

**LASSEN
LOCAL AGENCY FORMATION COMMISSION
(LAFCo)**

**BIG VALLEY RECREATION DISTRICT
MUNICIPAL SERVICE REVIEW (MSR)
SPHERE OF INFLUENCE (SOI)**

Adopted December 9, 2019

*Resolution 2019-0007 Municipal Service Review
Resolution 2019-0008 Sphere of Influence*

TABLE OF CONTENTS

1	INTRODUCTION	1
1.1	Local Agency Formation Commission (LAFCo) History	1
1.2	Preparation of the MSR	2
1.3	Role and Responsibility of LAFCo	2
1.4	Municipal Services Review Requirements	3
1.5	Municipal Services Review Process	4
1.6	Sphere Of Influence Update Process	4
1.7	Possible Approaches to the Sphere of Influence	6
1.8	Description of Public Participation Process	7
2	BIG VALLEY AREA	8
2.1	The Big Valley Area	8
2.2	Lassen County	8
2.2.1	Lassen County Overview	8
2.2.2	Lassen County Population	8
2.2.3	Big Valley Communities-Lassen County	9
2.3	Modoc County	11
2.3.1	Modoc County Background	11
2.3.2	Modoc County Population	11
2.3.3	Big Valley Communities-Modoc County	12
3	BIG VALLEY RECREATION DISTRICT	14
3.1	Big Valley Recreation District Background	14
3.2	Big Valley Recreation District Contact Information	14
3.3	Board of Directors	14
3.4	Financial Information	14
4	BIG VALLEY RECREATION DISTRICT MSR	16
4.1	Growth and Population Projections for the Big Valley Recreation District Area	16
4.1.1	Big Valley Recreation District Area Population Projections	16
4.1.2	MSR Determinations on Growth and Population Projections for the Big Valley Recreation District Area	16
4.2	Location and Characteristics of any Disadvantaged Unincorporated Communities (DUC) within or Contiguous to Big Valley Recreation District	16
4.2.1	Determination of Big Valley Recreation District Area Disadvantaged Unincorporated Community Status	16
4.2.2	MSR Determinations on Disadvantaged Unincorporated Communities near Big Valley Recreation District	16
4.3	Capacity and Infrastructure for Big Valley Recreation District	17
4.3.1	Infrastructure	17
4.3.2	MSR Determinations on Infrastructure for Big Valley Recreation District	17
4.4	Financial Ability to Provide Services	17
4.4.1	Financial Considerations for Big Valley Recreation District	17
4.4.2	MSR Determinations on Financing for Big Valley Recreation District	17

4.5	Status of and Opportunities for Shared Facilities	18
4.5.1	Facilities	18
4.5.2	MSR Determinations on Shared Facilities for Big Valley Recreation District	18
4.6	Accountability for Community Service Needs, Government Structure and Operational Efficiencies	18
4.6.1	Big Valley Recreation District Government Structure	18
4.6.3	MSR Determinations on Local Accountability and Governance	18
5	BIG VALLEY RECREATION DISTRICT SOI	19
5.1.	Recommendation for Big Valley Recreation District Sphere of Influence	19
5.2	Present and Planned Land Uses in the Big Valley Recreation District Area, Including Agricultural and Open Space Lands	19
5.2.1	General Plan and Zoning for Big Valley Recreation District SOI Area	19
5.2.2	SOI Determination on Land Uses	19
5.3	Present and Probable Need for Public Facilities and Services in the Big Valley Recreation District Area	19
5.3.1	Need for Facilities and Services	19
5.3.2	SOI Determinations on Need for Facilities and Services of the Big Valley Recreation District	19
5.4	Present Capacity of Public Facilities Present and Adequacy of Public Services	20
5.4.1	Capacity Background	20
5.4.2	SOI Determinations on Public Facilities Present and Future Capacity for Big Valley Recreation District	20
5.5	Social or Economic Communities of Interest for Big Valley Recreation District	20
5.5.1	Big Valley Recreation District Community Background	20
5.5.2	SOI Determinations on Social or Economic Communities of Interest for Big Valley Recreation District	20
5.6	District Disadvantaged Unincorporated Community (DUC) Status	20
5.6.1	Disadvantaged Unincorporated Communities	20
5.6.2	Big Valley Recreation District Disadvantaged Unincorporated Community Status	20
	APPENDIX A LOCAL GOVERNMENT SPENDING ISSUES	21
	ABBREVIATIONS	25
	DEFINITIONS	26
	REFERENCES	27
	PREPARERS	27
	MAP	30

1 INTRODUCTION

1.1 Local Agency Formation Commission (LAFCo) History

This report is prepared pursuant to State legislation enacted in 2000 that requires Lassen LAFCo to complete a comprehensive review of municipal service delivery and update the spheres of influence (SOIs) of all agencies under LAFCo's jurisdiction. This chapter provides an overview of LAFCo's history, powers and responsibilities. It discusses the origins and legal requirements for preparation of a Service Review commonly referred to as a Municipal Service Review (MSR). Finally, the chapter reviews the process for MSR review, MSR approval and SOI updates.

After World War II, California experienced dramatic growth in population and economic development. With this boom came a demand for housing, jobs and public services. To accommodate this demand, many new local government agencies were formed, often with little forethought as to the ultimate governance structures within a given region. A lack of coordination and adequate planning led to a multitude of overlapping, inefficient jurisdictional and service area boundaries, many of which resulted in the premature conversion of California's agricultural and open-space lands and duplication of services.

Recognizing this problem, in 1959, Governor Edmund G. Brown, Sr. appointed the Commission on Metropolitan Area Problems. The Commission's charge was to study and make recommendations on the "misuse of land resources" and the growing complexity of local governmental jurisdictions. The Commission's recommendations on local governmental reorganization were introduced in the Legislature in 1963; resulting in the creation of a Local Agency Formation Commission, or "LAFCo," operating in every county.

LAFCo was formed as a countywide agency to discourage urban sprawl and to encourage the orderly formation and development of local government agencies within its jurisdiction. LAFCo is responsible for coordinating logical and timely changes in local governmental boundaries; including annexations and detachments of territory, incorporations of cities, formations of special districts, and consolidations, mergers and dissolutions of districts, as well as reviewing ways to reorganize, simplify, and streamline governmental structure.

The Commission's efforts are focused on ensuring services are provided efficiently and economically while agricultural and open-space lands are protected or conserved to the extent possible. To better inform itself and the in compliance with the State Law; LAFCo conducts MSR's to evaluate the provision of municipal services for service providers within its jurisdiction.

LAFCo regulates, through approval, denial, conditions and modification, boundary changes proposed by public agencies or individual voters and landowners. It also regulates the extension of public services by cities and special districts outside their boundaries. LAFCo is empowered to initiate updates to the SOIs and proposals involving the dissolution, consolidation or formation of special districts, establishment of subsidiary districts, and any reorganization including such actions. Where LAFCo is not given specific authority, LAFCo actions must originate as petitions from affected voters or landowners, or by resolutions by affected cities or special districts.

A Plan for Services is required in Government Code Section 56653. A Plan for Services must include the following information: An enumeration and description of services to be provided, the level and range of those services, an indication of how those services are to be extended into the territory, an indication of any improvements or upgrading of structures, Information on how the services are to be financed.

1.2 Preparation of the MSR

Research for this Municipal Service Review (MSR) was conducted during the spring of 2019. This MSR is intended to support preparation and update of Spheres of Influence, in accordance with the provisions of the Cortese-Knox-Hertzberg Act. The objectives of this Municipal Service Review (MSR) are as follows:

- ✓ To develop recommendations that will promote more efficient and higher quality service options and patterns
- ✓ To identify areas for service improvement
- ✓ To assess the adequacy of service provision as it relates to determination of appropriate sphere boundaries

While LAFCo prepared the MSR document, given budgetary constraints, LAFCo did not engage the services of experts in engineering, hydrology, geology, water quality, fire protection, accounting or other specialists in related fields, but relied upon published reports and available information. Insofar there is conflicting or inconclusive information LAFCo staff may recommend the district retain a licensed professional or expert in a particular field for an opinion.

Therefore, this MSR reflects LAFCo's recommendations, based on available information during the research period and provided by District staff to assist in its determinations related to promoting more efficient and higher quality service patterns; identifying areas for service improvement; and assessing the adequacy of service provision by the Big Valley Recreation District. Additional information on local government funding issues in found in Appendix A at the end of this report.

1.3 Role and Responsibility of LAFCo

Local Agency Formation Commissions (LAFCOs) in California are independent agencies created by the California Legislature in 1963 for the purpose of encouraging the orderly formation of local government agencies and conserving and preserving natural resources. The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000 et seq.) is the statutory authority for the preparation of an MSR, and periodic updates of the Sphere of Influence (SOI) of each local agency.

LASSEN LAFCo
BIG VALLEY RECREATION DISTRICT
MSR and SOI Adopted Dec 9, 2019

LAFCos are responsible for coordinating logical and timely changes in local governmental boundaries, conducting special studies that review ways to reorganize, simplify, and streamline governmental structure, preparing a review of services called a MSR, and preparing a SOI thereby determining the future “probable” boundary for each city and special district within each county.

The Commission's efforts are directed toward seeing that services are provided efficiently and economically while agricultural and open-space lands are protected. Often citizens are confused as to what LAFCo's role is. LAFCos do not have enforcement authority nor do they have the authority to initiate a city or district annexation or detachment proceeding. LAFCos may initiate consolidation or dissolution proceedings; however, these proceedings are subject to the voter approval or denial.

The Legislature has given LAFCos the authority to modify any proposal before it to ensure the protection of agricultural and open space resources, discourage urban sprawl and promote orderly boundaries and the provision of adequate services.

The Governor's Office of Planning and Research (OPR) has issued Guidelines for the preparation of a MSR. This MSR adheres to the procedures set forth in OPR's MSR Guidelines.

A SOI is a plan for the probable physical boundaries and service area of a local agency, as determined by the affected Local Agency Formation Commission (Government Code §56076). Government Code §56425(f) requires that each SOI be updated not less than every five years, and §56430 provides that a MSR shall be conducted in advance of the SOI update.

1.4 Municipal Services Review Requirements

Effective January 1, 2001 and subsequently amended, LAFCo is required to conduct a review of municipal services provided in the county by region, sub-region or other designated geographic area, as appropriate, for the service or services to be reviewed, and prepare a written statement of determination with respect to each of the following six topics (Government Code §56430):

1. Growth and population projections for the affected area
2. The location and characteristics of any disadvantaged unincorporated communities (DUC) within or contiguous to the sphere of influence
3. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies
4. Financial ability of agencies to provide services
5. Status of, and opportunities for shared facilities
6. Accountability for community service needs, including governmental structure and operational efficiencies

1.5 Municipal Services Review Process

For local agencies, the MSR process involves the following steps:

- Outreach: LAFCo outreach and explanation of the project
- Data Discovery: provide documents and respond to LAFCo questions
- Map Review: review and comment on LAFCo draft map of the agency's boundary and sphere of influence
- Profile Review: internal review and comment on LAFCo draft profile of the agency
- Public Review Draft MSR: review and comment on LAFCo draft MSR
- LAFCo Hearing: attend and provide public comments on MSR

MSRs are exempt from California Environmental Quality Act (CEQA) pursuant to §15262 (feasibility or planning studies) or §15306 (information collection) of the CEQA Guidelines. LAFCo's actions to adopt MSR determinations are not considered "projects" subject to CEQA. The MSR process does not require LAFCo to initiate changes of organization based on service review findings, only that LAFCo identify potential government structure options.

However, LAFCo, other local agencies, and the public may subsequently use the determinations to analyze prospective changes of organization or reorganization or to establish or amend SOIs. Within its legal authorization, LAFCo may act with respect to a recommended change of organization or reorganization on its own initiative (e.g., certain types of consolidations), or in response to a proposal (i.e., initiated by resolution or petition by landowners or registered voters).

Once LAFCo has adopted the MSR determinations, it must update the SOI for each jurisdiction. The LAFCo Commission determines and adopts the spheres of influence for each agency. A CEQA determination is made by LAFCo on a case-by-case basis for each sphere of influence action and each change of organization, once the proposed project characteristics are sufficiently identified to assess environmental impacts.

1.6 Sphere Of Influence Update Process

The Commission is charged with developing and updating the Sphere of Influence (SOI) for each city and special district within the county.¹

An SOI is a LAFCo-approved plan that designates an agency's probable future boundary and service area. Spheres are planning tools used to provide guidance for individual boundary change proposals and are intended to encourage efficient provision of organized community services and prevent duplication of service delivery. Territory cannot be annexed by LAFCo to a city or district unless it is within that agency's sphere.

¹ The initial statutory mandate, in 1971, imposed for no deadline for completing sphere designations. When most LAFCos failed to act, 1984 legislation required all LAFCos to establish spheres of influence by 1985.

LASSEN LAFCo
BIG VALLEY RECREATION DISTRICT
MSR and SOI Adopted Dec 9, 2019

The purposes of the SOI include the following:

- to ensure the efficient provision of services
- to discourage urban sprawl and premature conversion of agricultural and open space lands
- to prevent overlapping jurisdictions and duplication of services

LAFCo may not directly regulate land use, dictate internal operations or administration of any local agency, or set rates. LAFCo is empowered to enact policies that indirectly affect land use decisions. On a regional level, LAFCo promotes logical and orderly development of communities as it considers and decides individual proposals. LAFCo has a role in reconciling differences between agency plans so that the most efficient urban service arrangements are created for the benefit of current and future area residents and property owners.

The Cortese-Knox-Hertzberg (CKH) Act requires LAFCos to develop and determine the SOI of each local governmental agency within its jurisdiction and to review and update the SOI every five years, as necessary. LAFCos are empowered to adopt, update and amend a SOI. They may do so with or without an application. Any interested person may submit an application proposing an SOI amendment.

While SOIs are required to be updated every five years, as necessary, this does not necessarily define the planning horizon of the SOI. The term or horizon of the SOI is determined by each LAFCo.

LAFCo may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. In determining the SOI, LAFCo is required to complete an MSR and adopt the six determinations previously discussed. In addition, in adopting or amending an SOI, LAFCo must make the following five determinations as required in Government Code section 56425(c):

1. Present and planned land uses in the area, including agricultural and open-space lands
2. Present and probable need for public facilities and services in the area
3. Present capacity of public facilities and adequacy of public service that the agency provides or is authorized to provide
4. Existence of any social or economic communities of interest in the area if the Commission determines these are relevant to the agency
5. For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.²

² California Government Code Section 56425 (e)(5)

The CKH Act stipulates several procedural requirements in updating SOIs. It requires cities to file written statements on the class of services to be provided and LAFCo must clearly establish the location, nature and extent of services provided by special districts.

By statute, LAFCo must notify affected agencies 21 days before holding the public hearing to consider the SOI and may not update the SOI until after that hearing. The LAFCo Executive Officer must issue a report including recommendations on the SOI amendments and updates under consideration at least five days before the public hearing.

1.7 Possible Approaches to the Sphere of Influence

LAFCo may recommend government reorganizations to particular agencies in the county, using the SOIs as the basis for those recommendations. Based on review of the guidelines of Lassen LAFCo as well as other LAFCos in the State, various conceptual approaches have been identified from which to choose in designating an SOI. These seven approaches are explained below:

1) Coterminous Sphere:

A Coterminous Sphere means that the Sphere of Influence for a city or special district that is the same as its existing boundaries of the city or district.

2) Annexable Sphere:

A sphere larger than the agency's boundaries identifies areas the agency is expected to annex. The annexable area is outside the district boundaries and inside the sphere of influence.

3) Detachable Sphere:

A sphere that is smaller than the agency's boundaries identifies areas the agency is expected to detach. The detachable area is the area within the agency bounds but not within its sphere of influence.

4) Zero Sphere:

A zero sphere indicates the affected agency's public service functions should be reassigned to another agency and the agency should be dissolved or combined with one or more other agencies.

5) Consolidated Sphere:

A consolidated sphere includes two or more local agencies and indicates the agencies should be consolidated into one agency.

6) Limited Service Sphere:

A limited service sphere is the territory included within the SOI of a multi-service provider agency that is also within the boundary of a limited purpose district which provides the same service (e.g., fire protection), but not all needed services. Territory designated as a limited service SOI may be considered for annexation to the limited purpose agency without detachment from the multi-service provider.

This type of SOI is generally adopted when the following conditions exist:

- a) The limited service provider is providing adequate, cost effective and efficient services
- b) The multi-service agency is the most logical provider of the other services
- c) There is no feasible or logical SOI alternative
- d) Inclusion of the territory is in the best interests of local government organization and structure in the area

Government Code §56001 specifically recognizes that in rural areas it may be appropriate to establish limited purpose agencies to serve an area rather than a single service provider, if multiple limited purpose agencies are better able to provide efficient services to an area rather than one service district.

Moreover, Government Code Section §56425(i), governing sphere determinations, also authorizes a sphere for less than all of the services provided by a district by requiring a district affected by a sphere action to “establish the nature, location, and extent of any functions of classes of services provided by existing districts” recognizing that more than one district may serve an area and that a given district may provide less than its full range of services in an area.

1.8 Description of Public Participation Process

The LAFCo proceedings are subject to the provisions of California’s open meeting law, the Ralph M. Brown Act (Government Code Sections 54950 et seq.). The Brown Act requires advance posting of meeting agendas and contains various other provisions designed to ensure that the public has adequate access to information regarding the proceedings of public boards and commissions. Lassen LAFCo complies with the requirements of the Brown Act.

The State MSR Guidelines provide that all LAFCOs should encourage and provide multiple public participation opportunities in the MSR process.

2 BIG VALLEY AREA

2.1 The Big Valley Area

The Big Valley Recreation District generally occupies the Big Valley area of both Lassen and Modoc counties. Big Valley includes five small towns: Nubieber, Bieber, Termo, Lookout and Adin. Captivating views of Mt. Shasta and Mount Lassen can be seen from the Big Valley area. Big Valley was originally considered "A no-man's land" between the protected Surprise and Fall River Valleys. In the beginning, Adin was the only town in the Big Valley. The town of Bieber now occupies the 160-acre homestead claimed by Theodore Pleisch in May 1873.³ Since the Big Valley Recreation District includes land in both Modoc and Lassen counties, a brief description of each county will be provided for background information.

The Big Valley area is served by the Big Valley Joint Unified School District and the schools are located in Bieber.

2.2 Lassen County

2.2.1 Lassen County Overview

Lassen County is a farming, mining and lumber area; however, its economy now depends primarily on employment at two state prisons and one federal prison (the former two in Susanville and the latter in Herlong). In 2007 half the adults in Susanville worked in one of the facilities. National protected areas in Lassen County include the following:

Lassen National Forest (part)	Lassen Volcanic National Park (part)
Modoc National Forest (part)	Plumas National Forest (part)
Toiyabe National Forest (part)	

2.2.2 Lassen County Population

Lassen County has declined in population since the 2010 US Census as shown in the following table:

Lassen County Population Change⁴	Lassen County	California
Population estimates, July 1, 2018	30,802	39,557,045
Population estimates base, April 1, 2010	34,895	37,254,523
Population, percent change - April 1, 2010 to July 1, 2018	-11.7%	6.2%

³ <http://www.bigvalleynews.net/Chamber/History.html>, November 27, 2017.

⁴ <https://www.census.gov/quickfacts/fact/table/ca,lassencountycalifornia/PST045218>, May 15, 2019.

Lassen County has slightly fewer young people and more older people than the State of California as shown in the following table:

Lassen County Age Groups⁵	Lassen County	California
Persons under 5 years, percent	5.0%	6.3%
Persons under 18 years, percent	17.2%	22.9%
Persons 65 years and over, percent	14.2%	13.9%

Income and poverty levels are shown in the following table:

Income and Poverty Levels⁶	Lassen County	California
Median Household Income (in 2017 dollars), 2013-2017	\$54,083	\$67,169
Per capita income past 12 months (in 2017 dollars), 2013-2017	\$20,974	\$33,128
Persons in poverty, percent	16.3%	13.3%

2.2.3 Big Valley Communities-Lassen County

A. Bieber

Bieber (formerly, Chalk Ford) is a census designated place in Lassen County. It is located on the Pit River 75 miles north-northwest of Susanville at an elevation of 4124 feet. Its population was 312 at the 2010 census.

The settlement sprang up at the Pit River ford in 1877. The first post office at Bieber opened in 1877.⁷ A major junction between the Great Northern and Western Pacific railroads for north-south traffic, now owned by BNSF Railway (Burlington Northern Santa Fe Railway).

The 2010 US Census reported that Bieber had a population of 312 all living in households. There were 123 households, out of which 41 (33.3%) had children under the age of 18 living in them, 34 households (27.6%) were made up of individuals and 12 (9.8%) had someone living alone who was 65 years of age or older. The remaining households were two or more adults living together.

The average household size was 2.54. There were 84 families (68.3% of all households); the average family size was 3.05.

⁵ <https://www.census.gov/quickfacts/fact/table/ca,lassencountycalifornia/PST045218>, May 15, 2019.

⁶ <https://www.census.gov/quickfacts/fact/table/ca,lassencountycalifornia/PST045218>, May 15, 2019.

⁷ Durham, David L. (1998). California's Geographic Names: A Gazetteer of Historic and Modern Names of the State. Clovis, Calif.: Word Dancer Press. p. 356. ISBN 1-884995-14-4.

LASSEN LAFCo
BIG VALLEY RECREATION DISTRICT
MSR and SOI Adopted Dec 9, 2019

The population was spread out in age as follows

BIEBER AGE DISTRIBUTION 2010		
Under the age of 18	78 people	25.0%
Aged 18 to 24	27 people	8.7%
Aged 25 to 44	77 people	24.7%
Aged 45 to 64	88 people	28.1%
65 years of age or older	<u>42 people</u>	<u>13.5%</u>
TOTAL	312 people	100.0%

The median age was 38.4 years. For every 100 females there were 93.8 males. For every 100 females age 18 and over, there were 105.3 males.

There were 148 housing units of which 90 (73.2%) were owner-occupied, and 33 (26.8%) were occupied by renters. The homeowner vacancy rate was 4.2%; the rental vacancy rate was 10.8%. There were 237 people (76.0% of the population) living in owner-occupied housing units and 75 people (24.0%) living in rental housing units.

B. Nubieber

Nubieber (formerly, Big Valley City and New Town) is a census-designated place in Lassen County was located at the common terminus of the Western Pacific Railroad and the Great Northern Railway, Bieber Line, 3 miles southwest of Bieber at an elevation of 4121 feet.

The settlement was established in 1931, when the railroads were built to the place. The first post office opened the same year. The name was a version of "New Bieber".⁸

The population was 50 at the 2010 census. There were 18 households, out of which 7 (38.9%) had children under the age of 18 living in them, 5 households (27.8%) were made up of individuals and 1 (5.6%) had someone living alone who was 65 years of age or older. The remaining households were two or more adults living together. The average household size was 2.78. There were 12 families; the average family size was 3.33.

There were 24 housing units of which 10 were owner-occupied, and 8 were occupied by renters. The homeowner vacancy rate was 0%; the rental vacancy rate was 11.1%. There were 27 people living in owner-occupied housing units and 23 people living in rental housing units.

C. Termo

Termo (also, Snowstorm and Armstrong) is an unincorporated community in Lassen County. It is located on the Southern Pacific Railroad 32 miles north-northeast of Susanville at an elevation of 5305 feet. This town straddles US Highway 395 north of Ravendale. In 1900, Termo was the terminus of the Nevada-California-Oregon Railway. The Termo post office opened in 1908, closed in 1914, and re-opened in 1915.⁹

⁸ Durham, David L. (1998). California's Geographic Names: A Gazetteer of Historic and Modern Names of the State. Clovis, Calif.: Word Dancer Press. p. 405. ISBN 1-884995-14-4.

⁹ Durham, David L. (1998). California's Geographic Names: A Gazetteer of Historic and Modern Names of the State. Clovis, Calif.: Word Dancer Press. p. 423-424. ISBN 1-884995-14-4.

2.3 Modoc County

The northern portion of the district is located in Modoc County including the Communities of Adin and Lookout.

2.3.1 Modoc County Background

A large portion of Modoc County is Federal land. Several federal agencies, including the United State Forest Service, Bureau of Land Management, National Park Service, Bureau of Indian Affairs and the US Fish and Wildlife Service, have employees assigned to the area, and their operations are a significant part of the area's economy and services. National protected areas in Modoc County include the following:

- Clear Lake National Wildlife Refuge
- Modoc National Forest (part)
- Modoc National Wildlife Refuge (part)
- Tule Lake Unit, World War II Valor in the Pacific National Monument (part)
- Lava Beds National Monument (part)
- Shasta National Forest (part)
- Tule Lake National Wildlife Refuge (part)

2.3.2 Modoc County Population

The following table shows that Modoc County is declining in population, especially compared to the State of California which is gaining population. A smaller population makes it more difficult to provide services.

	POPULATION¹⁰	Modoc County	California
Population estimates, July 1, 2018		8,777	39,557,045
Population estimates base, April 1, 2010		9,686	37,254,523
Population, percent change - April 1, 2010 to July 1, 2018		-9.4%	6.2%

The age distribution of residents in Modoc County is different from the State of California. There are fewer young people and a higher percentage of elderly people.

	AGE DISTRIBUTION¹¹	Modoc County	California
Persons under 5 years, percent		4.5%	6.3%
Persons under 18 years, percent		18.9%	22.9%
Persons 65 years and over, percent		26.5%	13.9%

The Median Household Income is the measure used to determine if a community is disadvantaged. If a community has a Median Household Income lower than 80% of the State Median Household Income (\$53,735) then the community is disadvantaged. Clearly, Modoc County is a disadvantaged area with a low Median Household Income of \$39,296.

¹⁰ US Census Bureau, <https://www.census.gov/quickfacts/fact/table/modoccountycalifornia,ca/PST045218>, April 30, 2019
¹¹ US Census Bureau, <https://www.census.gov/quickfacts/fact/table/modoccountycalifornia,ca/PST045218>, April 30, 2019

MEDIAN HOUSEHOLD INCOME¹²	Modoc County	California
Median household income (in 2017 dollars), 2013-2017	\$39,296	\$67,169
Per capita income in past 12 months (in 2017 dollars), 2013-2017	\$22,052	\$33,128
Persons in poverty, percent	19.2%	13.3%

2.3.3 Big Valley Communities-Modoc County

A. Adin

Adin (formerly, Adinville and Aidenville) is a census designated place in Modoc County. It is located 29 miles southwest of Alturas at an elevation of 4203 feet. Adin, the first town in Modoc County west of the Warner Mountains, was founded in 1869 by Adin McDowell as the supply point for the mining town of Hayden in northern Lassen County, and was named for him in 1870.

The Aidenville post office opened in 1871, and changed its name to Adin in 1876.¹³ A 1913 book described Adin as having a population of 200, and as the chief town of the Big Valley. It became a sawmill town in the mid-1930s when the Edgerton Brothers Mill moved into town, from the Adin Mountains.

The town suffered devastating fires in 1904, 1915, 1931, and finally in 1939. Following the 1939 fire, the town organized a volunteer fire brigade.¹⁴

The 2010 US Census reported that Adin had a population of 272. The Census reported that 269 people (98.9% of the population) lived in households, 3 (1.1%) lived in non-institutionalized group quarters. There were 124 households, out of which 28 (22.6%) had children under the age of 18 living in them, 45 households (36.3%) were made up of individuals and 19 (15.3%) had someone living alone who was 65 years of age or older. The remaining households had two or more adults living together.

The average household size was 2.17. There were 71 families (57.3% of all households); the average family size was 2.82.

¹² US Census Bureau, <https://www.census.gov/quickfacts/fact/table/modoccountycalifornia,ca/PST045218>, April 30, 2019

¹³ Durham, David L. (1998). California's Geographic Names: A Gazetteer of Historic and Modern Names of the State. Clovis, Calif.: Word Dancer Press. p. 351. ISBN 1-884995-14-4.

¹⁴ Kean, David. W (1993). *Wide Places in the California Road - Volume 2 of 4: The Mountain Counties*. Sunnyvale, CA: Concord Press. p. 10. ISBN 1-884261-01-9.

The population was spread out in age as follows:

ADIN AGE DISTRIBUTION 2010		
Under the age of 18	57 people	21.0%
Aged 18 to 24	19 people	7.0%
Aged 25 to 44	52 people	19.0%
Aged 45 to 64	93 people	34.2%
65 years of age or older	<u>51 people</u>	<u>18.8%</u>
TOTAL	272 people	100.0 %

The Adin median age was 47.3 years. For every 100 females there were 91.5 males. For every 100 females age 18 and over, there were 85.3 males.

There were 144 housing units of which 77 (62.1%) were owner-occupied, and 47 (37.9%) were occupied by renters. The homeowner vacancy rate was 1.3%; the rental vacancy rate was 2.1%. There were 163 people (59.9% of the population) living in owner-occupied housing units and 106 people (39.0%) living in rental housing units.

B. Lookout

Lookout (formerly, Whitley's Ford) is a census-designated place in Modoc County. It is located 11 miles west of Adin, at an elevation of 4144 feet. The Whitley's Ford post office operated from 1874 to 1875. The Lookout post office opened in 1880. The original name honors James W. Whitley, a local hotelier. The name Lookout recalls how Native Americans used nearby hills as observation points.¹⁵

The 2010 US Census reported that Lookout had a population of 84. There were 31 households, of which 7 (22.6%) had children under the age of 18 living in them, 7 households (22.6%) were made up of individuals and 3 (9.7%) had someone living alone who was 65 years of age or older. The remaining households had two or more adults living together.

The average household size was 2.71. There were 22 families (71.0% of all households); the average family size was 3.14.

There were 46 housing units of which 26 (83.9%) were owner-occupied, and 5 (16.1%) were occupied by renters. The homeowner vacancy rate was 3.7%; the rental vacancy rate was 0%. There were 70 people (83.3% of the population) living in owner-occupied housing units and 14 people (16.7%) living in rental housing units.

¹⁵ Durham, David L. (1998). California's Geographic Names: A Gazetteer of Historic and Modern Names of the State. Clovis, Calif.: Word Dancer Press. p. 396. [ISBN 1-884995-14-4](#).

3 BIG VALLEY RECREATION DISTRICT

3.1 Big Valley Recreation District Background

The Bieber Recreation District was formed in 1991. This district was formed under the Community Services District Law (61000 *et.seq.* of the Government code). In the District annexed additional land in both Lassen and Modoc Counties to have the same boundaries as the Big Valley Joint Unified School District, and also changed its name to from the Bieber Recreation District to the Big Valley Recreation District.¹⁶ The District's boundaries are coterminous with the Big Valley Joint Unified School District in Lassen and Modoc Counties. The Big Valley Recreation District's main purpose is to operate a seasonal swimming pool located in Bieber. The pool is located on land owned by the Lassen County. The District has a thirty-year lease with the County.¹⁷

3.2 Big Valley Recreation District Contact Information

The District Mailing Address is as follows:

Big Valley Recreation District
PO Box 457
Bieber, CA 96009

Phone: 530-294-5246

Street Address: 21 Bridge Street, Bieber CA 96009

3.3 Board of Directors

Since the Big Valley Recreation District was formed as a Community Services District it is required to have a five member Board of Directors. All board seats are appointed by the Lassen County Board of Supervisors at large albeit some board members are from Modoc County. At this time two of the seats are vacant. The three directors on the Board are as follows:

Laura Finlay, PO Box 519, Bieber CA 96009
656-155 Highway 299
Phone: 530-294-1198

Term Expires 12-03-21
Treasurer
Email: laurafinlay6@gmail.com

Heather Masotti-Summers, PO Box 106, Adin, CA 96006
207 County Road 86
Phone: 530-299-3561

Term Expires 12-06-19
Secretary

Rosemarie Thompson
Phone: 530-294-5410

Email: FVRranch57@gmail.com

The Pool Manager is Sheri Weldon, PO Box 731, Bieber, CA 96009, 104 First Street,
Phone: 530-640-2738

¹⁶ Lassen LAFCo, Staff Report, Big Valley Annexation to Bieber Recreation District, May 31, 1996.

¹⁷ Big Valley Recreation District, Response to Lassen LAFCo questionnaire, August 14, 2018.

LASSEN LAFCo
BIG VALLEY RECREATION DISTRICT
MSR and SOI Adopted Dec 9, 2019

The District uses seasonal lifeguards using high school students or adults with the proper certification. Swimming lessons are also provided.

3.4 Financial Information

The Big Valley Recreation District Budget Year is the same as the Calendar Year. The District is considering a change to the July 1 to June 30 fiscal year used by the counties and the State of California. The Budget for 2017 is shown on the following page.

BIG VALLEY RECREATION DISTRICT 2017 BUDGET			
INCOME			
Alfalfa Breeze fun run		280.00	
Christmas Wreaths		129.42	
County		21,000.00	
Fishing License Raffle		43.00	
Interest Earned		.44	
Pennies for the pool		20.00	
Total Regular Income		21,472.86	
	Swimming Income		
	Aerobics		87.50
	Lap Swim		512.50
	Lessons		3,150.00
	Public		2,210.50
	Rentals		2,415.00
	Seniors		117.50
	Total Swimming		8,493.00
Total Income			\$29,965.86
EXPENSES			
Business Organization		25.00	
Compensation Insurance		1,714.37	
Federal Tax		333.00	
FICA		797.84	
Insurance Liability	3,243.44		
Insurance Other	150.00		
Total Insurance		3,393.44	
Medicare		186.58	
Office		71.14	
Payroll		12,867.86	
Payroll taxes		2,301.84	
Pool Instruction		300.00	
Pool Maintenance		664.00	
Pool Repairs		175.00	
Pool Supplies			
Chemicals	1,605.71		
Miscellaneous	325.02		
Pool supplies -other	51.73		

LASSEN LAFCo
BIG VALLEY RECREATION DISTRICT
MSR and SOI Adopted Dec 9, 2019

Total Pool supplies		1,982.46	
Propane		3,018.06	
Repairs		836.40	
Taxes: EDD		342.95	
Utilities		3,969.18	
TOTAL EXPENSES		\$30,344.28	
Total Income-Expenses			-\$378.42

4 BIG VALLEY RECREATION DISTRICT MSR

4.1 Growth and Population Projections for the Big Valley Recreation District Area¹⁸

4.1.1 Big Valley Recreation District Area Population Projections

There are no specific population projections for the Big Valley area. However, the California State Department of Finance predicts that both Modoc and Lassen County will continue to decline in population from now through 2060 as follows:

State Projected Population for Lassen and Modoc Counties ¹⁹						
	2010	2015	2025	2030	2040	2060
Lassen County	34,869	30,969	30,478	30,157	29,117	26,999
Modoc County	9,689	9,507	9,228	9,177	8,971	8,497

4.1.2 MSR Determinations on Growth and Population Projections for the Big Valley Recreation District Area

MSR 1-1) Although the population of the area may decline in the future there is a need for the Big Valley Recreation District and the swimming pool.

4.2 Location and Characteristics of any Disadvantaged Unincorporated Communities (DUC) within or Contiguous to Big Valley Recreation District²⁰

4.2.1 Determination of Big Valley Recreation District Area Disadvantaged Unincorporated Community Status

Median Household Income is used to determine disadvantaged status. The income of Bieber as shown below is clearly less than 80% of the State Median Household Income which would be \$51,026.

	Bieber	California
Median Household Income ²¹	\$40,417	\$63,783

Determinations on DUC status are not required except for districts providing sewer, water or fire protection services.

4.2.2 MSR Determinations on Disadvantaged Unincorporated Communities near Big Valley Recreation District

MSR 2-1) Big Valley Recreation District does not provide sewer, water or fire protection services so LAFCo is not required to make a determination with respect to being a disadvantaged community, which it is.

¹⁸ California Government Code Section 56430. (a) (1)

¹⁹ State of California, Department of Finance, Population Projections, March 8, 2017, E. Sharygin, 916-323-4086, H. Palmer, 916-323-0648.

²⁰ California Government Code Section 56430. (a) (2)

²¹ <https://www.areavibes.com/bieber-ca/employment/>, May 20, 2019.

4.3 Capacity and Infrastructure for Big Valley Recreation District²²

4.3.1 Infrastructure

The Big Valley Recreation District has a swimming pool. In addition to accessory structures, this is the only infrastructure for the District. The pool was built in 1995.²³ The District would like to install a solar heating system for the pool and to resurface the pool, which will require grant funding.²⁴

4.3.2 MSR Determinations on Infrastructure for Big Valley Recreation District

MSR 3-1) The swimming pool operated by the Big Valley Recreation District is in need of improvements such as resurfacing and installation of a solar heating system. The District should work on grant funding for improvements being a disadvantaged community.

4.4 Financial Ability to Provide Services²⁵

4.4.1 Financial Considerations for Big Valley Recreation District

The Big Valley Recreation District was formed after the passage of Proposition 13 and receives no share of property taxes. The District currently depends on funds from Lassen County, donations and user fees to keep the pool in operation. The district is facing increasing power costs. It does not appear feasible for the district to have the county manage its finances since Susanville is 75 miles away, much of the revenue the district receives is in cash necessitating frequent trips to Susanville.

4.4.2 MSR Determinations on Financing for Big Valley Recreation District

MSR 4-1) The Big Valley Recreation District cannot be sustained on fundraising and admission charges. The District relies on funds from Lassen County through Supervisor discretion funds and Tobacco Taxes.

MSR 4-2) The District may have to vote to raise taxes in the future. The County support should be a firm commitment. The District should pursue grant funding for specific projects.

MSR 4-3) The District needs to prepare financial audits to comply with state law and finance and expenditure policies.

MSR 4-4) The District carries liability insurance.

²² California Government Code Section 56430. (a) (3)

²³ Lassen LAFCo, Staff Report, Big Valley Annexation to Bieber Recreation District, May 31, 1996.

²⁴ Big Valley Recreation District, Response to Lassen LAFCo questionnaire, August 14, 2018.

²⁵ California Government Code Section 56430. (a) (4)

4.5 Status of and Opportunities for Shared Facilities²⁶

4.5.1 Facilities

The only facility is a swimming pool and accessory structures such as a pool house, restrooms with showers, changing rooms and an office. This can be shared by as many people as come to use it. People within the Big Valley Joint Unified School District are used to travelling to Bieber for school and school events so they can continue to come in the summer for the pool. Likewise people from outside the district use the pool.

4.5.2 MSR Determinations on Shared Facilities for Big Valley Recreation District

MSR 5-1) The swimming pool in Bieber meets the needs of the Big Valley Recreation District at this time albeit repairs are needed

4.6 Accountability for Community Service Needs, Government Structure and Operational Efficiencies²⁷

4.6.1 Big Valley Recreation District Government Structure

The Big Valley Recreation District does not have a full Board of Directors, there are two vacant positions. Its Board members are appointed at large by the Lassen County Board of Supervisors. The three Board members do a remarkable job of keeping the District running but it is harder to raise the necessary funding every year.

It is difficult to find people to serve on all the local boards needed in a rural area. People are need for fire protection district boards, water district boards, boards of education, pest abatement district boards as well as other community organization boards.

4.6.3 MSR Determinations on Local Accountability and Governance

MSR 6-1) The Board of Directors should recruit two additional members for Board of Supervisor's appointment to have a full five-member board as required in the Community Services District law.

MSR 6-2) The Board of Directors should examine additional ways to raise funds for the pool such as working with local sponsors to pay for a "free swim day" or sponsored swim day in return for advertising and direct donations without having to sell anything.

MSR 6-3) The District should adopt policies and bylaws regarding operations and finance.

MSR 6-4) The Lassen Co. Health Department does safety inspections for the pool and facilities.

²⁶ California Government Code Section 56430. (a)(5)

²⁷ California Government Code Section 56430. (a)(6).

5 BIG VALLEY RECREATION DISTRICT Sphere of Influence

5.1 Recommendation for Big Valley Recreation District Sphere of Influence

The recommendation for the Big Valley Recreation District Sphere of Influence is that it remain the same as it is being the same as the Big Valley Joint Unified School District.

5.2 Present and Planned Land Uses in the Big Valley Recreation District Area, Including Agricultural and Open Space Lands²⁸

5.2.1 General Plan and Zoning for Big Valley Recreation District SOI Area

The General Plan for Modoc County and the General Plan for Lassen County show the Big Valley area designated for agricultural land uses except for the small communities.

5.2.2 SOI Determination on Land Uses

SOI 1-1] Since the present and planned land uses for the Big Valley area are agricultural, the area will not expect a significant increase in population but the need for the Big Valley Recreation District will remain.

5.3 Present and Probable Need for Public Facilities and Services in the Big Valley Recreation District Area²⁹

5.3.1 Need for Facilities and Services

People of all ages benefit from access to a swimming facility. In addition, use of a community facility, such as a swimming pool, can help to build the sense of community when residents are scattered in a rural area.

5.3.2 SOI Determinations on Need for Facilities and Services of the Big Valley Recreation District

SOI 2-1] The need for the Big Valley Recreation District will continue. The District serves all ages from young people to seniors.

²⁸ California Government Code Section 56425 (e)(1)

²⁹ California Government Code Section 56425 (e)(2)

5.4 Present Capacity of Public Facilities Present and Adequacy of Public Services³⁰

5.4.1 Capacity Background

The capacity of the Big Valley Recreation District is limited by financial constraints and by the age and condition of the swimming pool.

5.4.2 SOI Determinations on Public Facilities Present and Future Capacity for Big Valley Recreation District

SOI 3-1] The swimming pool needs a solar heating system and to be resurfaced and there are no funds available for this purpose. The district should seek grant funding for these improvements.

5.5 Social or Economic Communities of Interest for Big Valley Recreation District³¹

5.5.1 Big Valley Recreation District Community Background

The Big Valley area does function as a social and economic community even though it is a single county district and serves the Big Valley portion in two counties. The residents are used to working together on the Big Valley Joint Unified School District, the Pest Abatement District and other community projects. Swimming lessons are available to the Youth in the area without having to travel great distances out of Big Valley.

5.5.2 SOI Determinations on Social or Economic Communities of Interest for Big Valley Recreation District

SOI 4-1] The Big Valley Recreation District serves the community and helps to promote community activities.

5.6 District Disadvantaged Unincorporated Community (DUC) Status³²

5.6.1 Disadvantaged Unincorporated Communities

Median Household Income is used to determine disadvantaged status. The income of Bieber as shown below is clearly less than 80% of the State Median Household Income which would be \$51,026.

	Bieber	California
Median Household Income ³³	\$40,417	\$63,783

Determinations on DUC status are not required except for districts providing sewer, water or fire protection services albeit the district is a disadvantaged community.

5.6.2 Big Valley Recreation District Disadvantaged Unincorporated Community Status

³⁰ California Government Code Section 56425 (e)(3)

³¹ California Government Code Section 56425 (e)(4)

³² California Government Code Section 56425 (e)(5)

³³ <https://www.areavibes.com/bieber-ca/employment/>, May 20, 2019.

LASSEN LAFCo
BIG VALLEY RECREATION DISTRICT
MSR and SOI Adopted Dec 9, 2019

SOI5-1] Big Valley Recreation District does not provide sewer, water or fire protection services. LAFCo is not required to make a determination with respect to the Community being disadvantaged. However, based on available income data, the district area is disadvantaged.

APPENDIX A LOCAL GOVERNEMENT SPENDING ISSUES

1 Municipal Financial Constraints

Municipal service providers are constrained in their capacity to finance services by the inability to increase property taxes, requirements for voter approval for new or increased taxes, and requirements of voter approval for parcel taxes and assessments used to finance services. Municipalities must obtain majority voter approval to increase or impose new general taxes and two-thirds voter approval for special taxes.

Limitations on property tax rates and increases in taxable property values are financing constraints. Property tax revenues are subject to a formulaic allocation and are vulnerable to State budget needs. Agencies formed since the adoption of Proposition 13 in 1978 often lack adequate financing.

1.1 California Local Government Finance Background

The financial ability of the cities and special districts to provide services is affected by financial constraints. City service providers rely on a variety of revenue sources to fund city operating costs as follows:

Property Taxes

Benefit Assessments

Special Taxes

Proposition 172 Funds

Other contributions from city or district general funds.

As a funding source, property taxes are constrained by statewide initiatives that have been passed by voters over the years and special legislation. Seven of these measures are explained below:

A. Proposition 13

Proposition 13 (which California voters approved in 1978) has the following three impacts:

- Limits the ad valorem property tax rate
- Limits growth of the assessed value of property
- Requires voter approval of certain local taxes.

Generally, this measure fixes the ad valorem tax at one percent of value; except for taxes to repay certain voter approved bonded indebtedness. In response to the adoption of Proposition 13, the Legislature enacted Assembly Bill 8 (AB 8) in 1979 to establish property tax allocation formulas.

B. AB 8

Generally, AB 8 allocates property tax revenue to the local agencies within each tax rate area based on the proportion each agency received during the three fiscal years preceding adoption of Proposition 13. This allocation formula benefits local agencies, which had relatively high tax rates at the time Proposition 13 was enacted.

C. Proposition 98

Proposition 98, which California voters approved in 1988, requires the State to maintain a minimum level of school funding. In 1992 and 1993, the Legislature began shifting billions of local property taxes to schools in response to State budget deficits. Local property taxes were diverted from local governments into the Educational Revenue Augmentation Fund (ERAF) and transferred to school districts and community college districts to reduce the amount paid by the State general fund.

Local agencies throughout the State lost significant property tax revenue due to this shift. Proposition 172 was enacted to help offset property tax revenue losses of cities and counties that were shifted to the ERAF for schools in 1992.

D. Proposition 172

Proposition 172, enacted in 1993, provides the revenue of a half-cent sales tax to counties and cities for public safety purposes, including police, fire, district attorneys, corrections and lifeguards. Proposition 172 also requires cities and counties to continue providing public safety funding at or above the amount provided in FY 92-93.

E. Proposition 218

Proposition 218, which California voters approved in 1996, requires voter- or property owner-approval of increased local taxes, assessments, and property-related fees. A two-thirds affirmative vote is required to impose a Special Tax, for example, a tax for a specific purpose such as a fire district special tax.

However, majority voter approval is required for imposing or increasing general taxes such as business license or utility taxes, which can be used for any governmental purpose. These requirements do not apply to user fees, development impact fees and Mello-Roos districts.

F. Mello-Roos Community Facilities Act

The Mello-Roos Community Facilities Act of 1982 allows any county, city, special district, school district or joint powers authority to establish a Mello-Roos Community Facilities District (a "CFD") which allows for financing of public improvements and services. The services and improvements that Mello-Roos CFDs can finance include streets, sewer systems and other basic infrastructure, police protection, fire protection, ambulance services, schools, parks, libraries, museums and other cultural facilities. By law, the CFD is also entitled to recover expenses needed to form the CFD and administer the annual special taxes and bonded debt.

A CFD is created by a sponsoring local government agency. The proposed district will include all properties that will benefit from the improvements to be constructed or the services to be provided. A CFD cannot be formed without a two-thirds majority vote of residents living within the proposed boundaries. Or, if there are fewer than 12 residents, the vote is instead conducted of current landowners.

In many cases, that may be a single owner or developer. Once approved, a Special Tax Lien is placed against each property in the CFD. Property owners then pay a Special Tax each year.

If the project cost is high, municipal bonds will be sold by the CFD to provide the large amount of money initially needed to build the improvements or fund the services. The Special Tax cannot be directly based on the value of the property. Special Taxes instead are based on mathematical formulas that take into account property characteristics such as use of the property, square footage of the structure and lot size. The formula is defined at the time of formation, and will include a maximum special tax amount and a percentage maximum annual increase.

If bonds were issued by the CFD, special taxes will be charged annually until the bonds are paid off in full. Often, after bonds are paid off, a CFD will continue to charge a reduced fee to maintain the improvements.

G. Development Impact Fees

A county, cities, special districts, school districts, and private utilities may impose development impact fees on new construction for purposes of defraying the cost of putting in place public infrastructure and services to support new development.

To impose development impact fees, a jurisdiction must justify the fees as an offset to the impact of future development on facilities. This usually requires a special financial study. The fees must be committed within five years to the projects for which they were collected, and the district, city or county must keep separate funds for each development impact fee.

1.2 Financing Opportunities that Require Voter Approval

Financing opportunities that require voter approval include the following five taxes:

1. Special taxes such as parcel taxes
2. Increases in general taxes such as utility taxes
3. Sales and use taxes
4. Business license taxes
5. Transient occupancy taxes

Communities may elect to form business improvement districts to finance supplemental services, or Mello-Roos districts to finance development-related infrastructure extension. Agencies may finance facilities with voter-approved (general obligation) bonded indebtedness.

1.3 Financing Opportunities that Do Not Require Voter Approval

Financing opportunities that do not require voter approval include imposition of or increases in fees to more fully recover the costs of providing services, including user fees and Development Impact Fees to recover the actual cost of services provided and infrastructure.

Development Impact Fees and user fees must be based on reasonable costs, and may be imposed and increased without voter approval. Development Impact Fees may not be used to subsidize operating costs. Agencies may also finance many types of facility improvements through bond instruments that do not require voter approval.

Water rates and rate structures are not subject to regulation by other agencies. Utility providers may increase rates annually, and often do so. Generally, there is no voter approval requirement for rate increases, although notification of utility users is required. Water providers must maintain an enterprise fund for the respective utility separate from other funds, and may not use revenues to finance unrelated governmental activities.

2 Public Management Standards

While public sector management standards do vary depending on the size and scope of an organization, there are minimum standards. Well-managed organizations do the following eight activities:

1. Evaluate employees annually.
2. Prepare a budget before the beginning of the fiscal year.
3. Conduct periodic financial audits to safeguard the public trust.
4. Maintain current financial records.
5. Periodically evaluate rates and fees.
6. Plan and budget for capital replacement needs.
7. Conduct advance planning for future growth.
8. Make best efforts to meet regulatory requirements.

Most of the professionally managed and staffed agencies implement many of these best management practices. LAFCo encourages all local agencies to conduct timely financial record-keeping for each city function and make financial information available to the public.

3 Public Participation in Government

The Brown Act (California Government Code Section 54950 et seq.) is intended to insure that public boards shall take their actions openly and that deliberations shall be conducted openly.

The Brown Act establishes requirements for the following:

- Open meetings
- Agendas that describe the business to be conducted at the meeting
- Notice for meetings
- Meaningful opportunity for the public to comment

Few exceptions for meeting in closed sessions and reports of items discussed in closed sessions.

According to California Government Section 54959:

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

Section 54960 states the following:

(a) The district attorney or any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to actions or threatened future action of the legislative body

ABBREVIATIONS

AB	Assembly Bill
CEQA	California Environmental Quality Act
CFD	Community Facilities District
CKH	Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
DUC	Disadvantaged Unincorporated Community
ERAF	Educational Revenue Augmentation Fund
LAFCo	Local Agency Formation Commission
MSR	Municipal Service Review (LAFCo)
OPR	Office of Planning and Research (California)
SOI	Sphere of Influence (LAFCo)
USDA	United States Department of Agriculture

DEFINITIONS

Bond: An interest-bearing promise to pay a stipulated sum of money, with the principal amount due on a specific date. Funds raised through the sale of bonds can be used for various public purposes.

California Environmental Quality Act (CEQA): A State Law requiring State and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, an environmental impact report (EIR) must be prepared and certified as to its adequacy before taking action on the proposed project.

Local Agency Formation Commission (LAFCo): A five-or seven-member commission within each county that reviews and evaluates all proposals for formation of special districts, incorporation of cities, annexation to special districts or cities, consolidation of districts, and merger of districts with cities. Each county's LAFCO is empowered to approve, disapprove, or conditionally approve such proposals. The LAFCO members generally include two county supervisors, two city council members, and one member representing the general public. Some LAFCOs include two representatives of special districts.

Proposition 13: (Article XIII A of the California Constitution) Passed in 1978, this proposition enacted sweeping changes to the California property tax system. Under Proposition 13, property taxes cannot exceed 1% of the value of the property and assessed valuations cannot increase by more than 2% per year. Property is subject to reassessment when there is a transfer of ownership or improvements are made.³⁴

Proposition 218: (Article XIII D of the California Constitution) This proposition, named "The Right to Vote on Taxes Act", filled some of the perceived loopholes of Proposition 13. Under Proposition 218, assessments may only increase with a two-thirds majority vote of the qualified voters within the District. In addition to the two-thirds voter approval requirement, Proposition 218 states that effective July 1, 1997, any assessments levied may not be more than the costs necessary to provide the service, proceeds may not be used for any other purpose other than providing the services intended, and assessments may only be levied for services that are immediately available to property owners.³⁵

³⁴ http://www.californiataxdata.com/A_Free_Resources/glossary_PS.asp#ps_08

³⁵ http://www.californiataxdata.com/A_Free_Resources/glossary_PS.asp#ps_08

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LOCAL AGENCY FORMATION COMMISSION
BIG VALLEY RECREATION DISTRICT
SPHERE OF INFLUENCE

