the developer has provided sufficient legal commitments to ensure the continued availability and use of the housing units for lower income households for a period of at least fifteen (15) years; or

(b) If public financial assistance exists for the project, then the project must be housing for very low, low-, or moderate-income households and the developer of the project has provided sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for low- and moderate-income households for a period of at least fifteen (15) years;

(2) The project site is adjacent on at least two sides to land that has been developed and the project consists of not more than forty-five (45) units or provides dormitories, barracks, or other group-living facilities for a total of forty-five (45) or fewer agricultural employees, and either:

(a) The project site is within incorporated city limits or within a census-defined place with a minimum population density of at least five thousand (5,000) persons per square mile; or

(b) The project site is within incorporated city limits or within a census- defined place and the minimum population density of the census-defined place is at least one thousand (1,000) persons per square mile, unless the Lead Agency determines that there is a reasonable possibility that the project, if completed, would have a significant effect on the environment due to unusual circumstances or that the cumulative effects of successive projects of the same type in the same area would, over time, be significant;

(3) If the project is located on a site zoned for general agricultural use, it must consist of twenty (20) or fewer units, or, if the housing consists of dormitories, barracks, or other group-living facilities, the project must not provide housing for more than twenty (20) agricultural employees; and

(4) The project is not more than two (2) acres in area if the project site is located in an area with a population density of at least one thousand (1,000) persons per square mile, and is not more than five (5) acres in area for all other project sites.

C. Specific Requirements for Affordable Housing Projects in Urbanized Areas. (Reference: Public Resources Code Sections 21083, 21159.23 and State Guidelines Section 15194.) CEQA does not apply to any development project that consists of the construction, conversion, or use of residential housing consisting of one hundred (100) or fewer units that are affordable to low-income households if all of the general requirements described in Section A above are satisfied and the following additional criteria are also met:

(1) The developer of the project provides sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least thirty (30) years, at monthly housing costs deemed to be "affordable rent" for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code;

(2) The project site:

(a) Has been previously developed for qualified urban uses;
(b) Is immediately adjacent to parcels that are developed with qualified urban uses; or
(c) At least 75% of the perimeter of the site adjoins parcels that are developed with qualified urban uses and the remaining 25% of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses, the site has not been developed for urban uses and no parcel within the site has been created within ten (10) years prior to the proposed development of the site;

(3) The project site is not more than five (5) acres in area; and

(4) The project site meets one of the following requirements regarding population density:

(a) The project site is within an urbanized area or within a census-defined place with a population density of at least five thousand (5,000) persons per square mile;
(b) If the project consists of fifty (50) or fewer units, the project site is within an incorporated city with a population density of at least twenty-five hundred (2,500) persons per square mile and a total population of at least twenty-five thousand (25,000) persons; or
(c) The project site is within either an incorporated city or a census-defined place with a population density of one thousand (1,000) persons per square mile, unless there is a reasonable possibility that the project would have a significant effect on the environment due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.

D. Specific Requirements for Affordable Housing Projects Near Major Transit Stops. (Reference: Public Resources Code Sections 21083, 21159.24 and State Guidelines Section 15195.) CEQA does not apply to a residential project on an infill site within an urbanized area if all of the general requirements described above in Section A are satisfied and the following additional criteria are also met:

(1) Within five (5) years prior to the date that the application for the project is deemed complete, community-level environmental review was certified or adopted. This exemption does not apply, however, if new information about the project or substantial changes regarding the circumstances surrounding the project become available after the community-level environmental review was certified or adopted;

(2) The site is not more than four (4) acres in total area;

(3) The project does not contain more than one hundred (100) residential units;

(4) The project meets either of the following criteria:

(a) At least 10% of the housing is sold to families of moderate income or rented to families of low income, or at least 5% of the housing is rented to families of very low income, and the project developer has provided sufficient legal commitments to ensure the continued availability and use of the housing units for very low, low-, and moderate-income households at monthly housing costs; or

(b) The project developer has paid or will pay in-lieu fees sufficient to pay for the development of the same number of units that would otherwise be sold or rented to families of moderate or very low income pursuant to subparagraph (a);

(5) The project is within one-half mile of a major transit stop;

(6) The project does not include any single-level building that exceeds one hundred thousand (100,000) square feet;

(7) The project promotes higher density infill housing:

(a) A project with a density of at least 20 units per acre shall be conclusively presumed to promote higher density infill housing; or

(b) A project with a density of at least 10 units per acre and a density greater than the average density of the residential properties within 1,500 feet shall be presumed to promote higher density housing unless the preponderance of the evidence demonstrates otherwise;

(8) Exception:

(a) The Exemption for Affordable Housing Projects near Major Transit Stops does not apply if any one of the following criteria is met:

1. There is a reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances;

2. Substantial changes have occurred since community-level environmental review was adopted or certified with respect to the circumstances under which the project is being undertaken, and those changes are related to the project; or
3. New information regarding the circumstances under which the project is being undertaken has become available, and that new information is related to the project and was not known and could not have been known at the time of the community-level environmental review;

(b) If a project satisfies any one of the three criteria described above in Section 3.12D(8)(a), the environmental effects of the project must be analyzed in an Environmental Impact Report or a Negative Declaration. The environmental analysis shall be limited to the project-specific effects and any effects identified pursuant to Section 3.12D(8)(a).

E. Whenever the Lead Agency determines that a project is exempt from environmental review based on Public Resources Code Section 21159.22 [Section 3.12B of these Local Guidelines], 21159.23 [Section 3.12C of these Local Guidelines], or 21159.24 [Section 3.12D of these Local Guidelines], Staff and/or the proponent of the project shall file a Notice of the Determination of Exemption with the Office of Planning and Research within five (5) working days after the approval of the project.

3.13 MINOR ALTERATIONS TO FLUORIDATE WATER UTILITIES.

Minor alterations to water utilities made for the purpose of complying with the fluoridation requirements of Health and Safety Code Sections 116410 and 116415 or regulations adopted thereunder are exempt.

3.14 BALLOT MEASURES.

The definition of project in the State Guidelines specifically excludes the submittal of proposals to a vote of the people of the state or of a particular community. This exemption does not apply to the public agency that sponsors the initiative. When a governing body makes a decision to put a measure on the ballot, that decision may be discretionary and therefore subject to CEQA. In contrast, the enactment of a qualified voter-sponsored initiative under California Constitution Art. II, Section 11(a) and Election Code Section 9214 is not a project and therefore is not subject to CEQA review. (See Local Guidelines Section 3.01.)

3.15 TRANSIT PRIORITY PROJECT.

Exemption: Transit Priority Projects (see Local Guidelines Section 10.67) that are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a Sustainable Community Strategy or an alternative planning strategy may be exempt from CEQA. To qualify for the exemption, the decision-making body must hold a hearing and make findings that the project meets all of Public

Resources Code Section 21155.1's environmental, housing, and public safety conditions and requirements.

Streamlined Review: A Transit Priority Project that has incorporated all feasible mitigation measures, performance standards or criteria set forth in a prior environmental impact report, may be eligible for streamlined environmental review. For a complete description of the requirements for this streamlined review see Public Resources Code Section 21155.2. Similarly, the environmental review for a residential or mixed use residential project may limit, or entirely omit, its discussion of growth-inducing impacts or impacts from traffic on global warming under certain limited circumstances. Note, however, that impacts from other sources of greenhouse gas emissions would still need to be analyzed. For complete requirements see Public Resources Code Section 21159.28.

Note that neither the exemption nor the streamlined review will apply until: (1) the applicable Metropolitan Planning Organization prepares and adopts a Sustainable Communities Strategy or alternative planning strategy for the region; and (2) the California Air Resources Board has accepted the Metropolitan Planning Organization's determination that the Sustainable Communities Strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets adopted for the region.

3.16 OTHER SPECIFIC EXEMPTIONS.

CEQA and the State Guidelines exempt many other specific activities, including early activities related to thermal power plants, ongoing projects, transportation improvement programs, family day care homes, congestion management programs, railroad grade separation projects, restriping of streets or highways to relieve traffic congestion, hazardous or volatile liquid pipelines, and the installation of solar energy systems, including, but not limited to solar panels. Specific statutory exemptions are listed in the Public Resources Code, including Sections 21080 through 21080.35, and in the State Guidelines, including Sections 15260 through 15285.

3.17 CATEGORICAL EXEMPTIONS.

The State Guidelines establish certain classes of categorical exemptions. These apply to classes of projects which have been determined not to have a significant effect on the environment and which, therefore, are generally exempt. Compliance with the requirements of CEQA or the preparation of environmental documents for any project which comes within one of these classes of categorical exemptions is not required. The classes of projects are briefly summarized below. (Reference to the State Guidelines for the full description of each exemption is recommended.)

The exemptions for Classes 3, 4, 5, 6 and 11 below are qualified in that such projects must be considered in light of the location of the project. A project that is ordinarily insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. Therefore, these classes are considered to apply in all instances except when the project may impact on an environmental resource of hazardous or critical concern which has

been designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

All classes of categorical exemptions are qualified. None of the categorical exemptions are applicable if any of the following circumstances exist:

(1) The cumulative impact of successive projects of the same type in the same place over time is significant;

(2) There is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;

(3) The project may result in damage to a scenic or a substantial adverse change to a historical resource; or

(4) The project is located on a site which is included on any hazardous waste site or list compiled pursuant to Government Code Section 65962.5.

However, a project's greenhouse gas emissions do not, in and of themselves, cause an exemption to be inapplicable if the project otherwise complies with all applicable regulations or requirements adopted to implement statewide, regional, or local plans consistent with State CEQA Guidelines Section 15183.5.

With the foregoing limitations in mind, the following classes of activity are generally exempt:

Class 1: Existing Facilities. Activities involving the operation, repair, maintenance, permitting, leasing, licensing, minor alteration of, or legislative activities to regulate, existing public or private structures, facilities, mechanical equipment or other property, or topographical features, provided the activity involves negligible or no expansion of use beyond that existing at the time of the District's determination. The types of "existing facilities" itemized in Class 1 are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. (State Guidelines Section 15301.)

Class 2: Replacement or Reconstruction. Replacement or reconstruction of existing facilities, structures, or other property where the new facility or structure will be located on the same site as the replaced or reconstructed facility or structure and will have substantially the same purpose and capacity as the replaced or reconstructed facility or structure. (State Guidelines Section 15302.)

Class 3: New Construction or Conversion of Small Structures. Construction of limited numbers of small new facilities or structures; installation of small new equipment or facilities in small structures; and the conversion of existing small structures from one use to another, when only minor modifications are made in the exterior of the structure. This exemption includes structures built for both residential and commercial uses. (The maximum number of structures allowable under this exemption is set forth in State Guidelines Section 15303.)

Class 4: Minor Alterations to Land. Minor alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees, except for forestry or agricultural purposes. (State Guidelines Section 15304.)

Class 5: Minor Alterations in Land Use Limitations. Minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density. (State Guidelines Section 15305.)

Class 6: Information Collection. Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. (State Guidelines Section 15306.)

Class 7: Actions by Regulatory Agencies for Protection of Natural Resources. Actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. (State Guidelines Section 15307.)

Class 8: Actions By Regulatory Agencies for Protection of the Environment. Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement or protection of the environment where the regulatory process involves procedures for protection of the environment. (State Guidelines Section 15308.)

Class 9: Inspection. Inspection activities, including, but not limited to, inquiries into the performance of an operation and examinations of the quality, health or safety of a project. (State Guidelines Section 15309.)

Class 10: Loans. Loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943, mortgages for the purchase of existing structures where the loan will not be used for new construction and the purchase of such mortgages by financial institutions. (State Guidelines Section 15310.)

Class 11: Accessory Structures. Construction or replacement of minor structures accessory or appurtenant to existing commercial, industrial, or institutional facilities, including, but not limited to, on-premise signs; small parking lots; and placement of seasonal or temporary use items, such as lifeguard towers, mobile food units, portable restrooms or similar items in generally the same locations from time to time in publicly owned parks, stadiums or other facilities designed for public use. (State Guidelines Section 15311.)

Class 12: Surplus Government Property Sales. Sales of surplus government property, except for certain parcels of land located in an area of statewide, regional or areawide concern as that term is defined in State Guidelines Section 15206(b)(4). However, even if the surplus property to be sold is located in any of those areas, its sale is exempt if:

(a) The property does not have significant values for wildlife or other environmental purposes, and
(b) Any one of the following three conditions is met:

1. The property is of such size, shape, or inaccessibility that it is incapable of independent development or use;
2. The property to be sold would qualify for an exemption under any other class of categorical exemption in the State Guidelines; or
3. The use of the property and adjacent property has not changed since the time of purchase by the public agency.

(State Guidelines Section 15312.)

Class 13: Acquisition of Lands for Wildlife Conservation Purposes. Acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat, establishment of ecological preserves under Fish and Game Code Section 1580, and preservation of access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition. (State Guidelines Section 15313.)

Class 14: Minor Additions to Schools. Minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more 25% or ten (10) classrooms, whichever is less. The addition of portable classrooms is included in this exemption. (State Guidelines Section 15314.)

Class 15: Minor Land Divisions. Division(s) of property in urbanized areas zoned for residential, commercial or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two (2) years, and the parcel does not have an average slope greater than 20%. (State Guidelines Section 15315.)

Class 16: Transfer of Ownership of Land in Order to Create Parks. Acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archaeological resources and either:

(a) The management plan for the park has not been prepared, or
(b) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological resources.

CEQA will apply when a management plan is proposed that will change the area from its natural condition or cause substantial adverse change in the significance of the historic or archaeological resource. (State Guidelines Section 15316.)

Class 17: Open Space Contracts or Easements. Establishment of agricultural preserves, making and renewing of open space contracts under the Williamson Act or acceptance of easements or fee interests in order to maintain the open space character of the area. (The cancellation of such preserves, contracts, interests or easements is not included in this exemption.) (State Guidelines Section 15317.)

Class 18: Designation of Wilderness Areas. Designation of wilderness areas under the California Wilderness System. (State Guidelines Section 15318.)

Class 19: Annexations of Existing Facilities and Lots for Exempt Facilities. Annexations:

(a) To a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or prezoning of either the gaining or losing governmental agency, whichever is more restrictive; provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities; and
(b) Of individual small parcels of the minimum size for facilities exempted by Class 3, New Construction or Conversion of Small Structures.

(State Guidelines Section 15319.)

Class 20: Changes in Organization of Local Agencies. Changes in the organization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

(a) Establishment of a subsidiary district;
(b) Consolidation of two or more districts having identical powers; and
(c) Merger with a city of a district lying entirely within the boundaries of the city.

(State Guidelines Section 15320.)

Class 21: Enforcement Actions by Regulatory Agencies. Actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate or other entitlement for use issued, adopted or prescribed by the regulatory agency or a law, general rule, standard or objective administered or adopted by the regulatory agency; or law enforcement activities by peace officers acting under any law that provides a criminal sanction. The direct referral of a violation of lease, permit, license certificate, or entitlement to the City Attorney is exempt under this Class. (Construction activities undertaken by the District taking the enforcement or revocation action are not included in this exemption.) (State Guidelines Section 15321.)

Class 22: Educational or Training Programs Involving No Physical Changes. The adoption, alteration or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include but are not limited to:

(a) Development of or changes in curriculum or training methods; or
(b) Changes in the trade structure in a school which do not result in changes in student transportation.

(State Guidelines Section 15322.)

Class 23: Normal Operations of Facilities for Public Gatherings. Continued or repeated normal operations of existing facilities for public gatherings for which the facilities were designed, where there is past history, of at least three years, of the facility being used for the same or similar purposes. Facilities included within this exemption include, but are not limited to race tracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools and amusement parks. (State Guidelines Section 15323.)

Class 24: Regulation of Working Conditions. Actions taken by the District to regulate employee wages, hours of work or working conditions where there will be no demonstrable physical changes outside the place of work. (State Guidelines Section 15324.)

Class 25: Transfers of Ownership of Interest in Land to Preserve Existing Natural Conditions and Historical Resources. Transfers of ownership of interest in land in order to preserve open space, habitat, or historical resources. Examples include, but are not limited to, acquisition, sale, or other transfer of areas to: preserve existing natural conditions, including plant or animal habitats; allow continued agricultural use of the areas; allow restoration of natural conditions; preserve open space or lands for natural park purposes; or prevent encroachment of development into floodplains. This exemption does not apply to the development of parks or park uses. (State Guidelines Section 15325.)

Class 26: Acquisition of Housing for Housing Assistance Programs. Actions by a redevelopment agency, housing authority or other public agency to implement an adopted Housing Assistance Plan by acquiring an interest in housing units, provided the housing units are either in existence or possessing all required permits for construction when the agency makes its final decision to acquire the units. (State Guidelines Section 15326.)

Class 27: Leasing New Facilities. Leasing of a newly constructed or previously unoccupied privately owned facility by a local or state agency when the District determines that the proposed use of the facility:

(a) Conforms with existing state plans and policies and with general, community, and specific plans for which an EIR or Negative Declaration has been prepared;
(b) Is substantially the same as that originally proposed at the time the building permit was issued;
(c) Does not result in a traffic increase of greater than 10% of front access road capacity; and
(d) Includes the provision of adequate employee and visitor parking facilities.

(State Guidelines Section 15327.)

Class 28: Small Hydroelectric Projects as Existing Facilities. Installation of certain small hydroelectric-generating facilities in connection with existing dams, canals and pipelines, subject to the conditions in State Guidelines Section 15328. (State Guidelines Section 15328.)

Class 29: Cogeneration Projects at Existing Facilities. Installation of cogeneration equipment with a capacity of 50 megawatts or less at existing facilities meeting certain conditions listed in State Guidelines Section 15329. (State Guidelines Section 15329.)

Class 30: Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances. Any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing $1 million or less. (State Guidelines Section 15330.)

(a) No cleanup action shall be subject to this Class 30 exemption if the action requires the onsite use of a hazardous waste incinerator or thermal treatment unit or the relocation of residences or businesses, or the action involves the potential release into the air of volatile organic compounds as defined in Health and Safety Code Section 25123.6, except for small scale in situ soil vapor extraction and treatment systems which have been permitted by the local Air Pollution Control District or Air Quality Management District. All actions must be consistent with applicable state and local environmental permitting requirements including, but not limited to, off-site disposal, air quality rules such as those governing volatile organic compounds and water quality standards, and approved by the regulatory body with jurisdiction over the site;

(b) Examples of such minor cleanup actions include but are not limited to:

1. Removal of sealed, non-leaking drums of hazardous waste or substances that have been stabilized, containerized and are designated for a lawfully permitted destination;
2. Maintenance or stabilization of berms, dikes, or surface impoundments;
3. Construction or maintenance or interim of temporary surface caps;
4. Onsite treatment of contaminated soils or sludge provided treatment system meets Title 22 requirements and local air district requirements;
5. Excavation and/or offsite disposal of contaminated soils or sludge in regulated units;
6. Application of dust suppressants or dust binders to surface soils;
7. Controls for surface water run-on and run-off that meets seismic safety standards;
8. Pumping of leaking ponds into an enclosed container;
9. Construction of interim or emergency ground water treatment systems; or
10. Posting of warning signs and fencing for a hazardous waste or substance site that meets legal requirements for protection of wildlife.

Class 31: Historical Resource Restoration/Rehabilitation. Maintenance, repairs, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer. (State Guidelines Section 15331.)

Class 32: Infill Development Projects. Infill development meeting the following conditions:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
(c) The project site has no value as habitat for endangered, rare or threatened species;
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
(e) The site can be adequately served by all required utilities and public services.

(State Guidelines Section 15332.)

Class 33: Small Habitat Restoration Projects. Examples of small habitat restoration projects include, but are not limited to: revegetation of disturbed areas with native plant species; wetland restoration, the primary purpose of which is to improve conditions for waterfowl or other species that rely on wetland habitat; stream or river bank revegetation, the primary purpose of which is to improve habitat for amphibians or native fish; projects to restore or enhance habitat that are carried out principally with hand labor and not mechanized equipment; stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; culvert replacement conducted in accordance with published guidelines of DFG or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation, and other similar projects to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife.

This exemption only applies to projects that are five acres or less in size and that meet the following criteria:

(a) There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to Section 15065 of the State Guidelines;
(b) There are no hazardous materials at or around the project site that may be disturbed or removed; and

(c) The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

(State Guidelines Section 15333.)

4. TIME LIMITATIONS

4.01 REVIEW OF PRIVATE PROJECT APPLICATIONS.

Staff shall determine whether the application for a private project is complete within thirty (30) days of receipt of the application. No application may be deemed incomplete for lack of a waiver of the time limitations in Local Guidelines Sections 4.03 and 4.04.

Accepting an application as complete does not limit the authority of the District, acting as Lead Agency or Responsible Agency, to require the applicant to submit additional information needed for environmental evaluation of the project. Requiring such additional information after the application is complete does not change the status of the application.

4.02 DETERMINATION OF TYPE OF ENVIRONMENTAL DOCUMENT.

Except as provided in Local Guidelines Sections 4.05 and 4.06, Staff's initial determination as to whether a Negative Declaration, Mitigated Negative Declaration or an EIR should be prepared shall be made within thirty (30) days from the date on which an application for a project is accepted as complete by the District. This period may be extended fifteen (15) days with consent of the applicant and the District.

4.03 COMPLETION AND ADOPTION OF NEGATIVE DECLARATION.

For private projects involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the Negative Declaration/Mitigated Negative Declaration shall be completed and approved within one hundred eighty (180) days from the date when the District accepted the application as complete. In the event that compelling circumstances justify additional time and the project applicant consents thereto, Staff may provide for a reasonable extension of the time limit for completing and adopting the Negative Declaration/Mitigated Negative Declaration.

4.04 COMPLETION AND CERTIFICATION OF FINAL EIR.

For private projects, the Final EIR shall be completed and certified by the District within one (1) year after the date when the District accepted the application as complete. In the event that compelling circumstances justify additional time and the project applicant consents thereto, the District may provide a one-time extension up to ninety (90) days for completing and certifying the EIR.

4.05 PROJECTS SUBJECT TO THE PERMIT STREAMLINING ACT.

The Permit Streamlining Act requires agencies to make decisions on certain development project approvals within specified time limits. If a project is subject to the Act, the District cannot require the project applicant to submit the informational equivalent of an EIR or prove compliance with CEQA as a prerequisite to determining whether the project application is complete. In addition, if requested by the project applicant, the District must begin processing the project application prior to final CEQA action, provided the information necessary to begin the process is available.

Under the Permit Streamlining Act, the Lead Agency must approve or disapprove the development project application within one hundred eighty (180) days from the date on which it certifies the EIR, or within ninety (90) days of certification if an extension for completing and certifying the EIR was granted. If the Lead Agency adopts a Negative Declaration/Mitigated Negative Declaration or determines the development project is exempt from CEQA, it shall approve or disapprove the project application within sixty (60) days from the date on which it adopts the Negative Declaration/Mitigated Negative Declaration or determines that the project is exempt from CEQA.

Except for waivers of the time periods for preparing a joint Environmental Impact Report/Environmental Impact Statement (as outlined in Government Code Sections 65951 and 65957), the District cannot require a waiver of the time limits specified in the Permit Streamlining Act as a condition of accepting or processing a development project application. In addition, the District cannot disapprove a development project application in order to comply with the time limits specified in the Permit Streamlining Act.

4.06 PROJECTS, OTHER THAN THOSE SUBJECT TO THE PERMIT STREAMLINING ACT, WITH SHORT TIME PERIODS FOR APPROVAL.

A few statutes require agencies to make decisions on project applications within time limits that are so short that review of the project under CEQA would be difficult. To enable the District as Lead Agency to comply with both the enabling statute and CEQA, the District shall deem a project application as not received for filing under the enabling statute until such time as the environmental documentation required by CEQA is complete. This section applies where all of the following conditions are met:

(a) The enabling statute for a program, other than development projects under Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code, requires the District to take action on an application within a specified period of time of six (6) months or less;
(b) The enabling statute provides that the project is approved by operation of law if the District fails to take any action within the specified time period; and
(c) The project application involves the District's issuance of a lease, permit, license, certificate or other entitlement for use.

In any case, the environmental document shall be completed or certified and the decision on the application shall be made within the period established by the Permit Streamlining Act (Government Code Sections 65920, et seq.).

4.07 WAIVER OR SUSPENSION OF TIME PERIODS.

These deadlines may be waived by the applicant if the project is subject to both CEQA and NEPA. (State Guidelines Sections 15110 and 15224; see Section 5.04 of these Local Guidelines for information about projects that are subject to both CEQA and NEPA.)

An unreasonable delay by an applicant in meeting the District's requests necessary for the preparation of a Negative Declaration, Mitigated Negative Declaration, or an EIR shall suspend the running of the time periods described in Local Guidelines Sections 4.03 and 4.04 for

the period of the unreasonable delay. Alternatively, the District may disapprove a project application where there is unreasonable delay in meeting requests. The District may also allow a renewed application to start at the same point in the process where the prior application was when it was disapproved.

5. INITIAL STUDY

5.01 PREPARATION OF INITIAL STUDY.

If the District determines that it is the Lead Agency for a project which is not exempt, the District shall prepare an Initial Study to ascertain whether the project may have a substantial adverse effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial. All phases of project planning, implementation and operation must be considered in the Initial Study. An Initial Study may rely on expert opinion supported by facts, technical studies or other substantial evidence. However, an Initial Study is neither intended nor required to include the level of detail included in an EIR.

(a) For District projects, the Initial Study shall be prepared by Staff or by private experts pursuant to contract with the District.

(b) For private projects, the person or entity proposing to carry out the project shall submit all data and information as may be required by the District to determine whether the proposed project may have a significant effect on the environment. All costs incurred by the District in reviewing the data and information submitted, or in conducting its own investigation based upon such data and information, or in preparing an Initial Study for the project shall be borne by the person or entity proposing to carry out the project.

5.02 INFORMAL CONSULTATION WITH OTHER AGENCIES.

When more than one public agency will be involved in undertaking or approving a project, the Lead Agency shall consult with all Responsible and any Trustee Agencies. Such consultation shall be undertaken in compliance with the notice procedures applicable to the type of CEQA document being prepared. See Section 6.04, Negative Declarations, and Sections 7.03 and 7.06, EIRs.

When the District is acting as Lead Agency, the District may choose to engage in early consultation with Responsible and Trustee Agencies before the District begins to prepare the Initial Study. This early consultation may be done quickly and informally and is intended to ensure that the EIR, Negative Declaration or Mitigated Negative Declaration reflects the concerns of all Responsible Agencies that will issue approvals for the project and all Trustee Agencies responsible for natural resources affected by the project. The District's early consultation process may include consultation with other individuals or organizations with an interest in the project, if the District so desires. The OPR, upon request of the District or a private project applicant, shall assist in identifying the various Responsible Agencies for a proposed project and ensure that the Responsible Agencies are notified regarding any early consultation. In the case of a project undertaken by a public agency, the OPR, upon request of the District, shall ensure that any Responsible Agency or public agency that has jurisdiction by law with respect to the project is notified regarding any early consultation.

If, during the early consultation process it is determined that the project will clearly have a significant effect on the environment, the District, as Lead Agency, may immediately dispense with the Initial Study and determine that an EIR is required.

5.03 CONSULTATION WITH PRIVATE PROJECT APPLICANT.

During or immediately after preparation of an Initial Study for a private project, the District may consult with the applicant to determine if the applicant is willing to modify the project to reduce or avoid the significant effects identified in the Initial Study. If the project can be revised to avoid or mitigate effects to a level of insignificance and there is no substantial evidence before the District that the project, as revised, may have a significant effect on the environment, the District may prepare and adopt a Negative Declaration. If any significant effect may still occur despite alterations of the project, an EIR must be prepared.

5.04 PROJECTS SUBJECT TO NEPA.

Projects that are carried out, financed, or approved in whole or in part by a federal agency are subject to the provisions of the National Environmental Protection Act ("NEPA") in addition to CEQA. To the extent possible, the State Guidelines encourage the District, when it is a Lead Agency under CEQA, to use the federally-prepared Environmental Impact Statement ("EIS") or Finding of No Significant Impact ("FONSI") or to prepare joint CEQA/NEPA documents instead of preparing a separate NEPA and CEQA documents for a project that is subject to both NEPA and CEQA. (State Guidelines Section 15220.) For example, the District should attempt to work in conjunction with the federal agency involved in the project to prepare a combined EIR-EIS or Negative Declaration-FONSI. (State Guidelines Section 15222.) The District is required to cooperate with the federal agency and to utilize joint planning processes, environmental research and studies, public hearings, and environmental documents to the fullest extent possible. (State Guidelines Section 15226.) However, since NEPA does not require an examination of mitigation measures or growth-inducing impacts, analysis of mitigation measures and growth-inducing impacts will need to be added before NEPA documents may be used to satisfy CEQA. (State Guidelines Section 15221.)

For projects that are subject to NEPA, a scoping meeting held pursuant to NEPA satisfies the CEQA scoping requirement as long as notice is provided to the agencies and individuals listed in Local Guidelines Section 7.07, and provided in accordance with these Local Guidelines.

If the federal agency refuses to cooperate with the District with regard to the preparation of joint documents, the District should attempt to involve a state agency in the preparation of the EIR, Negative Declaration, or Mitigated Negative Declaration. Since federal agencies are explicitly permitted to utilize environmental documents prepared by agencies of statewide jurisdiction, it is possible that the federal agency will reuse the state-prepared CEQA documents instead of requiring the applicant to fund a redundant set of federal environmental documents. (State Guidelines Section 15228.)

Where the federal agency has circulated the EIS or FONSI and the circulation satisfied the requirements of CEQA and any other applicable laws, the District, when it is a Lead Agency under CEQA, may use the EIS or FONSI in place of an EIR or Negative Declaration without having to recirculate the federal documents. The District's intention to adopt the previously circulated EIS or FONSI must be publicly noticed in the same way as a Notice of Availability of a Draft EIR.

Special rules may apply when the environmental documents are prepared for projects involving the reuse of military bases. (See State Guidelines Section 15225.)

5.05 AN INITIAL STUDY.

The Initial Study shall be used to determine whether a Negative Declaration, Mitigated Negative Declaration or an EIR shall be prepared for a project. It provides written documentation of whether the District found evidence of significant adverse impacts which might occur. The purposes of an Initial Study are to:

(a) Identify environmental impacts;
(b) Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is written;
(c) Focus an EIR, if one is required, on potentially significant environmental effects;
(d) Facilitate environmental assessment early in the design of a project;
(e) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
(f) Eliminate unnecessary EIRs; and
(g) Determine whether a previously prepared EIR could be used for the project.

5.06 CONTENTS OF INITIAL STUDY.

An Initial Study shall contain in brief form:

(a) A description of the project, including the location of the project. The project description must be consistent throughout the environmental review process;
(b) An identification of the environmental setting. The environmental setting is usually the existing physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, such as in the case of a Negative Declaration or Mitigated Negative Declaration, at the time environmental analysis begins. The environmental setting should describe both the project site and surrounding properties. The description should include, but not necessarily be limited to, a discussion of existing structures, land use, energy supplies, topography, water usage, soil stability, plants and animals, and any cultural, historical, or scenic aspects. This environmental setting will normally constitute the baseline physical conditions against which a Lead Agency may compare the project to determine whether an impact is significant;
(c) An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries are briefly explained to show the evidence supporting the entries. The brief explanation may be through either a narrative or a reference to other information such as attached maps, photographs, or an earlier EIR or Negative Declaration or Mitigated Negative Declaration. A reference to another document should include a citation to the page or pages where the information is found;
(d) A discussion of ways to mitigate any significant effects identified;
(e) An examination of whether the project is consistent with existing zoning and local land use plans and other applicable land use controls;
(f) The name of the person or persons who prepared or participated in the Initial Study; and

(g) Identification of prior EIRs or environmental documents which could be used with the project.

5.07 USE OF A CHECKLIST INITIAL STUDY.

When properly completed, the Environmental Checklist (Form "J") will meet the requirements of Local Guidelines Section 5.05 for an Initial Study provided that the entries on the checklist are explained. Either the Environmental Checklist (Form "J") should be expanded or a separate attachment should be prepared to describe the project, including its location, and to identify the environmental setting.

California courts have rejected the use of a bare, unsupported Environmental Checklist as an Initial Study. An Initial Study must contain more than mere conclusions. It must disclose supporting data or evidence upon which the Lead Agency relied in conducting the Initial Study. The Lead Agency must augment checklists with supporting factual data and reference information sources when completing the forms. Explanation of all "potential impact" answers should be provided on attached sheets. For controversial projects, it is advisable to state briefly why "no" answers were checked. If practicable, attach a list of reference materials, such as prior EIRs, plans, traffic studies, air quality data, or other supporting studies.

5.08 EVALUATING SIGNIFICANT ENVIRONMENTAL EFFECTS.

In evaluating the environmental significance of effects disclosed by the Initial Study, the Lead Agency shall consider:

(a) Whether the Initial Study and/or any comments received informally during consultations indicate that a fair argument can be made that the project may have a significant adverse environmental impact which cannot be mitigated to a level of insignificance. Even if a fair argument can be made to the contrary, an EIR should be prepared;

(b) Whether both primary (direct) and secondary (indirect) consequences of the project were evaluated. Primary consequences are immediately related to the project, while secondary consequences are related more to the primary consequences than to the project itself. For example, secondary impacts upon the resources base, including land, air, water and energy use of an area, may result from population growth, a primary impact;

(c) Whether adverse social and economic changes will result from a physical change caused by the project. Adverse economic and social changes resulting from a project are not, in themselves, significant environmental effects. However, if such adverse changes cause physical changes in the environment, those consequences may be used as the basis for finding that the physical change is significant;

(d) Whether there is serious public controversy or disagreement among experts over the environmental effects of the project. However, the existence of public controversy or disagreement among experts does not, without more, require preparation of an EIR in the absence of substantial evidence of significant effects;

(e) Whether the cumulative impact of the project is significant and whether the incremental effects of the project are "cumulatively considerable" (as defined in Local Guidelines Section 10.11) when viewed in connection with the effects of past projects, current projects, and probable future projects. The District may conclude that a project's

incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem. To be used for this purpose, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process. In relying on such a plan or program, the District should explain which requirements apply to the project and ensure that the project's incremental contribution is not cumulatively considerable; and

(f) Whether the project may cause a substantial adverse change in the significance of an archaeological or historical resource.

5.09 MANDATORY FINDINGS OF SIGNIFICANT EFFECT.

Whenever there is substantial evidence, in light of the whole record, that any of the conditions set forth below may occur, the Lead Agency shall find that the project may have a significant effect on the environment and thereby shall require preparation of an EIR:

(a) The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California history or prehistory;

(b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals;

(c) The project has possible environmental effects which are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past, current, and probable future projects. That is, the District, when acting as Lead Agency, is required to determine whether the incremental impacts of a project are cumulatively considerable by evaluating them against the back-drop of the environmental effects of the other projects; or

(d) The environmental effects of a project will cause substantial adverse effects on humans either directly or indirectly.

If, before the release of the CEQA document for public review, the potential for triggering one of the mandatory findings of significance is avoided or mitigation measures or project modifications reduce the potentially significant impacts to a point where clearly the mandatory finding of significance is not triggered, preparation of an EIR is not mandated. If the project's potential for triggering one of the mandatory findings of significance cannot be avoided or mitigated to a point where the criterion is clearly not triggered, an EIR shall be prepared, and the relevant mandatory findings of significance shall be used:

(1) as thresholds of significance for purposes of preparing the EIR's impact analysis;

(2) in making findings on the feasibility of alternatives or mitigation measures;

(3) when found to be feasible, in making changes in the project to lessen or avoid the adverse environmental impacts; and

(4) when necessary, in adopting a statement of overriding considerations.

Although an EIR prepared for a project that triggers one of the mandatory findings of significance must use the relevant mandatory findings as thresholds of significance, the EIR need not conclude that the impact itself is significant. Rather, the District, as Lead Agency, must exercise its discretion and determine, on a case-by-case basis after evaluating all of the relevant evidence, whether the project's environmental impacts are avoided or mitigated below a level of significance or whether a statement of overriding considerations is required.

With regard to a project that has the potential to substantially reduce the number or restrict the range of a protected species, the District, as Lead Agency, does not have to prepare an EIR solely due to that impact, provided the project meets the following three criteria:

(a) The project proponent must be bound to implement mitigation requirements relating to such species and habitat pursuant to an approved habitat conservation plan and/or natural communities conservation plan;
(b) The state or federal agency must have approved the habitat conservation plan and/or natural community conservation plan in reliance on an EIR and/or EIS; and
(c) The mitigation requirements must either avoid any net loss of habitat and net reduction in number of the affected species, or preserve, restore, or enhance sufficient habitat to mitigate the reduction in habitat and number of the affected species below a level of significance.

5.10 MANDATORY PREPARATION OF AN EIR FOR WASTE-BURNING PROJECTS.

Lead Agencies shall prepare or cause to be prepared and certify the completion of an EIR, or, if appropriate, an Addendum, Supplemental EIR, or Subsequent EIR, for any project involving the burning of municipal wastes, hazardous waste or refuse-derived fuel, including, but not limited to, tires, if the project consists of any of the following:

(a) The construction of a new facility;
(b) The expansion of an existing hazardous waste burning facility which would increase its permitted capacity by more than 10%;
(c) The issuance of a hazardous waste facilities permit to a land disposal facility, as defined in Local Guidelines Section 10.29; or
(d) The issuance of a hazardous waste facilities permit to an offsite large treatment facility, as defined in Local Guidelines Sections 10.30 and 10.50.

This section does not apply to projects listed in subsections (c) and (d), immediately above, if the facility only manages hazardous waste that is identified or listed pursuant to Health and Safety Code Section 25140 or 25141 or only conducts activities which are regulated pursuant to Health and Safety Code Section 25100, et seq.

The Lead Agency shall calculate the percentage of expansion for an existing facility by comparing the proposed facility's capacity with either of the following, as applicable:

(a) The facility capacity authorized in the facility's hazardous waste facilities permit pursuant to Health and Safety Code Section 25200, or its grant of interim status pursuant to Health and Safety Code Section 25200.5, or the facility capacity authorized in any state or local agency permit allowing the construction or operation of the facility for the burning of hazardous waste granted before January 1, 1990; or

(b) The facility capacity authorized in the facility's original hazardous facilities permit, grant of interim status, or any state or local agency permit allowing the construction or operation of a facility for the burning of hazardous waste, granted on or after January 1, 1990.

This section does not apply to any project over which the State Energy Resources Conservation and Development Commission has assumed jurisdiction per Health and Safety Code Section 25500, et seq.

The EIR requirement is also subject to a number of exceptions for specific types of waste-burning projects. (Public Resources Code Section 21151.1 and State Guidelines Section 15081.5.) Even if preparation of an EIR is not mandatory for a particular type of waste-burning project, those projects are not exempt from the other requirements of CEQA, the State Guidelines, or these Local Guidelines. In addition, waste-burning projects are subject to special notice requirements under Public Resources Code Section 21092. Specifically, in addition to the standard public notices required by CEQA, notice must be provided to all owners and occupants of property located within one-fourth mile of any parcel or parcels on which the waste-burning project will be located. (Public Resources Code Section 21092(c); see Local Guidelines Sections 6.09, 7.21 and 7.23.)

5.11 DEVELOPMENT PURSUANT TO AN EXISTING COMMUNITY PLAN AND EIR.

Before preparing a CEQA document, Staff should determine whether the proposed project involves development consistent with an earlier zoning or community plan to accommodate a particular density for which an EIR has been certified. If an earlier EIR for the zoning or planning action has been certified, and if the proposed project concerns the approval of a subdivision map or development, CEQA applies only to the extent the project raises environmental effects peculiar to the parcel which were not addressed in the earlier EIR. Off-site and cumulative effects not discussed in the general plan EIR must still be considered. Mitigation measures set out in the earlier EIR should be implemented at this stage.

Environmental effects shall not be considered peculiar to the parcel if uniformly applied development policies or standards have been previously adopted by a city or county with a finding based on substantial evidence that the policy or standard will substantially mitigate the

environmental effect when applied to future projects. Examples of uniformly applied development policies or standards include, but are not limited to: parking ordinances; public access requirements; grading ordinances; hillside development ordinances; flood plain ordinances; habitat protection or conservation ordinances; view protection ordinances; and requirements for reducing greenhouse gas emissions as set forth in adopted land use plans, policies or regulations. Any rezoning action consistent with the Community Plan shall be subject to exemption from CEQA in accordance with this section. "Community Plan" means part of a city's general plan which: (1) applies to a defined geographic portion of the total area included in the general plan; (2) complies with Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code by referencing each of the mandatory elements specified in Government Code Section 65302; and (3) contains specific development policies adopted for the area in the Community Plan and identifies measures to implement those policies, so that the policies which will apply to each parcel can be determined.

5.12 LAND USE POLICIES.

When a project will amend a general plan or another land use policy, the Initial Study must address how the change in policy and its expected direct and indirect effects will affect the environment. When the amendments constitute substantial changes in policies that result in a significant impact on the environment, an EIR may be required.

5.13 EVALUATING IMPACTS ON HISTORICAL RESOURCES.

Projects that may cause a substantial adverse change in the significance of a historical resource, as defined in Local Guidelines Section 10.25 are projects that may have a significant effect on the environment, thus requiring consideration under CEQA. Particular attention and care should be given when considering such projects, especially projects involving the demolition of a historical resource, since such demolitions have been determined to cause a significant effect on the environment.

Substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation or alteration of the resource or its immediate surroundings, such that the significance of a historical resource would be materially impaired.

The significance of a historical resource is materially impaired when a project:

(a) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources;
(b) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources or its identification in a historical resources survey, unless the Lead Agency establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
(c) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by the Lead Agency for purposes of CEQA.

Generally, a project that follows either one of the following sets of standards and guidelines will be considered mitigated to a level of less than significant: (a) the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings; or (b) the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer.

In the event of an accidental discovery of a possible historical resource during construction of the project, the District may provide for the evaluation of the find by a qualified archaeologist or other professional. If the find is determined to be a historical resource, the District should take appropriate steps to implement appropriate avoidance or mitigation measures. Work on non-affected portions of the project, as determined by the District, may continue during the process. Curation may be an appropriate mitigation measure for an artifact that must be removed during project excavation or testing.

5.14 EVALUATING IMPACTS ON ARCHAEOLOGICAL SITES.

When a project will impact an archaeological site, the District shall first determine whether the site is a historical resource, as defined in Local Guidelines Section 10.25. If the archaeological site is a historical resource, it shall be treated and evaluated as such, and not as an archaeological resource. If the archaeological site does not meet the definition of a historical resource, but does meet the definition of a unique archaeological resource set forth in Public Resources Code Section 21083.2, the site shall be treated in accordance with said provisions of the Public Resources Code. The time and cost limitations described in Section 21083.2(c-f) do not apply to surveys and site evaluation activities intended to determine whether the project site contains unique archaeological resources.

If the archaeological resource is neither a unique archaeological resource nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

In the event of an accidental discovery of a possible unique archaeological resource during construction of the project, the District may provide for the evaluation of the find by a qualified archaeologist. If the find is determined to be a unique archaeological resource, the District should take appropriate steps to implement appropriate avoidance or mitigation measures. Work on non-affected portions of the project, as determined by the District, may continue during the process. Curation may be an appropriate mitigation measure for an artifact that must be removed during project excavation or testing.

When an Initial Study identifies the existence of, or the probable likelihood of, Native American human remains within the Project, the District shall comply with the provisions of State Guidelines Section 15064.5(d). In the event of an accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the District shall comply with the provisions of State Guidelines Section 15064.5(e).

5.15 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

(a) Projects Subject to Consultation Requirements.

For certain development projects, cities and counties must consult with water agencies. If the District is a municipal water provider for a project, the city or county may request that the District prepare a water supply assessment to be included in the relevant environmental documentation for the project. The District may refer to this section when preparing such an assessment or when reviewing projects in its role as a Responsible Agency. This section applies only to water demand projects as defined by Guideline 10.74. Program level environmental review may not need to be as extensive as project level environmental review. (See Local Guidelines Sections 8.03 and 8.08.)

(b) Water Supply Assessment.

When a city or county as Lead Agency determines the type of environmental document that will be prepared for a water demand project or any project that includes a water demand project, the city or county must identify any public water system (as defined in Local Guidelines Sections 10.55 and 10.74) that may supply water for the project. The city or county must also request that the public water system determine whether the projected demand associated with the project was included in the most recently adopted Urban Water Management Plan. The city or county must also request that the public water system prepare a specified water supply assessment for approval at a regular or special meeting of the public water system governing body.

If no public water system is identified that may supply water for the water demand project, the city or county shall prepare the water supply assessment. The city or county shall consult with any entity serving domestic water supplies whose service area includes the site of the water demand project, the local agency formation commission, and the governing body of any public water system adjacent to the site of the water demand project. The city council or county board of supervisors must approve the water assessment prepared pursuant to this paragraph at a regular or special meeting.

As per Water Code section 10910, the water assessment must include identification of existing water supply entitlements, water rights, or water service contracts relevant to the water supply for the proposed project and water received in prior years pursuant to those entitlements, rights, and contracts, and further information is required if water supplies include groundwater. The water assessment must determine the ability of the public water system to meet existing and future demands along with the demands of the proposed water demand project in light of existing and future water supplies. This supply demand analysis is to be conducted via a twenty-year projection, and must assess water supply sufficiency during normal year, single dry year, and multiple dry year hydrology scenarios. If the public water agency concludes that the water supply is, or will be, insufficient, it must submit plans for acquiring additional water supplies.

The city or county may grant the public water agency a thirty (30) day extension of time to prepare the assessment if the public water agency requests an extension within ninety (90)

days of being asked to prepare the assessment. If the governing body of the public water system fails to request and receive an extension of time, or fails to submit the water assessment notwithstanding the thirty (30) day extension, the city or county may seek a writ of mandamus to compel the governing body of the public water system to comply.

The city or county shall include the water assessment, and any water acquisition plan in the EIR, negative declaration, or mitigated negative declaration, or any supplement thereto, prepared for the project, and may include an evaluation of the water assessment and water acquisition plan information within such environmental document. A discussion of water supply availability should be included in the main text of the environmental document. Normally, this discussion should be based on the data and information included in the water supply assessment. In making its required findings under CEQA, the city or county shall determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses. If a city or county determines that water supplies will not be sufficient, the city or county shall include that determination in its findings for the project.

If a water-demand project has been the subject of a water assessment, no additional water assessment shall be required for subsequent water-demand projects that were included in the larger water-demand project if all of the following criteria are met:

(1) The entity completing the water assessment concluded that its water supplies are sufficient to meet the projected water demand associated with the larger water-demand project, in addition to the existing and planned future uses, including, but not limited to, agricultural and industrial uses; and

(2) None of the following changes has occurred since the completion of the water assessment for the larger water-demand project:

(A) Changes in the larger water-demand project that result in a substantial increase in water demand for the water-demand project;

(B) Changes in the circumstances or conditions substantially affecting the ability of the public water system identified in the water assessment to provide a sufficient supply of water for the water demand project; and

(C) Significant new information becomes available which was not known and could not have been known at the time when the entity had reached its assessment conclusions.

For complete information on these requirements, consult Water Code Sections 10910, et seq. For other CEQA provisions applicable to these types of projects, see Local Guidelines Sections 7.03 and 7.21.

(c) Water Supply Assessment Not Required for Certain Renewable Energy Projects.

A proposed photovoltaic or wind energy generation facility approved on or after October 8, 2011, that uses no more than seventy-five (75) acre feet of water annually is excused from the requirement to prepare the water supply assessment required under Water Code Section 10910 et seq., even if it occupies more than 40 acres. This exclusion only applies until January 1, 2017, unless the California Legislature extends the provision.

5.16 SUBDIVISIONS WITH MORE THAN 500 DWELLING UNITS.

Cities and counties must obtain written verification (see Form "O" for a sample) from the applicable public water system(s) that a sufficient water supply is available before approving certain residential development projects. If the District is a municipal water provider for a project, the city or county may request such a verification from the District. The District should also be aware of these requirements when reviewing projects in its role as a Responsible Agency.

Cities and counties are prohibited from approving a tentative map, parcel map for which a tentative map was not required, or a development agreement for a subdivision of property of more than 500 dwellings units, unless:

(1) The City Council, Board of Supervisors, or the advisory agency receives written verification from the applicable public water system that a sufficient water supply is available; or

(2) Under certain circumstances, the City Council, Board of Supervisors or the advisory agency makes a specified finding that sufficient water supplies are, or will be, available prior to completion of the project.

For complete information on these requirements, consult Government Code Section 66473.7.

5.17 IMPACTS TO OAK WOODLANDS.

When a county prepares an Initial Study to determine what type of environmental document will be prepared for a project within its jurisdiction, the county must determine whether the project may result in a conversion of oak woodlands that will have a significant effect on the environment. Normally, this rule will not apply to projects undertaken by the District. However, if the District is a Responsible Agency on such a project, the District should endeavor to ensure that the county, as Lead Agency, analyzes these impacts in accordance with CEQA.

5.18 CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS.

A. Estimating or Calculating the Magnitude of the Project's Greenhouse Gas Emissions.

The District shall analyze the greenhouse gas emissions of its projects as required in State CEQA Guidelines section 15064.4. For projects subject to CEQA, the District should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.

For its projects, the District, as Lead Agency, shall have discretion to determine the appropriate model or methodology for analyzing greenhouse gas emissions for each particular project. The District is not required to use the same model or methodology in every instance, but should explain the choice and limitations of the model or methodology chosen in the record of proceedings. In performing the analysis of greenhouse gas emissions, the District may perform a quantitative analysis, rely on a qualitative analysis or performance based standards, or use a combination of quantitative and qualitative analysis as appropriate for the project.

B. Factors in Determining Significance.

Once the magnitude of a project's emissions have been described, estimated or calculated. the District should consider the following factors, among others, to determine whether those emissions are significant:

(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the baseline. Physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published or the time when the environmental analysis is commenced, will normally constitute the baseline. All project phases, including construction and operation, should be considered in determining whether a project will cause emissions to increase or decrease as compared to the baseline;

(2) Whether the project emissions exceed a threshold of significance that the Lead Agency determines applies to the project. Lead Agencies may rely on thresholds of significance developed by experts or other agencies provided that application of the threshold and the significance conclusion is supported with substantial evidence. When relying on thresholds developed by other agencies, Lead Agencies should ensure that the threshold is appropriate for the project and the project's location; and

(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

Additional guidance on the determination of significance is available in the Natural Resources Agency's Final Statement of Reasons prepared for the Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 (December 2009).

C. Consistency with Applicable Plans.

When an EIR is prepared, it must discuss any inconsistencies between the proposed project and any applicable general plan, specific plans, and regional plans. This includes, but is not limited to, any applicable air quality attainment plans, regional blueprint plans, or plans for the reduction of greenhouse gas emissions.

D. Mitigation Measures Related to Greenhouse Gas Emissions.

Lead Agencies must consider feasible means of mitigating the significant effects of greenhouse gas emissions. Any such mitigation measure must be supported by substantial evidence and be subject to monitoring or reporting. Potential mitigation will depend on the particular circumstances of the project, but may include the following, among others:

(1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the Lead Agency's decision;

(2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in State CEQA Guidelines Appendix F;

(3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions;

(4) Measures that sequester greenhouse gases; and

(5) In the case of the adoption of a plan, such as a general plan, long range development plan, or plan for the reduction of greenhouse gas emissions, mitigation may include the identification of specific measures that may be implemented on a project-by-project basis. Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

E. Streamlined Analysis of Greenhouse Gas Emissions.

Under certain limited circumstances, the legislature has specifically declared that the analysis of greenhouse gas emissions or climate change impacts may be limited. Public Resources Code Sections 21155, 21155.2, and 21159.28 provide that if certain residential, mixed use and transit priority projects meet specified ratios and densities, then the lead agencies for those projects may conduct a limited review of greenhouse gas emissions or may be exempted from analyzing global warming impacts that result from cars and light duty trucks, if a detailed list of requirements is met. However, unless the project is exempt from CEQA, the Lead Agency must consider whether such projects will result in greenhouse gas emissions from other sources, including, but not limited to, energy use, water use, and solid waste disposal

F. Tiering.

The District may analyze and mitigate the significant effects of greenhouse gas emissions at a programmatic level. Later project-specific environmental documents may then tier from and/or incorporate by reference that existing programmatic review.

G. Plans for the Reduction of Greenhouse Gas Emissions.

Public agencies may choose to analyze and mitigate greenhouse gas emissions in a plan for the reduction of greenhouse gas emissions or similar document. A plan for the reduction of greenhouse gas emissions should:

(1) Quantify greenhouse gas emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;

(2) Establish a level, based on substantial evidence, below which the contribution to greenhouse gas emissions from activities covered by the plan would not be cumulatively considerable;

(3) Identify and analyze the greenhouse gas emissions resulting from specific actions or categories of actions anticipated within the geographic area;

(4) Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;

(5) Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and

(6) Be adopted in a public process following environmental review.

A plan for the reduction of greenhouse gas emissions, once adopted following certification of an EIR, or adoption of another environmental document, may be used in the cumulative impacts analysis of later projects. An environmental document that relies on a plan for the reduction of greenhouse gas emissions for a cumulative impacts analysis must identify those requirements specified in the plan that apply to the project, and, if those requirements are not otherwise binding and enforceable, incorporate those requirements as mitigation measures applicable to the project. If there is substantial evidence that the effects of a particular project may be cumulatively considerable notwithstanding the project's compliance with the specified requirements in the plan for reduction of greenhouse gas emissions, an EIR must be prepared for the project.

H. Analyzing the Effects of Climate Change on the Project.

Where an EIR is prepared for a project, the EIR shall analyze any significant environmental effects the project might cause by bringing development and people into the project area that may be affected by climate change. In particular, the EIR should evaluate any potentially significant impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas. The analysis may be limited to the potentially significant effects of locating the project in a potentially hazardous location. Further, this analysis may be limited by the project's life in relation to the potential of such effects to occur and the availability of existing information related to potential future effects of climate change. Further, the EIR need not include speculation regarding such future effects.

5.19 ENERGY CONSERVATION.

Potentially significant energy implications of a project must be considered in an EIR to the extent relevant and applicable to the project. Therefore, the project description should identify the following as applicable or relevant to the particular project:

(1) Energy consuming equipment and processes which will be used during construction, operation and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project;

(2) Total energy requirements of the project by fuel type and end use;

(3) Energy conservation equipment and design features;

(4) Identification of energy supplies that would serve the project; and

(5) Total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode.

As described in Local Guideline Section 5.06, above, an initial study must include a description of the environmental setting. The discussion of the environmental setting may include existing energy supplies and energy use patterns in the region and locality. The District may also consider the extent to which energy supplies have been adequately considered in other environmental documents. Environmental impacts may include:

(1) The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed;

(2) The effects of the project on local and regional energy supplies and on requirements for additional capacity;

(3) The effects of the project on peak and base period demands for electricity and other forms of energy;

(4) The degree to which the project complies with existing energy standards;

(5) The effects of the project on energy resources; and/or

(6) The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

As discussed above in Section 5.06, the Initial Study must identify the potential environmental effects of the proposed activity. That discussion must include the unavoidable adverse effects. Unavoidable adverse effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

When discussing energy conservation, alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.

5.20 ENVIRONMENTAL IMPACT ASSESSMENT.

The Initial Study identifies which environmental impacts may be significant. Based upon the Initial Study, Staff shall determine whether a proposed project may or will have a significant effect on the environment. Such determination shall be made in writing on the Environmental Impact Assessment Form (Form "C"). If Staff finds that a project will not have a significant effect on the environment, it shall recommend that a Negative Declaration be prepared and adopted by the decision-making body. If Staff finds that a project may have a significant effect on the environment, but the effects can be mitigated to a level of insignificance, it shall recommend that a Mitigated Negative Declaration be prepared and adopted by the decision-making body. If Staff finds that a project may have a significant effect on the environment, it shall recommend that an EIR be prepared and certified by the decision-making body.

5.21 FINAL DETERMINATION.

The Board of Directors shall have the final responsibility for determining whether an EIR, Negative Declaration or Mitigated Negative Declaration shall be required for any project. The Board of Directors' determination shall be final and conclusive on all persons, including Responsible Agencies and Trustee Agencies, except as provided in Section 15050(c) of the State Guidelines.

6. NEGATIVE DECLARATION

6.01 DECISION TO PREPARE A NEGATIVE DECLARATION.

A Negative Declaration (Form "E") shall be prepared for a project subject to CEQA when the Initial Study shows that there is no substantial evidence in light of the whole record that the project may have a significant or potentially significant adverse effect on the environment. (See Local Guidelines Sections 10.59 and 10.64.)

6.02 DECISION TO PREPARE A MITIGATED NEGATIVE DECLARATION.

A Mitigated Negative Declaration (Form "E") shall be prepared for a project subject to CEQA when the Initial Study identifies potentially significant effects on the environment, but:

(a) The project applicant has agreed to revise the project or the District can revise the project to avoid these significant effects or to mitigate the effects to a point where it is clear that no significant effects would occur; or
(b) There is no substantial evidence in light of the whole record before the District that the revised project may have a significant effect.

It is insufficient to require an applicant to adopt mitigation measures after final adoption of the Negative Declaration or to state that mitigation measures will be recommended on the basis of a future study. The District must know the measures at the time the Negative Declaration is adopted in order for them to be evaluated and accepted as adequate mitigation. Evidence of agreement by the applicant to such mitigation should be in the record prior to public review. Except where noted, the procedural requirements for the preparation and approval of a Negative Declaration and Mitigated Negative Declaration are the same.

6.03 CONTRACTING FOR PREPARATION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

The District, when acting as Lead Agency, is responsible for preparing all documents required pursuant to CEQA. The documents may be prepared by Staff or by private consultants pursuant to a contract with the District, but they must be the District's product and reflect the independent judgment of the District.

6.04 NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

When, based upon the Initial Study, it is recommended to the decision-making body that a Negative Declaration or Mitigated Negative Declaration be adopted, a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration (Form "D") shall be prepared. In addition to being provided to the public through the means set forth in Local Guidelines Section 6.07, this Notice shall also be provided to:

(a) Each Responsible and Trustee Agency;
(b) Any other federal, state, or local agency which has jurisdiction by law or exercises authority over resources affected by the project, including:

(1) Any water supply agency consulted under Local Guidelines Section 5.15;

(2) Any city or county bordering on the project area;

(3) For a project of statewide, regional, or areawide significance, to any transportation agencies or public agencies which have major local arterials or public transit facilities within five (5) miles of the project site or freeways, highways, or rail transit service within ten (10) miles of the project site which could be affected by the project; and

(4) For a subdivision project located within one mile of a facility of the State Water Resources Development System, to the California Department of Water Resources;

(c) The last known name and address of all organizations and individuals who have previously filed a written request with the District to receive these Notices;

(d) For certain projects that may impact a low-level flight path, military impact zone, or special use airspace and that meet the other criteria of Local Guidelines Section 6.05, to the specified military services contact;

(e) For certain projects that involve the construction or alteration of a facility anticipated to include hazardous air emissions or handle hazardous substances within one-quarter mile of a school and that meet the other requirements of Local Guidelines Section 6.06, to any potentially affected school district;

(f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.10 (See also Local Guidelines Section 7.23 regarding mandatory preparation of EIR), to the owners and occupants of property within one-fourth mile of any parcel on which the project will be located;

(g) For a project that establishes or amends a redevelopment plan that contains land in agricultural use, notice shall be provided to the agricultural and farm agencies and organizations specified in Health and Safety Code Section 33333.3;

(h) A copy of the proposed Negative Declaration or Mitigated Negative Declaration and the Initial Study shall be attached to the Notice of Intent to Adopt that is sent to every Responsible Agency and Trustee Agency concerned with the project and every other public agency with jurisdiction by law over resources affected by the project; and

(i) The Notice of Intent to Adopt a Negative Declaration (Form "D") must be filed and posted with the County Clerk at least twenty (20) days, or, in cases subject to review by the State Clearinghouse, posted by the County Clerk and the State Office and Planning and Research at least thirty (30) days before the final adoption of the Negative Declaration or Mitigated Negative Declaration by the decision-making body (see Local Guidelines Section 6.07).

The District may require requests for notices to be renewed annually. If the District is not otherwise required by CEQA or another regulation to provide notice, the District may charge a fee for providing notices to individuals or organizations that have submitted written requests to receive such notices, unless the request is made by another public agency.

If the Negative Declaration or Mitigated Negative Declaration has been submitted to the State Clearinghouse for circulation, the public review period shall be at least as long as the period of review by the State Clearinghouse. (See Local Guidelines Section 6.07.) Day one of the state review period shall be the date that the State Clearinghouse distributes the document to state agencies. If the Lead Agency is submitting a Negative Declaration or Mitigated Negative Declaration to the State Clearinghouse, the Notice of Completion form may be used.

The Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration shall contain the following information:

(a) The period during which comments shall be received;
(b) The date, time and place of any public meetings or hearings on the proposed project;
(c) A brief description of the proposed project and its location;
(d) The address where copies of the proposed Negative Declaration or Mitigated Negative Declaration and all documents referenced in the proposed Negative Declaration or Mitigated Negative Declaration are available for review;
(e) A description of how the proposed Negative Declaration or Mitigated Negative Declaration can be obtained in electronic format;
(f) The Environmental Protection Agency ("EPA") list on which the proposed project site is located, if applicable, and the corresponding information from the applicant's statement (see Local Guidelines Section 2.04); and
(g) The significant effects on the environment, if any, anticipated as a result of the proposed project

6.05 PROJECTS AFFECTING MILITARY SERVICES; DEPARTMENT OF DEFENSE NOTIFICATION.

CEQA imposes additional requirements to provide notice to potentially affected military agencies when:

(a) The project meets one of the following three criteria:

    (1) The project includes a general plan amendment;

    (2) The project is of statewide, regional, or areawide significance; or

    (3) The project relates to a public use airport or certain lands surrounding a public use airport;

(b) A "military service" (defined in Section 10.39 of these Local Guidelines) has provided its contact office and address and notified the Lead Agency of the specific boundaries of a "low-level flight path" (defined in Section 10.34 of these Local Guidelines), "military impact zone" (defined in Section 10.38 of these Local Guidelines), or "special use airspace" (defined in Section 10.60 of these Local Guidelines).

When a project meets these requirements, the District must provide the military service's designated contact with a copy of the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration that has been prepared for the project, unless the project involves

the remediation of lands contaminated with hazardous wastes and meets certain other requirements. See Public Resources Code Sections 21080.4 and 21092 and Health and Safety Code Sections 25300, et seq.; 25396; and 25187.

The District must provide the military service with sufficient notice of its intent to adopt a Negative Declaration or Mitigated Negative Declaration to ensure that the military service has no fewer than twenty (20) days to review the documents before they are approved, provided that the military service shall have a minimum of thirty (30) days to review the environmental documents if the documents have been submitted to the State Clearinghouse. See State Guidelines Sections 15105(b) and 15190.5(c).

6.06 SPECIAL FINDINGS REQUIRED FOR FACILITIES WHICH MAY EMIT HAZARDOUS AIR EMISSIONS NEAR SCHOOLS.

Special procedural rules apply to projects involving the construction or alteration of a facility within one-quarter mile of a school/schools when: (1) the facility might reasonably be anticipated to emit hazardous air emissions or to handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the threshold specified in Health and Safety Code Section 25532(j), and (2) the emissions or substances may pose a health or safety hazard to persons who would attend or would be employed at the school. If the project meets both of those criteria, a Lead Agency may not approve a Negative Declaration unless both of the following have occurred:

(a) The Lead Agency consulted with the affected school district or districts having jurisdiction over the school regarding the potential impact of the project on the school; and
(b) The school district(s) was given written notification of the project not less than thirty (30) days prior to the proposed approval of the Negative Declaration.

When the District is considering the adoption of a Negative Declaration for a project that meets these criteria, it can satisfy this requirement by providing the Notice of Intent to Adopt a Negative Declaration and the proposed Negative Declaration and Initial Study to the potentially affected school district at least thirty (30) days before the decision-making body will consider the adoption of the Negative Declaration. See also Local Guidelines Section 6.04.

Implementation of this Guideline shall be consistent with the definitions and terms utilized in State Guidelines Section 15186.

6.07 POSTING AND PUBLICATION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

The District shall have a copy of the Notice of Intent to Adopt, the Negative Declaration or Mitigated Negative Declaration and the Initial Study posted at the District's offices and made available for public inspection. The Notice must be provided either twenty (20) or thirty (30) days prior to final adoption of the Negative Declaration or Mitigated Negative Declaration. The public review period for Negative Declarations or Mitigated Negative Declaration prepared for projects subject to State Clearinghouse review must be circulated for at least as long as the review period established by the State Clearinghouse, usually no less than thirty (30) days.

Under certain circumstances, a shortened review period of at least twenty (20) days may be approved by the State Clearinghouse as provided for in State Guidelines Section 15105. See the Shortened Review Request Form "P." The state review period will commence on the date the State Clearinghouse distributes the document to state agencies. The State Clearinghouse will distribute the document within three (3) days of receipt if the Negative Declaration or Mitigated Negative Declaration is deemed complete.

The Notice must also be posted in the office of the Clerk in each county in which the Project is located and must remain posted throughout the public review period. The County Clerk is required to post the Notice within twenty-four (24) hours of receiving it.

Notice shall be provided as stated in Local Guidelines Section 6.04. In addition, it must be given by at least one of the following procedures:

(a) Publication at least once in a newspaper of general circulation in the area affected by the proposed project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas;
(b) Posting of notice on and off site in the area where the project is to be located; or
(c) Direct mailing to owners and occupants of property contiguous to the project, as shown on the latest equalized assessment roll.

The District shall consider all comments received during the public review period for the Negative Declaration or Mitigated Negative Declaration. For a Negative Declaration or Mitigated Negative Declaration, the District is not required to respond in writing to comments it receives either during or after the public review period. However, the District may want to provide a written response to all comments if it will not delay action on the Negative Declaration or Mitigated Negative Declaration, since any comment received prior to final action on the Negative Declaration or Mitigated Negative Declaration can form the basis of a legal challenge. A written response which refutes the comment or adequately explains the District's action in light of the comment will assist the District in defending against a legal challenge. The District shall notify any public agency which comments on a Negative Declaration or Mitigated Negative Declaration of the public hearing or hearings, if any, on the project for which the Negative Declaration or Mitigated Negative Declaration was prepared.

6.08 SUBMISSION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION TO STATE CLEARINGHOUSE.

A Negative Declaration or Mitigated Negative Declaration must be submitted to the State Clearinghouse for circulation in the following situations:

(a) The Negative Declaration or Mitigated Negative Declaration is prepared by a Lead Agency that is a state agency;
(b) The Negative Declaration or Mitigated Negative Declaration is prepared by a public agency where a state agency is a Responsible Agency, Trustee Agency, or otherwise has jurisdiction by law with respect to the project; or

(c) The Negative Declaration or Mitigated Negative Declaration is for a project identified in State Guidelines Section 15206 as being of statewide, regional, or areawide significance.

State Guidelines Section 15206 identifies the following types of projects as being examples of projects of statewide, regional, or areawide significance which require submission to the State Clearinghouse for circulation:

(1) Projects which have the potential for causing significant environmental effects beyond the city or county where the project would be located, such as:

(a) Residential development of more than 500 units;
(b) Commercial projects employing more than 1,000 persons or covering more than 500,000 square feet of floor space;
(c) Office building projects employing more than 1,000 persons or covering more than 250,000 square feet of floor space;
(d) Hotel or motel development of more than 500 rooms; or
(e) Industrial projects housing more than 1,000 persons, occupying more than 40 acres of land, or covering more than 650,000 square feet of floor area;

(2) Projects for the cancellation of a Williamson Act contract covering more than 100 acres;

(3) Projects in one of the following Environmentally Sensitive Areas:

(a) Lake Tahoe Basin;
(b) Santa Monica Mountains Zone;
(c) Sacramento-San Joaquin River Delta;
(d) Suisun Marsh;
(e) Coastal Zone, as defined by the California Coastal Act;
(f) Areas within one-quarter mile of a river designated as wild and scenic; or
(g) Areas within the jurisdiction of the San Francisco Bay Conservation and Development Commission;

(4) Projects which would affect sensitive wildlife habitats or the habitats of any rare, threatened, or endangered species;

(5) Projects which would interfere with water quality standards; and

(6) Projects which would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

A Negative Declaration or Mitigated Negative Declaration may also be submitted to the State Clearinghouse for circulation if a state agency has special expertise with regard to the environmental impacts involved.

When the Negative Declaration or Mitigated Negative Declaration is submitted to the State Clearinghouse for review, the review period shall be at least thirty (30) days. The review period begins (day one) on the date that the State Clearinghouse distributes the Negative Declaration or Mitigated Negative Declaration to state agencies. The State Clearinghouse is required to distribute the Negative Declaration or Mitigated Negative Declaration to state agencies within three (3) working days from the date the State Clearinghouse receives the document, as long as the Negative Declaration or Mitigated Negative Declaration is complete when submitted to the State Clearinghouse. If the document submitted to the State Clearinghouse is not complete, the State Clearinghouse must notify the Lead Agency. The review period for the public and all other agencies may run concurrently with the state agency review period established by the State Clearinghouse, but the public review period cannot conclude before the state agency review period does. The review period for the public shall be at least as long as the review period established by the State Clearinghouse.

When a Negative Declaration or Mitigated Negative Declaration is submitted to the State Clearinghouse, a Notice of Completion (Form "H") should be included. A sufficient number of copies of the documents must be sent to the State Clearinghouse for circulation. Staff should contact the State Clearinghouse to find out the correct number of printed copies required for circulation. In addition to the printed copies, a copy of the documents in electronic format shall be submitted on a diskette or by electronic mail transmission if available.

Alternatively, the District may provide copies of draft environmental documents to the State Clearinghouse for state agency review in an electronic format. The document must be on a CD-ROM in a common file format such as Word or Acrobat. Lead Agencies must provide fifteen (15) copies of the CD-ROM to the State Clearinghouse along with a hard copy version of the Notice of Completion (Form "H"). In addition, each CD-ROM must be accompanied by 15 printed copies of the introduction section of a Negative Declaration or Mitigated Negative Declaration. (A Lead Agency may also use Form "Q".) The printed summary allows both the State Clearinghouse and agency CEQA coordinators to distribute the documents quickly without the use of a computer. Form "Q" may be used as a cover sheet.

A shorter review period by the State Clearinghouse for a Negative Declaration or Mitigated Negative Declaration can be requested by the decision-making body. The shortened review period shall not be less than twenty (20) days. Such a request must be made in writing by the Lead Agency to OPR. The decision-making body may designate by resolution or ordinance an individual authorized to request a shorter review period. (See Form "P"). Any approval of a shortened review period must be given prior to, and reflected in, the public notice. However, a shortened review period shall not be approved by the Office of Planning and Research for any proposed project of statewide, regional or areawide environmental significance, as defined by State Guidelines Section 15206.

6.09 SPECIAL NOTICE REQUIREMENTS FOR WASTE- AND FUEL-BURNING PROJECTS.

For any waste-burning project not requiring an EIR, as defined in Local Guidelines Section 5.10, Notice of Intent to Adopt a Negative Declaration shall be given to all organizations and individuals who have previously requested it and shall also be given by all three of the procedures listed in Local Guidelines Section 6.07. In addition, Notice shall be given by direct

mailing to the owners and occupants of property within one-quarter mile of any parcel or parcels on which such a project is located. (Public Resources Code Section 21092(c).)

These notice requirements apply only to those projects described in Local Guidelines Section 5.10. These notice requirements do not preclude the District from providing additional notice by other means if desired.

6.10 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

Under specific circumstances a city or county acting as Lead Agency must consult with the public water system which will supply the project to determine whether it can adequately supply the water needed for the project. As a potential Responsible Agency, the District should be aware of these requirements. See Local Guidelines Section 5.15 for more information on these requirements.

6.11 CONTENT OF NEGATIVE DECLARATION.

A Negative Declaration must be prepared directly by or under contract to the District and should generally resemble Form "E." It shall contain the following information:

(a) A brief description of the project proposed, including any commonly used name for the project;
(b) The location of the project and the name of the project proponent;
(c) A finding that the project as proposed will not have a significant effect on the environment;
(d) An attached copy of the Initial Study documenting reasons to support the finding; and
(e) For a Mitigated Negative Declaration, feasible mitigation measures included in the project to substantially lessen or avoid potentially significant effects, which must be fully enforceable through permit conditions, agreements, or other measures. Such permit conditions, agreements, and measures must be consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law.

The proposed Negative Declaration or Mitigated Negative Declaration must reflect the independent judgment of the District.

6.12 TYPES OF MITIGATION.

The following is a non-exhaustive list of potential types of mitigation the District may consider:

(a) Avoidance;
(b) Preservation;
(c) Rehabilitation or replacement. Replacement may be on-site or off-site depending on the particular circumstances; and/or
(d) Participation in a fee program.

6.13 ADOPTION OF NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

Following the publication, posting or mailing of the Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration, but not before the expiration of the applicable twenty (20) or thirty (30) day public review period, the Negative Declaration or Mitigated Negative Declaration may be presented to the decision-making body at a regular or special meeting. Prior to adoption, the District shall independently review and analyze the Negative Declaration or Mitigated Negative Declaration and find that the Negative Declaration or Mitigated Negative Declaration reflects the independent judgment of the District.

If new information is added to the Negative Declaration after public review, the District should determine whether recirculation is warranted. (See Local Guidelines Section 6.16). If the decision-making body finds that the project will not have a significant effect on the environment, it shall adopt the Negative Declaration or Mitigated Negative Declaration. If the decision-making body finds that the proposed project may have a significant effect on the environment that cannot be mitigated or avoided, it shall order the preparation of a Draft EIR and the filing of a Notice of Preparation of a Draft EIR.

When adopting a Negative Declaration or Mitigated Negative Declaration, the District shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which it based its decision. If adopting a Negative Declaration for a project that may emit hazardous air emissions within one-quarter mile of a school and that meets the other requirements of Local Guidelines Section 6.06, the decision-making body must also make the findings required by Local Guidelines Section 6.06.

As Lead Agency, the District may charge a non-elected official or body with the responsibility of independently reviewing the adequacy of and adopting a Negative Declaration; however, when a non-elected decision-making body adopts a Negative Declaration or Mitigated Negative Declaration, the District must have a procedure allowing for the appeal of that decision to the Board of Directors.

6.14 MITIGATION REPORTING OR MONITORING PROGRAM FOR MITIGATED NEGATIVE DECLARATION.

When adopting a Mitigated Negative Declaration pursuant to Local Guidelines Section 3, the District shall adopt a reporting or monitoring program to assure that mitigation measures, which are required to mitigate or avoid significant effects on the environment will be fully enforceable through permit conditions, agreements, or other measures and implemented by the project proponent or other responsible party in a timely manner, in accordance with conditions of project approval. The District shall also specify the location and the custodian of the documents which constitute the record of proceedings upon which it based its decision. There is no requirement that the reporting or monitoring program be circulated for public review; however, the District may choose to circulate it for public comments along with the Negative Declaration. The mitigation measures required to mitigate or avoid significant effects on the environment must be adopted as conditions of project approval.

This reporting or monitoring program shall be designed to assure compliance during the implementation or construction of a project and shall otherwise comply with the requirements described in Local Guidelines Section 7.35. If a Responsible Agency or Trustee Agency has required that certain conditions be incorporated into the project, the District may request that agency to prepare and submit a proposed reporting or monitoring program. The District shall also require that, prior to the close of the public review period for a Mitigated Negative Declaration (see Guidelines Section 6.04), the Responsible or Trustee Agency submit detailed performance objectives for mitigation measures, or refer the District to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to the District by a Responsible or Trustee Agency shall be limited to measures which mitigate impacts to resources which are within the Responsible or Trustee Agency's authority.

Local agencies have the authority to levy fees sufficient to pay for this program. Therefore, the District can charge the project proponent a fee to cover actual costs of program processing and implementation.

Transportation information resulting from the reporting or monitoring program required to be adopted by the District shall be submitted to the regional transportation planning agency where the project is located and to the Department of Transportation for a project of statewide, regional or areawide significance according to State Guidelines Section 15206. The transportation planning agency and the Department of Transportation are required by law to adopt guidelines for the submittal of these reporting or monitoring programs, so the District may wish to tailor its submittal to such guidelines.

6.15 APPROVAL OR DISAPPROVAL OF PROJECT.

At the time of adoption of a Negative Declaration or Mitigated Negative Declaration, the decision-making body may consider the project for purposes of approval or disapproval. Prior to approving the project, the decision-making body shall consider the Negative Declaration or Mitigated Negative Declaration, together with any written comments received and considered during the public review period, and shall approve or disapprove the Negative Declaration or Mitigated Negative Declaration. In making a finding as to whether there is any substantial evidence that the project will have a significant effect on the environment, the factors listed in Local Guidelines Section 5.08 should be considered. (See Local Guidelines Section 6.06 for approval requirements for facilities which may emit hazardous pollutants or which may handle extremely hazardous substances within one-quarter mile of a school site.)

6.16 RECIRCULATION OF A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

A Negative Declaration or Mitigated Negative Declaration must be recirculated when the document must be substantially revised after the public review period but prior to its adoption. A "substantial revision" occurs when the District has identified a new and avoidable significant effect for which mitigation measures or project revisions must be added in order to reduce the effect to a level of insignificance, or the District determines that the proposed mitigation measures or project revisions will not reduce the potential effects to less than significant and new measures or revisions must be required.

Recirculation is not required under the following circumstances:

(a) Mitigation measures are replaced with equal or more effective measures, and the District makes a finding to that effect;
(b) New project revisions are added after circulation of the Negative Declaration or Mitigated Negative Declaration or in response to written or oral comments on the project's effects, but the revisions do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect;
(c) Measures or conditions of project approval are added after circulation of the Negative Declaration or Mitigated Negative Declaration, but the measures or conditions are not required by CEQA, do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect; or
(d) New information is added to the Negative Declaration or Mitigated Declaration which merely clarifies, amplifies, or makes insignificant modifications to the Negative Declaration or Mitigated Negative Declaration.

If, after preparation of a Negative Declaration or Mitigated Negative Declaration, the District determines that the project requires an EIR, it shall prepare and circulate the Draft EIR for consultation and review and advise reviewers in writing that a proposed Negative Declaration or Mitigated Declaration had previously been circulated for the project.

6.17 NOTICE OF DETERMINATION ON A PROJECT FOR WHICH A PROPOSED NEGATIVE OR MITIGATED NEGATIVE DECLARATION HAS BEEN APPROVED.

After final approval of a project for which a Negative Declaration has been prepared, Staff shall cause to be prepared, filed and posted a Notice of Determination (Form "F"). The Notice of Determination shall contain the following information:

(a) An identification of the project, including the project title as identified on the proposed Negative Declaration, location, and the State Clearinghouse identification number for the proposed Negative Declaration if the Notice of Determination is filed with the State Clearinghouse;
(b) For private projects, identify the person undertaking the project, including any person undertaking an activity that receives financial assistance from the District as part of the project or the person receiving a lease, permit, license, certificate, or other entitlement of use from the District as part of the project;
(c) A brief description of the project;
(d) The name of the District and the date on which the District approved the project;
(e) The determination of the District that the project will not have a significant effect on the environment;
(f) A statement that a Negative Declaration or Mitigated Negative Declaration was adopted pursuant to the provisions of CEQA;
(g) A statement indicating whether mitigation measures were made a condition of the approval of the project, and whether a mitigation monitoring plan/program was adopted; and
(h) The address where a copy of the Negative Declaration or Mitigated Negative Declaration may be examined.

The Notice of Determination shall be filed with the Clerk of each county in which the project will be located within five (5) working days of project approval.

The District is encouraged to make copies of filed notices available in electronic format on the Internet. Such electronic notices are in addition to the posting requirements of the CEQA Guidelines and the Public Resources Code. The Clerk must post the Notice of Determination within twenty-four (24) hours of receipt. The Notice must be posted in the office of the Clerk for a minimum of thirty (30) days. Thereafter, the Clerk shall return the notice to the District with a notation of the period it was posted. The District shall retain the notice for not less than twelve (12) months. If the project requires discretionary approval from any State agency, the Notice of Determination shall also be filed with OPR within five (5) working days of project approval along with proof of payment of the DFG fee or a no effect determination form from the DFG (see Local Guidelines Section 6.21). Simultaneously with the filing of the Notice of Determination with the Clerk, Staff shall cause a copy of the Notice of Determination to be posted at District Offices.

If a written request has been made for a copy of the Notice prior to the date on which the District adopts the Negative Declaration, the copy must be mailed, first class postage prepaid, within five (5) days of the District's determination. If such a request is made following the District's determination, then the copy should be mailed in the same manner as soon as possible. The recipients of such documents may be charged a fee reasonably related to the cost of providing the service.

For projects with more than one phase, Staff shall file a Notice of Determination for each phase requiring a discretionary approval.

The filing and posting of the Notice of Determination with the County Clerk, and, if necessary, with OPR, usually starts a thirty (30) day statute of limitations on court challenges to the approval under CEQA. When separate notices are filed for successive phases of the same overall project, the thirty (30) day statute of limitation to challenge the subsequent phase begins to run when the second notice is filed. Failure to file the Notice may result in a one hundred eighty (180) day statute of limitations.

6.18 ADDENDUM TO NEGATIVE DECLARATION.

The District may prepare an addendum to an adopted Negative Declaration if only minor technical changes or additions are necessary. The District may also prepare an addendum to an adopted Negative Declaration when none of the conditions calling for a subsequent Negative Declaration have occurred. (See Local Guidelines Section 6.19 below.) An addendum need not be circulated for public review but can be attached to the adopted Negative Declaration. The District shall consider the addendum with the adopted Negative Declaration prior to project approval.

6.19 SUBSEQUENT NEGATIVE DECLARATION.

When a Negative Declaration has been adopted for a project, or when an EIR has been certified, a subsequent Negative Declaration or EIR must be prepared in the following instances:

(a) Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(b) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(c) New information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified or the Negative Declaration was adopted which shows any of the following:

(1) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;

(2) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(3) Mitigation measure(s) or alternative(s) previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents declined to adopt the mitigation measure(s) or alternative(s); or

(4) Mitigation measure(s) or alternative(s) which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure(s) or alternative(s).

The District, as Lead Agency, would then determine whether a Subsequent EIR, Supplemental EIR, Negative Declaration or Addendum would be applicable. Subsequent Negative Declarations must be given the same notice and public review period as other Negative Declarations. The Subsequent Negative Declaration shall state where the previous document is available and can be reviewed.

6.20 PRIVATE PROJECT COSTS.

For private projects, the person or entity proposing to carry out the project shall bear all costs incurred by the District in preparing the Initial Study and in preparing and filing the Negative Declaration and Notice of Determination.

6.21 FILING FEES FOR PROJECTS WHICH AFFECT WILDLIFE RESOURCES.

At the time a Notice of Determination for a Negative Declaration is filed with the County or Counties in which the project is located, a fee of $2,101.50, or the then applicable fee, shall be paid to the Clerk for projects which will adversely affect fish or wildlife resources. These fees are collected by the Clerk on behalf of DFG pursuant to Fish and Game Code Section 711.4.

Only one filing fee is required for each project unless the project is tiered or phased and separate environmental documents are prepared. (Fish & Game Code Section 711.4(g).) For projects where Responsible Agencies file separate Notices of Determination, only the Lead Agency is required to pay the fee.

Note: County Clerks are authorized to charge a documentary handling fee for each project in addition to the Fish and Game fees specified above. Refer to the Index in the Staff Summary to help determine the correct total amount of fees applicable to the project.

For private projects, the District may pass these costs on to the project applicant.

Fish and Game Code fees may be waived for projects with "no effect" on fish or wildlife resources or for certain projects undertaken by the DFG and implemented through a contract with a non-profit entity or local government agency; however, the Lead Agency must obtain a form showing that the DFG has determined that the project will have "no effect" on fish and wildlife. (Fish and Game Code Section 711.4(c)(2)(A)). Projects that are statutorily or categorically exempt from CEQA are also not subject to the filing fee, and do not require a no effect determination (CEQA Local Guidelines Sections 15260 through 15333; Fish and Game Code Section 711.4(d)(1)). Regional Department environmental review and permitting staff are responsible for determining whether a project within their region will qualify for a no effect determination and if the CEQA filing fee will be waived.

The request should be submitted when the CEQA document is released for public review, or as early as possible in the public comment period. Documents submitted in digital format are preferred (e.g. compact disk). If insufficient documentation is submitted to DFG for the proposed project, a no effect determination will not be issued.

If the District believes that a project for which it is Lead Agency will have "no effect" on fish or wildlife resources, it should contact the DFG Department Regional Office. The project's CEQA document may need to be provided to the DFG Department Regional Office along with a written request. Documentation submitted to the DFG Department Regional Office should set forth facts in support of the fee exemption. Previous examples of projects that have qualified for a fee exemption include: minor zoning changes that did not lead to or allow new construction, grading, or other physical alterations to the environment and minor modifications to existing structures including addition of a second story to single or multi-family residences.

It is important to note that the fee exemption requirement that the project have "no" impact on fish or wildlife resources is more stringent than the former requirement that a project have only "de minimis" effects on fish or wildlife resources. DFG may determine that a project would have no effect on fish and wildlife if all of the following conditions apply:

- The project would not result in or have the potential to result in harm, harassment, or take of any fish and/or wildlife species.

- The project would not result in or have the potential to result in direct or indirect destruction, ground disturbance, or other modification of any habitat that may support fish and/or wildlife species.

- The project would not result in or have the potential to result in the removal of vegetation with potential to support wildlife.

- The project would not result in or have the potential to result in noise, vibration, dust, light, pollution, or an alteration in water quality that may affect fish and/or wildlife directly or from a distance.

- The project would not result in or have the potential to result in any interference with the movement of any fish and/or wildlife species.

Any request for a fee exemption should include the following information:

(1) the name and address of the project proponent and applicant contact information;

(2) a brief description of the project and its location;

(3) site description and aerial and/or topographic map of the project site;

(4) State Clearinghouse number or county filing number;

(5) a statement that an Initial Study has been prepared by the District to evaluate the project's effects on fish and wildlife resources, if any; and

(6) a declaration that, based on the District's evaluation of potential adverse effects on fish and wildlife resources, the District believes the project will have no effect on fish or wildlife.

If insufficient documentation is submitted to DFG for the proposed project, a no effect determination will not be issued. (A sample Request for Fee Exemption is attached as Form "L".) DFG will review the District's finding, and if DFG agrees with the Lead Agency's conclusions, DFG will provide the District with written confirmation. Retain DFG's determination as part of the administrative record; the District is required to file a copy of this determination with the County after project approval and at the time of filing of the Notice of Determination.

The Lead Agency must have written confirmation of DFG's finding of "no impact" at the time the Lead Agency files its Notice of Determination with the County. The County cannot accept the Notice of Determination unless it is accompanied by the appropriate fee or a written no effect determination from DFG.

7. ENVIRONMENTAL IMPACT REPORT

7.01 DECISION TO PREPARE AN EIR.

An EIR shall be prepared whenever there is substantial evidence in light of the whole record which supports a fair argument that the project may have a significant effect on the environment. (See Local Guidelines Sections 10.59 and 10.64.) The record may include the Initial Study or other documents or studies prepared to assess the project's environmental impacts.

7.02 CONTRACTING FOR PREPARATION OF EIRS.

If an EIR is prepared under a contract to the District, the contract must be executed within forty-five (45) days from the date on which the District sends a Notice of Preparation. The District may take longer to execute the contract if the project applicant and the District mutually agree to an extension of the 45-day time limit.

The EIR prepared under contract must be the District's product. Staff, together with such consultant help as may be required, shall independently review and analyze the EIR to verify its accuracy, objectivity and completeness prior to presenting it to the decision-making body. The EIR made available for public review must reflect the independent judgment of the District. Staff may require such information and data from the person or entity proposing to carry out the project as it deems necessary for completion of the EIR.

7.03 NOTICE OF PREPARATION OF DRAFT EIR.

After determining that an EIR will be required for a proposed project, the Lead Agency shall prepare and send a Notice of Preparation (Form "G") to OPR and to each of the following:

(a) Each Responsible Agency and Trustee Agency involved with the project;
(b) Any other federal, state, or local agency which has jurisdiction by law or exercises authority over resources affected by the project, including:

(1) Any water supply agency consulted under Local Guidelines Section 5.15;

(2) Any city or county bordering on the project area;

(3) For a project of statewide, regional, or areawide significance, to any transportation agencies or public agencies which have major local arterials or public transit facilities within five (5) miles of the project site or freeways, highways, or rail transit service within ten (10) miles of the project site which could be affected by the project; and

(4) For a subdivision project located within one mile of a facility of the State Water Resources Development System, to the California Department of Water Resources;

(c) The last known name and address of all organizations and individuals who have previously filed a written request with the District to receive these Notices;
(d) For certain projects that may impact a low-level flight path, military impact zone, or special use airspace and that meet the other criteria in Local Guidelines Section 7.04, to the specified military services contact;
(e) For certain projects that involve the construction or alteration of a facility anticipated to emit hazardous air emissions or handle hazardous substances within one-quarter mile of a school and that meet the other requirements of Local Guidelines Section 7.32, to any potentially affected school district;
(f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.10 (See also Local Guidelines Section 7.23), to the owners and occupants of property within one-fourth mile of any parcel on which the project will be located; and
(g) For a project that establishes or amends a redevelopment plan that contains land in agricultural use, notice of preparation shall be provided to the agricultural and farm agencies and organizations specified in Health and Safety Code Section 33333.3

The Notice of Preparation must also be filed and posted in the office of the Clerk in each county in which the project is located for thirty (30) days. The County Clerk must post the Notice within twenty-four (24) hours of receipt.

When submitting the Notice of Preparation to OPR, a Notice of Completion (Form "H") should be used as a cover sheet. Responsible and Trustee Agencies, the State Clearinghouse, and the state agencies contacted by the State Clearinghouse have thirty (30) days to respond to the Notice of Preparation. Agencies that do not respond within thirty (30) days shall be deemed not to have any comments on the Notice of Preparation.

The Lead Agency shall send copies of the Notice of Preparation by certified mail or any other method of transmittal which provides it with a record that the Notice was received.

At a minimum, the Notice of Preparation shall include:

(a) A description of the project;
(b) The location of the project indicated either on an attached map (preferably a copy of the USGS 15' or 7½' topographical map identified by quadrangle name) or by a street address and cross street in an urbanized area;
(c) The probable environmental effects of the project;
(d) The name and address of the consulting firm retained to prepare the Draft EIR, if applicable; and
(e) The Environmental Protection Agency ("EPA") list on which the proposed site is located, if applicable, and the corresponding information from the applicant's statement. (See Local Guidelines Section 2.04.)

7.04 SPECIAL NOTICE REQUIREMENTS FOR AFFECTED MILITARY AGENCIES

CEQA imposes additional requirements to provide notice to potentially affected military agencies when:

(a) A "military service" (defined in Section 10.39 of these Local Guidelines) has provided the District with its contact office and address and notified the District of the specific boundaries of a "low-level flight path" (defined in Section 10.34 of these Local Guidelines), "military impact zone" (defined in Section 10.38 of these Local Guidelines), or "special use airspace" (defined in Section 10.60 of these Local Guidelines); and

(b) The project meets one of the following criteria:

(1) The project is within the boundaries specified pursuant to subsection (a) of this guideline;

(2) The project includes a general plan amendment;

(3) The project is of statewide, regional, or areawide significance; or

(4) The project relates to a public use airport or certain lands surrounding a public use airport.

When a project meets these requirements, the District must provide the military service's designated contact with any Notice of Preparation, and/or Notice of Availability of Draft EIRs that have been prepared for a project, unless the project involves the remediation of lands contaminated with hazardous wastes and meets certain other requirements. (See Public Resources Code Sections 21080.4 and 21092 and Health and Safety Code Sections 25300, et seq.; 25396; and 25187.)

The District must provide the military service with sufficient notice of its intent to certify an EIR to ensure that the military service has no fewer than thirty (30) days to review the document; or forty-five (45) days to review the environmental documents before they are approved if the documents have been submitted to the State Clearinghouse.

It should be noted that the effect, or potential effect, a project may have on military activities does not itself constitute an adverse effect on the environment pursuant to CEQA.

7.05 ENVIRONMENTAL LEADERSHIP DEVELOPMENT PROJECT.

Under certain circumstances, a project applicant may choose to apply to the Governor of the State of California to have the project certified as an Environmental Leadership Development Project. Only large, privately funded projects that will result in a minimum investment of $100 million in California upon completion of construction and that create high-wage, highly skilled jobs without resulting in any net additional emission of greenhouse gases, will qualify for certification. The request for certification must be made and granted prior to the release of the Draft EIR. If the Governor certifies the project, the lead agency must make the administrative record available concurrently with the Draft EIR and certify the administrative record within five (5) days of project approval. If litigation is filed against such a project, certain fast-tracked litigation procedures will apply. Please see Public Resources Code Section 21178 for a complete description of the requirements for such projects.

7.06 PREPARATION OF DRAFT EIR.

The Lead Agency is responsible for preparing a Draft EIR and may begin preparation immediately without awaiting responses to the Notice of Preparation. However, information communicated to the Lead Agency not later than thirty (30) days after receipt of the Notice of Preparation shall be included in the Draft EIR.

7.07 CONSULTATION WITH OTHER AGENCIES AND PERSONS.

To expedite consultation in response to the Notice of Preparation, the Lead Agency, a Responsible Agency, or a project applicant may request a meeting among the agencies involved to assist in determining the scope and content of the environmental information that the involved agencies may require. For any project that may affect highways or other facilities under the jurisdiction of the State Department of Transportation, the Department of Transportation can request a scoping meeting. When acting as Lead Agency, the District must convene the meeting as soon as possible but no later than thirty (30) days after a request is made. When acting as a Responsible Agency, the District should make any requests for consultation as soon as possible after receiving a Notice of Preparation.

Prior to completion of the Draft EIR, the Lead Agency shall consult with each Responsible Agency and any public agency which has jurisdiction by law over the project.

When acting as a Lead Agency, the District may fulfill this obligation by distributing the Notice of Preparation in compliance with Local Guidelines Section 7.03 and soliciting the comments of Responsible Agencies, Trustee Agencies, and other affected agencies. The District may also consult with any individual who has special expertise with respect to any environmental impacts involved with a project. The District may also consult directly with any person or organization it believes will be concerned with the environmental effects of the project, including any interested individuals and organizations of which the District is reasonably aware. The purpose of this consultation is to "scope" the EIR's range of analysis. When a Negative Declaration or Mitigated Negative Declaration will be prepared for a project, no scoping meeting need be held, although the District may hold one if it so chooses. For private projects, the District as Lead Agency may charge and collect from the applicant a fee not to exceed the actual cost of the consultations.

In addition to soliciting comments on the Notice of Preparation, the Lead Agency may be required to conduct a scoping meeting to take additional input regarding the impacts to be analyzed in the EIR. The Lead Agency is required to conduct a scoping meeting when:

(a) The meeting is requested by a Responsible Agency, a Trustee Agency, OPR, or a project applicant;
(b) The project is one of "statewide, regional or areawide significance" as defined in State Guidelines Section 15206; or
(c) The project may affect highways or other facilities under the jurisdiction of the State Department of Transportation and the Department of Transportation has requested a scoping meeting.

When acting as Lead Agency, the District shall provide notice of the scoping meeting to all of the following:

(a) Any county or city that borders on a county or city within which the project is located, unless the District has a specific agreement to the contrary with that county or city;
(b) Any Responsible Agency;
(c) Any public agency that has jurisdiction by law over the project;
(d) A transportation planning agency, or any public agency that has transportation facilities within its jurisdiction, that could be affected by the project; and
(e) Any organization or individual who has filed a written request for the notice.

The requirement for providing notice of a scoping meeting may be met by including the notice of the public scoping meeting in the public meeting notice.

Government Code Section 65352 requires that before a legislative body may adopt or substantially amend a general plan, the planning agency must refer the proposed action to any city or county, within or abutting the area covered by the proposal, and any special district that may be significantly affected by the proposed action. CEQA allows that referral procedure to be conducted concurrently with the scoping meeting required pursuant to this section of the Local CEQA Guidelines.

For projects that are also subject to NEPA, a scoping meeting held pursuant to NEPA satisfies the CEQA scoping requirement as long as notice is provided to the agencies and individuals listed above, and in accordance with these Local Guidelines. (See Local Guideline 5.04 for a discussion of NEPA.)

The District shall call the scoping meeting as soon as possible but not later than 30 days after the meeting was requested. If the scoping meeting is being conducted concurrently with the procedure in Government Code Section 65352 for the consideration of adoption or amendment of general plans, each entity receiving a proposed general plan or amendment of a general plan should have 45 days from the date the referring agency mails it or delivers it in which to comment unless a longer period is specified. The commenting entity may submit its comments at the scoping meeting.

A Responsible Agency or other public agency shall only make comments regarding those activities within its area of expertise or which are required to be carried out or approved by it. These comments must be supported by specific documentation. Any mitigation measures submitted to the District by a Responsible or Trustee Agency shall be limited to measures which mitigate impacts to resources which are within the Responsible or Trustee Agency's authority.

For projects of statewide, areawide, or regional significance, consultation with transportation planning agencies or with public agencies that have transportation facilities within their jurisdictions shall be for the purpose of obtaining information concerning the project's effect on major local arterials, public transit, freeways, highways, overpasses, on-ramps, off-ramps, and rail transit services. Any transportation planning agency or public agency that provides information to the Lead Agency must be notified of, and provided with, copies of any environmental documents relating to the project.

7.08 EARLY CONSULTATION ON PROJECTS INVOLVING PERMIT ISSUANCE.

When the project involves the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the District, upon request of the applicant, shall meet with the applicant regarding the range of actions, potential alternatives, mitigation measures and significant effects to be analyzed in depth in the EIR. The District may also consult with concerned persons identified by the applicant and persons who have made written requests to be consulted. Such requests for early consultation must be made not later than thirty (30) days after the District's decision to prepare an EIR.

7.09 CONSULTATION WITH WATER AGENCIES REGARDING LARGE DEVELOPMENT PROJECTS.

For certain development projects, cities and counties must consult with water agencies. If the District is a water provider for a project, the city or county may request consultation with the District. (See Local Guidelines Sections 5.15 and 5.16 for more information on these requirements.)

7.10 AIRPORT LAND USE PLAN.

When the District prepares an EIR for a project within the boundaries of a comprehensive airport land use plan or, if such a plan has not been adopted for a project within two (2) nautical miles of a public airport or public use airport, the District shall utilize the Airport Land Use Planning Handbook published by CalTrans' Division of Aeronautics to assist in the preparation of the EIR relative to potential airport or related safety hazards and noise problems.

7.11 GENERAL ASPECTS OF AN EIR.

Both a Draft and Final EIR must contain the information outlined in Local Guidelines Sections 7.14 and 7.15. Each element must be covered, and when elements are not separated into distinct sections, the document must state where in the document each element is covered.

The body of the EIR shall include summarized technical data, maps, diagrams and similar relevant information. Highly technical and specialized analyses and data should be included in appendices. Appendices may be prepared in separate volumes, but must be equally available to the public for examination. All documents used in preparation of the EIR must be referenced. An EIR shall not include "trade secrets," locations of archaeological sites and sacred lands, or any other information subject to the disclosure restrictions of the Public Records Act (Government Code Section 6250, et seq.).

The EIR should discuss environmental effects in proportion to their severity and probability of occurrence. Effects dismissed in the Initial Study as clearly insignificant and unlikely to occur need not be discussed.

The Initial Study should be used to focus the EIR so that the EIR identifies and discusses only the specific environmental problems or aspects of the project which have been identified as potentially significant or important. A copy of the Initial Study should be attached to the EIR or included in the administrative record to provide a basis for limiting the impacts discussed.

The EIR shall contain a statement briefly indicating the reason for determining that various effects of a project that could possibly be considered significant were not found to be significant and consequently were not discussed in detail in the EIR. The District should also note any conclusion by it that a particular impact is too speculative for evaluation.

The EIR should omit unnecessary descriptions of projects and emphasize feasible mitigation measures and alternatives to projects.

7.12 USE OF REGISTERED CONSULTANTS IN PREPARING EIRS.

An EIR is not a technical document that can be prepared only by a registered consultant or professional. However, state statutes may provide that only registered professionals can prepare certain technical studies which will be used in or which will control the detailed design, construction, or operation of the proposed project and which will be prepared in support of an EIR.

7.13 INCORPORATION BY REFERENCE.

An EIR, Negative Declaration or Mitigated Negative Declaration, may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Any incorporated document shall be considered to be set forth in full as part of the text of the environmental document. When all or part of another document is incorporated by reference, that document shall be made available to the public for inspection at the District's offices. The environmental document shall state where incorporated documents will be available for inspection.

When incorporation by reference is used, the incorporated part of the referenced document shall be briefly summarized, if possible, or briefly described if the data or information cannot be summarized. The relationship between the incorporated document and the EIR, Negative Declaration or Mitigated Negative Declaration shall be described. When information from an environmental document that has previously been reviewed through the state review system ("State Clearinghouse") is incorporated by the District, the state identification number of the incorporated document should be included in the summary or text of the EIR.

7.14 STANDARDS FOR ADEQUACY OF AN EIR.

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which takes into account the environmental consequences of the project. The evaluation of environmental effects need not be exhaustive, but must be within the scope of what is reasonably feasible. The EIR should be written and presented in such a way that it can be understood by governmental decision-makers and members of the public. A good faith effort at completeness is necessary. The adequacy of an EIR is assessed in terms of what is reasonable in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a Lead Agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters, but CEQA does require the Lead Agency to make a good faith, reasoned response to timely comments raising significant environmental issues.

There is no need to unreasonably delay adoption of an EIR in order to include results of studies in progress, even if those studies will shed some additional light on subjects related to the project.

7.15 FORM AND CONTENT OF EIR.

The text of the EIR should normally be less than 150 pages. For proposals of unusual scope or complexity, the EIR may be longer than 150 pages but should normally be less than 300 pages. The required contents of an EIR are set forth in Sections 15122 through 15132 of the State Guidelines. In brief, the EIR must contain:

(a) A table of contents or an index;

(b) A brief summary of the proposed project, including each significant effect with proposed mitigation measures and alternatives, areas of known controversy and issues to be resolved including the choice among alternatives, how to mitigate the significant effects and whether there are any significant and unavoidable impacts (generally, the summary should be less than fifteen (15) pages);

(c) A description of the proposed project, including its underlying purpose and a list of permit and other approvals required to implement the project (see Local Guidelines Section 7.20 regarding analysis of future project expansion);

(d) A description of the environmental setting which includes the project's physical environmental conditions from both a local and regional perspective at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time environmental analysis begins. (State Guidelines Section 15125.) This environmental setting will normally constitute the baseline physical conditions by which the Lead Agency determines whether an impact is significant. However, the District may choose any baseline that is appropriate as long as the Lead Agency's choice of baseline is supported by substantial evidence;

(e) A discussion of any inconsistencies between the proposed project and applicable general, specific and regional plans. Such plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, areawide waste treatment and water quality control plans, regional transportation plans, regional housing allocation, regional blueprint plans, plans for the reduction of greenhouse gas emissions, habitat conservation plans, natural community conservation plans and regional land use plans;

(f) A description of the direct and indirect significant environmental impacts of the proposed project explaining which, if any, can be avoided or mitigated to a level of insignificance, indicating reasons that various possible significant effects were determined not to be significant and denoting any significant effects which are unavoidable or could not be mitigated to a level of insignificance. Direct and indirect significant effects shall be clearly identified and described, giving due consideration to both short-term and long-term effects;

(g) Potentially significant energy implications of a project must be considered to the extent relevant and applicable to the project (see Local Guidelines Section 5.19);

(h) An analysis of a range of alternatives to the proposed project which could feasibly attain the project's objectives as discussed in Local Guidelines Section 7.19;

(i) A description of any significant irreversible environmental changes which would be involved in the proposed action should it be implemented if, and only if, the EIR is being prepared in connection with:

(1) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

(2) The adoption by a Local Agency Formation Commission of a resolution making determinations; or

(3) A project which will be subject to the requirement for preparing an Environmental Impact Statement pursuant to NEPA;

(j) An analysis of the growth-inducing impacts of the proposed action. The discussion should include ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Growth-inducing impacts may include the estimated energy consumption of growth induced by the project;

(k) A discussion of any significant, reasonably anticipated future developments and the cumulative effects of all proposed and anticipated action as discussed in Local Guidelines Section 7.20;

(l) In certain situations, a regional analysis should be completed for certain impacts, such as air quality;

(m) A discussion of any economic or social effects, to the extent that they cause or may be used to determine significant environmental impacts;

(n) A statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and, therefore, were not discussed in the EIR;

(o) The identity of all federal, state or local agencies or other organizations and private individuals consulted in preparing the EIR, and the identity of the persons, firm or agency preparing the EIR, by contract or other authorization. To the fullest extent possible, the District should integrate CEQA review with these related environmental review and consultation requirements;

(p) A discussion of those potential effects of the proposed project on the environment which the District has determined are or may be significant. The discussion on other effects may be limited to a brief explanation as to why those effects are not potentially significant; and

(q) A description of feasible measures, as set forth in Local Guidelines Section 7.18, which could minimize significant adverse impacts.

7.16 CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS.

An EIR must identify and focus on the significant environmental effects of the proposed project. In assessing the proposed project's potential impacts on the environment, the District should normally limit its examination to comparing changes that would result from the project as compared to the existing physical conditions in the affected area as they exist when the Notice of Preparation is published. If a Notice of Preparation is not published for the project, the District

should compare the proposed project's potential impacts to the physical conditions that exist at the time environmental review begins.

Direct and indirect significant effects of the project on the environment must be clearly identified and described, considering both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the project that may impact resources in the project area, such as water, historical resources, scenic quality, and public services. The EIR must also analyze any significant environmental effects the project might cause by bringing development and people into the area. If applicable, an EIR should also evaluate the impacts of locating development in other areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas) as identified on authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.

The EIR must describe all significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

The EIR must also discuss any significant irreversible environmental changes which would be caused by the project. For example, use of nonrenewable resources during the initial and continued phases of a project may be irreversible if a large commitment of such resources makes removal or nonuse thereafter unlikely. Additionally, irreversible commitment of resources may include a discussion of how the project preempts future energy development or future energy conservation. The discussion of irreversible commitment of resources may include a discussion of how the project preempts future energy development or future energy conservation. Irretrievable commitments of resources to the proposed project should be evaluated to assure that such current consumption is justified.

7.17 ANALYSIS OF CUMULATIVE IMPACTS.

An EIR must discuss cumulative impacts when the project's incremental effect is "cumulatively considerable" as defined in Local Guidelines Section 10.11. When the District is examining a project with an incremental effect that is not "cumulatively considerable," it need not consider that effect significant, but must briefly describe the basis for this conclusion. A project's contribution may be less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure designed to alleviate the cumulative impact. When relying on a fee program or mitigation measure(s), the District must identify facts and analysis supporting its conclusion that the cumulative impact is less than significant.

The District may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem in the geographic area in which the project is located. Such plans and programs may include, but are not limited to:

(1) Water quality control plans;

(2) Air quality attainment or maintenance plans;

(3) Integrated waste management plans;

(4) Habitat conservation plans;

(5) Natural community conservation plans; and/or

(6) Plans or regulations for the reduction of greenhouse gas emissions.

When relying on such a regulation, plan, or program, the District should explain how implementing the particular requirements of the plan, regulation or program will ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable.

A cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.

The discussion of cumulative impacts in an EIR must focus on the cumulative impact to which the identified other projects contribute, rather than the attributes of other projects which do not contribute to the cumulative impact. The discussion of significant cumulative impacts must meet either of the following elements:

(1) A list of past, present, and probable future projects causing related or cumulative impacts including, if necessary, those projects outside the control of the District; or

(2) A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or a plan for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projections may be supplemented with additional information such as a regional modeling program. Documents used in creating a summary of projections must be referenced and made available to the public.

When utilizing a list, as suggested above, factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined and the location and type of project. Location may be important, for example, when water quality impacts are involved since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.

Public Resources Code section 21094 also states that if a Lead Agency determines that a cumulative effect has been adequately addressed in an earlier EIR, it need not be examined in a later EIR if the later project's incremental contribution to the cumulative effect is not cumulatively considerable. A cumulative effect has been adequately addressed in the prior EIR if:

(1) it has been mitigated or avoided as a result of the prior EIR; or

(2) the cumulative effect has been examined in a sufficient level of detail to enable the effect to be mitigated or avoided by site-specific revisions, the imposition of conditions, or other means in connection with the approval of the later project.

If the Lead Agency determines that the cumulative effect has been adequately addressed in a prior EIR, it should clearly explain how in the current environmental documentation for the project.

The District should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.

7.18 ANALYSIS OF MITIGATION MEASURES.

The discussion of mitigation measures in an EIR must distinguish between measures proposed by project proponents and other measures proposed by Lead, Responsible or Trust Agencies. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

Where several measures are available to mitigate an impact, each should be disclosed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effects of the project and which may be accomplished in more than one specified way where: (1) the measures address the kind of impacts for which mitigation is known to be feasible; and (2) the measures are proposed early in the environmental review process.

If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be disclosed but in less detail than the significant effects of the project itself.

If a project includes a housing development, the District may not reduce the project's proposed number of housing units as a mitigation measure or project alternative if the District determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation without reducing the number of housing units.

Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulating, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or

project design. Mitigation measures must also be consistent with all applicable constitutional requirements such as the "nexus" and "rough proportionality" standards.

Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's "Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings" (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus not significant.

The District should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors must be considered and discussed in an EIR for a project involving an archaeological site:

(a) Preservation in place is the preferred manner of mitigating impacts to archaeological sites; and
(b) Preservation in place may be accomplished by, but is not limited to, the following:

(1) Planning construction to avoid archaeological sites;

(2) Incorporation of sites within parks, green space, or other open spaces;

(3) Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site; and/or

(4) Deeding the site into a permanent conservation easement.

When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to excavation. Such studies must be deposited with the California Historical Resources Regional Information Center.

Data recovery shall not be required for a historical resource if the District determines that existing testing or studies have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

7.19 ANALYSIS OF ALTERNATIVES IN AN EIR.

The alternatives analysis must describe and evaluate the comparative merits of a range of reasonable alternatives to the project or to the location of the project which would feasibly attain most of the basic objectives of the project, but which would avoid or substantially lessen any of the significant effects of the project. An EIR need not consider every conceivable alternative to a project, and it need not consider alternatives which are infeasible. Rather, it must consider a

reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

Purpose of the Alternatives Analysis: An EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment. For this reason, a discussion of alternatives must focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effect of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly.

Selection of a Range of Reasonable Alternatives: The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects, even if those alternatives would be more costly or would impede to some degree the attainment of the project's objectives. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the Lead Agency and rejected as infeasible during the scoping process, and it should briefly explain the reasons for rejecting those alternatives. Additional information explaining the choice of alternatives should be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (a) failure to meet most of the basic project objectives; (b) infeasibility; or (c) inability to avoid significant environmental impacts.

Evaluation of Alternatives: The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. The matrix may also identify and compare the extent to which each alternative meets project objectives. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed but in less detail than the significant effects of the project as proposed.

The Rule of Reason: The range of alternatives required in an EIR is governed by a "rule of reason" which courts have held means that an alternatives discussion must be reasonable in scope and content. Therefore, the EIR must set forth only those alternatives necessary to permit public participation, informed decision-making, and a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones the District determines could feasibly attain most of the basic objectives of the project. An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

Feasibility of Alternatives: The factors that may be taken into account when addressing the feasibility of alternatives include: site suitability; economic viability; availability of infrastructure; general plan consistency; other plans or regulatory limitations; jurisdictional boundaries (projects with a regionally significant impact should consider the regional context); and whether the proponent already owns the alternative site or can reasonably acquire, control or

otherwise have access to the site. No one factor establishes a fixed limit on the scope of reasonable alternatives.

Alternative Locations: The first step in the alternative location analysis is to determine whether any of the significant effects of the project could be avoided or substantially lessened by putting the project in another location. This is the key question in this analysis. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

The second step in this analysis is to determine whether any of the alternative locations are feasible. If the District concludes that no feasible alternative locations exist, it must disclose its reasons, and it should include them in the EIR. When a previous document has sufficiently analyzed a range of reasonable alternative locations and environmental impacts for a project with the same basic purpose, the District should review the previous document and incorporate the previous document by reference. To the extent the circumstances have remained substantially the same with respect to an alternative, the EIR may rely on the previous document to help it assess the feasibility of the potential project alternative.

The "No Project" Alternative: The specific alternative of "no project" must be evaluated along with its impacts. The purpose of describing and analyzing the no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative may be different from the baseline environmental conditions. The no project alternative will be the same as the baseline only if it is identical to the existing environmental setting and the Lead Agency has chosen the existing environmental setting as the baseline.

A discussion of the "no project" alternative should proceed along one of two lines:

(a) When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the "no project" alternative will be the continuation of the existing plan, policy or operation into the future. Typically, this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan; or

(b) If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the "no project" alternative is the circumstance under which the project does not proceed. This discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved. If disapproval of the project would result in predictable actions by others, such as the proposal of some other project, this "no project" consequence should be discussed.

After defining the "no project" alternative, the District should proceed to analyze the impacts of the "no project" alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the "no project" alternative is the

environmentally superior alternative, the EIR must also identify another environmentally superior alternative among the remaining alternatives.

Remote or Speculative Alternatives: An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.

7.20 ANALYSIS OF FUTURE EXPANSION.

An EIR must include an analysis of the environmental effects of future expansion (or other similar future modifications) if there is credible and substantial evidence that:

(a) The future expansion or action is a reasonably foreseeable consequence of the initial project; and
(b) The future expansion or action is likely to change the scope or nature of the initial project or its environmental effects.

Absent these two circumstances, future expansion of a project need not be discussed. CEQA does not require speculative discussion of future development which is unspecific or uncertain. However, if future action is not considered now, it must be considered and environmentally evaluated before it is actually implemented.

7.21 NOTICE OF COMPLETION OF DRAFT EIR; NOTICE OF AVAILABILITY OF DRAFT EIR.

Notice of Completion. When the Draft EIR is completed, a Notice of Completion (Form "H") must be filed with OPR in a printed hard copy or in electronic form on a diskette or by electronic mail transmission. The Notice shall contain:

(a) A brief description of the proposed project;
(b) The location of the proposed project including the proposed project's latitude and longitude;
(c) An address where copies of the Draft EIR are available and a description of how the Draft EIR can be provided in an electronic format; and
(d) The review period during which comments will be received on the Draft EIR.

OPR has developed a model form Notice of Completion. Form H follows OPR's model. To ensure that the documents are accepted by OPR staff, this form should be used when documents are transmitted to OPR.

Notice of Availability. At the same time it sends a Notice of Completion to OPR, the District shall provide public notice of the availability of the Draft EIR by distributing a Notice of Availability of Draft EIR (Form "K"). The Notice of Availability shall include at least the following information:

(a) A brief description of the proposed project and its location;
(b) The starting and ending dates for the review period, and whether the review period has been shortened;

(c) The date, time, and place of any scheduled public meetings or hearings to be held by the District on the proposed project, if the District knows this information when it prepares the Notice;
(d) A list of the significant environmental effects anticipated as a result of the project;
(e) The address where copies of the EIR and all documents referenced in the EIR will be available for public review. This location shall be readily accessible to the public during the District's normal working hours. and a description of how the Draft EIR can be provided in an electronic format; and
(f) A statement indicating whether the project site is included on any list of hazardous waste facilities, land designated as hazardous waste property, or hazardous waste disposal site, and, if so, the information required in the Hazardous Waste and Substances Statement pursuant to Government Code Section 65962.5.

The Notice of Availability shall be provided to:

(a) Each Responsible and Trustee Agency;
(b) Any other federal, state, or local agency which has jurisdiction by law or exercises authority over resources affected by the project, including:

(1) Any water supply agency consulted under Local Guidelines Section 5.15;

(2) Any city or county bordering on the project area;

(3) For a project of statewide, regional, or areawide significance, to any transportation agencies or public agencies which have major local arterials or public transit facilities within five (5) miles of the project site or freeways, highways, or rail transit service within ten (10) miles of the project site which could be affected by the project;

(4) For a subdivision project located within one mile of a facility of the State Water Resources Development System, to the California Department of Water Resources; and

(5) For a general plan amendment, a project of statewide, regional, or areawide significance, or a project that relates to a public use airport, to any "military service" (defined in Section 10.39 of these Local Guidelines) that has provided the District with its contact office and address and notified the District of the specific boundaries of a "low-level flight path" (defined in Section 10.34 of these Local Guidelines), "military impact zone" (defined in Section 10.38 of these Local Guidelines), or "special use airspace" (defined in Section 10.60 of these Local Guidelines;

(c) The last known name and address of all organizations and individuals who have previously filed a written request with the District to receive these Notices;
(d) For certain projects that may impact a low-level flight path, military impact zone, or special use airspace and that meet the other criteria of Local Guidelines Section 7.04 to the specified military services contact;

(e) For certain projects that involve the construction or alteration of a facility anticipated to emit hazardous air emissions or handle hazardous substances within one-quarter mile of a school and that meet the other requirements of Local Guidelines Section 7.32, to any potentially affected school district;
(f) For certain waste-burning projects that meet the requirements of Local Guidelines Section 5.10 (see also Local Guidelines Section 7.23), to the owners and occupants of property within one-fourth mile of any parcel on which the project will be located; and
(g) For a project that establishes or amends a redevelopment plan that contains land in agricultural use, notice and a copy of the Draft EIR shall be provided to the agricultural and farm agencies and organizations specified in Health and Safety Code Section 33333.3.

The District may require requests for copies of these Notices to be renewed annually and may charge a fee for the reasonable cost of providing this service. A project will not be invalidated due to a failure to send a requested Notice provided there has been substantial compliance with these notice provisions.

Staff may also consult with and obtain comments from any person known to have special expertise or any other person or organization whose comments relative to the Draft EIR would be desirable.

In addition, notice shall be given to the public by at least one of the following procedures:

(a) Publication of the Notice of Completion and/or the Notice of Availability at least once in a newspaper of general circulation in the area affected by the proposed project. If more than one area will be affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas;
(b) Posting of the Notice of Completion and/or the Notice of Availability on and off site in the area where the project is to be located; or
(c) Direct mailing of the Notice of Completion and/or the Notice of Availability to owners and occupants of property contiguous to the project, as identified on the latest equalized assessment roll.

The Notice of Completion and Notice of Availability shall be posted in the office of the Clerk in each county in which the project is located for at least thirty (30) days. If the public review period for the Draft EIR is longer than thirty (30) days, the District may wish to leave the Notice posted until the public review period for the Draft EIR has expired.

Copies of the Draft EIR shall also be made available at the District office for review by members of the general public. The District may require any person obtaining a copy of the Draft EIR to reimburse the District for the actual cost of its reproduction. Copies of the Draft EIR should also be furnished to appropriate public library systems.

The District is encouraged to make copies of filed notices available in electronic format on the Internet. Such electronic postings are in addition to the procedures required by the CEQA Guidelines and the Public Resources Code.

7.22 SUBMISSION OF DRAFT EIR TO STATE CLEARINGHOUSE.

A Draft EIR must be submitted to the State Clearinghouse for review by state agencies in the following situations:

(a) A state agency is the Lead Agency for the Draft EIR;
(b) A state agency is a Responsible Agency, Trustee Agency, or otherwise has jurisdiction by law over resources potentially affected by the project; or
(c) The Draft EIR is for a project identified in State Guidelines Section 15206 as being a project of statewide, regional, or areawide significance.

State Guidelines Section 15206 identifies the following types of projects as being examples of projects of statewide, regional, or areawide significance which require submission to the State Clearinghouse for circulation:

(1) General plans, elements, or amendments for which an EIR was prepared;

(2) Projects which have the potential for causing significant environmental effects beyond the city or county where the project would be located, such as:

(a) Residential development of more than 500 units;
(b) Commercial projects employing more than 1,000 persons or covering more than 500,000 square feet of floor space;
(c) Office building projects employing more than 1,000 persons or covering more than 250,000 square feet of floor space;
(d) Hotel or motel development of more than 500 rooms; and
(e) Industrial projects housing more than 1,000 persons, occupying more than 40 acres of land, or covering more than 650,000 square feet of floor area;

(3) Projects for the cancellation of a Williamson Act contract covering more than 100 acres;

(4) Projects in one of the following Environmentally Sensitive Areas:

(a) Lake Tahoe Basin;
(b) Santa Monica Mountains Zone;
(c) Sacramento-San Joaquin River Delta;
(d) Suisun Marsh;
(e) Coastal Zone, as defined by the California Coastal Act;
(f) Areas within one-quarter mile of a river designated as wild and scenic; or
(g) Areas within the jurisdiction of the San Francisco Bay Conservation and Development Commission;

(5) Projects which would affect sensitive wildlife habitats or the habitats of any rare, threatened, or endangered species;

(6) Projects which would interfere with water quality standards; and

(7) Projects which would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.

A Draft EIR may be submitted to the State Clearinghouse when a state agency has special expertise with regard to the environmental impacts involved.

When the Draft EIR will be reviewed through the State review process handled by the State Clearinghouse, a Notice of Completion (Form "H") should be used as a cover sheet. If the District uses the State Clearinghouse's online process to submit the Notice of Completion form, the form generated on the Internet site satisfies the State Clearinghouse's requirements.

A sufficient number of copies of the documents must be sent to the State Clearinghouse for circulation. Staff should contact the State Clearinghouse to find out the correct number of printed copies required for circulation. Minimally, the District must submit one (1) copy of the Notice of Completion and fifteen (15) copies of the entire document.

The District may submit fifteen (15) hard copies of the entire draft environmental document or fifteen (15) CD-ROMs of the entire document. The document must be on a CD-ROM in a common file format such as Word or Acrobat. In addition, each CD-ROM must be accompanied by fifteen (15) printed copies of the DEIR summary (as described in Local Guidelines Section 6.08), executive summary, or introduction section. Form "Q" may be used as a cover sheet for document transmittal. The summary allows both the State Clearinghouse and the various agency CEQA coordinators to distribute the documents quickly without the use of a computer.

Submission of the Draft EIR to the State Clearinghouse affects the timing of the public review period as set forth in Local Guidelines Section 7.24.

7.23 SPECIAL NOTICE REQUIREMENTS FOR WASTE- AND FUEL-BURNING PROJECTS.

For any waste-burning project, as defined in Local Guidelines Section 5.10, in addition to the notice requirements specified in Local Guidelines Sections 7.21, 7.22, and 7.23, Notice of Availability of the Draft EIR shall be given by direct mailing or any other method calculated to provide delivery of the notice to the owners and occupants of property within one-fourth mile of any parcel or parcels on which the project is located.

7.24 TIME FOR REVIEW OF DRAFT EIR; FAILURE TO COMMENT.

A period of between thirty (30) and sixty (60) days from the filing of the Notice of Completion of the Draft EIR shall be allowed for review of and comment on the Draft EIR, except in unusual situations. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall be at least forty-five (45) days, unless a shorter period is approved by the State Clearinghouse as discussed below.

If a state agency is a Responsible Agency, or if the Draft EIR is submitted to the State Clearinghouse, the public review period shall be at least as long as the review period established

by the State Clearinghouse. The public review period and the state agency review period may, but are not required to, begin and end at the same time. The state agency review period begins (day one) on the date that the State Clearinghouse distributes the Draft EIR to state agencies. The State Clearinghouse is required to distribute the Draft EIR to state agencies within three (3) working days from the date the State Clearinghouse receives the document, as long as the Draft EIR is complete when submitted to the State Clearinghouse. If the document submitted to the State Clearinghouse is not complete, the State Clearinghouse must notify the Lead Agency. The review period for the public and all other agencies may run concurrently with the state agency review period established by the State Clearinghouse.

Under certain circumstances, a shorter review period of the Draft EIR by the State Clearinghouse can be requested by the District; however, a shortened review period shall not be less than thirty (30) days for a Draft EIR. Any request for a shortened review period must be made in writing by the District to OPR. The District may designate a person to make these requests. The District must contact all responsible and trustee agencies and obtain their agreement prior to obtaining a shortened review period. (See the Shortened Review Request Form "P.")

A shortened review period is not available for any proposed project of statewide, regional or areawide environmental significance as determined pursuant to State Guidelines Section 15206. Any approval of a shortened review period shall be given prior to, and reflected in, the public notices.

In the event a public agency, group, or person whose comments on a Draft EIR are solicited fails to comment within the required time period, it shall be presumed that such agency, group, or person has no comment to make, unless the Lead Agency has received a written request for a specific extension of time for review and comment and a statement of reasons for the request.

Continued planning activities concerning the proposed project, short of formal approval, may continue during the period set aside for review and comment on the Draft EIR.

7.25 PUBLIC HEARING ON DRAFT EIR.

CEQA does not require formal public hearings for certification of an EIR; public comments may be restricted to written communications. (However, a hearing is required to utilize the limited exemption for Transit Priority Projects as explained in Local Guidelines Section 3.15.) However, if the District provides a public hearing on its consideration of a project, the District should include the project's environmental review documents as one of the subjects of the hearing. Notice of the time and place of the hearing shall be given in a timely manner in accordance with any legal requirements applicable to the proposed project. Generally, the requirements of the Ralph M. Brown Act will provide the minimum requirements for the inclusion of CEQA matters on agendas and at hearings. (Gov. Code, § 54950 et seq.) At a minimum, agendas for meetings and hearings before commissions, boards, councils, and other agencies must be posted in a location that is freely accessible to members of the public at least seventy-two (72) hours prior to a regular meeting. The agenda must contain a brief general description of each item to be discussed and the time and location of the meeting. (Gov. Code,

§ 54954.2.) Additionally, any legislative body or its presiding officer must post an agenda for each regular or special meeting on the local agency's Internet Web site, if the local agency has one.

7.26 RESPONSE TO COMMENTS ON DRAFT EIR.

The Lead Agency shall evaluate any comments on environmental issues received during the public review period for the Draft EIR and shall prepare a written response to those comments that raise significant environmental issues.

As stated below, the District, as Lead Agency, should also consider evaluating and responding to any comments received after the public review period. The written responses shall describe the disposition of any significant environmental issues that are raised in the comments. The responses may take the form of a revision of the Draft EIR, an attachment to the Draft EIR, or some other oral or written response which is adequate under the circumstances. If the District's position is at variance with specific recommendations or suggestions raised in the comment, the District's response must detail the reasons why such recommendations or suggestions were not accepted. Moreover, the District shall respond to any specific suggestions for project alternatives or mitigation measures for significant impacts, unless such alternatives or mitigation measures are facially infeasible. The response shall contain recommendations, when appropriate, to alter the project as described in the Draft EIR as a result of an analysis of the comments received.

At least ten (10) days prior to certifying a Final EIR, the Lead Agency shall provide its proposed written response to any public agency which has made comments on the Draft EIR during the public review period. The District, as Lead Agency, is not required to respond to comments received after the public review period. However, the District, as Lead Agency, should consider responding to all comments if it will not delay action on the Final EIR, since any comment received before final action on the EIR can form the basis of a legal challenge. A written response that addresses the comment or adequately explains the District's action in light of the comment may assist in defending against a legal challenge.

7.27 PREPARATION AND CONTENTS OF FINAL EIR.

Following the receipt of any comments on the Draft EIR as required herein, such comments shall be evaluated by Staff and a Final EIR shall be prepared.

The Final EIR shall meet all requirements of Local Guidelines Section 7.15 and shall consist of the Draft EIR or a revision of the Draft, a section containing either verbatim or in summary the comments and recommendations received through the review and consultation process, a list of persons, organizations and public agencies commenting on the Draft, and a section containing the responses of the District to the significant environmental points raised in the review and consultation process.

7.28 RECIRCULATION WHEN NEW INFORMATION IS ADDED TO EIR.

When significant new information is added to the EIR after notice and consultation but before certification, the Lead Agency must recirculate the Draft EIR for another public review

period. The term "information" can include changes in the project or environmental setting as well as additional data or other information.

New information is significant only when the EIR is changed in a way that would deprive the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of a project or a feasible way to mitigate or avoid such an effect, including a feasible project alternative, that the project proponents decline to implement. Recirculation is required, for example, when:

(1) New information added to an EIR discloses:

(a) A new significant environmental impact resulting from the project or from a new mitigation measure proposed to be implemented; or
(b) A significant increase in the severity of an environmental impact (unless mitigation measures are also adopted that reduce the impact to a level of insignificance); or
(c) A feasible project alternative or mitigation measure that clearly would lessen the significant environmental impacts of the project, but which the project proponents decline to adopt; or

(2) The Draft EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required when the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. If the revision is limited to a few chapters or portions of the EIR, the District as Lead Agency need only recirculate the chapters or portions that have been modified. A decision to not recirculate an EIR must be supported by substantial evidence in the record.

When the District determines to recirculate a Draft EIR, it shall give Notice of Recirculation (Form "M") to every agency, person, or organization that commented on the prior Draft EIR. The Notice of Recirculation must indicate whether new comments must be submitted and whether the District has exercised its discretion to require reviewers to limit their comments to the revised chapters or portions of the recirculated EIR. The District shall also consult again with those persons contacted pursuant to Local Guidelines Section 7.21 before certifying the EIR. When the EIR is substantially revised and the entire EIR is recirculated, the District may require that reviewers submit new comments and need not respond to those comments received during the earlier circulation period. In those cases, the District should advise reviewers that, although their previous comments remain part of the administrative record, the final EIR will not provide a written response to those comments, and new comments on the revised EIR must be submitted. The District need only respond to those comments submitted in response to the revised EIR.

When the EIR is revised only in part and the District is recirculating only the revised chapters or portions of the EIR, the District may request that reviewers limit their comments to the revised chapters or portions. The District need only respond to: (1) comments received

during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (2) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated.

When recirculating a revised EIR, either in whole or in part, the District must, in the revised EIR or by an attachment to the revised EIR, summarize the revisions made to the previously circulated draft EIR.

7.29 CERTIFICATION OF FINAL EIR.

Following the preparation of the Final EIR, Staff shall review the Final EIR and make a recommendation to the decision-making body regarding whether the Final EIR has been completed in compliance with CEQA, the State Guidelines and the District's Guidelines. The Final EIR and Staff recommendation shall then be presented to the decision-making body. The decision-making body shall independently review and consider the information contained in the Final EIR and determine whether the Final EIR reflects its independent judgment. Before it approves the project, the decision-making body must certify and find that: (1) the Final EIR has been completed in compliance with CEQA, the State Guidelines and the District's Guidelines; (2) the Final EIR was presented to the decision-making body and the decision-making body reviewed and considered the information contained in the Final EIR before approving the project; and (3) the Final EIR reflects the District's independent judgment and analysis.

Except in those cases in which the Board of Directors is the final decision-making body for the project, any interested person may appeal the certification or denial of certification of a Final EIR to the Board of Directors. Appeals must follow the procedures prescribed by the District.

7.30 CONSIDERATION OF EIR BEFORE APPROVAL OR DISAPPROVAL OF PROJECT.

Once the decision-making body has certified the EIR, it may then proceed to consider the proposed project for purposes of approval or disapproval.

7.31 FINDINGS.

The decision-making body shall not approve or carry out a project if a completed EIR identifies one or more significant environmental effects of the project unless it makes one or more of the following written findings for each such significant effect, accompanied by a brief explanation of the rationale supporting each finding. For impacts that have been identified as potentially significant, the possible findings are:

(a) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment as identified in the Final EIR, such that the impact has been reduced to a less-than-significant level;
(b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the District. Such changes have been, or can and should be, adopted by that other agency; or
(c) Specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers,

make infeasible the mitigation measures or alternatives identified in the Final EIR. The decision-making body must make specific written findings stating why it has rejected an alternative to the project as infeasible.

The findings required by this Section shall be supported by substantial evidence in the record. Measures identified and relied on to mitigate environmental impacts identified in the EIR to below a level of significance should be expressly adopted or rejected in the findings. The findings should include a description of the specific reasons for rejecting any mitigation measures or project alternatives identified in the EIR that would reduce the significant impacts of the project. Any mitigation measures that are adopted must be fully enforceable through permit conditions, agreements, or other measures.

If any of the proposed alternatives could avoid or lessen an adverse impact for which no mitigation measures are proposed, the District shall analyze the feasibility of such alternative(s). If the project is to be approved without including such alternative(s), the District shall find that specific economic, legal, social, technological or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the Final EIR and shall list such considerations before such approval.

The decision-making body shall not approve or carry out a project as proposed unless: (1) the project as approved will not have a significant effect on the environment; or (2) its significant environmental effects have been eliminated or substantially lessened (as determined through one or more of the findings indicated above), and any remaining unavoidable significant effects have been found acceptable because of facts and circumstances described in a Statement of Overriding Considerations (see Local Guidelines Section 7.33). Statements in the Draft EIR or comments on the Draft EIR are not determinative of whether the project will have significant effects.

When making the findings required by this Section, the District as Lead Agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which it based its decision.

7.32 SPECIAL FINDINGS REQUIRED FOR FACILITIES WHICH MAY EMIT HAZARDOUS AIR EMISSIONS NEAR SCHOOLS.

Special procedural rules apply to projects involving the construction or alteration of a facility within one-quarter mile of a school when: (1) the facility might reasonably be anticipated to emit hazardous air emissions or to handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the threshold specified in Health and Safety Code Section 25532(j); and (2) the emissions or substances may pose a health or safety hazard to persons who would attend or would be employed at the school. If the project meets both of those criteria, the Lead Agency may not certify an EIR or approve a Negative Declaration unless it makes a finding that:

(a) The Lead Agency consulted with the affected school district or districts having jurisdiction over the school regarding the potential impact of the project on the school; and

(b) The school district was given written notification of the project not less than thirty (30) days prior to the proposed certification of the EIR or approval of the Negative Declaration.

Implementation of this Local Guideline shall be consistent with the definitions and terms utilized in State Guidelines section 15186.

Additionally, in its role as a Responsible Agency, the District should be aware that for projects involving the acquisition of a school site or the construction of a secondary or elementary school by a school district, the negative declaration or EIR prepared for the project may not be adopted or certified unless there is sufficient information in the entire record to determine whether any boundary of the school site is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor.

If it is determined that the project involves the acquisition of a school site that is within 500 feet of the edge of the closest traffic lane of a freeway, or other busy traffic corridor, the Negative Declaration or EIR may not be adopted or certified unless the school board determines, through a health risk assessment pursuant to Section 44360(b)(2) of the Health and Safety Code and after considering any potential mitigation measures, that the air quality at the proposed project site does not present a significant health risk to pupils.

7.33 STATEMENT OF OVERRIDING CONSIDERATIONS.

Before a project that has unmitigated significant adverse environmental effects can be approved, the decision-making body must adopt a Statement of Overriding Considerations. If the decision-making body finds in the Statement of Overriding Considerations that specific benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Accordingly, the Statement of Overriding Considerations allows the decision-making body to approve a project despite one or more unmitigated significant environmental impacts identified in the Final EIR. A Statement of Overriding Considerations can be made only if feasible project alternatives or mitigation measures do not exist to reduce the environmental impact(s) to a level of insignificance and the benefits of the project outweigh the adverse environmental effect(s). The feasibility of project alternatives or mitigation measures is determined by whether the project alternative or mitigation measure can be accomplished within a reasonable period of time, taking into account economic, environmental, social, legal and technological factors.

Project benefits which are appropriate to consider in the Statement of Overriding Considerations include the economic, legal, environmental, technological and social value of the project. The District may also consider region-wide or statewide environmental benefits.

Substantial evidence in the entire record must justify the decision-making body's findings and its use of the Statement of Overriding Considerations. If the decision-making body makes a Statement of Overriding Considerations, the Statement must be included in the record of the project approval and it should be referenced in the Notice of Determination.

7.34 USING A PREVIOUSLY PREPARED STATEMENT OF OVERRIDING CONSIDERATIONS.

Under certain limited circumstances, Public Resources Code section 21094 allows a Lead Agency to use of a previously adopted Statement of Overriding Considerations prepared for a prior project in approving a later project. To "tier off" of the previous Statement of Overriding Considerations, the Lead Agency must first determine that the significant environmental effects of the later project are not greater than or different from those identified in the EIR prepared in conjunction with the previous Statement of Overriding Considerations.

To rely on a previously adopted Statement of Overriding Considerations, the Lead Agency must:

(1) Incorporate by reference the prior Statement of Overriding Considerations adopted for the previous project;

(2) Determine that the impacts from the later project are not greater than or different from those identified in the previous EIR;

(3) Find that the prior Statement of Overriding Considerations was not based on a determination that mitigation measures would be identified and approved in a subsequent environmental review;

(4) Determine that the mitigation measures or alternatives found to be infeasible in the prior EIR remain infeasible and incorporate all applicable mitigation measures identified in the prior EIR into the later project; and

(5) Demonstrate that the prior EIR was certified not more than three (3) years before CEQA findings were made for the approval of the later project.

The Lead Agency should document all of the above findings in its staff report, resolution approving the project or some other document or format that will be part of the administrative record. Additional overriding considerations specific to the later project may also at the Lead Agency's discretion be included in an additional Statement of Overriding Considerations.

This procedure for tiering will sunset on January 1, 2016 unless it is extended by the California Legislature.

7.35 MITIGATION MONITORING OR REPORTING PROGRAM FOR EIR.

When making findings regarding an EIR, the District must do all of the following:

(a) Adopt a reporting or monitoring program to assure that mitigation measures which are required to mitigate or avoid significant effects on the environment will be implemented by the project proponent or other responsible party in a timely manner, in accordance with conditions of project approval;

(b) Make sure all conditions and mitigation measures are feasible and fully enforceable through permit conditions, agreements, or other measures. Such permit conditions,

agreements, and measures must be consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law; and

(c) Specify the location and the custodian of the documents which constitute the record of proceedings upon which the District based its decision in the resolution certifying the EIR.

There is no requirement that the reporting or monitoring program be circulated for public review; however, the District may choose to circulate it for public comments along with the Draft EIR. Any mitigation measures required to mitigate or avoid significant effects on the environment shall be adopted and made fully enforceable, such as by being imposed as conditions of project approval.

The adequacy of a mitigation monitoring program is determined by the "rule of reason." This means that a mitigation monitoring program does not need to provide every imaginable measure. It needs only to provide measures that are reasonably feasible and that are necessary to avoid significant impacts or to reduce the severity of impacts to a less-than-significant level.

The mitigation monitoring or reporting program shall be designed to assure compliance with the mitigation measures during the implementation and construction of the project. If a Responsible Agency or Trustee Agency has required that certain conditions be incorporated into the project, the District may request that agency to prepare and submit a proposed reporting or monitoring program. The District shall also require that, prior to the close of the public review period for a Draft EIR, the Responsible or Trustee Agency submit detailed performance objectives for mitigation measures, or refer the District to appropriate, readily available guidelines or reference documents. Any mitigation measures submitted to the District by a Responsible or Trustee Agency shall be limited to measures that mitigate impacts to resources that are within the Responsible or Trustee Agency's authority.

When a project is of statewide, regional, or areawide significance, any transportation information resulting from the reporting or monitoring program required to be adopted by the District shall be submitted to the regional transportation planning agency where the project is located and to the Department of Transportation. The transportation planning agency and the Department of Transportation are required by law to adopt guidelines for the submittal of these reporting or monitoring programs, so the District may wish to tailor its submittal to such guidelines.

Local agencies have the authority to levy fees sufficient to pay for this program. Therefore, the District may impose a program to charge project proponents fees to cover actual costs of program processing and implementation.

The District may delegate reporting or monitoring responsibilities to an agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed, the District remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The District may choose whether its program will monitor mitigation, report on mitigation, or both. "Reporting" is defined as a written compliance review that is presented to

the Board or an authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. Reporting is suited to projects which have readily measurable or quantitative mitigation measures or which already involve regular review. "Monitoring" is generally an ongoing or periodic process of project oversight. Monitoring is suited to projects with complex mitigation measures which may exceed the expertise of the District to oversee, are expected to be implemented over a period of time, or require careful implementation to assure compliance.

At its discretion, the District may adopt standardized policies and requirements to guide individually adopted programs.

Standardized policies or requirements for monitoring and reporting may describe, but are not limited to:

(a) The relative responsibilities of various departments within the District for various aspects of the program;
(b) The responsibilities of the project proponent;
(c) Guidelines adopted by the District to govern preparation of programs;
(d) General standards for determining project compliance with the mitigation measures and related conditions of approval;
(e) Enforcement procedures for noncompliance, including provisions for administrative appeal; and/or
(f) Process for informing the Board and staff of the relative success of mitigation measures and using those results to improve future mitigation measures.

When a project is of statewide, regional, or areawide importance, any transportation information generated by a mitigation monitoring or reporting program must be submitted to the transportation planning agency in the region where the project is located, as well as to the Department of Transportation.

7.36 NOTICE OF DETERMINATION.

After approval of a project for which the District is the Lead Agency, Staff shall cause a Notice of Determination (Form "F") to be prepared, filed, and posted. The Notice of Determination shall include the following information:

(a) An identification of the project, including its common name, where possible, and its location. For private projects, identify the person undertaking the project, including any person undertaking an activity that receives financial assistance from the District as part of the project or the person receiving a lease, permit, license, certificate, or other entitlement of use from the District as part of the project;
(b) A brief description of the project;
(c) The date when the District approved the project;
(d) Whether the project in its approved form with mitigation will have a significant effect on the environment;
(e) A statement that an EIR was prepared and certified pursuant to the provisions of CEQA;
(f) Whether mitigation measures were made a condition of the approval of the project;

(g) Whether findings and/or a Statement of Overriding Considerations was adopted for the project; and

(h) The address where a copy of the EIR (with comments and responses) and the record of project approval may be examined by the general public.

The Notice of Determination shall be filed with the Clerk of each county in which the project will be located within five (5) working days of project approval. (To determine the fees that must be paid with the filing of the Notice of Determination, see Local Guidelines Section 7.37 and the Staff Summary of the CEQA Process.) The County Clerk is required to post the Notice of Determination within twenty-four (24) hours of receipt. The Notice must be posted in the office of the Clerk for a minimum of thirty (30) days. Thereafter, the Clerk shall return the notice to the District with a notation of the period it was posted. The District shall retain the notice for not less than twelve (12) months.

Simultaneously with the filing of the Notice of Determination with the Clerk, Staff shall cause a copy of such Notice to be posted at District Offices. If the project requires discretionary approval from a state agency, the Notice of Determination shall also be filed with OPR within five (5) working days of project approval, along with proof that the District has paid the County Clerk the DFG fee or a completed form from DFG documenting DFG's determination that the project will have no effect on fish and wildlife. (If the District submits the Notice of Determination in person, the District may bring an extra copy to be date stamped by OPR.)

When a request is made for a copy of the Notice of Determination prior to the date on which the District approves the project, the copy must be mailed, first class postage prepaid, within five (5) days of the District's approval. If such a request is made following the District's approval of the project, then the copy should be mailed in the same manner as soon as possible. The recipients of such documents may be charged a fee reasonably related to the cost of providing the service.

The District may make copies of filed notices available in electronic format on the Internet. Such electronic notices, if provided, are in addition to the posting requirements of the CEQA Guidelines and the Public Resources Code.

For projects with more than one phase, Staff shall file a Notice of Determination for each phase requiring a discretionary approval. The filing and posting of a Notice of Determination with the Clerk, and, if necessary, with OPR, usually starts a thirty (30) day statute of limitations on court challenges to the approval under CEQA. When separate notices are filed for successive phases of the same overall project, the thirty (30) day statute of limitation to challenge the subsequent phase begins to run when the second notice is filed. Failure to file the Notice may result in a one hundred eighty (180) day statute of limitations.

7.37 DISPOSITION OF A FINAL EIR.

The District shall file a copy of the Final EIR with the appropriate planning agency of any city or county where significant effects on the environment may occur. The District shall also retain one or more copies of the Final EIR as a public record for a reasonable period of time.

Finally, for private projects, the District may require that the project applicant provide a copy of the certified Final EIR to each Responsible Agency.

7.38 PRIVATE PROJECT COSTS.

For private projects, the person or entity proposing to carry out the project shall be charged a reasonable fee to recover the estimated costs incurred by the District in preparing, circulating, and filing the Draft and Final EIRs, as well as all publication costs incident thereto.

7.39 FILING FEES FOR PROJECTS WHICH AFFECT WILDLIFE RESOURCES.

At the time a Notice of Determination for an EIR is filed with the County or Counties in which the project is located, a fee of $2,919.00, or the then applicable fee, shall be paid to the Clerk for projects which will adversely affect fish or wildlife resources. These fees are collected by the Clerk on behalf of DFG.

Only one filing fee is required for each project unless the project is tiered or phased and separate environmental documents are prepared. For projects where Responsible Agencies file separate Notices of Determination, only the Lead Agency is required to pay the fee.

Note: County Clerks are authorized to charge a documentary handling fee for each project in addition to the Fish and Game fees specified above. Refer to the Index in the Staff Summary to help determine the correct total amount of fees applicable to the project.

For private projects, the District should pass these costs on to the project applicant.

No fees are required for projects with "no effect" on fish or wildlife resources or for certain projects undertaken by the DFG and implemented through a contract with a non-profit entity or local government agency. (See Local Guidelines Section 6.21 for more information regarding a "no effect" determination.)

8. TYPES OF EIRS

8.01 EIRs Generally.

This chapter describes a number of examples of various EIRs tailored to different situations. All of these types of EIRs must meet the applicable requirements of Chapter 7 of these Local Guidelines.

8.02 Tiering.

(a) Tiering Generally.

"Tiering" refers to using the analysis of general matters contained in a previously certified broader EIR in later EIRs or Negative Declarations prepared for narrower projects. The later EIR or Negative Declaration may incorporate by reference the general discussions from the broader EIR and may concentrate solely on the issues specific to the later project.

An Initial Study shall be prepared for the later project and used to determine whether a previously certified EIR may be used and whether new significant effects should be examined. Tiering does not excuse the District from adequately analyzing reasonably foreseeable significant environmental effects of a project, nor does it justify deferring analysis to a later tier EIR or Negative Declaration. However, the level of detail contained in a first-tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed. When the District is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan, specific plan or community plan), the development of detailed, site-specific information may not be feasible. Such site-specific information can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document in connection with a project of a more limited geographical scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.

(b) Identifying New Significant Impacts.

When assessing whether there is a new significant cumulative effect for purposes of a subsequent tier environmental document, the Lead Agency shall consider whether the incremental effects of the project would be considerable when viewed in the context of past, present, and probable future projects.

A Lead Agency may use only a valid CEQA document as a first-tier document. Accordingly, the District, in its role as Lead Agency, should carefully review the first-tier environmental document to determine whether or not the statute of limitations for challenging the document has run. If the statute of limitations has not expired, the District should use the first-tier document with caution and pay careful attention to the legal status of the document. If the first-tier document is subsequently invalidated, any later environmental document may also be defective.

(c) Infill Projects and Tiering.

Certain "infill" projects may tier off of a previously certified EIR. An "infill" project is defined as a project with residential, retail, and/or commercial uses, a transit station, a school, or a public office building. It must be located in an urban area on a previously developed site or on

an undeveloped site that is surrounded by developed uses. The project must be either consistent with land use panning strategies that achieve greenhouse gas ("GHG") emission reduction targets, feature a small walkable community project, or where a sustainable communities or alternative planning strategy has not yet been adopted for the area, include a residential density of at least 20 units per acre or a floor area ration of at least 0.75. The project must also meet a number of standards related to energy efficiency that are not yet defined but which SB 226 directs the Office of Planning and Research to prepare.

If an EIR was certified for a planning level decision by a city or county (such as a General Plan or Specific Plan), the scope of the CEQA review for a later "infill" project can be limited to those effects on the environment that: 1) are specific to the project or to the project site and were not addressed as significant effects in the prior EIR; or 2) substantial new information shows the effects will be more significant than described in the prior EIR.

When a project meets the definition of "infill" and either of the above conditions exist but a mitigated negative declaration cannot be adopted, then the subsequent EIR for such a project need not consider alternative locations, densities, and building intensities or growth-inducing impacts.

(d) Statement of Overriding Considerations.

A Lead Agency may also tier off of a previously prepared Statement of Overriding Considerations if certain conditions are met. (See Local Guidelines Section 7.34.)

8.03 PROJECT EIR.

The most common type of EIR examines the environmental impacts of a specific development project and focuses primarily on the changes in the environment that would result from the development project.

If the EIR for a redevelopment plan is a Project EIR, all public and private activities or undertakings pursuant to or in furtherance of the Redevelopment Plan shall constitute a single project, which shall be deemed approved at the time of the adoption of the Redevelopment Plan. Although the District will probably not act as Lead Agency for a Redevelopment Plan, the District may act as a Responsible Agency. (State Guideline Section 15180.)

8.04 SUBSEQUENT EIR.

A Subsequent EIR is required when a previous EIR has been prepared and certified or a Negative Declaration has been adopted for a project and at least one of the three following situations occur:

(a) Substantial changes are proposed in the project which will require major revisions of a previous EIR due to the identification of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
(b) Substantial changes occur with respect to the circumstances under which the project is to be undertaken which will require major revisions of a previous EIR due to the identification of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(c) New information, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, becomes available and shows any of the following:

(1) the project will have one or more significant effects not discussed in a previous EIR or Negative Declaration;

(2) significant effects previously examined will be substantially more severe than shown in a previous EIR;

(3) mitigation measures or alternatives previously found not to be feasible are in fact feasible and would substantially reduce one or more significant effects, but the project proponent declines to adopt the mitigation measures or alternatives; or

(4) mitigation measures or alternatives which were not considered in a previous EIR would substantially lessen one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

A Subsequent EIR must receive the same circulation and review as the previous EIR received.

In instances where the District is evaluating a modification or revision to an existing use permit, the District may consider only those environmental impacts related to the changes between what was allowed under the old permit and what is requested under the new permit. Only if these differential impacts fall within the categories described above may the District require additional environmental review.

When the District is considering approval of a development project which is consistent with a general plan for which an EIR was completed, another EIR is required only if the project causes environmental effects peculiar to the parcel which were not addressed in the prior EIR or substantial new information shows the effects peculiar to the parcel will be more significant than described in the prior EIR.

8.05 SUPPLEMENTAL EIR.

The District may choose to prepare a Supplemental EIR, rather than a Subsequent EIR, if any of the conditions described in Local Guidelines Section 8.04 have occurred but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. To assist the District in making this determination, the decision-making body should request an Initial Study and/or a recommendation by Staff. The Supplemental EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

A Supplemental EIR shall be given the same kind of notice and public review as is given to a Draft EIR but may be circulated by itself without recirculating the previous EIR.

When the decision-making body decides whether to approve the project, it shall consider the previous EIR as revised by the Supplemental EIR. Findings shall be made for each significant effect identified in the Supplemental EIR.

8.06 ADDENDUM TO AN EIR.

The District may choose to prepare an Addendum to an EIR, rather than a Subsequent or Supplemental EIR, only if none of the conditions described in Local Guidelines Section 8.04 or 8.05 calling for preparation of a Subsequent or Supplemental EIR have occurred and only minor technical changes or additions to the previous environmental document are necessary. Since significant effects on the environment were addressed by findings in the original EIR, no new findings are required in the Addendum.

An Addendum to an EIR need not be circulated for public review but should be included in or attached to the Final EIR. The decision-making body shall consider the Addendum with the Final EIR prior to making a decision on a project. A brief explanation of the decision not to prepare a Subsequent EIR or a Supplemental EIR should be included in the Addendum, the Lead Agency's findings on the project, or elsewhere in the record. This explanation must be supported by substantial evidence.

8.07 STAGED EIR.

When a large capital project will require a number of discretionary approvals from governmental agencies and one of the approvals will occur more than two years before construction will begin, a Staged EIR may be prepared. The Staged EIR covers the entire project in a general form or manner. A Staged EIR should evaluate a proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of an entire project. The particular aspect of the project before the District for approval shall be discussed with a greater degree of specificity.

When a Staged EIR has been prepared, a Supplemental EIR shall be prepared when a later approval is required for the project and the information available at the time of the later approval would permit consideration of additional environmental impacts, mitigation measures, or reasonable alternatives to the project.

8.08 PROGRAM EIR.

A Program EIR is an EIR which may be prepared on an integrated series of actions that are related either:

(a) Geographically;
(b) As logical parts in a chain of contemplated actions;
(c) In connection with the issuance of rules, regulations, plans or other general criteria to govern the conduct of a continuing program; or
(d) As individual projects carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.

(State Guidelines Section, 15168.)

An advantage of using a Program EIR is that it can "[a]llow the Lead Agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts." (State Guidelines Section 15168(b)(4).) A Program EIR is distinct from a Project EIR, as a Project EIR is prepared for a specific project and must examine in detail site-specific considerations. Program EIRs are commonly used in conjunction with the process of tiering.

Tiering is the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs. (State Guidelines Section 15385; see also Local Guidelines Sections 8.02 and 10.66.) Tiering is proper "when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous environmental impact reports." (Pub. Res. Code, § 21093(a).) For example, the California Supreme Court recently ruled that a Program EIR is consistent with CEQA if it identifies potential sources of water and analyzes the associated environmental effects in general terms. Rather, identification of specific sources and environmental effects is required only at the second-tier stage when specific projects are considered. (*In re Bay-Delta etc*. (2008) 43 Cal. 4th 1143.)

Subsequent activities in the program must be examined in light of the Program EIR to determine whether additional environmental documents must be prepared. Additional environmental review documents must be prepared if the proposed later project may arguably cause significant adverse effects on the environment.

8.09 USE OF A PROGRAM EIR WITH SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS.

A Program EIR can be used to simplify the task of preparing environmental documents in later parts of the program. The Program EIR can:

(a) Provide the basis for an Initial Study to determine whether the later activity may have any significant effects;
(b) Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives and other factors that apply to the program as a whole; or
(c) Focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before.

If a Program EIR is prepared for a redevelopment plan, subsequent activities in the redevelopment program will be subject to review if they would have effects that were not examined in the Program EIR. The District should use a written checklist or similar device to document the evaluation of the site and the proposed activity to determine whether the environmental effects of the operation were indeed covered in the Program EIR. If the District finds that no new effects could occur or no new mitigation measures would be required, the District can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental document is required. (See Local Guidelines Section 8.04.)

8.10 USE OF AN EIR FROM AN EARLIER PROJECT.

A single EIR may be used to describe more than one project when the projects involve substantially identical environmental impacts. Any environmental impacts peculiar to one of the projects must be separately set forth and explained.

8.11 MASTER EIR.

A Master EIR is an EIR which may be prepared for:

(a) A general plan (including elements and amendments);
(b) A specific plan;
(c) A project consisting of smaller individual projects to be phased;
(d) A regulation to be implemented by subsequent projects;
(e) A project to be carried out pursuant to a development agreement;
(f) A project pursuant to or furthering a redevelopment plan;
(g) A state highway or mass transit project subject to multiple reviews or approvals; or
(h) A regional transportation plan or congestion management plan.

A Master EIR must do both of the following:

(a) Describe and present sufficient information about anticipated subsequent projects within its scope, including their size, location, intensity, and scheduling; and
(b) Preliminarily describe potential impacts of anticipated subsequent projects for which insufficient information is available to support a full impact assessment.

The District and Responsible Agencies identified in the Master EIR may use the Master EIR to limit environmental review of subsequent projects. However, the Lead Agency for the subsequent project must prepare an Initial Study to determine whether the subsequent project and its significant environmental effects were included in the Master EIR. If the Lead Agency for the subsequent project finds that the subsequent project will have no additional significant environmental effect and that no new mitigation measures or alternatives may be required, it may prepare written findings to that effect without preparing a new environmental document. When the Lead Agency makes this finding, it must provide public notice of the availability of its proposed finding for public review and comment in the same manner as if it were providing public notice of the availability of a draft EIR. (See Sections 15177(d) and 15087 of the State Guidelines and Section 7.21 of these Local Guidelines.)

A previously certified Master EIR cannot be relied upon to limit review of a subsequent project if:

(a) A project not identified in the certified Master EIR has been approved and that project may affect the adequacy of the Master EIR for the subsequent project now under consideration; or
(b) The Master EIR was certified more than five (5) years before the filing of an application for the subsequent project, unless the District reviews the adequacy of the Master EIR and:

(1) Finds that, since the Master EIR was certified, no substantial changes have occurred that would cause the subsequent project to have significant environmental impacts, and there is no new information that the subsequent project would have significant environmental impacts; or

(2) Prepares an Initial Study and either certifies a Subsequent or Supplement EIR or adopts a Mitigated Negative Declaration that addresses any substantial changes or new information that would cause the subsequent project to have potentially significant environmental impacts. The certified subsequent or supplemental EIR must either be incorporated into the previously certified Master EIR or the District must identify any deletions, additions or other modifications to the previously certified Master EIR in the new document. The District may include a section in the subsequent or supplemental EIR that identifies these changes to the previously certified Master EIR.

When the Lead Agency cannot find that the subsequent project will have no additional significant environmental effect and no new mitigation measures or alternatives will be required, it must prepare either a Mitigated Negative Declaration or an EIR for the subsequent project.

8.12 FOCUSED EIR.

A Focused EIR is an EIR for a subsequent project identified in a Master EIR. It may be used only if the District finds that the Master EIR's analysis of cumulative, growth-inducing, and irreversible significant environmental effects is adequate for the subsequent project. The Focused EIR must incorporate by reference the Master EIR.

The Focused EIR must analyze additional significant environmental effects not addressed in the Master EIR and any new mitigation measures or alternatives not included in the Master EIR. "Additional significant effects on the environment" means those project-specific effects on the environment which were not addressed as significant effects on the environment in the Master EIR.

The Focused EIR must also examine the following:

(a) Significant effects discussed in the Master EIR for which substantial new information exists that shows those effects may be more significant than described in the Master EIR;
(b) Those mitigation measures found to be infeasible in the Master EIR for which substantial new information exists that shows the effects may be more significant than described in the Master EIR; and
(c) Those mitigation measures found to be infeasible in the Master EIR for which substantial new information exists that shows those measures may now be feasible.

The Focused EIR need not examine the following effects:

(a) Those that were mitigated through Master EIR mitigation measures; or
(b) Those that were examined in the Master EIR in sufficient detail to allow project-specific mitigation or for which mitigation was found to be the responsibility of another agency.

A Focused EIR may be prepared for a multifamily residential project not exceeding 100 units or a mixed use residential project not exceeding 100,000 square feet even though the project was not identified in a Master EIR, if the following conditions are met:

(a) The project is consistent with a general plan, specific plan, community plan, or zoning ordinance for which an EIR was prepared within five (5) years of the Focused EIR's certification;
(b) The project does not require the preparation of a Subsequent or Supplemental EIR; and
(c) The parcel is surrounded by immediately contiguous urban development, was previously developed with urban uses, or is within one-half mile of a rail transit station.

A Focused EIR for these projects should be limited to potentially significant effects that are project-specific and/or which substantial new information shows will be more significant than described in the Master EIR. No discussion shall be required of alternatives to the project, cumulative impacts of the project, or the growth-inducing impacts of the project. (See State Guidelines Section 15179.5.)

8.13 SPECIAL REQUIREMENTS FOR REDEVELOPMENT PROJECTS.

An EIR for a redevelopment plan may be a Master EIR, Program EIR or Project EIR. An EIR for a redevelopment plan must specify whether it is a Master EIR, a Program EIR or a Project EIR. Normally, the District will not be Lead Agency for a redevelopment plan. However, if the District is a Responsible Agency on such a project, the District should endeavor to ensure that the county, as Lead Agency, analyzes these impacts in accordance with CEQA.

If a Program EIR is prepared for a redevelopment plan, subsequent activities in the redevelopment program will be subject to review if they would have effects that were not examined in the Program EIR. The Lead Agency should use a written checklist or similar device to document the evaluation of the site and the proposed activity to determine whether the environmental effects of the operation were indeed covered in the Program EIR. If the Lead Agency finds that no new effects could occur, no new mitigation measures would be required or that State Guidelines Sections 15162 and 15163 do not otherwise apply, the Lead Agency can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental document is required.

If the EIR for a redevelopment plan is a Project EIR, all public and private activities or undertakings pursuant to or in furtherance of the Redevelopment Plan shall constitute a single project, which shall be deemed approved at the time of the adoption of the Redevelopment Plan Once certified, no subsequent EIRs will be needed unless required by State Guidelines sections 15162 or 15163. (State Guideline Section 15180.) If a Master EIR is prepared for a redevelopment plan, subsequent projects will be subject to review if they would have effects that were not examined in the Master EIR. If no new effects could occur or no new mitigation measures would be required, it can approve the activity as being within the scope of the project covered by the Master EIR, and no new environmental document is required.

9. CEQA LITIGATION

9.01 TIMELINES.

When a CEQA lawsuit is filed, there are numerous and complex time requirements that must be met. Pressing deadlines begin to run in the days immediately after a CEQA lawsuit has been filed with the Court. For example, within ten (10) business days of the public agency being served with a petition or complaint alleging a violation of CEQA, the District, if it was the Lead Agency, must provide the petitioner with a list of Responsible Agencies and public agencies with jurisdiction by law over any natural resource affected by the project at issue. There are a variety of other deadlines that apply in CEQA litigation.

If a CEQA lawsuit is filed, CEQA counsel should be contacted immediately in order to ensure that all the applicable deadlines are met. CEQA and the Code of Civil Procedure also allow parties to seek sanctions for frivolous CEQA claims and CEQA counsel can help assess the merits of the lawsuit. A "frivolous claim" is defined as "totally and completely without merit." Under Section 21169.11, a court may impose sanctions of up to $10,000 on a party making a frivolous claim in the course of an action brought under CEQA on or before December 31, 2015.

9.02 MEDIATION AND SETTLEMENT.

After Litigation Has Been Filed. The parties in a CEQA lawsuit are required to meet and discuss settlement. Within twenty (20) days of being served with a CEQA legal challenge, the public agency named in the lawsuit must file a notice with the court setting forth the time and place for a settlement meeting. The meeting must be scheduled and held not later than forty-five (45) days from the date of service of the petition or complaint upon the public agency. Usually the main parties to the litigation, (such as the Lead Agency, the developer of the project if there is one, and those challenging the project and their respective attorneys) meet to discuss settlement, there is no requirement to hire a professional mediator. The settlement meeting is usually subject to a confidentiality agreement.

If the parties in a CEQA lawsuit are in settlement or mediation, that attempt is intended to occur concurrently with the litigation. This means that the respondent public agency will be required to comply with all existing litigation timelines and requirements (for example, preparing and lodging the administrative record discussed below) while simultaneously conducting settlement or mediation, unless the parties enter into an alternate agreement to stay the litigation and that agreement is approved by the court.

Before Litigation Has Been Filed. CEQA also allows a potential petitioner to file a request for mediation within five (5) business days of the filing of a Notice of Determination ("NOD") or a Notice of Exemption ("NOE") but before litigation is started. The Lead Agency then has five (5) business days to respond the request. If the Lead Agency does not respond, the request for mediation is deemed denied. If the parties agree to mediation, the statute of limitations for filing the CEQA suit is tolled, or frozen, for the duration of the mediation. If the Lead Agency denies the request for mediation and a lawsuit is filed, the Lead Agency will still be required to comply with the settlement meeting requirement discussed above.

If the District receives a request for mediation, it should contact its legal counsel as soon as possible. Note that this mediation provision only applies to Notices of Determination and Notices of Exemption filed and posted on or after July 1, 2011.

These provisions allowing for mediation before litigation will expire on January 1, 2016, unless they are extended.

9.03 ADMINISTRATIVE RECORD.

A. Contents of Administrative Record.

When the Lead Agency's CEQA finding(s) and/or action is challenged in a lawsuit, the Lead Agency must certify the administrative record that formed the basis of the Lead Agency's decision. To the extent the documents listed below exist and are not subject to a privilege that exempts them from disclosure, the following items should be included in the administrative record:

(1) All project application materials;

(2) All staff reports and related documents prepared by the public agency with respect to its compliance with the substantive and procedural requirements of CEQA and with respect to the action on the project;

(3) All staff reports and related documents prepared by the public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the public agency pursuant to this division;

(4) Any transcript or minutes of the proceedings at which the decision-making body of the public agency heard testimony on or considered any environmental document on the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decision-making body prior to action on the environmental documents or on the project;

(5) All notices issued by the public agency to comply with CEQA or with any other law governing the processing and approval of the project;

(6) All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation;

(7) All written evidence or correspondence submitted to, or transferred from, the public agency with respect to compliance with CEQA or with respect to the project;

(8) Any proposed decisions or findings submitted to the decision-making body of the public agency by its staff or the project proponent, project

opponents, or other persons, to the extent such documents are subject to public disclosure;

(9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3) above, cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to CEQA;

(10) Any other written materials relevant to the respondent public agency's compliance with CEQA or to its decision on the merits of the project, including the initial study; any drafts of any environmental document, or portions thereof, that were released for public review; copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the public agency's files on the project; and internal agency communications related to the project or to compliance with CEQA, to the extent such documents are subject to public disclosure; and

(11) The full written record before any inferior administrative decision-making body whose decision was appealed prior to the filing of the lawsuit.

The administrative record can be prepared: (1) by the petitioner, if the petitioner elects to do so, or (2) by the Lead Agency. The petitioner and the Lead Agency can also agree on any alternative method of preparing the record. However, when a third party such as the project applicant prepares or assists with the preparation of the administrative record, the Lead Agency may not be able to recover fees incurred by the third party unless petitioner has agreed to this method of preparation.

B. Organization of Administrative Record.

The administrative record should be organized as follows:

(1) Index. A detailed index must be included at the beginning of the administrative record listing each document in the order presented. Each entry must include the document's title, date, brief description, and the volume and page where the document begins;

(2) The Notice of Determination;

(3) The resolutions or ordinances adopted by the Lead Agency approving the project;

(4) The findings required by Public Resources Code section 21081, including any statement of overriding considerations;

(5) The Final EIR, including the Draft EIR or a revision of the draft, all other matters included in the Final EIR (such as traffic studies and air quality studies), and other types of environmental documents prepared under CEQA, such as a negative declaration, mitigated negative declaration, or addenda;

(6) The initial study;

(7) Staff reports prepared for the administrative bodies providing subordinate approvals or recommendations to the Lead Agency, in chronological order;

(8) Transcripts and minutes of hearings, in chronological order; and

(9) All other documents appropriate for inclusion in the administrative record, in chronological order.

Each section listed above must be separated by tabs or marked with electronic bookmarks. Oversized documents (such as building plans and maps) must be presented in a manner that allows them to be easily unfolded and viewed.

The court may issue an order allowing the documents to be organized in a different manner.

C. Special Circumstances For Environmental Leadership Projects.

Special timing considerations and requirements apply if the Project is certified by the Governor as an Environmental Leadership Project pursuant to the "Jobs and Economic Improvement Through Environmental Leadership Act of 2011." For example, the administrative record must be finished and certified within five (5) days of project approval. See Public Resources Code Section 21186 for a complete discussion of the special requirements related to the preparation of an administrative record for an Environmental Leadership Project.

10. DEFINITIONS.

Whenever the following terms are used in these Local Guidelines, they shall have the following meaning unless otherwise expressly defined:

10.01 "Agricultural Employee" means a person engaged in agriculture, including farming in all its branches, and, among other things, includes: (1) the cultivation and tillage of the soil, (2) dairying, (3) the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, (4) the raising of livestock, bees, furbearing animals, or poultry, and (5) any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market.

This definition does not include any person covered by the National Labor Relations Act as agricultural employees pursuant to Section 2(3) of the Labor Management Relations Act (Section 152(3), Title 29, United States Code) and Section 3(f) of the Fair Labor Standards Act (Section 203(f), Title 29, United States Code). This definition does not apply to employees who perform work to be done at the site of the construction, alteration, painting, or repair of a building, structure, or other work (as these terms have been construed under Section 8(e) of the Labor Management Relations Act, 29 United States Code Section 158(e)) or logging or timber-clearing operations in initial preparation of land for farming, or who does land leveling or only land surveying for any of the above. As used in this definition, "land leveling" shall include only major land moving operations changing the contour of the land, but shall not include annual or seasonal tillage or preparation of land for cultivation. (State Guidelines Section 15191(a).)

10.02 "Applicant" means a person who proposes to carry out a project which requires a lease, permit, license, certificate, or other entitlement for use, or requires financial aid from one or more public agencies when applying for governmental approval or assistance.

10.03 "Approval" means a decision by the decision-making body or other authorized body or officer of the District which commits the District to a definite course of action with regard to a particular project. With regard to any project to be undertaken directly by the District, approval shall be deemed to occur on the date when the decision-making body adopts a motion or resolution determining to proceed with the project, which in no event shall be later than the date of adoption of plans and specifications. As to private projects, approval shall be deemed to have occurred upon the earliest commitment to provide service or the issuance by the District of a discretionary contract, subsidy, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project. The mere acquisition of land by the District shall not, in and of itself, be deemed to constitute approval of a project.

For purposes of these Local Guidelines, all environmental documents must be completed as of the time of project approval.

10.04 "Baseline" refers to the pre-project environmental conditions. By comparing the project's potential impacts to the baseline, the Lead Agency determines whether the project's impacts are substantial enough to be significant under the relevant thresholds of significance. Generally, the baseline is the environmental conditions existing on the date the environmental analysis begins, such as the date of the Notice of Preparation is published for an EIR or the date of the Notice of Intent to Adopt a Negative Declaration. However, in certain circumstances, an earlier or later date may provide a more accurate environmental analysis. The District may establish any baseline that is appropriate, including an earlier or later date, as long as the choice of baseline can be supported by substantial evidence.

10.05 "Categorical Exemption" means an exception from the requirement of preparing a Negative Declaration or an EIR, based on a finding by the Secretary of the Resources Agency that the class of projects does not have a significant effect on the environment.

10.06 "Census-Defined Place" means a specific unincorporated land area within boundaries determined by the United States Census Bureau in the most recent decennial census.

10.07 "CEQA" (the California Environmental Quality Act) means California Public Resources Code Sections 21000, et seq.

10.08 "Clerk" means either the "Clerk of the Board" or the "County Clerk" depending upon the county. Please refer to the "Index to Environmental Filing by County" in the Staff Summary to determine which applies.

10.09 "Community-Level Environmental Review" means either (1) or (2) below:

(1) An EIR certified for any of the following:

(a) A general plan;
(b) A revision or update to the general plan that includes at least the land use and circulation elements;
(c) An applicable community plan;
(d) An applicable specific plan; or
(e) A housing element of the general plan, if the Environmental Impact Report analyzed the environmental effects of the density of the proposed project;

(2) A Negative Declaration or Mitigated Negative Declaration adopted as a subsequent environmental review document, following and based upon an EIR on a general plan, an applicable community plan or specific plan, provided that the subsequent environmental review document is allowed by CEQA following a Master EIR or a Program EIR or is required pursuant to Public Resource Section 21166.

10.10 "Cumulative Impacts" means two or more individual effects which, when considered together, are considerable or which compound or increase other environmental

impacts. The individual effects may be changes resulting from a single project or a number of separate projects, whether past, present or future.

The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present and reasonably foreseeable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

10.11 "Cumulatively Considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

10.12 "Decision-Making Body" means the body within the District, e.g., the Board of Directors, which has final approval authority over the particular project.

10.13 "Developed Open Space" means land that meets each of the following three criteria:

(1) Is publicly owned, or financed in whole or in part by public funds;

(2) Is generally open to, and available for use by, the public; and

(3) Is predominantly lacking in structural development other than structures associated with open spaces, including, but not limited to, playgrounds, swimming pools, ball fields, enclosed child play areas, and picnic facilities.

Developed Open Space may include land that has been designated for acquisition by a public agency for developed open space purposes, but does not include lands acquired by public funds dedicated to the acquisition of land for housing purposes.

10.14 "Development Project" means any project undertaken for the purpose of development, including any project involving the issuance of a permit for construction or reconstruction but not a permit to operate. It does not include any ministerial projects proposed to be carried out or approved by public agencies. (Government Code Section 65928.)

10.15 "Discretionary Project" means a project for which approval requires the exercise of independent judgment, deliberation, or decision-making on the part of the District.

10.16 "District" means the Rossmoor Community Services District.

10.17 "EIR" (Environmental Impact Report) means a detailed written statement setting forth the environmental effects and considerations pertaining to a project. EIR may mean a Draft or a Final version of an EIR, a Project EIR, a Subsequent EIR, a Supplemental EIR, a Tiered EIR, a Staged EIR, a Program EIR, a Redevelopment EIR, a Master EIR, or a Focused EIR.

10.18 "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, landslide or other natural disaster, as well as such occurrences as riot, war, terrorist incident, accident or sabotage.

10.19 "Endangered, Rare or Threatened Species" means certain species or subspecies of animals or plants. A species or subspecies of animal or plant is "Endangered" when its survival and reproduction in the wild are in immediate jeopardy from one or more cause, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors. A species or subspecies of animal or plant is "Threatened" when it is listed as a threatened species pursuant to the California Endangered Species Act or the Federal Endangered Species Act. A species or subspecies of animal or plant is "Rare" when either:

(1) Although not presently threatened with extinction, the species is existing in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or

(2) The species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and many be considered "threatened" as that term is used in the Federal Endangered Species Act.

For purposes of analyzing impacts to biological resources, a species of animal or plant shall be presumed to be endangered, rare or threatened if it is listed under the California Endangered Species Act or the Federal Endangered Species Act.

This definition shall not include any species of the Class Insecta which is a pest whose protection under the provisions of CEQA would present an overwhelming and overriding risk to man as determined by the Director of Food and Agriculture (with regard to economic pests) or the Director of Health Services (with regard to health risks).

10.20 "Environment" means the physical conditions which exist in the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The "environment" includes both natural and man-made conditions.

10.21 "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

10.22 "Final EIR" means an EIR containing the information contained in the Draft EIR, comments either verbatim or in summary received in the review process, a list of persons commenting, and the response of the District to the comments received.

10.23 "Greenhouse Gases" include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

10.24 "Guidelines" or "Local Guidelines" means the District's Local Guidelines for implementing the California Environmental Quality Act.

10.25 "Historical Resources" include:

Resources listed in, or eligible for listing in, the California Register of Historical Resources shall be considered historical resources.

A resource may be listed in the California Register if it meets any of the following National Register of Historic Places criteria:

(a) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
(b) Is associated with the lives of persons important in our past;
(c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
(d) Has yielded, or may be likely to yield, information important in prehistory or history.

A resource may also be listed in the California Register if it is identified as significant in an historical resource survey that meets all of the following criteria:

(a) The survey has been or will be included in the State Historic Resources Inventory;
(b) The survey and the survey documentation were prepared in accordance with office procedures and requirements; and
(c) The resource is evaluated and determined by the office to have a significance rating of Category 1 to 5 on DPR Form 523.

Resources included on a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution, or identified as significant in a historical resource survey (as described above) are presumed to be historically or culturally significant, unless a preponderance of evidence demonstrates that they are not historically or culturally significant.

Any of the following may be considered historically significant: any object, building, structure, site, area, place, record or manuscript which a Lead Agency determines, based upon substantial evidence in light of the whole record, to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California.

The Lead Agency is not precluded from determining that a resource is a historical resource, as defined in Public Resources Code Sections 5020.1(j) or 5024.1, even if it

is: (a) not listed in, or determined to be eligible for listing in, the California Register of Historical Resources; (b) not included in a local register of historical resources; or (c) not identified in a historical resources survey.

10.26 "Infill Site" means a site in an urbanized area that meets either of the following criteria:

(1) The site has been previously developed for qualified urban uses; or

(2) The site has not been previously developed for qualified urban uses and both (a) and (b) are met:

(a) the site is immediately adjacent to parcels that are developed with qualified urban uses, or

1. at least 75 percent of the perimeter of the site is adjacent to parcels that are developed with existing qualified urban uses at the time the Lead Agency receives an application for an approval; and
2. the remaining 25 percent of the perimeter of the site adjoins parcels that had been previously developed for qualified urban uses;

(b) No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.

(Public Resources Code Section 21061.3.)

10.27 "Initial Study" means a preliminary analysis conducted by the District to determine whether an EIR or a Negative Declaration must be prepared or to identify the significant environmental effects to be analyzed in an EIR.

10.28 "Jurisdiction by Law" means the authority of any public agency to grant a permit or other entitlement for use, to provide funding for the project in question or to exercise authority over resources which may be affected by the project.

The District will have jurisdiction by law over a project when the District, having primary and exclusive jurisdiction over the area involved, is the site of the project, the area in which the major environmental effects will occur, or the area in which reside those citizens most directly concerned by any such environmental effects.

10.29 "Land Disposal Facility" means a hazardous waste facility where hazardous waste is disposed in, on, or under land. (Health and Safety Code Section 25199.1(d).)

10.30 "Large Treatment Facility" means a treatment facility which treats or recycles one thousand (1,000) or more tons of hazardous waste during any one month of the current reporting period commencing on or after July 1, 1991. (Health and Safety Code Section 25205.1(d).)

10.31 "Lead Agency" means the public agency which has the principal responsibility for preparing environmental documents and for carrying out or approving a project when more than one public agency is involved with the same underlying activity.

10.32 "Low- and Moderate-Income Households" means persons and families of low or moderate income" as defined in Section 50093 of the Health and Safety Code to mean persons and families whose income does not exceed 120% of area median income, adjusted for family size by the Department of Housing and Community Development, in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937. (Public Resources Code Section 21159.20(d); State Guidelines Section 15191(f).)

10.33 "Low-Income Households" means households of persons and families of very low and low income. Low-income persons or families are those eligible for financial assistance from governmental agencies for occupants of state-funded housing. Very low income persons are those whose incomes do not exceed the qualifying limits for very low income families as established and amended pursuant to Section 8 of the United States Housing Act of 1937. Such limits are published and updated in the California Code of Regulations. (Public Resources Code Section 21159.20(c); Health and Safety Code Sections 50105 and 50106; State Guidelines Section 15191(g).)

10.34 "Low-Level Flight Path" means any flight path for any aircraft owned, maintained, or under the jurisdiction of the United States Department of Defense that flies lower than 1,500 feet above ground level, as indicated in the United States Department of Defense Flight Information Publication, "Area Planning Military Training Routes: North and South America (AP/1B)" published by the United States National Imagery and Mapping Agency or its successor.

10.35 "Lower Income Households" is defined in Health and Safety Code Section 50079.5 to mean any of the following:

(1) "Lower income households" means persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937;

(2) "Very low income households" means persons and families whose incomes do not exceed the qualifying limits for very low income families as defined in Health and Safety Code 50105; or

(3) "Extremely low income households" means persons and families whose incomes do not exceed the qualifying limits for extremely low income families as defined in Health and Safety Code Section 50106.

10.36 "Major Transit Stop" means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of fifteen (15) minutes or

less during the morning and afternoon peak commute periods. (State Guidelines Section 15191(i).)

10.37 "Metropolitan Planning Organization" or "MPO" means a federally-designated agency that provides transportation planning and programming in metropolitan areas. A MPO is designated for each urban area that has been defined in the most recent federal census as having a population of more than 50,000 people. The Census Bureau issued its list of qualifying Urbanized Areas based on population counts from the 2000 decennial Census. There are 18 federally-designated MPOs in California. Non-urbanized (rural) areas do not have a designated MPO.

10.38 "Military Impact Zone" means any area, including airspace, that meets both of the following criteria:

(1) Is located within two miles of a military installation, including, but not limited to, any base, military airport, camp, post, station, yard, center, homeport facility for a ship, or any other military activity center that is under the jurisdiction of the United States Department of Defense; and

(2) Covers greater than 500 acres of unincorporated land, or greater than 100 acres of city incorporated land.

10.39 "Military Service" means the United States Department of Defense or any branch of the United States Armed Forces.

10.40 "Ministerial" describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested locations, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee. (Public Resources Code Section 21080(b)(1).)

10.41 "Mitigated Negative Declaration" or "MND" means a Negative Declaration prepared for a Project when the Initial Study has identified potentially significant effects on the environment, but: (1) revisions in the project plans or proposals made, or agreed to, by the applicant before the proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

10.42 "Mitigation" means avoiding the environmental impact altogether by not taking a certain action or parts of an action, minimizing impacts by limiting the degree or

magnitude of the action and its implementation, rectifying the impact by repairing, rehabilitating or restoring the impacted environment, reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, or compensating for the impact by replacing or providing substitute resources or environments.

10.43 "Negative Declaration" or "ND" means a written statement by the District briefly describing the reasons that a proposed project, not exempt from CEQA, will not have a significant effect on the environment and, therefore, does not require the preparation of an EIR.

10.44 "Notice of Completion" means a brief report filed with the Office of Planning and Research by the District when it is the Lead Agency as soon as it has completed a Draft EIR and is prepared to send out copies for review.

10.45 "Notice of Determination" means a brief notice to be filed by the District when it approves or determines to carry out a project which is subject to the requirements of CEQA.

10.46 "Notice of Exemption" means a brief notice which may be filed by the District when it has approved or determined to carry out a project, and it has determined that the project is exempt from the requirements of CEQA. Such a notice may also be filed by an applicant where such a determination has been made by a public agency which must approve the project.

10.47 "Notice of Preparation" means a brief notice sent by a Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, and involved federal agencies that the Lead Agency plans to prepare an EIR for a project. The purpose of this notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR. Public agencies are free to develop their own formats for this notice.

10.48 "Oak" means a native tree species in the genus Quercus, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code Section 4526, and that is five (5) inches or more in diameter at breast height. (Public Resources Code Section 21083.4(a).)

10.49 "Oak Woodlands" means an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover. (Fish & Game Code Section 1361(h).)

10.50 "Offsite Facility" means a facility that serves more than one generator of hazardous waste. (Public Resources Code Section 21151.1(h).)

10.51 "Person" includes any person, firm, association, organization, partnership, business, trust, corporation, company, city, county, city and county, town, the state, and any of the agencies which may be political subdivisions of such entities, and, to the extent

permitted by federal law, the United States, or any of its agencies or political subdivisions**.**

10.52 "Private Project" means a project which will be carried out by a person other than a governmental agency, but which will need a discretionary approval from the District. Private projects will normally be those listed in subsections (2) and (3) of Local Guidelines Section 10.53.

10.53 "Project" means the whole of an action or activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment, and is any of the following:

(1) A discretionary activity directly undertaken by the District including but not limited to public works construction and related activities, clearing or grading of land, or improvements to existing public structures;

(2) A discretionary activity which involves a public agency's issuance to a person of a lease, permit, license, certificate, or other entitlement for use, or which is supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance by the District; or

(3) A discretionary project proposed to be carried out or approved by public agencies, including but not limited to the enactment and amendment of local General Plans or elements thereof, the enactment of zoning ordinances, the issuance of zoning variances, the issuance of conditional use permits and the approval of tentative subdivision maps.

The presence of any real degree of control over the manner in which a project is completed makes it a discretionary project.

The term "project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval.

10.54 "Project-Specific Effects" means all the direct or indirect environmental effects of a project other than cumulative effects and growth-inducing effects. (Public Resources Code Section 21065.3; State Guidelines Section 15191(j).)

10.55 "Public Water System" means a system for the provision of piped water to the public for human consumption that has 3000 or more service connections. A public water system includes all of the following: (A) Any collection, treatment, storage, and distribution facility under control of the operator of the system which is used primarily in connection with the system; (B) Any collection or pretreatment storage facility not under the control of the operator that is used primarily in connection with the system; (C) Any person who treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption. (State Guidelines Section 15155.)

10.56 "Qualified Urban Use" means any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. (Public Resources Code Section 21072; State Guidelines Section 15191(k).)

10.57 "Residential" means a use consisting of either residential units only or residential units and primarily neighborhood-serving goods, services, or retail uses that do not exceed 15% of the total floor area of the project. (State Guidelines Section 15191(l).)

10.58 "Responsible Agency" means a public agency which proposes to carry out or approve a project for which a Lead Agency has prepared the environmental documents. For the purposes of CEQA, the term "Responsible Agency" includes all federal, state, regional and local public agencies other than the Lead Agency which have discretionary approval power over the project.

10.59 "Significant Effect" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the activity including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

10.60 "Special Use Airspace" means the land area underlying the airspace that is designated for training, research, development, or evaluation for a military service, as that land area is established by he United States Department of Defense Flight Information Publication, "Area Planning: Special Use Airspace: North and South America (AP/1A)" published by the United States National Imagery and Mapping Agency or its successor.

10.61 "Staff" means the General Manager or his or her designee**.**

10.62 "Standard" means a standard of general application that is all of the following:

(1) A quantitative, qualitative or performance requirement found in a statute, ordinance, resolution, rule, regulation, order, or other standard of general application;

(2) Adopted for the purpose of environmental protection;

(3) Adopted by a public agency through a public review process;

(4) Governs the same environmental effect which the change in the environment is impacting; and

(5) Governs the jurisdiction where the project is located.

The definition of "standard" includes any thresholds of significance adopted by the District which meet the requirements of this Section.

If there is a conflict between standards, the District shall determine which standard is appropriate based upon substantial evidence in light of the whole record.

10.63 "State Guidelines" or "State CEQA Guidelines" means the Guidelines for Implementation of the California Environmental Quality Act as adopted by the Secretary of the California Resources Agency as they now exist or hereafter may be amended. (California Administrative Code, Title 14, Sections 15000, et seq.)

10.64 "Substantial Evidence" means reliable information on which a fair argument can be based to support an inference or conclusion, even though another conclusion could be drawn from that information. "Substantial evidence" includes facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts. "Substantial evidence" does not include argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment.

10.65 "Sustainable Communities Strategy" is an element of a Regional Transportation Plan, which must be adopted by the Metropolitan Planning Organization for the region. (See Local Guidelines Section 10.37.) The Sustainable Communities Strategy is an integrated land use and transportation plan intended to reduce greenhouse gases. The Sustainable Communities Strategy includes various components such as: consideration of existing densities and uses within the region, identification of areas within the region that can accommodate an eight-year projection of the region's housing needs, development of projections for growth in the region, identification of existing transportation networks, and preparation of a forecast for development pattern for the region that can be integrated with transportation networks.

10.66 "Tiering" means the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs or ultimately site-specific EIRs incorporating by reference the general discussions and concentrating solely on the issues specific to the EIR subsequently prepared. Tiering is appropriate when the sequence of EIRs is:

(a) From a general plan, policy, or Program EIR to a program, plan, or policy EIR of lesser scope or to a site-specific EIR; or

(b) From an EIR on a specific action at an early stage to a subsequent EIR or a supplement to an EIR at a later stage. Tiering in such cases is appropriate when it helps the Lead Agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

(Public Resources Code Sections 21003, 21061 and 21100.)

10.67 "Transit Priority Project" means a mixed use project that is consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative

planning strategy for which the California Air Resources Board has accepted a Metropolitan Planning Organization's determination that the sustainable communities strategy or the alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets. Such a project may be exempt from CEQA if a detailed laundry list of requirements is met. To qualify for the exemption, the Transit Priority Project must:

(1) contain at least 50 percent residential use based on total building square footage;

(2) if the project contains between 26 percent and 50 percent non-residential uses, the floor-to-area ratio (FAR) must be at least 0.75;

(3) have a minimum net density of 20 dwelling units per acre;

(4) be located within a half mile of a major transit stop or high-quality transit corridor included in a regional transportation plan; and

(5) meet all the requirements of Public Resources Code Section 21155.1.

10.68 "Transportation Facilities" includes major local arterials and public transit within five (5) miles of the project site, and freeways, highways, and rail transit service within ten (10) miles of the project site.

10.69 "Trustee Agency" means a State agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee Agencies may include, but are not limited to, the following:

(a) The California Department of Fish and Game ("DFG") with regard to the fish and wildlife of the state, designated rare or endangered native plants, and game refuges, ecological reserves, and other areas administered by DFG;
(b) The State Lands Commission with regard to state owned "sovereign" lands such as the beds of navigable waters and state school lands;
(c) The State Department of Parks and Recreation with regard to units of the State Park System;
(d) The University of California with regard to sites within the Natural Land and Water Reserve System; and/or
(e) The State Water Resources Control Board with respect to surface waters.

10.70 "Urban Growth Boundary" means a provision of a locally adopted general plan that allows urban uses on one side of the boundary and prohibits urban uses on the other side of the boundary.

10.71 "Urbanized Area" means either of the following:

(1) An incorporated city that either by itself or in combination with two contiguous incorporated cities has a population of at least one hundred thousand (100,000) persons;

(2) An unincorporated area that meets both of the following requirements:

(a) The unincorporated area is either:

(i) completely surrounded by one or more incorporated cities, has a population of at least 100,000 persons either by itself or in combination with the surrounding incorporated city or cities, and has a population density that at least equals the population density of the surrounding city or cities; or

(ii) located within an urban growth boundary and has an existing residential population of at least five thousand (5,000) persons per square mile. An "urban growth boundary" means a provision of a locally adopted general plan that allows urban uses on one side of the boundary and prohibits urban uses on the other side.

(b) The board of supervisors with jurisdiction over the unincorporated area has taken all three of the following steps:

1. Prepared a draft document by which the board would find that the general plan, zoning ordinance, and related policies and programs applicable to the unincorporated area are consistent with principles that encourage compact development in a manner that promotes efficient transportation systems, economic growth, affordable housing, energy efficiency, and an appropriate balance of jobs and housing, and protects the environment, open space and agricultural areas;
2. Submitted the draft document to the Office of Planning and Research and allowed OPR thirty (30) days to submit comments on the draft finding to the board; and
3. At least thirty (30) days after submitting the draft document to OPR, the board has adopted a final finding in substantial conformity with the draft finding described in the draft document.

(Public Resources Code Sections 21083, 21159.20-21159.24; State Guidelines Section 15191(m).)

10.72 "Water Acquisition Plans" means any plans for acquiring additional water supplies prepared by the public water system or a city or county Lead Agency pursuant to subdivision (a) of section 10911 of the Water Code.

10.73 "Water Assessment" or "Water Supply Assessment" means the water supply assessment that must be prepared by the governing body of a public water system, or

a city or county, pursuant to and in compliance with sections 10910 to 10915 of the Water Code, and that includes, without limitation, the elements of the assessment required to comply with subdivisions (d), (e), (f), and (g) of section 10910 of the Water Code.

10.74 "Water Demand Project" means any one of the following:

(A) A residential development of more than 500 dwelling units;

(B) A shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;

(C) A commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;

(D) A hotel or motel, or both, having more than 500 rooms;

(E) An industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;

Except, a proposed photovoltaic or wind energy generation facility approved on or after October 8, 2011, is not a Water Demand Project if the facility would demand no more than 75 acre-feet of water annually.

(F) A mixed-use project that includes one or more of the projects specified in subdivisions (A); (B), (C), (D), (E), or (G) of this section;

(G) A project that would demand an amount of water equivalent to, or greater than, the amount of water; required by a 500 dwelling unit project; or

(H) For public water systems with fewer than 5,000 service connections, a project that meets the following criteria:

(1) A proposed residential, business, commercial, hotel or motel, or industrial development that would account for an increase of 10 percent or more in the number of a public water system's existing service connections; or

(2) A mixed-use project that would demand an amount of water equivalent to, or greater than, the amount of water required by residential development that would represent an increase of 10 percent or more in the number of the public water system's existing service connections.

(State Guidelines Section 15155.)

10.75 "Wetlands" has the same meaning as that term is construed in the regulations issued by the United States Army Corps of Engineers pursuant to the Clean Water Act.

Thus, "wetlands" means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Public Resources Code Section 21159.21(d), incorporating Title 33, Code of Federal Regulations, Section 328.3.)

10.76 "Wildlife Habitat" means the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection. (Public Resources Code Section 21159.21.)

10.77 "Zoning Approval" means any enactment, amendment, or appeal of a zoning ordinance; granting of a conditional use permit or variance; or any other form of land use, subdivision, tract, or development approval required from the city or county having jurisdiction to permit the particular use of the property.

11. FORMS

12. COMMON ACRONYMS

A. **********

ADEIR – Administrative Draft Environmental Impact Report
AQMD – Air Quality Management District
AQMP – Air Quality Management Plan
AR – Administrative Record
ARB – Air Resources Board

B. **********

BMP – Best Management Practices
BO – Biological Opinion

C. **********

Cal EPA – California Environmental Protection Agency
CAP – Climate Action Plan
CCAA – California Clean Air Act
CCR – California Code of Regulations (Title 14 Sections 15000 et seq. are also known as the State CEQA Guidelines.)
CE – Categorical Exclusion (NEPA)
CESA – California Endangered Species Act
CEQA – California Environmental Quality Act
CFR – Code of Federal Regulations
CMP – Congestion Management Plan
CRWQCB – California Regional Water Quality Control Board

D. **********

DEIR – Draft Environmental Impact Report
DFG – Department of Fish and Game

E. **********

EA – Environmental Assessment (NEPA term)
EIR – Environmental Impact Report
EIS – Environmental Impact Statement (NEPA term)
EPA – Environmental Protection Agency
ESA – Endangered Species Act; Environmental Site Assessment

F. **********

FCAA – Federal Clean Air Act
FEIR – Final Environmental Impact Report
FOIA – Freedom of Information Act (Federal)
FONSI – Finding of No Significant Impact (NEPA term)
FWS – Fish and Wildlife Service

G. **********

GHG – Greenhouse Gas
GW – Ground Water

H. **********

HH&E – Human Health and Environment
HRA – Health Risk Assessment
HS – Hazardous Substance

I. **********

IS – Initial Study

J. **********

K. **********

L. **********

LADD – Lifetime Average Daily Dose; Lowest Acceptable Daily Dose
LEA – Local Enforcement Agency
LESA – Land Evaluation and Site Assessment
LUFT – Leaking Underground Fuel Tank
LUST – Leaking Underground Storage Tanks. Reference Part 213 of Public Act 451 of 1994.

M. **********

MEIR – Master Environmental Impact Report
MMRP – Mitigation Monitoring and Reporting Plan
MPO – Metropolitan Planning Organization
MND – Mitigated Negative Declaration

N. **********

ND – Negative Declaration
NEPA – National Environmental Policy Act
NOA – Notice of Availability
NOC – Notice of Completion
NOD – Notice of Determination
NOE – Notice of Exemption
NOI – Notice of Intent
NOP – Notice of Preparation
NOV – Notice of Violation

O. **********

OPR – Office of Planning and Research

P. **********

PEIR – Program Environmental Impact Report. Sometimes also used to describe a Project Environmental Impact Report
PM – Particulate Matter
PRA – Public Records Act
PSA – Permit Streamlining Act

Q. **********

R. **********

RCRA – Resource Conservation and Recovery Act (1976) Governs definition, handling, and disposal of hazardous waste.

S. **********

SCH – State Clearinghouse
SEIR – Supplemental or Subsequent Environmental Impact Report
SMARA – Surface Mining and Reclamation Act
SWMP – Stormwater Monitoring Program
SWPPP – Stormwater Pollution Prevention Program

T. **********

TCM – Transportation Control Measure
TCP – Transportation Control Plan
TDS – Total Dissolved Solids
TMP – Transportation Management Plan
Title V – refers to Title V of the Clean Air Act related to ambient air quality provisions
TLV – Threshold Limit Value

U. **********

UBC – Uniform Building Code
UFC – Uniform Fire Code
UGST – Underground Storage Tank
USDW – Underground Source of Drinking Water
UWMP – Urban Water Management Plan

V. **********

VOC – Volatile Organic Compounds (Health & Safety Code, Section 25123.6.)
VOS – Vehicle Operating Survey

W. **********

WQS – Water Quality Standard
WSA – Water Supply Assessment
WTP – Water Treatment Plant. A facility designed to provide treatment to water.
WWTP – Wastewater Treatment Plan

X. **********

Y. **********

Z. **********

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM H-1

Date: March 13, 2012

To: Honorable Board of Directors

From: RCSD, General Manager

Subject: SECOND READING OF REVISED POLICY NO. 3050 PURCHASING

RECOMMENDATION:

Give second reading and approve proposed revision of Policy No. 3050 Purchasing.

BACKGROUND:

At your February meeting the Board gave first reading to Policy No. 3050 Purchasing. The proposed changes provide for consistency for the spending limits of the General Manager.

1. Policy No. 3050 Purchasing.

    a. Current
    b. Redline
    c. Proposed

CURRENT

Rossmoor Community Services District

Policy No. 3050

PURCHASING

3050.10 Expense Authorization: The General Manager has the authority and responsibility for managing and expending District funds in accordance with the approved annual District Final Budget (see Policy No. 2000, General Manager Authority and Responsibilities).

3050.20 Limits on Expenditures: The General Manager shall report promptly to the Board any expenditure for equipment, supplies or contract services that exceeds $5,000. Any contract for goods or services totaling $10,000 or more, in any one year or any amendment or extension thereto involving a change of more than $10,000 shall be subject to Board review and approval.

3050.30 Required Check Signatures: All District checks require two signatures in accordance with Policy No. 4055. All requests for payment shall be accompanied by an invoice or other documentation supporting the claim.

3050.40 Credit Card: The District credit card shall have a limit of $5,000. Review of the claims and payments will be performed in the manner required by Policy 3050.30, above.

3050.50 Revolving Cash Fund: The Revolving Cash Fund for incidental expenses shall be $400. A review of these expenditures for authorization by the approved District Budget shall be performed prior to replenishment of the fund.

3050.60 Public Works Projects: The General Manager shall conduct a competitive bid process in accordance with the Government Contract Code, including noticed bidding and sealed bids for any contract for the construction of a public works project which is estimated to cost in excess of $25,000. The General Manager shall present the competitive bid results to the Board and the Board shall award the contract, if at all, to the lowest responsive and responsible bidder.

3050.70 Emergency Expenditures: All emergency expenditures shall be in accordance with Policy No. 2000.160.

Adopted: December 9, 2003
Amended: April 10, 2007
Amended: October 9, 2007

REDLINE

Rossmoor Community Services District

Policy No. 3050

PURCHASING

3050.10 Expense Authorization: The General Manager has the authority and responsibility for managing and expending District funds in accordance with the approved annual District Final Budget ~~(see Policy No. 2000, General Manager Authority and Responsibilities).~~

3050.20 Limits on Expenditures: The General Manager shall ~~report promptly to the~~obtain Board ~~any expenditure for equipment, supplies or contract services~~approval for any ordinary expense that exceeds $5,000. ~~Any contract for goods or services totaling $10,000 or more, in any one year or any amendment or extension thereto involving a change of more than $10,000 shall be subject to Board review and approval.~~

3050.30 Required Check Signatures: All District checks require two signatures in accordance with Policy No. 4055. All requests for payment shall be accompanied by an invoice or other documentation supporting the claim.

3050.40 Credit Card: The District credit card shall have a limit of $5,000. Review of the claims and payments will be performed in the manner required by Policy 3050.30, above.

3050.50 Revolving Cash Fund: The Revolving Cash Fund for incidental expenses shall be $~~400.~~500. A review of these expenditures for authorization by the approved District Budget shall be performed prior to replenishment of the fund.

3050.60 Public Works Projects: The General Manager shall conduct a competitive bid process in accordance with the Government Contract Code, including noticed bidding and sealed bids for any contract for the construction of a public works project which is estimated to cost in excess of $25,000. The General Manager shall present the competitive bid results to the Board and the Board shall award the contract, if at all, to the lowest responsive and responsible bidder.

3050.70 Emergency Expenditures: All emergency expenditures shall be in accordance with Policy No. 2000~~.160~~ General Manager Authority and Responsibilities.

Adopted: December 9, 2003
Amended: April 10, 2007
Amended: October 9, 2007

PROPOSED

Rossmoor Community Services District

Policy No. 3050

PURCHASING

3050.10 Expense Authorization: The General Manager has the authority and responsibility for managing and expending District funds in accordance with the approved annual District Final Budget.

3050.20 Limits on Expenditures: The General Manager shall obtain Board approval for any ordinary expense that exceeds $5,000.

3050.30 Required Check Signatures: All District checks require two signatures in accordance with Policy No. 4055. All requests for payment shall be accompanied by an invoice or other documentation supporting the claim.

3050.40 Credit Card: The District credit card shall have a limit of $5,000. Review of the claims and payments will be performed in the manner required by Policy 3050.30, above.

3050.50 Revolving Cash Fund: The Revolving Cash Fund for incidental expenses shall be $500. A review of these expenditures for authorization by the approved District Budget shall be performed prior to replenishment of the fund.

3050.60 Public Works Projects: The General Manager shall conduct a competitive bid process in accordance with the Government Contract Code, including noticed bidding and sealed bids for any contract for the construction of a public works project which is estimated to cost in excess of $25,000. The General Manager shall present the competitive bid results to the Board and the Board shall award the contract, if at all, to the lowest responsive and responsible bidder.

3050.70 Emergency Expenditures: All emergency expenditures shall be in accordance with Policy No. 2000 General Manager Authority and Responsibilities.

Adopted: December 9, 2003
Amended: April 10, 2007
Amended: October 9, 2007

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM H-2

Date: March 13, 2012

To: Honorable Board of Directors

From: RCSD, General Manager

Subject: FUTURE BROADCASTING OF DISTRICT BOARD MEETINGS.

RECOMMENDATION:

Approve Agreement for future production of District Board Meetings and authorize General Manager to further investigate the 1% fee option for the purchase of District owned production equipment.

BACKGROUND:

At your February Board meeting, the General Manager reported on the options available for the future production of District Board meetings. After a thorough review of these options, it is recommended that the Board approve an Agreement for the production of District Board meetings. Two proposals by independent contractors were thoroughly vetted by staff to determine the best option based on both cost and quality of production.

Based on that evaluation, it was determined that a proposal by Mr. Doug Wood was superior in that it would provide a three camera production similar to what is currently provided by Time Warner, but that the cost and logistics were negative factors. The General Manager screened a production of a remote broadcast at Long Beach City College and it was of good quality.

Mr. John Underwood's proposal was superior in terms of cost and logistics, but this would only provide a two camera production. Staff reviewed a DVD of a two camera shoot produced by Mr. Underwood at a function in the District's Auditorium and it was also found to be of good quality.

Thus, a recommendation on the overall superior option was predicated on the following comparison:

Expertise:

Both individuals have comparable experience in the production of live and taped events with quality results.

Logistics:

The Wood proposal involves a two party arrangement between the contractor and Long Beach City College (LBCC). General Counsel has provided staff with a draft Agreement that separates the District from that arrangement, making Mr. Wood responsible for all aspects of the two-party proposal. This proposal also involves the transportation of the equipment from LBCC to the Auditorium in a rental truck and the storing of the equipment until the following morning in the Auditorium.

The Underwood proposal only involves a one party contractor who owns his own equipment and transportation. None of the logistical issues cited above apply.

Broadcasting:

An advantage of the Wood proposal is that the District would receive a DVD immediately after the meeting for broadcasting almost immediately on YouTube or on LATV3's schedule within a day or two if an arrangement is reached with Los Alamitos.

The Underwood proposal, however, requires post production work of 3-5 days which would delay broadcasting by about a week.

Production:

Both contractors would need to hire personnel to operate cameras and assist with setup and takedown, but that would not be an issue for the District. The difference between a two camera and three camera shoot is a subjective difference which should not disqualify Mr. Underwood's proposal.

Cost:

Mr. Wood's proposal is broken down by expense categories which helps evaluate the market value of the costs. The total annual cost to the District amounts to $13,680.

Mr. Underwood's proposal is all inclusive at $750 per month or an annual cost to the District of $9,000.

Reliability:

Both individuals have a long standing relationship with the City of Los Alamitos and/or LATV3 and years of experience in this field. There is no reason to believe that either would not fulfill their commitment to this service.

Recommendation:

Since both proposals have merit, it may be difficult to ignore the cost savings to District to reach an Agreement with Mr. John Underwood. The added cost of Mr. Wood's proposal, however, is deemed to have sufficient value added to sway a decision on several levels.

Staff's reasoning is as follows:

1. **Immediacy**. The Wood proposal provides for almost immediate broadcasting to the public. The further a broadcast is delayed; there is a correspondingly lower interest level from public to view it.

2. **Two Versus Three Camera Production**. Two camera angles are requisite to cover District Board meetings; one to cover the public speaking lectern, District staff, and the video screen and the second to cover the dais from the back of the room. A third camera at the back of the room provides a master shot of the dais, giving the close-up camera operator time to determine who is speaking and get into position. A single camera covering this angle would have to make quick movements on-line and would probably get the shot late.

3. **Specific Expertise**. Both individuals have a broad breath of experience, however, Mr. Underwood has been producing Los Alamitos City Council meetings for several years.

Should this arrangement not meet the Board's expectations, there is a fall back position with Mr. Underwood or the equipment purchase option at a later date.

Moving on to broadcasting, the District can continue to broadcast its meetings as it does now by:

1. Reaching an agreement with Los Alamitos to air the meetings on LATV3 which would likely result in a cost to the District.

2. Continuing to utilize web based transmission as we do now with Mr. Strawther, or by utilizing a cloud based URL on a contract basis.

The advantage of the current arrangement with Mr. Strawther is that it is no cost, but there is no agreement in place for a long term commitment. A cloud based URL contract would ensure a long term commitment at a reasonable cost. An agreement with a company such as Vimeo.com charges $139.00 annually for 50 gig of storage and 250,000 plays, more that the District would ever need.

Regarding the purchase of equipment, using the 1% option has merit and should not be discounted. The District could purchase robotic cameras, mixer and other equipment which could be operated by one individual. Production contractor time would amount to approximately 3-5 hours per month for Board meetings at a negotiated price. This option also has the advantage of taping other meetings which now require the consent of TW. The estimated cost for state of the art equipment is approximately $75,000 which would be recoverable from the 1% fee. Equipment would not need to be purchased until its full cost became available from the fee.

This longer term option would better guarantee a consistent and reliable operation under the control of the District. Also, depending on the equipment purchased, there would greater flexibility for production of programming other than Regular Board Meetings. This could include Special Board Meetings, Workshops, ad hoc committee meetings, and perhaps remote events.

Sufficient funds have been identified to pay for this year's services.

ATTACHMENTS:

1. Proposal from Mr. Douglas Wood for Production of District Board Meetings.

2. Proposal from Mr. John Underwood for Production of District Board Meetings.

3. Proposed Agreement with an option for contracting with Mr. Douglas Wood or Mr. John Underwood.

4. Preliminary Cost Estimate for Purchase of Equipment.

Attachment 1

Estimated costs associated with scope of services for video coverage and recording of Rossmoor Community Service District board meetings

Cost of LBCC TV equipment for use per day - $500 (payable as a donation to the Long Beach City College Foundation)

Estmated cost of Rental Truck with lift gate or loading ramp $120

Vehicle for Transportation of equipment from 4901 E. Carson St, Long Beach, to 3001 Blume St, Rossmoor.

Vehicle for Transportation of equipment from 3001 Blume St, Rossmoor to 4901 E. Carson St, Long Beach.

Engineer - Estimated cost of hours for an average meeting -10hrs x $25/hr = $250 (1hr pick up, 3hrs setup, 4hrs meeting, 1hr pack up, 1hr drop off)

1st Camera Operastor - Estimated cost of hours for an average meeting 10hrs x $15/hr = $150 (1hr pick up, 3hrs setup, 4hrs meeting, 1hr pack up, 1hr drop off)

2nd Camera Operator - Estimated cost of hours for an average meeting 8hrs x $15/hr = $120 (3hrs setup, 4hrs meeting, 1hr pack up)

$500

+ $120

+ $250

+ $150

+ $120

Total = $1140

Prepared by Douglas Wood

Attachment 2

Proposal

2/2/12
To: Henry Taboada
General Manager/ RCSD

From: John Underwood
LATV coordinator/producer

re: contract for recording services of RCSD meetings

Henry,

As per your request I am submitting the following bid to provide my recording services for the capture, post production and packaging of the monthly Rossmoor Community Services District meetings for broadcast on LATV.

I am prepared to provide a two camera broadcast quality production of the entire RCSD public proceeding that would match or exceed the technical look of the current Time Warner services that will soon expire. The post-produced approach I have developed for low cost location productions will require some post editing and assembly. A finalized program would be available to schedule for air 4 days after the event.

A copy of the final program will be made available to you and the RCSD within 5 days of the event.

I am confident of this approach because I have successfully recorded location events in Rossmoor and Los Alamitos this way a number of times over the last several years., and am familiar with the PA system now servicing the Rush Park auditorium.

Your cost for this service would be $750 payable to John Underwood upon completion and transfer of a broadcast quality copy. Both RCSD and LATV will retain nonexclusive rights to reproduce the programs whole or in part for rebroadcast or web upload.

I look forward to working with you and in providing the Rossmoor community and beyond with valuable coverage of its governing body.

regards,

John Underwood
562 619-3222
jsu@socal.rr.com

ROSSMOOR COMMUNITY SERVICES DISTRICT
PROFESSIONAL SERVICES AGREEMENT

1. PARTIES AND DATE.

This Agreement is made and entered into this __ day of _____, 2012, by and between the Rossmoor Community Services District, a public agency ("District") and _____, an individual ("Contractor"). District and Contractor are sometimes individually referred to as "Party" and collectively as "Parties."

2. RECITALS.

2.1 Contractor.

Contractor desires to perform and assume responsibility for the provision of certain professional services required by the District on the terms and conditions set forth in this Agreement. Contractor represents that it is experienced in providing such services, is licensed in the State of California, and is familiar with the plans of District.

2.2 Project.

District desires to engage Contractor to record, film, videotape, capture, produce and package the monthly regular meetings of the Board of Directors of the District for broadcast on the applicable public educational, and government ("PEG") channel and internet streaming on the District's website and other websites as may be determined by District ("Project").

3. TERMS.

3.1 Scope of Services and Term.

3.1.1 General Scope of Services. Contractor promises and agrees to furnish to the District all labor, materials, tools, equipment, services, and incidental and customary work necessary to fully and adequately supply the professional services necessary for the Project ("Services"). The Services are more particularly described in Exhibit "A" attached hereto and incorporated herein by reference. All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations. For example, and not by way of limitation, Contractor represents and warrants that Contractor has all right, title, interest and any other permission or approval which may be necessary for the use of any and all equipment, vehicles and other materials which may be necessary for the performance of the Services.

3.1.2 Term. The term of this Agreement shall be for a period not exceeding one (1) year from the date of full execution of this Agreement by both Parties, unless earlier terminated as provided herein. District may elect, in its sole and absolute discretion, to extend the initial term of this Agreement for three (3) one (1) year extended terms, provided District

gives Contractor written notice of such election prior to the expiration of the initial or extended term, as applicable.

3.2 Responsibilities of Contractor.

3.2.1 Control and Payment of Subordinates; Independent Contractor. The Services shall be performed by Contractor or under its supervision. Contractor will determine the means, methods and details of performing the Services subject to the requirements of this Agreement. District retains Contractor on an independent contractor basis and not as an employee. Contractor retains the right to perform similar or different services for others during the term of this Agreement. Any additional personnel performing the Services under this Agreement on behalf of Contractor shall also not be employees of District and shall at all times be under Contractor's exclusive direction and control. Contractor shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Contractor shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

3.2.2 Conformance to Applicable Requirements and Coordination of Services. All work prepared by Contractor shall be subject to the approval of District. Contractor agrees to work closely with District staff in the performance of Services and shall be available to District's staff at all reasonable times. For example, and not by way of limitation, District shall have the final and total control over the content, editing and final version of any and all recordings, filming, and videotaping as provided for under this Agreement.

3.2.3 Standard of Care; Performance of Employees. Contractor shall perform all Services under this Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California. Contractor shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all Cal/OSHA requirements, and shall give all notices required by law. Contractor shall be liable for all violations of such laws and regulations in connection with Services. Contractor shall execute and maintain its work so as to avoid injury or damage to any person or property. In carrying out its Services, the Contractor shall at all times be in compliance with all applicable local, state and federal laws, rules and regulations, and shall exercise all necessary precautions for the safety of employees appropriate to the nature of the work and the conditions under which the work is to be performed. Contractor shall perform, at its own cost and expense and without reimbursement from the District, any services necessary to correct errors or omissions which are caused by the Contractor's failure to comply with the standard of care provided herein.

3.2.4 Insurance.

3.2.4.1 Minimum Requirements. Contractor shall, at its expense, procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the

Agreement by Contractor, its agents, representatives, employees or subcontractors. Such insurance shall meet at least the following minimum levels of coverage:

(A) Minimum Scope of Insurance. Coverage shall be at least as broad as the latest version of the following: (1) *Automobile Liability*: Insurance Services Office Business Auto Coverage form number CA 0001, code 1 (any auto); and (2) *Workers' Compensation and Employer's Liability*: Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

(B) Minimum Limits of Insurance. Contractor shall maintain limits no less than: (1) *Automobile Liability:* $1,000,000 per accident for bodily injury and property damage; and (2) *Workers' Compensation and Employer's Liability:* Workers' Compensation limits as required by the Labor Code of the State of California.

3.3 Fees and Payments.

3.3.1 Compensation. Contractor shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "B." Contractor shall submit to District in the form approved by District, a monthly statement for Services rendered prior to the date of the statement. District shall, within 45 days of receiving such statement, review the statement and pay all approved charges thereon. Contractor shall not be reimbursed for any expenses unless authorized in writing by District.

3.3.2 Prevailing Wages. Contractor is aware of the requirements of California Labor Code Sections 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects. If the Services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is $1,000 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. District shall provide Contractor with a copy of the prevailing rates of per diem wages in effect at the commencement of this Agreement. Contractor shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the Contractor's principal place of business and at the project site. Contractor shall defend, indemnify and hold the District, its elected officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

3.4 General Provisions.

3.4.1 Termination of Agreement.

3.4.1.1 Grounds for Termination. District or Contractor may, by written notice to other party, terminate this Agreement at any time and without cause by giving written notice to other party of such termination, and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination. Upon termination, Contractor shall be

compensated only for those services which have been adequately rendered to District, and Contractor shall be entitled to no further compensation. If this Agreement is terminated as provided herein, District may require Contractor to provide all finished or unfinished documents, materials and other information of any kind prepared by Contractor in connection with the performance of Services under this Agreement. Contractor shall be required to provide such documents, materials and other information within fifteen (15) days of the request. In the event this Agreement is terminated in whole or in part as provided herein, District may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

3.4.2 Ownership of Material All reports, information, data, film, videotape or other material given to, or prepared by or assembled by Contractor as part of the work or services under this Agreement ("Documents and Data") shall be the property of District. Contractor shall not disclose those Documents and Data to any other individual or organization without the prior written approval of District. Contractor represents and warrants that Contractor has the legal right to grant District permission to own and use any and all Documents and Data. District shall not be limited in any way in its ownership and use of the Documents and Data at any time.

3.4.3 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective Parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

Contractor: _____
_____
_____
Attn: _____

District: Rossmoor Community Services District
3001 Blume Dr.
Rossmoor, CA 90814
Attn: Henry Taboada, Consulting General Manager

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the Party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

3.4.4 Attorney's Fees. If either Party commences an action against the other Party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to have and recover from the losing party reasonable attorney's fees and all other costs of such action.

3.4.5 Indemnification. Contractor shall defend, indemnify and hold the District, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, in law or equity, to property or persons, including wrongful death, in any manner arising out of or incident to any alleged acts, omissions or willful misconduct of Contractor, its officials, officers,

employees, agents, contractors and subcontractors arising out of or in connection with the performance of the Services, the Project or this Agreement, including without limitation the payment of all consequential damages and attorneys fees and other related costs and expenses.

3.4.6 Governing Law. This Agreement shall be governed by the laws of the State of California. Venue shall be in Orange County.

3.4.7 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.

3.4.8 Labor Certification. By its signature hereunder, Contractor certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

3.4.9 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

3.4.10 Prior Approval Required to Subcontract. Contractor shall not subcontract any portion of the work required by this Agreement, except as expressly stated herein, without prior written approval of District. Contractor shall require each of its subcontractors to agree in writing to be bound by the provisions of this Agreement.

3.4.11 Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both parties.

3.4.12 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal or otherwise unenforceable by a court or competent jurisdiction, the remaining provisions shall continue to be in full force and effect.

[signatures are on the following page]

ROSSMOOR COMMUNITY SERVICES DISTRICT

By: _____
Henry Taboada
Consulting General Manager

By: _____
_____
_____

EXHIBIT "A"

Scope of Services

Record, film, videotape, capture, produce and package the monthly regular meetings of the Board of Directors of the District for broadcast on the applicable public educational, and government ("PEG") channel and internet streaming on the District's website and other websites as may be determined by District.

Two (2) camera broadcast quality production of the entire monthly regular meetings of the Board of Directors of the Rossmoor Community Services District.

Post production, post editing and assembly in order to create a finalized program.

The final version of the program shall be received by the District and/or made available for broadcasting on the PEG channel and the internet on a date which is not more than five (5) days from the date of the applicable meeting of the Board of Directors.

EXHIBIT "B"

COMPENSATION

Douglas Wood

Charge per day for use of equipment - $500.00 per day
(Contractor shall be solely responsible for direct payment to the applicable party for use of said equipment.)

Estimated cost of transportation of equipment to and from Board meeting - $120.00

Engineer - $25.00 per hour.
Estimated cost of hours for an average meeting – 10 hours x $25.00 per hour = $250.00.
(1 hour pick up, 3 hours set up, 4 hours meeting, 1 hour pack up, 1 hour drop off.)

1st Camera Operator - $15.00 per hour.
Estimated cost of hours for an average meeting 10 hours x $15.00 per hour = $150.00.
(1 hour pick up, 3 hours set up, 4 hours meeting, 1 hour pack up, 1 hour drop off.)

2nd Camera Operator - $120.00 per hour.
Estimated cost of hours for an average meeting 8 hours x $15.00 per hour = $120.00.
(3 hours setup, 4 hours meeting, 1 hour pack up.)

John Underwood

$750 payable upon completion and transfer of a broadcast quality copy to District pursuant to the Agreement.

Attachment 4

VMI
BROADCAST AND PROFESSIONAL VIDEO

VMI, Inc -So. California
11258 Monarch Street, Unit A
Garden Grove, CA 92841

Phone (714) 894-6100
Fax (714) 894-6110

Feb 7, 2012

Quote Number
9825

Work Phone

Fax Number

email Number

Salesperson
VMI
lwilson@vmivideo.com

Rossmoor District Chambers
3021 Blume Drive
Rossmoor, CA 90720-4638

Below is the quotation you requested:

Item	Qty	Ttl	Manufacturer	Model Number	Description	Unit Price	Extension
1	3	3	Panasonic	AW-HE120W	SD/HD PTZ	$8900.00	$26700.00
2	1	1	BroadPix	MC-500	switcher	$17900.00	$17900.00
3	1	1	HP	L2105TM	21" touchscreen	$450.00	$450.00
4	1	1	Viewsonic	VG242VM	monitor	$299.00	$299.00
5	1	1	JVC	SR-HD1500US	Blu-ray recoder	$2400.00	$2400.00
6	1	1	Kramer	VA-256XL	bal audio delay	$350.00	$350.00
7	1	1	Kramer	RK-3T	rack adapter	$38.00	$38.00
8	1	1	Extron	60-581-01	RGBHV trans	$165.00	$165.00
9	1	1	Extron	60-582-01	RGBHV recv	$195.00	$195.00
10	1	1	Ensemble	BEM-3	VGA to HDSDI Converter	$2200.00	$2200.00
11	1	1	Ensemble	BERKMT	rk mt kit	$85.00	$85.00
12	2	2	Ensemble	BEPS	power supply	$55.00	$110.00
13	1	1	Ensemble	BE11-HD	HD/SD SDI to Analog Converter	$1195.00	$1195.00
14	1	1	Panasonic	AW-RP655N	p/t controller	$4625.00	$4625.00
15	1	1	Panasonic	AW-PS550N	AC supply	$665.00	$665.00
16	1	1	Fostex	RM-2	rkmt audio moniotr	$699.00	$699.00
17	1	1	JVC	DT-V17G1Z	17" HD-SDI mon	$3100.00	$3100.00
18	1	1	Mackie	1402-VLZPRO	audio mixer	$450.00	$450.00
19	1	1	Mid Atlan	ERK-1825	18 space rack	$350.00	$350.00
20	1	1	Mid Atlan	PD-915R	rk mt pwr strip	$95.00	$95.00
21	3	3	Mid Atlan	U2	2 sp rackshelf	$55.00	$165.00
22	1	1	Extron	60-692-21	DA 6AV EQ	$325.00	$325.00
23	1	1	Extron	60-190-10	RSU 126	$85.00	$85.00
24	1	1	ESE	ES 219A/OPT P	black burst gen	$245.00	$245.00
25	1	1			installation and training	$5600.00	$5600.00
26	1	1			materials	$1300.00	$1300.00

Prices do not include freight charges. Please contact me if you have any questions. Thank you for this opportunity to quote prices to you.

Lewis Wilson
VMI, Inc.

Taxable Amount	$64191.00
Tax 7.75%	$4974.80
Non Txble Amnt	$5600.00
Shipping Chg	
Total Charges	$74765.80

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM H-3

Date: March 13, 2012

To: Honorable Board of Directors

From: RCSD, General Manager

Subject: ADOPTION OF FY 2012-2013 BUDGET CALENDAR

RECOMMENDATION:

Review and adopt FY 2012-2013 Budget Calendar

BACKGROUND:

Policy No. 3020 Budget Preparation and Revision requires that the General Manager prepare and the Board adopt a budget calendar for the succeeding fiscal year. Attached is the proposed budget calendar for your consideration. Some dates, such as the review by Board Committees, may be adjusted based on the availability of Committee members on the dates specified. Otherwise, most other dates are dictated by the policy.

ATTACHMENTS:

1. FY 2012-2013 Budget Calendar.

2. Policy No. 3020 Budget Preparation, Adoption and Revision.

Attachment 1

FY 2012-2013 BUDGET CALENDAR

March 13, 2012	Submit Budget Calendar to Board
March 19, 2012	Complete FY 2011-2012 Estimates to Close
April 11, 2012	Complete Preparation of FY 2012-2013 Preliminary Budget
April 16, 2012	Review Preliminary Budget with Public Works/CIP Committee
April 23, 2012	Review Preliminary Budget with Budget Committee
May 8, 2012	Present Preliminary Budget to the Board
June, 12, 2012	Board Adopts Appropriations Limit by Resolution
June 18, 2012	Public Hearing Notice is Published in Local Newspaper
June 25, 2012	Second Public Hearing Notice is Published in Local Newspaper
July 10, 2012	Final Budget is Submitted to Board for Adoption at a Public Hearing by Resolution
August 13, 2012	Final Date for Adoption of a Final Budget

Attachment 2

Rossmoor Community Services District

Policy **No. 3020**

BUDGET PREPARATION, ADOPTION AND REVISION

3020.10 Budget Calendar: This policy shall serve as the budget calendar unless the Board modifies the dates herein. If so, the General Manager shall prepare and the Board shall adopt a budget calendar for the succeeding fiscal year at the March meeting of the Board.

3020.20 Preliminary Budget: A Preliminary Budget based on current year estimates to close and on forecasting of expected revenues and expenditures for the succeeding fiscal year shall be prepared by the General Manager by April 30. The Preliminary Budget shall conform to generally accepted accounting and budgeting procedures for special districts.

3020.25 Public Works/CIP Committee: The Public Works/Capital Improvement Projects (CIP) Committee is comprised of two Board members and the General Manager. The President of the Board appoints the members of the Committee

> **3025.26** Capitol Project Budget: Prior to the development of the Preliminary Budget, the Public Works/CIP Committee shall meet and make recommendations to the Board on recommended capital improvement projects for inclusion in the proposed Fund 40 budget portion of the Preliminary Budget. Capital improvement projects shall be those projects with an estimated cost of $5,000 or over and have a five-year service life. Projects of a lesser amount or of less than a five-year service life will be included in the appropriate departmental budgets of Fund 10 of the Preliminary Budget.

3020.30 Budget Committee: The Budget Committee is comprised of two Board members and the General Manager. The President of the Board appoints members to the Committee.

> **3020.31** Presentation of Preliminary Budget: The Budget Committee shall review the Preliminary Budget prepared by the General Manager and make recommended changes. The General Manager shall present the amended Preliminary Budget to the Board at its meeting in May.

3020.40 Preliminary Budget: The proposed Preliminary Budget, as reviewed and amended by the Budget Committee, shall be reviewed and approved by the Board at its May meeting.

3020.50 Appropriations Limit: On or before July 1 of each year, the Board shall adopt a resolution establishing its appropriations limit pursuant to Section 61113 of the Government Code.

3020.60 Public Hearing Notice: On or before July 1 of each year, and at least two weeks before the hearing, a notice of public hearing shall be published in a newspaper of general circulation, which specifies the following:

3020.61 Availability for Inspection: The proposed Final Budget shall be available for inspection at a specified time in the District office.

3020.62 Public Hearing: The date, time and place of the meeting of the Board when the Board will meet to adopt the Final Budget and that any person may appear and be heard regarding any item in the budget or the addition of other items.

3020.70 Second Public Notice: The public notice must be published a second time at least

two (2) weeks before the Final Budget hearing in at least one newspaper of general circulation in accordance with Section 61110(d) of the Government Code.

3020.80 Final Budget Adoption: The General Manager shall submit a Final Budget to the Board as soon as practicable, but no later than the meeting of the Board in August. The Final Budget shall be based on the latest financial data available or the audited numbers for the previous fiscal year, if available. At the August Board meeting or sooner, the Board will hold the public hearing on the Final Budget and upon completion of the public hearing will consider adoption of the Final Budget. On or before September 1 of each year, the Board must adopt a Final Budget that conforms to generally accepted accounting and budgeting procedures for special districts. Immediately thereafter, the Board will adopt a Resolution stating the District Annual Budget Revenues and Expenses Totals by Fund.

3020.90 County Auditor: After Final Budget adoption and completion of the District's Financial Audit, the General Manager shall forward a copy of both documents to the County Auditor.

3020.100 Budget Adjustment: The Budget Committee shall review budget adjustments prepared by the General Manager prior to the February Board meeting. The General Manager shall present budget adjustment recommendations at the February meeting of the Board. The Board shall review current revenue and expenditure projections and make necessary adjustments to the current Budget, which are reflective of the District's current financial condition. The Board may adjust the budget by adoption of a resolution amending the budget.

3020.110 Budgetary Control: Control of movement of funds is governed by Policy No. 3021 Budgetary Control.

Amended: November 9, 2004
Amended: January 11, 2005
Amended: April 10, 2007
Amended: October 9, 2007
Amended: January 13, 2009
Amended: January 10, 2012

ROSSMOOR COMMUNITY SERVICES DISTRICT

AGENDA ITEM H-4

Date: March 13, 2012

To: Honorable Board of Directors

From: General Manager

Subject: REQUEST BY THE ROSSMOOR HOMEOWNERS ASSOCIATION (RHA) FOR COSPONSORSHIP OF THE ROSSMOOR COMMUNITY FESTIVAL

RECOMMENDATION:

Approve the request of the RHA for cosponsorship of the Rossmoor Community Festival event.

BACKGROUND:

For several years, the RHA has conducted an annual picnic at Rush Park. The event is for one day on May 6th with activities much like last year. The RHA is once again requesting that the District cosponsor the event (no fees for the use of the park or District staff costs). Cosponsorship requires a manageable number of staff hours in support of this of event. Last year, two District staff persons were required, with the RHA providing the remainder of the work hours.

ATTACHMENTS:

1. Letter dated March 1, 2012 from the RHA.
2. 2012 Community Festival Flyer

Attachment 1

Rossmoor Homeowners Association
P.O. Box 5058 Rossmoor, California 90721
(562) 799-1401 www.Rossmoor-RHA.org

March 1, 2012

Mr. Henry Taboada, General Manager
Rossmoor Community Service District
3001 Blume Drive
Rossmoor, CA 90720

Subject: RCSD Participation in the 2012 Rossmoor Community Festival

Dear Mr. Taboada,

At the August 2011 RHA Board meeting it was agreed to sponsor a "Rossmoor Community Festival" on the first Sunday in May 2012 (May 6, 2011). This event will be for one day and will follow the format we had success with in 2011. It will incorporate lessons learned that were documented in after action reports by the RHA and the RCSD for the 2011 Festival.

As a first step in preparing for the Festival, the RHA Board of Directors invites the RCSD Board of Directors to cosponsor the event. The RHA Board also requests that the RCSD reserve Rush Park for this one day event on May 6, 2012.

The RHA Board of Directors also has established a Festival Committee chaired by Geoffrey King and supported by other Board members. The RHA Festival Committee is holding monthly planning meetings, normally on the third Wednesday of each month at 3:00 PM in the Rossmoor Park Community Center. At these meetings we are confirming the overall schedule of activities required to achieve a successful 2012 Festival, assigning responsibilities, and getting updates on assignments. We have invited the RCSD to have a representative or representatives participate in that planning to assure the best possible communications between the RHA and RCSD. Currently, we are working with Emily Gingras and Chris Argueta and greatly appreciate their advice.

The RHA Board of Directors also would greatly appreciate it if the RCSD Board of Directors would provide the stage for entertainment and awards for this event as they did last year. We also request use of chairs and tables for various non-profit community groups such as the Rossmoor Women's Club. We will provide canopies. We are asking the vendors to provide their own canopy, tables and chairs. The expected count for chairs and tables for yourselves, the RHA and other community groups will be provided by April 15, 2011. Finally, we will need RCSD staff at 7:00 AM and 5:00 PM to unlock, and remove/replace blocking posts on sidewalks/driveways for vendor vehicles; to turn on/off power to light post outlets along the park sidewalk; to provide access to chair and table storage areas in the RCSD facilities; and to periodically check and service restrooms. RHA volunteers will perform all other tasks for setting up, operation and

teardown of festival facilities, including collection of garbage and provision of a dumpster.

Should you have any questions regarding the Rossmoor Community Festival, please contact Milt Houghton or the undersigned.

Sincerely yours,

W. C. Gekler

Willard C. Gekler
Secretary

Sunday, May 6th
10 am - 5 pm

Join us for the best celebration yet!

Presented by
RHA & RCSD

www.rossmoor-rha.org
www.rossmoor-csd.org

562.799.1401
562.430.3707

ROSSMOOR Community Festival 2012

Seriously... What more could you ask for?

Family Fun

Featuring...

- Car Show
- Dog Parade
- Live Music
- *We Care's 1st Annual High Heel Dash!*

Sign up at wecarelosalamitos.org

- Fabulous Food!
- Great Vendors!
- Local Arts & Crafts!
- Rides!
- Games!
- Entertainment!

Rush Park: 3001 Blume Drive, Rossmoor, CA 90720

Sponsored by Rossmoor Homeowners Association & Rossmoor Community Services District