

REGULAR BOARD MEETING AGENDA

October 13, 2015 2:00 PM

Saddle Creek Lodge

1001 Saddle Creek Drive, Copperopolis, CA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. CHANGES TO ORDER OF AGENDA
5. **PUBLIC COMMENT** (Each speaker is limited to two (2) minutes)

Members of the public appreciated for taking the time to attend this meeting and provide comments on matters of District business. Any member of the public may address the Board relating to any matter within the Board's jurisdiction. This need not be related to any item on the agenda; however, the Board cannot act on an item unless it was noticed on the agenda.

6. CONSENT CALENDAR

Consent Calendar items are considered routine and will be acted upon by one motion. There will be no separate discussion on these items unless a member of the Board, Staff or a member of the Public requests specific items be set aside for separate discussion.

- a. Review of monthly financial report and approval of bills and claims for the month of September 2015.
- b. Approval of the minutes of the Regular Board Meeting of September 15, 2015.

7. OLD BUSINESS - None

8. NEW BUSINESS

- a. Presentation by Roger Pito regarding wetlands permitting and maintenance management, NPDES permit and related matters.
- b. Approval to proceed with appointment of directors to fill the two Board seats to be vacant as of December 1, 2015 due to the consolidation of elections with the statewide election pursuant to Saddle Creek Resolution 12-003.
- c. Discussion regarding the authorities, obligations and management of roads in the Saddle Creek CSD.
- d. Preliminary discussion of the 2016 fiscal year budget effective January 1, 2016.
- e. General Manager's report on California Special Districts Association (CSDA) activities as a Board member, annual conference and upcoming training.

9. STAFF AND DIRECTOR REPORTS:

Brief reports may be provided by District staff and/or Board members as information on matters of general interest. No action will be taken by the Board during Reports, however items discussed may be recommended for discussion and action on a future meeting agenda.

10. ADJOURNMENT

Agenda Materials: May be viewed on the bulletin boards outside the Saddle CreekPro Shop, on the Sports Club Bulletin Board and at the CSD Website on the Saturday proceeding each meeting date. Materials will also be available at the meeting.

Americans with Disabilities Act Compliance: If you require special assistance to participate in Board Meetings, please contact the CSD Clerk at (209) 785-0100. Advance notification will enable the District to make reasonable arrangements to insure accessibility.



Saddle Creek Community Services District

Treasurer's Report

September 30, 2015

Saddle Creek Comm Srvs District Statement of Cash Flows

For the 9 Months Ending September 30, 2015

	Umpqua Bank Checking	Calaveras Co Fund 2188	Umpqua Bank CD #7405	Umpqua Bank CD #46165	Umpqua Bank CD #46207	Umpqua Bank CD #46249	Umpqua Bank CD #46124	YTD Total
OPERATING ACTIVITIES								
Net Income	163,466.55	(311,981.51)	61.81	25.06	25.06	22.52	22.52	(148,357.99)
Adjustments to reconcile Net Income to Net Cash provided by Operations:								-
IN03 JE 5.6 Interest Income			22.03					22.03
2000 Accounts Payable	-2,421.85							(2,421.85)
2040 CSDA Bank of the West MC	8,719.72							8,719.72
2060 CSD Visa - MLB	-5,247.38							(5,247.38)
2110 Wage Garnishments Payable	0.00							
2100 Payroll Liabilities	-1,342.18							(1,342.18)
2150 Accrued Payroll	309.86							309.86
2201 Sales Tax Adjustment	0.22							0.22
Board of Equilization Payable	-11.17							(11.17)
Net cash provided by operating activities	163,473.77	(311,981.51)	83.84	25.06	25.06	22.52	22.52	(148,328.74)
Net cash increase for period	163,473.77	(311,981.51)	83.84	25.06	25.06	22.52	22.52	(148,328.74)
Cash at beginning of period	205,544.43	311,981.51	25,788.57	25,119.06	25,119.06	25,086.45	25,086.45	643,725.53
Cash at end of period	369,018.20	-	25,872.41	25,144.12	25,144.12	25,108.97	25,108.97	495,396.79

Prepared by: Dolores Baker

9-Oct-15

SADDLE CREEK COMMUNITY SERVICES DISTRICT
BUDGET AND PROFIT & LOSS REPORT
 September 2015

	Current Year - 2015				Prior Year - 2014			
	Approved BUDGET	CURRENT MONTH	YEAR TO DATE	% of Budget	Adjusted BUDGET	CURRENT MONTH	YEAR TO DATE	% of Budget
EXPENSES								
Operating Expenses								
OE01 Audit Expense	\$ 7,500	\$ -	\$ 7,500	100%	\$ 7,500	\$ -	\$ 7,500	100%
OE02 Accounting & Bookkeeping	\$ 500	\$ 31	\$ 186	37%	\$ 6,000	\$ 350	\$ 5,100	85%
OE03 On-line Back-up/Notary Fees/Bonds	\$ 351	\$ -	\$ 361	103%	\$ 1,000	\$ -	\$ 351	35%
OE04 Legal Expenses	\$ 1,500	\$ -	\$ -	0%	\$ 1,500	\$ -	\$ 500	33%
OE05 Management Fees	\$ 57,000	\$ 5,225	\$ 44,175	78%	\$ -	\$ 4,750	\$ 14,250	
OE06 Insurance (Property Loss/Liability)	\$ 8,000	\$ -	\$ 8,000	100%	\$ 8,000	\$ -	\$ 6,359	79%
OE07 Miscellaneous/Contingency	\$ 2,000	\$ -	\$ 854	43%	\$ 5,000	\$ -	\$ 2,118	42%
OE08 Professional Development (Travel/Training)	\$ 6,000	\$ 726	\$ 4,926	82%	\$ 5,000	\$ 151	\$ 4,451	89%
OE09 Dues, Certifications & Subscriptions	\$ 4,000	\$ 500	\$ 3,385	85%	\$ 4,000	\$ -	\$ 1,790	45%
OE10 Uniform Expenses	\$ 2,200	\$ -	\$ 1,603	73%	\$ 1,600	\$ -	\$ 1,862	116%
OE11 Electric Power/Water/Sewer	\$ 6,000	\$ 321	\$ 3,341	56%	\$ 5,000	\$ 577	\$ 3,787	76%
OE12 Telephone/Pager Service	\$ 5,000	\$ 332	\$ 2,689	54%	\$ 5,000	\$ 342	\$ 3,116	62%
OE13 Internet Service	\$ 1,200	\$ 90	\$ 809	67%	\$ 1,200	\$ 75	\$ 675	56%
OE14 Office Supplies/Postage	\$ 5,000	\$ 174	\$ 3,489	70%	\$ 4,500	\$ 270	\$ 3,390	75%
OE15 Office Equipment Repair/Replacement	\$ 3,000	\$ 33	\$ 3,054	102%	\$ 2,300	\$ -	\$ 1,788	78%
OE16 Gate Maintenance & Opener Purchase	\$ 4,000	\$ -	\$ 3,024	76%	\$ 4,000	\$ 545	\$ 2,359	59%
OE17 Street & Main Gate Lighting Maint/Repair	\$ 13,500	\$ -	\$ 7,031	52%	\$ 13,500	\$ -	\$ 5,636	42%
OE18 Landscape Supplies & Repairs	\$ 21,000	\$ 714	\$ 19,083	91%	\$ 21,000	\$ 581	\$ 19,388	92%
OE19 Landscape Equipment Repair/Replacement	\$ 10,000	\$ -	\$ 11,284	113%	\$ 16,500	\$ -	\$ 16,466	100%
OE21 Landscape Equipment Gas & Oil	\$ 7,000	\$ 846	\$ 4,446	64%	\$ 7,000	\$ -	\$ 4,481	64%
OE22- Mosquito Control Products	\$ 14,513	\$ 142	\$ 5,408	37%	\$ 13,500	\$ 861	\$ 14,513	108%
OE22- Mosquito Abatement Monitoring & Testing	\$ 3,000	\$ 45	\$ 1,617	54%	\$ 3,000	\$ -	\$ 1,157	39%
OE22- Mosquito Abatement Vehicles Gas & Oil	\$ 13,000	\$ 25	\$ 6,783	52%	\$ 13,000	\$ 1,001	\$ 8,679	67%
OE22- Mosquito Abatement Equipment Maintenance	\$ 5,890	\$ 305	\$ 4,254	72%	\$ 5,000	\$ -	\$ 5,890	118%
OE26 County Fees/LAFCO	\$ 6,000	\$ 460	\$ 3,412	57%	\$ 6,500	\$ -	\$ 2,897	45%
OE30 Reimbursable Maint/Repair Expense (2)	\$ 10,000	\$ (193)	\$ 19,242	192%	\$ -	\$ -	\$ 4,204	
OE31 Records Management Services	\$ 2,400	\$ -	\$ -	0%	\$ -	\$ 0	\$ 0	
Total Operational Expenses:	\$ 219,554	\$ 9,776	\$ 169,956	77%	\$ 160,600	\$ 9,503	\$ 142,707	89%
Personnel Expenses								
PE01 Worker Compensation Insurance	\$ 14,241	\$ (843)	\$ 17,882	126%	\$ 16,000	\$ 3,063	\$ 8,207	51%
PE02 Health Insurance	\$ 60,000	\$ 4,927	\$ 41,055	68%	\$ 58,780	\$ 3,845.00	\$ 35,378	60%
PE03 Payroll Taxes	\$ 23,972	\$ 1,476	\$ 15,462	65%	\$ 28,000	\$ 1,537.00	\$ 15,133	54%
PE04 Processing Fees	\$ 1,400	\$ 113	\$ 1,095	78%	\$ 1,400	\$ 113.00	\$ 1,029	74%
PE05 Directors Stipend	\$ 6,000	\$ -	\$ -	0%	\$ 6,000	\$ -	\$ -	0%
PE06 Employee Wages	\$ 264,558	\$ 19,091	\$ 180,706	68%	\$ 310,000	\$ 18,807.00	\$ 173,206	56%
Total Personnel Expenses:	\$ 370,171	\$ 24,764	\$ 256,200	69%	\$ 420,180	\$ 27,365	\$ 232,953	55%

SADDLE CREEK COMMUNITY SERVICES DISTRICT
BUDGET AND PROFIT & LOSS REPORT
 September 2015

	Current Year - 2015				Prior Year - 2014			
	Approved BUDGET	CURRENT MONTH	YEAR TO DATE	% of Budget	Adjusted BUDGET	CURRENT MONTH	YEAR TO DATE	% of Budget
Capital Outlay								
CO04 2015 Chevrolet Silverado (2014)					\$ 30,799			
CO04 (2) Workman MDX Cart (2014)					\$ 22,768			
CO04 Workman HD w/Bed (2014)					\$ 17,499			
Total Capital Outlay:	\$ -	\$ -	\$ -		\$ 71,066	\$ -	\$ -	
						\$ -	\$ -	
TOTAL EXPENSES	\$ 589,725	\$ 34,540	\$ 426,156	72%	\$ 651,846	\$ 36,868	\$ 375,660	58%

INCOME

<u>Assessment Income</u>	Rec'd 3 mos after Qtr End	Date Rec'd:	Amount:
Payment No. 1:	May		\$ 224,421
Payment No. 2:	Aug		\$ 28,053
Payment No. 3:	Feb next yr		
Total Assessment Income			\$ 252,474

<u>IN30 Reimbursement Income/Receivable</u>							
SDRMA	Gate Repairs		\$ 8,195				
Castle & Cooke	Street light Maint	\$ 2,561	\$ 2,561				
	Employee - Personal portion Lodging/Meals		\$ 248				
(1) SDRMA - Loss Prevention Allocation			\$ 2,472				
Castle & Cooke	Tractor/Equipment Repairs	\$ 5,485	\$ 5,842			\$ 4,204	
Total Reimbursement Income		\$ 10,000	\$ 8,046	\$ 19,317	193%	\$ -	\$ 4,204

<u>Miscellaneous Income</u>							
Castle & Cooke	Weed Abatement	\$ -	\$ -			\$ 2,500	
Lot Owners	Weed Abatement	\$ -	\$ -		\$ 300	\$ 1,650	
IN03 Lot Owners	Gate Openers/Cards	\$ 112	\$ 400		\$ 20	\$ 298	
IN05 Umpqua Bank	CD Interest		\$ 157			\$ 181	
IN06 Calaveras County	Interest Received		\$ 400			\$ 288	
Various	Other Miscellaneous				(2)	\$ 14	
Total Miscellaneous Income		\$ 8,000	\$ 112	\$ 957	12%	\$ 320	\$ 1,724
TOTAL INCOME		\$ 590,275	\$ 8,158	\$ 277,798	47%	\$ 561,053	\$ 320

Net Income	\$ 550	\$ (26,382)	\$ (148,358)		\$ (90,793)	\$ (36,548)	\$ (117,258)
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Saddle Creek Comm Srvs District

Check Detail

September 2015

Date	Num	Name	Memo/Description	Amount
09/01/2015	1815	Kampa Community Solutions, LLC	Management Consultanting	(4,750.00)
09/02/2015	9/2-	Intuit Full Service Payroll	Monthly Fee	(113.00)
09/04/2015		DOLORES C BAKER	Pay Period: 08/16/2015-08/31/2015	0.00
09/04/2015	DD	Gregory Hebard	Pay Period: 08/16/2015-08/31/2015	(2,192.47)
09/04/2015	DD	HERNAN M HERNANDEZ	Pay Period: 08/16/2015-08/31/2015	(967.58)
09/04/2015	DD	Ralph M. McGeorge	Pay Period: 08/16/2015-08/31/2015	(1,494.27)
09/04/2015	DD	MICHELE L MENZIES	Pay Period: 08/16/2015-08/31/2015	(81.73)
09/04/2015	DD	BRADLEY D NICKELL	Pay Period: 08/16/2015-08/31/2015	(1,077.49)
09/04/2015	DD	CODY L PONDER	Pay Period: 08/16/2015-08/31/2015	(972.13)
09/05/2015	1816	California State Disbursement Unit		(118.50)
09/05/2015	1818	COURT-ORDERED DEBT		(50.00)
09/10/2015		IRS	Period: 09/02/2015-09/04/2015	(2,640.10)
			Federal Taxes (941/944)	(2,640.10)
09/10/2015		CA EDD	09/02/2015-09/04/2015	(406.79)
			CA PIT / SDI	(406.79)
09/15/2015	1819	East Side Mosquito Abatement		(150.20)
09/15/2015	1820	Ewing		(378.88)
09/15/2015	1821	Gold Electric, Inc.		(4,365.03)
09/15/2015	1822	SC Fuels	03-0003577	(1,130.50)
09/15/2015	1823	SDRMA-Health Ins.		(4,926.60)
09/15/2015	1829	Bank of the West		(1,379.70)
09/18/2015	DD	DOLORES C BAKER	Pay Period: 09/01/2015-09/15/2015	(307.16)
09/18/2015	DD	Gregory Hebard	Pay Period: 09/01/2015-09/15/2015	(2,192.46)
09/18/2015	DD	HERNAN M HERNANDEZ	Pay Period: 09/01/2015-09/15/2015	(967.57)
09/18/2015	DD	Ralph M. McGeorge	Pay Period: 09/01/2015-09/15/2015	(1,494.26)
09/18/2015	DD	MICHELE L MENZIES	Pay Period: 09/01/2015-09/15/2015	(160.85)
09/18/2015	DD	BRADLEY D NICKELL	Pay Period: 09/01/2015-09/15/2015	(1,077.47)
09/18/2015	DD	CODY L PONDER	Pay Period: 09/01/2015-09/15/2015	(972.13)
09/20/2015	1824	California State Disbursement Unit		(118.50)
09/20/2015	1825	COURT-ORDERED DEBT		(50.00)
09/23/2015		CA EDD	09/16/2015-09/18/2015	(421.48)
			CA PIT / SDI	(421.48)
09/23/2015		IRS	09/16/2015-09/18/2015	(2,706.70)
			Federal Taxes (941/944)	(2,706.70)
09/28/2015	09/09	PG&E - 7193	8271717193-6	(320.91)
TOTAL				(44,159.53)

Saddle Creek Comm Srvs District
Balance Sheet
As of September 30, 2015

ASSETS

Current Assets

Bank Accounts

1000 Umpqua Bank Checking	\$	369,018.20
1080 Umpqua Bank CD Accounts		
1081 CD #7405		25,872.41
1082 CD #46165		25,144.12
1083 CD #46207		25,144.12
1084 CD #46249		25,108.97
1085 CD #46124		25,108.97

Total 1080 Umpqua Bank CD Accounts	\$	126,378.59
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Total Bank Accounts	\$	495,396.79
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Total Current Assets	\$	495,396.79
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Fixed Assets

1500 Capital Assets

1501 Equipment	\$	267,138.76
1503 Roads		2,360,462.00
1504 Easements		10,344,000.00
1505 Buildings		79,000.00

Total 1500 Capital Assets	\$	13,050,600.76
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1600 Accumulated Depreciation

1601 Equipment	\$	(184,679.03)
1603 Roads		(616,865.62)
1605 Buildings		(16,590.00)

Total 1600 Accumulated Depreciation	\$	(818,134.65)
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Total Fixed Assets	\$	12,232,466.11
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TOTAL ASSETS	\$	12,727,862.90
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Saddle Creek Comm Srvs District
Balance Sheet
As of September 30, 2015

LIABILITIES AND EQUITY	
Current Liabilities	
2000 Accounts Payable	\$ 7,021.08
2040 CSDA Bank of the West MC	8,719.72
2100 Payroll Liabilities	(470.07)
2150 Accrued Payroll	10,087.19
2201 Sales Tax Adjustment	0.22
Board of Equalization Payable	13.95
Total Current Liabilities	\$ 25,372.09
Equity	
3800 Developer Capital Contributions	12,198,795.62
3900 Retained Earnings	652,053.18
Net Income	(148,357.99)
Total Equity	\$ 12,702,490.81
TOTAL LIABILITIES AND EQUITY	\$ 12,727,862.90

Saddle Creek Community Services District

Special Meeting of October 13, 2015

AGENDA SUPPORTING DATA

8. New Business

- a. Presentation by Roger Pito regarding wetlands permitting and maintenance management, NPDES permit and related matters.

Background

Roger Pito, a local civil engineer from San Andreas, completed much of the planning and designwork on the original Saddle Creek project plan, during its approval consideration by the County of Calaveras. Mr. Pito has been engaged by Castle & Cooke recently to assist with preparing a report and graphical information to support Castle & Cooke's water needs for the operation and management of the wetlands. We have discussed the various permits, plans and wetlands management responsibilities at many meetings over the past year, and I felt it advantageous for Mr. Pito to attend our Board meeting to provide information on the reports that they have recently prepared and answer questions of our Board.

Attached are two sections of the recently completed report, relevant to the wetlands operations and the issues surrounding the NPDES permit. I have also attached a map prepared to more clearly show the wetlands and ponds under CSD control, versus those under golf course control (as shown with a droplet symbol on the legend).

Recommended Motion

Presentation and discussion only at this time



The Planning Associates

Hardy M. Strozier, Inc.

495 E. RINCON STREET, SUITE 212

CORONA, CALIFORNIA 92879

TELEPHONE: (951) 444-5600

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WWW.THEPLANNINGASSOCIATES.NET

Date: August 27, 2015

Memo to: Hardy Strozier, MPA, AICP
Principal Planner
The Planning Associates (TPA)

From: Megan MacKay
Urban Planner
The Planning Associates (TPA)

Re: Wastewater Discharge Regulations for Castle and Cooke's Saddle Creek Golf Course located in Copperopolis, California

Introduction and Background

This letter summarizes The Planning Associates' evaluation and interpretation of wastewater discharge regulations and permits for Castle & Cooke's Saddle Creek Golf Course located in Copperopolis, California.

Currently the Saddle Creek Golf Course is operating under a National Pollution Discharge Elimination System (NPDES) permit (NO. CA0084620). NPDES is a Federal Clean Water Act Section 401 regulation. The NPDES permit was last adopted by the Central Valley Regional Water Quality Control Board (RWQCB) on May 31, 2013 and is set to expire on May 1, 2018. This permit was approved for the Saddle Creek Golf Course in conjunction with the Calaveras County Water District's (CCWD) Copper Cove Wastewater Treatment Plant (WWTP).

The WWTP is currently regulated under Waste Discharge Requirements (WDR) Order R5-2006-0081 (A WDR is a state regulation under the State Porter Cologne Act), and NPDES order R5-2006-0081. It has recently come to the attention of the RWQCB, that the CCWD has made modifications to the WWTP. Under the WDR permit they have switched to UV disinfected tertiary wastewater instead of chlorine disinfected secondary wastewater. They have also made changes under the NPDES permit; tertiary effluent is only used for irrigation at the golf course, and raw water is used as makeup water instead of the tertiary effluent for the wetlands during summer months. In speaking with Bill Perley (Operations Manager) from the CCWD, it seems that it is impossible for the WWTP to operate in compliance under both the WDR and the NPDES as they are currently written. Which necessitates a Porter Cologne WDR permit, since it allows wider coverage and different discharges.

Differences between NPDES and WDR Permits

Through research and conversations with both Bill Perley (CCWD) and Lixin Fu (CVRWQCB) we have found a few main differences between the NPDES and the WDR permits.



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NPDES permits are governed by Federal Law; the Clean Water Act. A NPDES permit is applicable if the wastewater is discharged directly to surface waters. The term surface waters for the purpose of the NPDES permit has been defined as

- Navigable waters,
- Tributaries of navigable waters,
- Interstate waters, and
- Intrastate lakes, rivers, and streams which are:
 - used by interstate travelers for recreation and other purposes;
 - sources of fish or shellfish sold in interstate commerce; or
 - utilized for industrial purposes by industries engaged in interstate commerce.

The intent of this definition is to cover all possible waters within federal jurisdiction under the Commerce Clause of the Constitution. The definition has been interpreted to include virtually all surface waters in the United States, including wetlands and ephemeral streams. As a general matter, groundwater is not considered a water of the United States; therefore, discharges; existing and created to groundwater, are not subject to NPDES requirements. If, on the other hand, there is a discharge to groundwater that has a "hydrological connection" to a nearby surface water, the discharger may be required to apply for an NPDES permit because the discharge is then considered a water of the United States. States may choose to require NPDES permits for discharges to groundwater; jurisdiction over groundwater resources is maintained by States.

WDR permits on the other hand are governed by California State Law; the Porter Cologne Act. A WDR is applicable if your activity involves discharges to land, ground water, or from diffused sources.

Since each permit is governed by different laws their minimum effluent standards also differ slightly, but of course the standards can be set higher than the minimum within individual permits.

The RWQCB governs and issues permits both Federal and State, and can choose between the two for which ever permit and regulation best applies.

Current Situation Facing the CCWD and Saddle Creek Golf Course

The CCWD is now trying to bring the WWTP into compliance under one permit. Because the treated wastewater is no longer discharged to the wetlands, CCWD requested that the NPDES permit be rescinded. Before the RWQCB can rescind the NPDES permit, the WDR permit must be revised to include requirements for the tertiary treatment system and the golf course recycled water use area. This revised WDR permit would be a joint permit between Castle & Cooke and the CCWD.

The CCWD has begun the permit revision process and are working on a Report of Waste Discharge (RWD) and a Title 22 Engineering Report. Per Bill Perley the CCWD will be sending TPA a hard copy of both of these documents for review.



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Bill Perley mentioned during our conversation that they are still working on the revisions of the WDR permit and anticipate being on the RWQCB's agenda sometime in the next year.

In the interim since Saddle Creek Golf Course is a "co-discharger" (a subsidiary entity that discharges water received from the "discharger"), Saddle Creek Golf Course must also submit an application form (Form 200), an updated Title 22 Engineering Report, and a Report of Waste Discharge in order to comply with the joint WDR Permit.

Castle & Cooke may also choose to apply for a General Waste Discharge Requirements for Landscape Irrigation Uses of Municipal Recycled Water Permit (General Permit). This permit is also under the California Law: Porter Cologne Act. Persons who are covered under this General Permit are not required to remain subject to the applicable provisions of existing waste discharge requirements or water reclamation requirements. Another golf course "La Contenta Golf Course" has been operating under this permit since 2012 and allows for more flexibility in use of recycled water. The La Contenta Golf Course is served by the same water district (CCWD).

Summary of Findings

Through the research, and conversations with public officials it is clear that the NPDES permit will eventually be rescinded and a new permit will be necessary for Saddle Creek's wastewater discharge. However my conversation with Lixin Fu of the RWQCB has lead me to believe that they are in essence just combining the two existing permits language into one WDR permit, and that the standards at which the golf course currently operates will not change.

Whether Castle & Cooke chooses to agree to the joint WDR permit or a General permit, all existing permits should not be affected as they are both governed by California Law and the RWQCB. All of Castle and Cooke's ACOE and CDFW permits would remain intact since the ACOE operates within section 404 of the CWA, and the RWQCB operates within section 401 of the CWA. The 404 and SAA1602 do not reference NPDES or WDR.

Recommendations

I have contacted Bill Perley to confirm that my assumptions are correct, and he assured me that "Once CCWD and Castle & Cooke agree to the new WDR the NPDES will be rescinded. The NPDES permit should have never been issued. The NPDES and WDR are in conflict. The new permit will not affect anything else."

Once we receive hard copies of the Title 22 report and the Report of Waste Discharge, we will review and forward any comments on to Castle & Cooke.

After reviewing all of the material I have determined that neither the WDR nor the General Permit will have an adverse effect on Castle and Cooke's ACOE or CDFW permits. These permits however do not address the primary issue at hand.



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The issue of quantity and quality of water are addressed in the "Water and Sewer Service Facilities Agreement" (March 8th, 1994), and the "Quality Control Agreement" (February 23rd, 2005). As it is written now the Water and Sewer Service Facilities Agreement states

"In the event of a drought which affects the availability of raw water or potable water, District may impose rationing of raw water or potable water to Owner. This rationing may be more severe on the golf course owned by Owner than upon other users of potable water, and Owner so understands." 12 e. page 6.

To ensure the Saddle Creek Golf Course receives the quantity and quality of water they need, I recommend that Castle and Cooke renegotiate, and create an addendum or update to the Water and Sewer Service Facilities Agreement and the Quality Control Agreement with CCWD, to cover quantity of water (raw and treated) delivered to the golf course on a daily basis.



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Date: August 19, 2015

Memo to: Scott Thayer
Senior Vice President
Castle & Cooke (C&C)

From: Hardy Strozier, MPA, AICP
Principal Planner
The Planning Associates (TPA)

Re: Evaluation and Interpretation of ACOE and CDFW Entitlements for Castle and Cooke's Saddle Creek Golf Course located in Copperopolis, California

Introduction and Background

This letter summarizes The Planning Associates evaluation and interpretation of state and federal entitlement agreements and permits for Castle & Cooke's Saddle Creek Golf Course located in Copperopolis, California.

The recent California extended drought has called into question what golf course elements, features, and mitigation areas require man-made irrigation and the types and duration of irrigation for each "element." Included in this discussion are explanations of regulations guiding the trimming or maintenance of vegetation in or near golf course water related elements.

The Saddle Creek Golf Course entitlement goes back some 17 years and beyond. Much local knowledge of the intended water uses on the golf course has been lost. In addition, much of the current usage of water on the golf course "elements" has been surmised by professionals, some correct, and some incorrect. This letter summarizes TPA's forensic investigation of the Saddle Creek Golf Course entitlements, including personal interviews and telephone discussions with professional real estate business staffs, consultants, and attorneys involved with the entitlement process. In addition, this letter illustrates the process in which TPA had collected primary entitlement documents for an independent assessment of the entitlement conditions, design, watering requirements, and maintenance of the golf course elements.



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TPA Qualifications

The Planning Associates is a boutique planning firm experienced in entitlement permitting for major development projects including golf courses. TPA's staffs education and experience in urban planning and water resources planning has allowed the firm to coordinate with and permit various types of projects through the United States Army Corps of Engineers (ACOE), California Department of Fish and Wildlife (CDFW), California Regional Water Quality Control Boards (CRWQB) and the United States Fish and Wildlife Service (USFWS) for over 35 years. TPA has prepared numerous jurisdictional and wetlands habitat mitigation and monitoring programs. TPA is also familiar with both native and non-native landscape architecture, irrigation, and biological functions and values, including stream and lake morphology in and around golf courses. TPA manages many mitigation sites for various clients with expertise in golf course design, construction, environmental mitigation, and course management.

The language and graphics within the various entitlement documents for the Saddle Creek Golf Course in Copperopolis is not readily and easily understood by the layman, businessman or public official. This information may be unfamiliar due to their lack of interaction among biology, landscape architecture and the language art and common practice of the state and federal agencies. In fact, there is confusion among the interviewed professionals as to the history and intent of the resource agency agreements. In addition, there is a clear lack of understanding of the permits that govern the installation and operations of the existing and created mitigation features and elements in and around the Saddle Creek Golf Course. Overall, the current and past managers of both local governmental agencies with oversight authority and Castle & Cooke's past and present management staff are unclear on the exact direction provided by the entitlement documents.

Intent of this Study

The intent of this study is to evaluate pertinent entitlement documents and answer questions on how the jurisdictional and non-jurisdictional natural and man-made elements (ponds, wetlands, creeks, marshes, detention basins), operate hydrologically within the Saddle Creek Golf Course, which are based on the reviewed entitlement documents. This report will provide and reference a short summary of facts and also provide the baseline data that allowed TPA to arrive at the below noted summary of conclusions. TPA has also tried to set out specific questions raised by the operator on the on-going monitoring and maintenance responsibilities between the Community Service District (CSD) and Saddle Creek Golf Course (SCGC).



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What are Jurisdictional Waters and Wetlands?

To begin this discussion it is important to understand that not all state and federal jurisdictional waters are wetlands, but generally, all wetlands are jurisdictional waters. These various terms are defined in Environmental Protection Agency (EPA) and Army Corps of Engineers (ACOE) guidance. For example, a state or federal jurisdictional water element can be a relatively dry ephemeral desert stream. A wetland can be a pond, a Bog, or a marsh. Wetlands have certain defined characteristics in federal law and regulations. Wetlands must contain water or hydrology for a certain part or duration of the year. In addition, wetlands must have certain types of soil characteristics with dominant plants being water "loving" or obligate. A created wetland, such as within the Saddle Creek Golf Course, may not have all these characteristics, but may have functions equivalent to a natural wetland within the "human" managed biological systems on-site.

When can plant species trimming occur within state and federal jurisdictional areas?

State and federal law do not prohibit trimming of vegetation in or near jurisdictional waters: ponds, streams, catchments, etc. Riparian vegetation naturally reestablishes easily near jurisdictional features following trimming. The only trimming limitation by law would be no trimming during the avian nesting season when birds have nearby active nests that could be disturbed by the trimming. Trimming is always permitted outside the bird nesting season and during the nesting season, trimming may occur with the advice of an on-site biologist to direct the trimming away from nesting birds. Habitat is not ordinarily protected by or through state and federal law. Rare or endangered plant species are not protected by federal law on private property. There are no rare or endangered species identified in any of the Saddle Creek Golf Course documents. Trimming and maintenance may be the subject of a Habitat Mitigation and Monitoring Plan. Trimming within established, created or restored jurisdictional riparian areas normally require periodic trimming and thinning of native and non-native habitat for maintaining beneficial wildlife use, and this is exactly the position of the Alexander plan for trimming and maintenance on every type of feature on SCGC (Alexander Page 2).

Summary of Conclusions

1. The Saddle Creek Golf Course wetland, jurisdictional design and operational management "elements" are directed and governed by two (2) principal documents (Agreement and Permit), and two (2) state/federal agencies.
 - A. Corps of Engineers Nationwide Permit 26 No. 199100807, December 14, 1994.



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- B. California Department of Fish and Game (now CDFW) Stream or Lake Alteration Agreement, September 19, 1994.
2. The principal operational documents derived from the Corps permit that directs the form, function, and management of all wetland, jurisdictional elements, and credit and no credit features referenced in the Corps document and are herein relative order of importance:
- A. Saddle Creek Golf Club, Copperopolis California, Wetland Maintenance & Monitoring Plan by Ralph J. Alexander & Associates dated February 13, 1998.
 - B. Sierra Engineering Associates, LTD., Saddle Creek 1999 Record Drawing Wetland Mitigation Plan and Protected Area Exhibit Map for Wetlands U.S. Army Corps Permit NP 26-199100807.
 - C. Declaration of Restrictions, June 12, 1998.
 - D. Quality Control Agreement between Saddle Creek Golf Club, L.P, Castle & Cooke Saddle Creek, Inc., Saddle Creek Community Services District and Calaveras County Water District, February 10, 1994.
 - E. Water and Sewer Service Facilities Agreement between Calaveras County Water District and Cloudburst Partners, March 8, 1994.
 - F. The required annual mitigation and monitoring report(s) validate the implementation of the above 2A. and 2B. key documents.

Alexander and Sierra Engineering

The Alexander and Sierra Engineering reports/mapping form the key management documents identifying and describing the operational characteristics and management guidance to the managers of the golf course. The Alexander and Sierra Engineering maps describe mitigation elements generally outside golf play areas that relate to the implementation actions found within the Corps and CDFW jurisdictional waters mitigation documents. The Alexander and Sierra Engineering plans are the key documents that must be followed by the Community Services District (CSD) and Saddle Creek Golf Course (SCGC) in the management of the "wetland" and other described mitigation elements on the golf course. The Declaration of Restrictions protective easements and covenants required by the Corps permit cite both the Alexander and Sierra Engineering documents for final direction to subsequent regulators (Corps and CDFW), or by the operation, maintenance and monitoring of the mitigation areas within the golf course (CSD and SCGC).

3. Not all jurisdictional "wetland" elements or features are required to be "wet" or irrigated year round. A clear distinction is made in the above documents (2A. and 2B.) between and among the following features and elements listed below.



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- A. Annual or perennial wetlands and plant life (biota) required to contain or receive water year round.
 - B. Seasonal ephemeral wetlands or grasslands, which only require hydration from winter rains, and not receiving water year round from man-made irrigation.
 - C. Storm water multi-function detention facilities (ponds/catchments) may contain some water at operator's discretion for aesthetic golf play purposes, but are permitted to dry or become low in water elevation, so that during the winter months they are designed to contain a certain volume of hydrologic storm "peaks" when the major storm(s) arrive, and thereby these hydrologic systems reduce storm water runoff leaving the site, benefiting the entire down-stream water quality related eco-system in the valley.
 - D. Golf course architectural features such as ponds, or catchments that may lie within defined jurisdictional easements, but are hydrated and maintained (cattail removals permitted) at the discretion of the golf course operator. These golf course landscape design features are sometimes called in the documents above as "no credit" areas and act more as golf course architectural features, as opposed to year round created and preserved natural wetland mitigation. "No credit" is the term given to features looking similar to a created wetland, but in the opinion of the regulatory agency(s) provides no biology/morphology mitigation credit for the impacts of the project construction on jurisdictional waters because they are integral to golf course play (Alexander Page3).
 - E. Golf course irrigation "itself" (tees, fairways, greens and grassed side slope areas) are a defined source of regular man-made and natural hydrology for the annual/perennial jurisdictional wetland basins, filter native grasses and ponds generally located off the golf course perimeter. A reduction in golf course irrigation, such as to the grassed side slopes, due to drought regulations or local water agency policies can affect the hydrology and biology of the ponds and the perimeter wetland grasslands that receive water flow from the intended golf course design. The "wetlands" systems on the golf course operate as a naturalized interrelated/integrated system taking and directing water from the golf course down slope into the ponds and filtered at the golf course and pond edges. These interrelated year round and ephemeral systems help retain water runoff "on site" so as not to or minimize golf course waters from entering into the main natural off-site jurisdictional areas of Littlejohns Creek. *Filter*
4. Maintenance of all ponds, streams, wetlands, features, detention basins are required pursuant to various levels and types of maintenance for each mitigation and golf course feature. (Alexander Page 1, Section I, A.).



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- A. Included maintenance measures are weed control, trash removal, erosion control, pruning and appropriate water flow regimes, where applicable.
 - B. All planted areas shall be weeded to encourage the success of native plant material and to discourage ruderal or weedy species from establishing populations.
 - C. The removal of trash and fill in the wetlands areas shall be performed on a regular basis.
 - D. Pruning may be required to keep weedy vegetation, especially willows, from clogging the channels and access ways. Non-woody plants such as cattails may also need to have regular thinning to keep the cattails from "clogging" the wetlands and reducing wetland capacity.
 - E. If erosion is determined to be a problem, measures shall be taken to divert or slow runoff prior to replanting.
 - F. No-Credit Areas are wetland areas designated on the Wetlands Mitigation and Restoration Plans. These areas have been developed and planted as Wetland Areas; however, because of various resource agency determined factors, such as proximity to the golf course play areas, **these no-credit areas will be maintained, but not to the same strict standards as the preservation and mitigation wetland areas. "These no-credit areas will not be monitored by the CSD"** (Alexander, Page 3). The no-credit wetland areas vegetation will be periodically thinned for golf safety, golf playability and golf shot/play visibility. Please refer to the Alexander L-1 tables for wetland and pond areas receiving no acreage mitigation credit; example Pond J on Hole 8, and Pond F-1 on Hole 9 and 10. It is the intent of the Alexander management report on the No-Credit areas that the golf course superintendent will be the monitor and be responsible for the maintenance of the no-mitigation credit areas since these areas are primarily for golf play wetland-like elements, not regulatory agency permit/agreement mitigation.
5. Both the Alexander and Sierra Engineering, and Corps directed guidance management documents identify the following jurisdictional water element acreages and hydrology required outside the golf course perimeter:
- | | |
|--|-------------------|
| A. Total Seasonal Wetlands (irrigated by winter rain only) | 5.41 acres |
| B. Total Perennial Wetlands (year round irrigation) | <u>3.60 acres</u> |
| C. Total Wetlands: | 9.01 acres |

Each golf course wetland area feature totaled above, (seasonal wetland, perennial wetland, and filter marsh), is detailed in both the Alexander and Sierra Engineering plans for approximately 25 ponds and 14 wetland features located on the golf course areas. Fifteen of these above noted ponds and features (from Alexander L-1) are no-credit mitigation/golf play areas and these no-credit areas



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or features do not factor or count into or for the total 9.01 resource agency approved and Alexander report memorialized mitigation acres.

The Planning Associates derived the definitions of 'Perennial' and 'Seasonal' systems requiring some form of natural or man-made irrigation from the Alexander and Sierra Engineering documents noted as:

- **Perennial** – a water source that is continuous throughout the entire year and man-made irrigation may or may not be required for the intended use of the water. Alexander further defines this irrigation term as: “Perennial wetland areas will have a natural or man-made year round flow depending on the terrain and will have a broad flow channel. Not all perennial ponds or features require irrigation” (Alexander L-1).

- **Seasonal** – a water source is intermittent or ephemeral based only on the storm events and time of year, usually the winter months. Seasonal elements or features on the golf course do not require man-made irrigation. Alexander further defines seasonal as: “Seasonal Wetland areas are similar to perennial areas but have a natural seasonal water flow and generally have a broader and flatter flow channel. Boulders are used as low dams in order to allow the spread of water flow. Seasonal wet ponds will not have a consistent year-round flow and gradually dry out during the summer” (Alexander L-1).

- Perennial plants in the Alexander plan are generally those native species, usually grasses, (which may die off during the winter months, but reappear during springtime), and which grow year round and are not normally required to be replanted or require continuous irrigation and form the primary first down slope off the golf course water run-off filter element.

- All other features outside the tees, green and fairways (and rough), but within the golf play area will not require irrigation, such as “no-credit” creek, detention or pond features, but may be irrigated by the golf course operator at his/her discretion without CSD monitoring (Alexander Page 3, No Credit Areas).

TPA Saddle Creek Golf Course Aerial Exhibit 1

The attached aerial Exhibit 1 produced by The Planning Associates, is a reproduction of Ralph Alexander and Associates Wetland Mitigation and Restoration Plan overlaid onto a 2015 Google aerial imagery. This exhibit highlights all 25 ponds in yellow and all 14 wetlands in blue, with the corresponding acreages of the wetland and no-credit areas displayed in the attached chart. Exhibit 1 confirms that all wetlands and ponds have been built and are existing today in the field. In addition, Exhibit 1 displays all fifteen existing golf course features that are not requiring year round irrigation or monitoring for wetland protection or mitigation. These golf course features also serve as receiving



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ponds which are ponds that receive overflow water for larger nearby ponds (Pond F-1) and emergency ponds (Pond E). This system is in place to protect the integrity of Littlejohns Creek from receiving potential contaminated water from the golf course. Finally, there is one dedicated detention basin, which serves the golf course (near Wetland C) at the corner of Oak Creek Drive and Knolls Drive. This detention basin does not need to sustain water year round.

Recommendations

The above key documents noted in 2A. and 2B. are unintendedly complicated to understand and they do not lend themselves easily to a clear interpretation of the directed and narrow mitigation management of the jurisdictional and golf course play design elements (No-Credit). This written evaluation with the above Alexander key documents will not by itself permit a simple management course of action on a day to day basis. TPA recommends that a clearer 3rd "in house" management guide be developed to more easily permit the operations (trimming, irrigation, dredging, etc.) of the 25 ponds, 14 golf course features, storm water elements and no-credit areas. This recommended management document would be a simplified written and graphic depiction of operation areas broken down "hole by hole-feature by feature" according to the report direction provided by Sierra Engineering and Ralph Alexander, (1994). TPA understands from consultant interviews that this third level management document was previously recommended to C&C, but not prepared. This type of simplified document is a normal practice following issued technical permits and HMMP's and greatly benefits the on-going management of the mitigation resources and greatly reduces confusion among the regulator and land owner.

Meetings should also be immediately arranged for a short tutorial with verbal and written information in order to instruct the public and private "staffs" on the use of the recommended (Alexander, 1998) management "explanation" document to both the golf course superintendent and golf club manager along with the CSD manager, especially among their respective field representatives who's monitoring and maintenance "boots are on the ground." This meeting or series of meetings should include field inspections and field understandings of the direction from the Alexander/Sierra reports and plans on what elements require CSD monitoring and inspections and which elements are the sole responsibility of the golf course operators and owners. Copies of this report and all relevant documents should be placed on file with both public and private groups (C&C and CSD) in both hard copies and digital computer files to be used by both current and future personnel.

TPA recommends that golf holes with dying Bermuda grass areas be replaced with native grasses similar to golf play on PGA and U.S Open links courses. TPA can make recommendations to the golf course superintendent to determine which native grass can be implemented as a water saving and aesthetic approach to the California drought.



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EXHIBIT 1












GOLF COURSE FEATURES THAT ARE NOT REGULATED IN THE CATEGORIES BELOW





Pond	Seasonal Wetland (Acres)	Perennial Wetland (Acres)	Filter Marsh (Acres)
A	0.16	0.31	0.05
B	0.21	0.55	0.36
C	0.1	0.19	-
D	-	-	-
E	-	-	-
F-1	-	-	-
F-2	0.08	0.12	-
F-3	0.03	0.08	-
F-4	0.05	0.15	-
F-5	0.06	0.18	-
G	0.1	0.65	0.09
H	0.11	-	0.02
I	-	-	-
J	-	-	-
K	0.09	0.16	0.03
L	-	-	-
M	0.1	-	-
N	-	-	-
O	-	-	-
P	-	-	-
Q	-	-	-
R-1	0.08	0.13	-
R-2	0.06	0.13	0.01
S-1	-	-	-
S-2	-	-	-
Mitchell	-	-	0.07
Total	1.23	2.65	0.65

Wetland	Seasonal Wetland (Acres)	Perennial Wetland (Acres)	Filter Marsh (Acres)
A	0.74	-	-
B	1	0.39	0.1
C	0.26	-	0.02
D	0.22	-	0.05
E	-	-	-
F	0.19	-	-
G	-	-	-
H	-	-	-
I	1.06	-	0.03
J	0.19	0.38	0.01
K	0.14	0.18	0.02
L	0.07	-	0.02
M	-	-	-
N	0.31	-	0.01
Total	4.18	0.95	0.26



 GOLF COURSE FEATURES THAT ARE NOT REGULATED IN THE CATEGORIES BELOW

Pond	Seasonal Wetland (Acres)	Perennial Wetland (Acres)	Filter Marsh (Acres)
A	0.16	0.31	0.05
B	0.21	0.55	0.38
C	0.1	0.19	-
D		-	-
E		-	-
F-1		-	-
F-2	0.08	0.12	-
F-3	0.03	0.08	-
F-4	0.05	0.15	-
F-5	0.06	0.18	-
G	0.1	0.65	0.09
H	0.11	-	0.02
I		-	-
J		-	-
K	0.09	0.16	0.03
L		-	-
M	0.1	-	-
N	-	-	-
O		-	-
P		-	-
Q		-	-
R-1	0.08	0.13	-
R-2	0.06	0.13	0.01
S-1		-	-
S-2		-	-
Mitchell	-	-	0.07
Total	1.23	2.65	0.65

Wetland	Seasonal Wetland (Acres)	Perennial Wetland (Acres)	Filter Marsh (Acres)
A	0.74	-	-
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C	0.26	-	0.02
D	0.22	-	0.05
E		-	-
F	0.19	-	-
G		-	-
H		-	-
I	1.06	-	0.03
J	0.19	0.38	0.01
K	0.14	0.18	0.02
L	0.07	-	0.02
M		-	-
N	0.31	-	0.01
Total	4.18	0.95	0.26

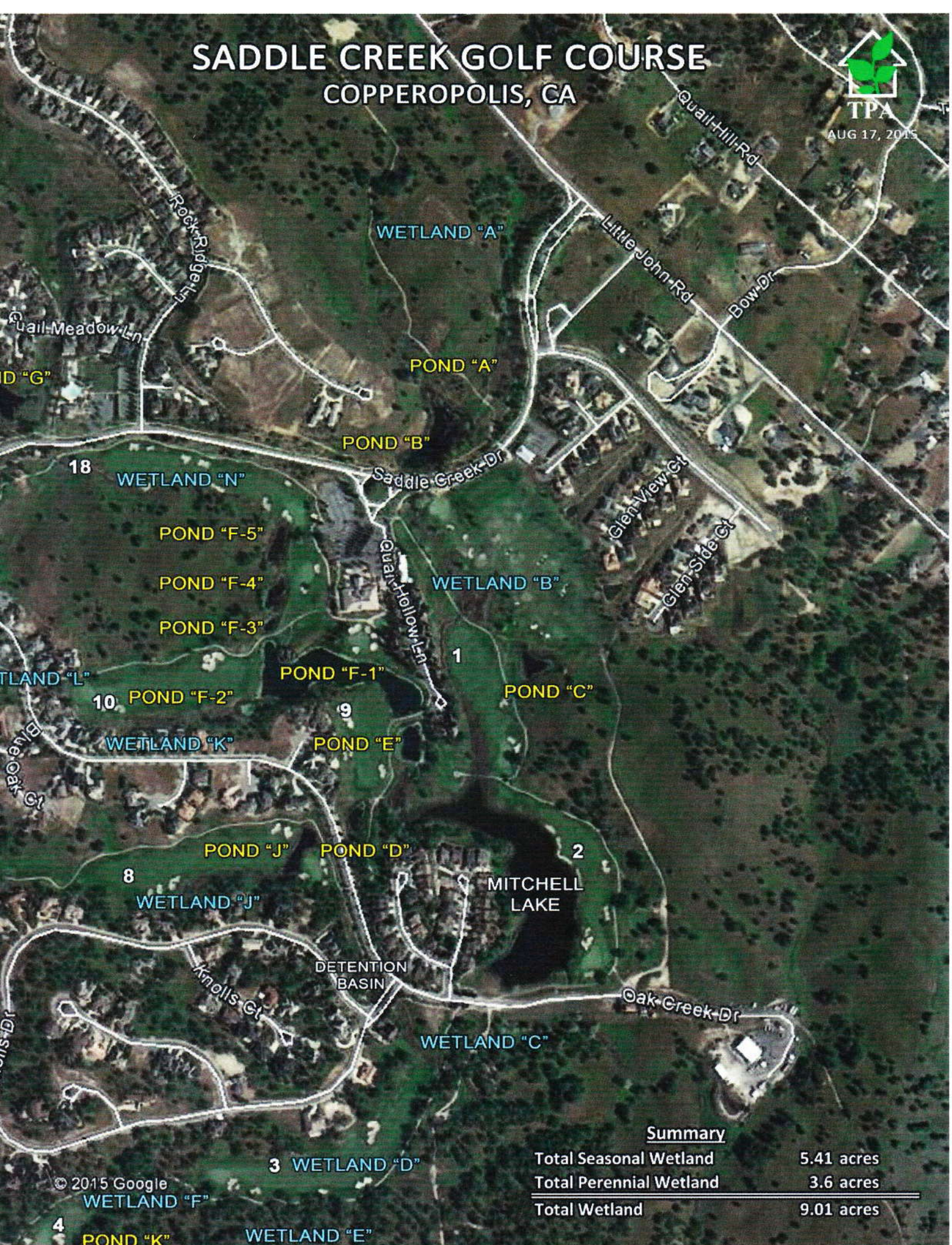


SADDLE CREEK GOLF COURSE COPPEROPOLIS, CA



TPA

AUG 17, 2015



Summary

Total Seasonal Wetland	5.41 acres
Total Perennial Wetland	3.6 acres
Total Wetland	9.01 acres

© 2015 Google
WETLAND "F"

4 POND "K"

3 WETLAND "D"

WETLAND "E"

Saddle Creek Community Services District

Special Meeting of October 13, 2015

AGENDA SUPPORTING DATA

8. New Business

- b. Approval to proceed with appointment of directors to fill the two Board seats to be vacant as of December 1, 2015 due to the consolidation of elections with the statewide election pursuant to Saddle Creek Resolution 12-003.

Background

Attached is a letter from Calaveras County detailing the requirement to elect or appoint directors to replace directors Robinson and Lazarus, whose terms expire on December 2, 2015. I have also included the appointment process guidance, and a copy of our resolution combining the elections with the statewide general election.

Recommended Motion

Motion to advertise the open Board positions and appoint two directors to fill the upcoming vacancies on the Board; once the positions become vacant on December 2, 2015.



COUNTY OF CALAVERAS

REBECCA TURNER
Clerk-Recorder-Registrar of Voters

891 Mountain Ranch Road, San Andreas, CA 95249

Recorder: (209) 754-6372
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Clerk: (209) 754-6371
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8/26/2015

Saddle Creek CSD
1000 Saddle Creek Dr
Copperopolis, CA 95228

Re: Terms due to expire in 2015 on Saddle Creek CSD Board

Below is the list of board members and their term dates according to our records, based on information provided by your district as well as past election data. It appears you may have one or more terms set to expire in 2015.

<u>Board Member</u>	<u>Term Begin</u>	<u>Term Ending</u>
Kent Lazaraus	12/01/2011	12/01/2015
Charles Robinson	12/01/2001	12/01/2015
Sue Russ	12/05/2014	12/04/2018
Lawrence Hoffman	12/05/2014	12/04/2018
Kenneth Albertson	12/05/2014	12/04/2018

On February 12, 2013 Calaveras County BOS passed Resolution No. 2013-024 which consolidated the participating Special Districts elections for governing board members with the Statewide General Elections. The resolution approved by your district is attached for your reference. In that resolution it provides the instructions for the board member's terms expiring in 2015:

“Pursuant to Election Code §10404 (i) the governing body members whose terms are set to expire in December of 2015 shall not be extended, the offices either remaining vacant until the 2016 election or filled by appointment until the 2016 election”

Filling vacancies/appointing new board members are the responsibility of the special district pursuant to Government Code 1780.

The “How to Fill a Vacancy” manual is available on the County Elections website at: www.elections.calaverasgov.us/. This will assist you in following the vacancy procedures pursuant to government regulations.

Please do not hesitate to contact me if you have any questions or need further information at (209) 754-6375 or rqlanville@co.calaveras.ca.us.

Sincerely,

Robin Glanville
Clerk-Recorder-Elections Coordinator

RESOLUTION NO. 12-003
SADDLE CREEK COMMUNITY SERVICES DISTRICT

A RESOLUTION REQUIRING ELECTIONS OF GOVERNING BODY
MEMBERS BE HELD ON THE SAME DAY AS STATEWIDE ELECTION

WHEREAS, it has been determined that it is cost effective to consolidate the District's elections for governing body members with the Statewide General Election; and

WHEREAS, Election Code Section 10404 allows a special district to consolidate with the Statewide Election; and

WHEREAS, Election Code Section 10404 requires jurisdictions to file with the Board of Supervisors, and the County Clerk, a resolution requesting consolidation with said election; and

WHEREAS, pursuant to Election Code Section 10554 elected officers take office at noon on the first Friday in December following the General Election and is not impacted by changing the date of the election;

WHEREAS, the district agrees to reimburse the County Elections Department for actual costs accrued as a result of this consolidation; and

THEREFORE BE IT RESOLVED, that the Saddle Creek Community Services District requests the Board of Supervisors of Calaveras County to consolidate the District Election with the Statewide General Election;

BE IT FURTHER RESOLVED, pursuant to Election Code Section 10404 (j) the governing body members whose terms are set to expire in December of 2013 shall continue in office until their successors are elected but the term shall not extend past December 31 of the year following the year the County Board of Supervisors approves the consolidation;

BE IT FURTHER RESOLVED, pursuant to Election Code Section 10404 (i) the governing body members whose terms are set to expire in December 2015 shall not be extended, the offices either remaining vacant until the 2016 election or filled by appointment until the 2016 election;

BE IT FURTHER RESOLVED, that all future elections shall be consolidated with Statewide General Election in accordance with Election Laws of the State of California.


THE FOREGOING RESOLUTION was introduced at a regular meeting of the Saddle Creek Community Services District held on November 20, 2012, by Board Member Baker who moved

its adoption, which was duly seconded by Board Member Russ and the Resolution was adopted by the following vote:

AYES: 3
NOES: 0
ABSTAIN: 0
ABSENT: 2

-SEAL-


Board President Darlene DeBaldo


CSD Clerk, Phyllis Richards

VACANCIES ON SPECIAL DISTRICT BOARDS

Action Required by the Governing Board

The district shall notify the county elections official of the vacancy no later than 15 days following either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

The remaining district board members have 60 days immediately subsequent to either the date on which the district board is notified of the vacancy or the effective date of the vacancy; whichever is later, to either fill the vacancy

1. By appointment, or
2. By calling a special election

Government Code §1780 (a)

Appointments to Fill Vacancies

If the Board decides to appoint someone to fill the vacancy, the board first must post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the appointment is made. **(See Attachments C & D for sample notice and application to serve on a board)**

The Board must notify the county elections of the appointment no later than 15 days after the appointment is made.

The person appointed shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall fill the balance of the unexpired term. If the term of office is due to expire following the next general district election and that election is scheduled 130 or more days after the date the county elections official is notified of the vacancy, the person appointed to the vacancy shall fill the balance of the unexpired term of his or her predecessor.

Government Code §1780 (a)

Elections to Fill Vacancies

In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.

The election shall be held on the next established election date that is 130 or more days after the date the district board calls the election.

Government Code §1780 (a)

A regular election as defined by Elections Code §1000 is:

- a) The second Tuesday of April in each even-numbered year.
- b) The first Tuesday after the first Monday in March of each odd-numbered year.
- c) The first Tuesday after the first Monday in June of each year.

d) The first Tuesday after the first Monday in November of each year.

If the District Board Fails to Act

If the vacancy is not filled by the district board by either making an appointment or calling a special election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the following shall occur.

Within the next 30 days, the City Council of the city in which the district is wholly located, or if the district is not wholly located within a city, the Board of Supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may fill the vacancy by appointment or may order the district to call an election to fill the vacancy.

The election shall be held on the next established election date (see previous list) that is 130 or more days after the date the city council or board of supervisors calls the election.

Government Code §1780 (b)

If the District Board Lacks a Quorum to Act Within 60 Days

If the number of remaining members of the district board falls below a quorum, at the request of the district secretary, or a remaining board member, the Board of Supervisors or the City Council may waive the 60-day period during which time the district board is allowed to take action, but can't because there is no quorum, and move directly to the 30-day period where the City Council or Board of Supervisors may take action.

Again, the council or board may either appoint immediately to fill the vacancy, or may call an election to fill the vacancy.

The election shall be held on the next established election (see previous list) that is 130 or more days after the date the district board calls the election.

The board of supervisors or the city council shall only fill enough vacancies to provide the board with a quorum.

Government Code §1780 (c)(2)

If the City Council or Board of Supervisors Fails to Act

If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, no action has been taken by any governing body to fill the vacancy by appointment or by calling for a special election, the district must call an election to fill the vacancy.

The election shall be held on the next established election (see previous list) that is 130 or more days after the date the district board calls the election.

Government Code §1780 (c)

Term of Office

A person appointed to fill a vacancy shall hold office only until the next general district election that is scheduled 130 or more days after the date the county elections official is notified of the vacancy

and thereafter until the person elected at that election to fill the vacancy has been qualified to fill the vacancy for the remainder of the unexpired term.

A person elected at an election to fill the vacancy shall hold office for the remainder of the unexpired term.

Government Code §1780 (d)

A person elected at a regular board member election or appointed in-lieu of election takes office at noon on the first Friday in December following his or her election in November and shall serve for four years.

Elections Code §10554, 10507

Saddle Creek Community Services District

Special Meeting of October 13, 2015

AGENDA SUPPORTING DATA

8. New Business

- b. Discussion regarding the authorities, obligations and management of roads in the Saddle Creek CSD.

Background

There has been much discussion recently about the District's role in road ownership and maintenance. The purpose of this agenda item is to have an open discussion on the matter.

Recommended Motion

Discussion and potential direction only.

Saddle Creek Community Services District

Special Meeting of October 13, 2015

AGENDA SUPPORTING DATA

8. New Business

- b. Preliminary discussion of the 2016 fiscal year budget effective January 1, 2016.

Background

Typically in October of each year the Board holds a discussion of the major initiatives and changes for the upcoming fiscal year budget, beginning in January 2016. A draft budget is not yet available, but at this meeting staff will discuss the financial position of the District, and projects and initiatives planned for 2016.

Recommended Motion

For review and discussion only.