



MEASURE U CITIZENS OVERSIGHT COMMITTEE

MEASURE U CITIZENS OVERSIGHT COMMITTEE REGULAR ANNUAL MEETING

DATE: May 19, 2025
TIME: 10:00 A.M. – 11:30 A.M.
PLACE: 900 NORTHSTAR DRIVE AND ZOOM

Members of the public may participate in this meeting by teleconference or in person. Any person interested in attending by Zoom video and/or teleconference may use the following link:

<https://us02web.zoom.us/j/84176699385?pwd=TbdFI9a6NUWlTjRD3q3Nk7lBlbc88D.1>

Meeting ID: 841 7669 9385, Password 652779 or dial by telephone 1-669-900-6833 using access code 84176699385#.

CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

PUBLIC COMMENT

Any member of the public on the videoconference may speak during Public Comment or may email public comments to juliez@northstarcsd.org and comments will be read from each member of the public, subject to generally applicable time limitations. For members of the public in attendance via video conference, the Measure U Oversight Committee will use best efforts to swiftly resolve requests for reasonable modifications or accommodations with individuals with disabilities, consistent with the Americans with Disabilities Act, and resolving any doubt whatsoever in favor of accessibility.

NEW BUSINESS

1. Measure U Citizens Oversight Committee (MUOC) Member Introductions - Discussion
2. Appoint MUOC Chair – Discussion – Action
3. MUOC Bylaws Potential Revision – Discussion
4. Ralph M. Brown Act Review – Discussion
5. Annual 2025 MUOC Calendar Review & History – Discussion
6. MUOC Fiscal Year 2023 Annual Report Approval – Discussion – Action
7. MUOC Fiscal Year 2024 Annual Report Approval – Discussion – Action
8. Fiscal Year 2025 (Summer 2024) Work Review – Presentation - Discussion
9. Fiscal Year 2026 (Summer 2025) Work Plan – Presentation – Discussion
10. MUOC Members – Resignations & Potential New MUOC Member Appointments – Discussion
11. Approve Sub-Committee Responsibilities – Discussion – Action
12. Appoint Sub-Committee Members – Discussion – Action

ADJOURNMENT

Items may not be taken in the order listed above.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, then please contact Julie Zangara at (530) 550-6127 or (530) 562-1505 (fax). Requests must be made as early as possible and at least one full business day before the start of the meeting. NCSD will endeavor to accommodate requests made with less notice than that.



MEASURE U CITIZENS OVERSIGHT COMMITTEE

AGENDA ITEM 1 – MEMBER INTRODUCTIONS

There is no written report for this agenda item.



MEASURE U CITIZENS OVERSIGHT COMMITTEE

APPOINT MEASURE U CITIZENS OVERSIGHT COMMITTEE CHAIR

DATE: April 22, 2025

SUBJECT: Measure U Citizens Oversight Committee (MUOC) – Appointment of Chair

DISCUSSION: The MUOC will appoint a Committee Chair. The Committee Chair will serve as the presiding officer of the MUOC, collaborate with the General Manager and staff to establish the agenda for the annual meeting, and designate subcommittee members with majority approval by the MUOC members.

The Committee Chair shall call for action when required and direct the order of business.

RECOMMENDED ACTION: Nominate and appoint Committee Chair.

ATTACHMENTS: None



MEASURE U CITIZENS OVERSIGHT COMMITTEE

AGENDA ITEM 3 – MUOC BYLAWS POTENTIAL REVISION


There is no written report for this agenda item.



**California Special
Districts Association**
Districts Stronger Together

Brown Act Compliance Manual

for Special Districts

A microphone is visible in the lower-left foreground, and a blurred crowd of people is in the background, suggesting a public meeting or hearing.

The Ralph M. Brown Act (“Brown Act”) was enacted in 1953 in response to series of articles in the San Francisco Chronicle detailing the way local agencies at the time conducted secret meetings or caucuses even though state law had long required that local agencies conduct business publically. The purpose behind the Brown Act, as originally adopted and as it remains today, is to ensure that actions of local public agencies – including their deliberations - are taken in open and public meetings, with posted agendas, and where all persons are permitted to attend and participate.

This manual provides special districts with guidelines and tips for complying with the various meeting agenda, notice, public participation, and public reporting requirements of the Brown Act. Districts are permitted to and should consider adopting local policies that exceed the minimum requirements of the Brown Act in terms of providing greater public access and openness to district business.

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions betaken openly and that their deliberations be conducted openly.”³


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 *Printed on recycled paper.*





Overview of the Brown Act

The Ralph M. Brown Act ("Brown Act")¹ was enacted in 1953 in response to series of articles in the *San Francisco Chronicle* detailing the way local agencies at the time conducted secret meetings or caucuses even though state law had long required that local agencies conduct business publically. The purpose behind the Brown Act, as originally adopted and as it remains today, is to ensure that actions of local public agencies – including their deliberations - are taken in open and public meetings, with posted agendas, and where all persons are permitted to attend and participate. Courts construe the Brown Act liberally, in favor of openness and narrowly construe its limited exemptions.

The Brown Act and provisions of the Americans with Disabilities Act not only guarantee the public's right to attend and participate in open and public meetings, but ensure that the meetings will actually be accessible to all members of the public. Violations of the Brown Act can result in the action taken being invalidated and the award of attorney's fees and costs if there is a successful legal action against a public agency. Certain intentional violations can result in criminal prosecution. And regardless of the nature of the violation, the mere fact that the public perceives that an agency is improperly conducting business behind closed doors can indelibly damage the public's trust in local government.

This manual provides special districts² with guidelines and tips for complying with the various meeting agenda, notice, public participation, and public reporting requirements of the Brown Act. Districts are permitted to and should consider adopting local policies that exceed the minimum requirements of the Brown Act in terms of providing greater public access and openness to district business.

This manual is not intended, however, to provide legal advice on any specific issue. Also, because the statutory and case law summarized in this manual is subject to change, district staff and officials should always seek the advice of agency legal counsel as to the application of the Brown Act in a particular situation and to ascertain whether there have been recent changes to the Brown Act or its interpretation by the courts.

The purpose behind the Brown Act, as originally adopted and as it remains today, is to ensure that actions of local public agencies – including their deliberations - are taken in open and public meetings, with posted agendas, and where all persons are permitted to attend and participate.



This manual is not intended, however, to provide legal advice on any specific issue.

PURPOSE AND BASIC RULE

The purpose of the Brown Act is elegantly stated in the opening declaration:

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. ***It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.***”³

Similarly, the Brown Act’s basic and unchanged rule provides:

“All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body.”⁴

As summarized by one court: “It is clearly the policy of this state that the proceedings of public agencies, and the conduct of the people’s business, [must] take place at open meetings, and that the deliberative process by which decisions related to the public’s business are made [must] be conducted in full view of the public.”⁵ Thus, except for certain closed session items, all aspects of the decision-making process by legislative bodies—including the acquisition of information, discussion and debate—must be conducted in public.





District Bodies and Groups Covered and Not Covered by the Brown Act

The Brown Act only applies to a district “legislative body” as defined in Section 54952. Therefore, understanding the scope of that term is the critical first step in determining whether the Brown Act applies to a particular district body or group.

What bodies are considered a “legislative body” subject to the Brown Act?


1. **The Governing body** of a district (i.e., the board of directors) is considered a “legislative body” subject to the Brown Act.⁶

Note: The Brown Act also applies to persons elected to serve on a legislative body covered by the Brown Act but who have not yet assumed the duties of office.⁷

2. **Standing committees** of a legislative body, regardless of their composition (i.e., including less than a quorum of the legislative body), that have either (a) continuing subject matter jurisdiction or (b) a meeting schedule fixed by formal action of a legislative body are subject to the Brown Act.⁸

3. **Appointed bodies**, whether permanent or temporary, decision-making or advisory, created by a formal act of the governing body are subject to the Brown Act.⁹ The “formal act” required to create a Brown Act legislative body includes any official action and is not necessarily limited to formation by a formal vote or adoption of a resolution.¹⁰

4. **Joint Powers Authority** legislative bodies of a legally separate entity established by districts under the Joint Exercise of Powers Act must comply with the Brown Act.¹¹



5. **Private organizations.** The board or other governing body of a private organization, such as a nonprofit corporation, is subject to the Brown Act, if: (a) a district legislative body created or was involved in bringing the organization into existence to exercise lawfully delegated authority, or (b) if both of the following requirements are met: (i) the organization receives funds from the district and (ii) a member has been appointed as a full voting member of such board by the district's legislative body.^{12, 13}

What district bodies or groups are not considered a “legislative body” subject to the Brown Act?

1. **A temporary advisory committee** (often referred to as an **ad hoc committee**) composed solely of less than a quorum of the legislative body that is created for a single or limited purpose (e.g., a recruitment committee for a vacant position or a committee to investigate a particular incident or issue) that will dissolve once its task is completed is not subject to the Brown Act.

2. **Groups advisory to a single member of a legislative body** created by the informal action of the particular member to advise the member are not covered by the Brown Act.¹⁴

3. **A group appointed by district staff** (e.g., a committee to assist with a district social or community event) is not subject to the Brown Act.



Compliance Tip

Forming a true ad hoc advisory committee that is composed solely of less than a quorum of the legislative body and that is not subject to the Brown Act requires careful consideration of these restrictions.



The Brown Act only applies to “meetings” of district legislative bodies.

Meetings Covered and Exempted

The Brown Act only applies to “meetings” of district legislative bodies. Thus, it is critical to understand what meetings are covered and what gatherings are not considered a meeting.

Definition of meeting.

The Brown Act defines a *“meeting” as any congregation of a majority of the members of a legislative body at the same time and location, including a teleconference location, to hear, discuss, deliberate, or take action on any item that is within the legislative body’s subject matter jurisdiction.*¹⁵ As defined, the term “meeting” is not limited to gatherings at which action is taken but applies equally to situations where a quorum of the legislative body merely hears, discusses, or deliberates on district business. These terms have their ordinary meaning, but there is a specific definition for “action taken,” which includes: (1) a collective decision by a majority of the members of a legislative body; (2) a collective commitment, or promise by a majority of the members to make a positive or negative decision; or (3) an actual vote by a majority of the members of the legislative body sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.¹⁶

Prohibition against serial meetings.

Outside of a properly noticed and conducted Brown Act meeting, a majority of the members of a legislative body may not use a series of communication of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the body’s subject matter jurisdiction.¹⁷

This type of prohibited “serial meeting” can occur in two ways:

- (1) **Chain:** If member A contacts member B, and B contacts member C, and C contacts member D, and so on, until a quorum of the legislative body has been involved.
- (2) **Hub-and-spoke:** An intermediary, such as the general manager, contacts at least a quorum of the members of the legislative body to develop a collective concurrence (or communicate each member’s respective positions) on an action to be taken by the legislative body.



Compliance Tip

The use of e-mail can easily result in a serial meeting along with a paper trail establishing a potential violation of the Brown Act.¹⁸ District legislative body members must be extremely careful with the use of e-mail, except to pass along general information. For example, members should refrain in e-mails from stating or taking a position on matters that may come before the district. Members should also refrain from giving instructions or directions to staff members unless they have clear authority to do so. One never knows where or in how many “in” boxes an e-mail may end up. This tip is equally applicable to members posting comments on social media and other technological platforms.

Meetings Covered and Exempted (continued)

Technological Conferencing.

Meetings may be conducted by teleconferencing (i.e., any electronic audio or video connection) under the following conditions:¹⁹

- (1) the agenda specifies all teleconference locations and is posted at each teleconference location;
- (2) public access is provided at each teleconference location;
- (3) public opportunity to speak is provided at each teleconference location; and
- (4) all votes are taken by roll call.

At least a quorum of the members of the legislative body must participate in the teleconference within the boundaries of the district.

Note: The use of teleconferencing is a meeting option available to the legislative body and the statute appears to require a concurrence of the majority of the body for its use ["If the legislative body elects to use teleconferencing..."].²⁰ The Brown Act does not create a right for the public to participate in meetings via teleconferencing unless members of the legislative body are present at such location, though the legislative body may in its discretion provide the public with additional locations.²¹



Compliance Tip

Districts should consider adopting a policy on the use of teleconferencing that addresses the circumstances under which it may be appropriate to use this technology, how much advance notice must be given, and the permissible additional costs, if any, that may be incurred.

What is not a meeting?

The Brown Act lists seven circumstances that are not considered a regulated "meeting." The first, individual contacts, is rather obvious, while the others are express exceptions to the general quorum meeting rule.

1. **Individual Contacts.** Individual district legislative body members may engage in separate conversations or communications with staff, the public, and even another member of a legislative body, provided that the official or the person they contact *"does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body."*²² In other words, the Brown Act does not restrain a member of a legislative body's individual actions, but such contacts cannot lead to the type of prohibited serial meeting described above.

Quorum Exceptions.

Attendance by a quorum of members of a legislative body is permitted in the following circumstances, provided that a majority of the members do not discuss district business amongst themselves (other than as part of the scheduled meeting, occasion or program):²³

2. **Standing Committee Meetings.** Members may attend an open and noticed meeting of a standing committee of the legislative body (provided that the members of the body who are not members of the committee attend only as observers).
3. **Meetings of another district legislative body** that are open and publicized.
4. **Meetings of a legislative body of another local agency** that are open and publicized (e.g., county board of supervisors, city council, or the board of directors of another district).
5. **Community meetings** organized to address topics of local community concern by a person or organization other than the district, provide the meeting is open and publicized.



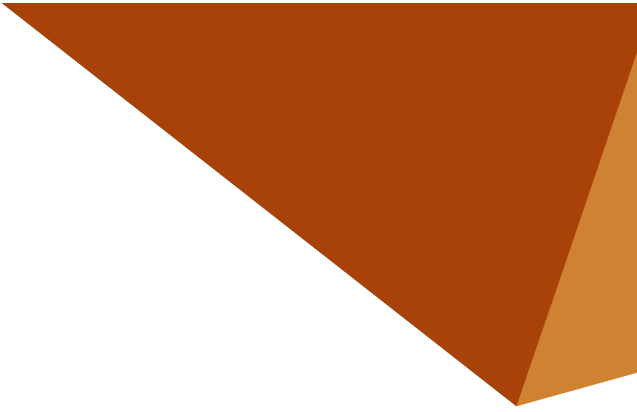
Note: The Brown Act does not define what “publicized” means for the purposes of the community meeting exemption, but notice in a newspaper, a mass mailing, physical posting in multiple locations around a community, or posting on Internet Web sites should be sufficient to satisfy the Brown Act’s openness requirements.

6. **Conferences or similar gatherings** that are open to the public and are for purposes of discussing issues of general interest to the public or to public agencies such as the district.
7. **Social or ceremonial events** such as parties, weddings, funerals, retirement celebrations or charitable fundraisers.




Practice Tip

Public officials do not have to stop engaging with the public because of the Brown Act. But they should take some simple precautions to avoid unintentional violations of the law. This includes warning members of the public that you cannot discuss the views of other officials and stopping any such discussion by a member of the public as soon as possible.



Categories of Meetings, and Applicable Notice, Location, Agenda and Procedural Requirements

Categories of meetings subject to the Brown Act.

- 
1. **Regular meetings** are meetings held at the dates, times and location set by ordinance, resolution, bylaws or other formal action of a legislative body.²⁴
 2. **Special meetings** are meetings called by the presiding officer or a majority of the legislative body and may be held at any time subject to a 24-hour notice requirement. Such written notice must be delivered to each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation, and to each radio and television station that has requested such notice in writing. Only the business set forth in the notice may be considered at the meeting.²⁵
 3. **Adjourned meetings** are regular or special meetings that have been adjourned to a time and place specified in the order of adjournment.²⁶
 4. **Emergency meetings** are meetings that may occur where the legislative body determines there is an emergency situation that severely impairs public health or safety or there is an existing or threatened situation that poses immediate and significant peril. The special meeting provisions apply to emergency meetings, except the 24-hour notice is not required. News media must be notified by telephone at least one hour in advance of an emergency meeting (except for “dire” emergencies), and all telephone numbers provided must be tried. If telephones are not working, the notice requirements are deemed waived, but the news media must be notified as soon as possible of the meeting and any action taken. Closed sessions are permitted during an emergency meeting under Section 54957 if agreed to by 2/3 vote of the members present (or all of the members if less than 2/3 present). The minutes of the meeting, a list of the persons notified or attempted to be notified, a copy of any roll call vote, and any action taken at the meeting must be posted in a public place for a minimum of ten days as soon after the emergency meeting as possible.²⁷

Categories of Meetings (continued)

Permitted locations for meetings.

1. **Regular and special meetings** must be held *within the boundaries* of the agency's jurisdiction except when:
 - complying with federal or state law or court order;
 - inspecting real property or personal property that cannot be conveniently brought to the agency;
 - participating in multi-agency meetings (provided the meeting takes place in a member agency's jurisdiction and is properly noticed);
 - meeting in the closest meeting facility if the district has no meeting facility within its boundaries;
 - meeting with elected or appointed federal or state officials when a local meeting would be impractical (solely to discuss local issues over which such officials have jurisdiction);
 - meeting in or nearby a facility owned by the agency (provided the meeting is limited to items directly related to the facility); and
 - visiting the office of its legal counsel for a closed session on pending litigation when to do so would reduce legal costs.²⁸

Note: Retreats and workshops for agencies other than statewide JPAs must be held within the territory of the agency.

2. **Joint powers agencies** may meet within the territory of any member, or if members are located throughout the state, then they can meet anywhere in the state, provided such facility is open to all members of the public.²⁹

3. **Emergency meetings** are subject to the same locational rules as regular and special meetings except that the presiding officer may move them to another location if it is unsafe to meet in the regular designated meeting location.³⁰

Closed sessions are permitted during an emergency meeting under Section 54957 if agreed to by 2/3 vote of the members present (or all of the members if less than 2/3 present). The minutes of the meeting, a list of the persons notified or attempted to be notified, a copy of any roll call vote, and any action taken at the meeting must be posted in a public place for a minimum of ten days as soon after the emergency meeting as possible.

Categories of Meetings (continued)

Agenda requirements.

General Rules:

- A written agenda must be prepared for each regular or adjourned regular meeting of the legislative body.
- The agenda must be posted at least 72 hours in advance of the regular meeting to which it relates.
- Each item of business to be transacted or discussed, including items to be discussed in closed session, must be the subject of a brief general description, which generally need not exceed 20 words.³¹
- If the agency has an Internet Web site, agendas must be posted at least 72 hours before a regular meeting and at least 24 hours before a special meeting on the agency's Web site. The special meeting Internet posting requirement only applies to an agenda of either (a) the governing body, or (b) the participating members are compensated, and one or more members attending are also members of the governing body.³²



Compliance Tip

Drafting an agenda description that is brief but discloses enough information for the public to understand a proposed action is not as easy task. Including information such as the location of a project, the purpose of a project (as opposed to just an agency or applicant given name), the parties involved, and the costs associated with the action will help deflect claims of lack of proper notice.

Notes: Agendas at physical locations must be posted in areas that are freely accessible to the public at all times. Posting on a bulletin board inside the district's office that is locked after business hours is not in compliance. The Internet Web site posting requirement may be excused if there are technical difficulties, provided that the district continues to comply with all other notice requirements.³³ The Internet Web site posting requirement has also been amended so that effective January 1, 2019, the agenda must be posted as a direct link on the homepage of the agency's Web site and in an open format that permits the public to retrieve, download, index, and search for the agenda through the Internet, in a manner that is "platform independent and machine readable."³⁴

Non-Agenda Items.

Action or discussion on any item not appearing on the posted agenda is generally prohibited except that members of the legislative body may:³⁵

- briefly respond to statements made or questions posed by the public;
- ask a question for clarification;
- make a brief announcement;
- make a brief report on activities;



- provide a reference to staff or other sources for factual information;
- request staff to report back to the legislative body at a subsequent meeting; or
- direct staff to place a matter of business on a future agenda.³⁶

Statutory exceptions to action on non-agenda items.

A legislative body may take action on items of business not appearing on the agenda under the following conditions:

- **Emergency:** When a majority decides that an *emergency situation* exists (i.e., work stoppage, crippling disaster, etc.).
- **Subsequent need urgency item:** When 2/3 present (or all members if less than 2/3 are present) determine there is a need to take immediate action and that *the need for action came to the attention of the district subsequent to the agenda being posted*.
- **Hold over item:** When the item appeared on the agenda of, and was continued from, a regular meeting held not more than five days earlier.³⁷

Special agenda disclosure for concurrent meetings.

A legislative body that convenes a meeting and whose membership constitutes a quorum of another legislative body may convene a meeting of the other legislative body, either simultaneously or in serial order, only if a clerk or member of the body verbally announces, prior to convening any simultaneous or serial meeting, the amount of “compensation” or “stipend” that each member will receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body. No agenda announcement is required if:

- (1) The amount of compensation is prescribed by statute; and
- (2) No additional compensation for the simultaneous or subsequent meeting has been authorized by the district.

The terms “compensation” and “stipend” do not include reimbursement for actual and necessary expenses incurred by a member in the performance of official duties, including travel, meals, and lodging.³⁸



Rights of the Public at Meetings

Public attendance.

The Brown Act's mandate that all persons must be "permitted to attend any meeting of a legislative body"³⁹ is implemented in a variety of ways:

- Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise fulfill any condition precedent to attending. If an attendance list, register, questionnaire or similar document is circulated to persons present during the meeting, it must state that the signing, registering or completion of the document is voluntary.⁴⁰
- No meeting or any other function can be held in a facility that prohibits attendance based on race, religious creed, color, national origin, ancestry, or sex, or which is inaccessible to the disabled.⁴¹
- No meeting may be held where the public must pay or make a purchase to attend (this includes remote locations where teleconferencing is used).⁴²
- And if teleconferencing is used, members of the public must be given notice of the teleconference location and be able to address the legislative body from such location.⁴³

Public accommodation (Americans With Disabilities Act).

All open meetings under the Brown Act must also comply with Section 202 of the Americans with Disabilities Act ("ADA") and its implementing rules and regulations.⁴⁴ The ADA prohibits a governmental entity from discriminating against individuals with disabilities in the programs, services, and activities it offers.⁴⁵ Programs and activities are required to be readily accessible to and usable by disabled individuals.⁴⁶ Therefore, public entities must make accommodations for disabled individuals to participate in the meetings unless doing so would be an undue burden or cause a fundamental alteration in the program or activity.⁴⁷ This is accomplished in the following two ways.

1. **Physical facilities:** In addition to the meeting room being accessible, the telephones and bathrooms must also be made accessible if phones and bathrooms are provided for non-disabled individuals.⁴⁸ Meeting rooms must also have wheelchair seating and assistive listening systems.⁴⁹



2. **Agenda and written materials:** Agendas must include information regarding how, to whom and when a request for disability-related modification or accommodation may be made in order for a person with a disability to participate in the meeting. When requested by a person with a disability, the agenda and documents in the agenda packet must be made available in “appropriate alternative formats,” and writings distributed at a public meeting must also be made available in “appropriate alternative formats,” even when the materials are handed out by members of the public.⁵⁰

Public access to meeting records.

The public has the right to review agendas and documents and other writings distributed to a majority of the legislative body (except for privileged documents). A fee or deposit may be charged for a copy of these public records.⁵¹



Compliance Tip

The agenda must designate the address where such documents may be inspected by the public.⁵²

Documents and other writings related to a meeting must be made available to the public at the time of distribution to a majority of the legislative body meeting if prepared by the district or a member of a legislative body, or after the meeting if prepared by some other person.⁵³

If requested in writing in advance, a member of the public may be mailed copies of the agenda or agenda packet at the time it is distributed to a majority of the legislative body. Such a request is valid for the calendar year filed. A public agency may establish a mailing fee not to exceed the cost of providing this service.^{54,55}

Any audio or video tape record of a public meeting made by or at the direction of the district is subject to inspection under the Public Records Act and such inspection must be provided without charge on equipment made available by the district. If copies of the audio or video tape are desired, the agency may impose its ordinary charge for copies. Audio and video tapes may, however, be erased or destroyed 30 days after the taping or recording.⁵⁶



Compliance Tip

With the advent of digital files, most agencies maintain copies of meeting recordings on their Web site, either permanently or for an extended period of time, to ensure continued public access and as an aid for reminding officials and staff precisely what transpired in such meetings.



The legislative body may remove any person from a meeting who willfully interrupts the proceedings.

Rights of the Public at Meetings (continued)

Public participation.

A regular meeting agenda must allow an opportunity for members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the legislative body.⁵⁷

The public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.⁵⁸



Compliance Tip

If a closed session is held before the start of the regular open session agenda, the public must be provided an opportunity to address the legislative body on any closed session item before the legislative body adjourns to closed session.

The legislative body may adopt reasonable regulations, including time limits, on public comments (e.g., 3-5 minutes/speaker).⁵⁹ The public is allowed to use audio or video tape recorders or still or motion picture cameras at an open meeting, absent a reasonable finding by the legislative body that such recording, if continued, would persistently disrupt the proceedings due to noise, illumination, or obstruction of view.⁶⁰

Public conduct.

Disturbances. The legislative body may remove any person from a meeting who willfully interrupts the proceedings. Removal is only justified, however, when an audience member actually disrupts the meeting.⁶¹ If order still cannot be restored, the meeting room may be cleared.⁶² Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The legislative body may also re-admit individuals not responsible for the disturbance.⁶³

Non-disruptive criticism. The legislative body cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body itself.⁶⁴ Expressions of opposition to actions of the district (provided they are not overly disruptive) constitute protected speech.⁶⁵

Closed Sessions

The Brown Act recognizes that not all local agency business should be conducted in the open and provides limited exceptions termed “closed sessions” for sensitive matters such as litigation, security threats and certain personnel matters. If a matter is not listed in the Brown Act as an appropriate subject for a closed session, the matter must be discussed in public even if the subject is sensitive, embarrassing or controversial. In addition to the listing the permissible subjects for closed sessions, the Brown Act outlines how such matters should be agendized, and when and how the matters must be disclosed in an open meeting or otherwise made public.

Matters appropriate for closed session and applicable agenda description.⁶⁷

1. Public employment. A closed session may be held to appoint, employ, evaluate the performance of, discipline, or dismiss a public employee.⁶⁸ A closed session may also be used to hear specific complaints or charges brought against a public employee unless the employee requests a public session upon 24 hours’ advance written notice.⁶⁹ The applicable safe harbor agenda descriptions for these matters are:

PUBLIC EMPLOYMENT

Government Code section 54957

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Government Code section 54957

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

Government Code section 54957

(No description is required.)

Note: The public employment exception only applies to “public employees.” This includes independent contractors that function as an officer or employee such as a contract general counsel or human resources officer. Discussions or action taken on persons other than employees (e.g., elected officials, appointed members of a committee, and independent contractors that do not function as an officer or employee) must be taken in open session unless there is another applicable exception such as potential litigation.⁷⁰



Compliance Tip

Interviews for appointments to district legislative or advisory bodies must be conducted in open session. While candidates for such positions cannot be compelled to stay outside the room where the interview is held while other candidates are being interviewed, most will comply with a request to do so.



As noted below, a legislative body may address compensation of an unrepresented employee, such as a general manager, under the labor negotiation exception.

Closed Sessions (continued)

Note: The personnel exception does not authorize action on proposed compensation in closed session, except for a reduction in pay as a result of proposed disciplinary action. Reviewing an employee's job performance and making threshold decisions about whether any salary increase should be granted is permissible for closed session, but any action concerning the amount of any salary increase must be held in an open session.⁷¹ As noted below, a legislative body may address compensation of an unrepresented employee, such as a general manager, under the labor negotiation exception.

2. **Labor negotiations.** A closed session is appropriate to discuss, with the agency's bargaining representative, salaries, salary schedules, fringe benefits, funding priorities and other matters within the statutory scope of employee representation for both represented (e.g., union or other recognized employee organization) and unrepresented employees (e.g., management). Final action must be taken in open session.⁷² The applicable safe harbor agenda description is:

CONFERENCE WITH LABOR NEGOTIATORS

Government Code section 54957.6

Agency designated representatives: (Specify names of designated representatives attending the closed session)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

Note: The Brown Act was recently amended to require an oral report in open session at the meeting where final action is to be taken that summarizes the recommendation for final action on the salary, salary schedule, or compensation paid in the form of fringe benefits of a "local agency executive" as that term is defined in Government Code section 3511.1 (e.g., management and department heads, including persons serving under an employment contract).⁷³ The intent appears to be to preclude placing such items on a consent calendar or similar action item that may involve no discussion of the matter.



3. **Litigation.** A closed session is appropriate to discuss (1) threatened litigation against the district; (2) potential exposure to litigation; (3) potential initiation of litigation; and (4) existing litigation.

Potential litigation against or to be initiated by the district. A closed session may be held in situations where there is anticipated litigation against the district or when the district is contemplating bringing a legal action. Where the agency seeks to discuss with its legal counsel threatened or anticipated litigation, there must be “existing facts and circumstances” to support the closed session. Existing facts and circumstances include:

- facts and circumstances that the agency believes are not known to a potential plaintiff;
- the receipt by the agency of a claim pursuant to the Government Claims Act or some other written communication threatening litigation;
- a statement made by a person in a public meeting threatening litigation on a specific matter within the responsibility of the legislative body; or
- a statement made outside a public meeting so long as the official or employee of the agency receiving knowledge of the threat makes a record of the statement prior to the meeting, and the statement is available for public inspection.



Closed Sessions (continued)

A legislative body may also meet in closed session to decide if the above facts and circumstances are present and thus whether the closed session is authorized.⁷⁴ The applicable safe harbor agenda descriptions are:

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) or (3) [as applicable]: (Specify number of potential cases)⁷⁵ or

Initiation of litigation pursuant to Government Code section 54956.9(d)(4): (Specify number of potential cases)

Existing litigation. Where a legal action has already been initiated by or against the district, a closed session may be held to provide updates to the board and discuss strategy. The applicable safe harbor agenda description is:

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

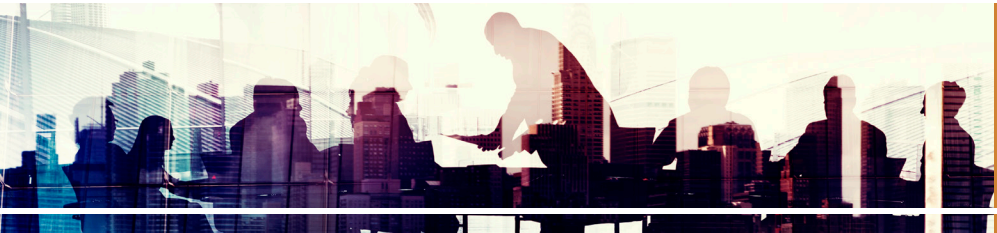
Government Code section 54956.9(d)(1)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

Notes: The ability to meet in closed session for existing litigation only applies to litigation to which the district is a party. It is general understood, consistent with the safe harbor description, that the agency's attorney must be a participant in all litigation-related closed sessions.⁷⁶



“ The real estate exemption is very limited.

4. **Real estate negotiations.** A closed session is permitted for the legislative body to discuss with its real property negotiator the purchase, sale, exchange or lease of real property by or for the district. As part of the discussion, the legislative body may discuss the price and terms of the transaction. According to the Attorney General, this includes only the following:

- The amount of consideration that the district is willing to pay or accept in exchange for the real property rights to be acquired or transferred in the particular transaction;
- The form, manner, and timing of how that consideration will be paid; and
- Items that are essential to arriving at the authorized price and payment terms, such that their public disclosure would be tantamount to revealing the information that the exception permits to be kept confidential.⁷⁷

The real estate exemption is very limited. Discussions regarding related policy matters such as design work for the project, traffic, and EIR considerations, etc., are beyond the scope of the exemption.⁷⁸ The applicable safe harbor agenda description is:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code section 54956.8

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)



Closed Sessions (continued)

5. **License applications.** A closed session is appropriate if the legislative body finds it necessary to discuss the license application of an applicant with a criminal record, and whether that applicant is sufficiently rehabilitated to obtain the license.⁷⁹ The applicable safe harbor description is:

LICENSE/PERMIT DETERMINATION

Government Code section 54956.7

Applicant(s): (Specify number of applicants)

6. **Security of public facilities and services.** A closed session is appropriate for the legislative body to discuss matters posing a threat to the security of public buildings and facilities as well as essential public services, and threats to the public's right of access to public services or facilities.⁸⁰ The applicable safe harbor description is:

THREAT TO PUBLIC SERVICES OR FACILITIES

Government Code section 54957

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)



Compliance Tip

For convenience, many districts schedule closed sessions prior to commencement of the regular agenda and often hold such closed sessions in separate locations. Under § 54957, the public has the right to be present at such location and also has the right to address the legislative body regarding any agendaized closed session items under § 54954.3 prior to the legislative body adjourning into closed session.

Procedure for adjourning to closed session.

Prior to holding any closed session, the legislative body must disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may simply refer to the items as they are listed on the closed session agenda. This announcement may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcement.⁸¹

Who may be present in closed session?

Closed sessions should only include those members of the legislative body and support staff necessary to conduct business regarding the specific item (e.g., legal counsel, consultants, real estate or labor negotiators, etc.).⁸²



The Brown Act only applies to “meetings” of district legislative bodies.

Reporting after closed sessions.

The legislative body must reconvene in open session to report any “action taken” in closed session. In general, only final action on a matter need be reported (e.g., an agreement to buy property, settlement of a lawsuit where the other party has signed the agreement, acceptance of a resignation, etc.). Thus, for example, the dismissal or nonrenewal of an employment contract is not reported until the first public meeting following exhaustion of administrative remedies, if any. Once final approval occurs, the agency must disclose the action taken “upon inquiry by any person.”⁸³ Copies of contracts, settlement agreements, or other documents finalized in closed session must be made available within 24 hours of the action, or, in the case of substantial amendments or retyping, when complete.^{84,85}

Improper disclosure of closed session information.

The disclosure of confidential information acquired in a closed session is prohibited unless the legislative body authorizes the disclosure of the information. “Confidential information” means communication made in closed session that is specifically related to the basis for the closed session meeting. Violations of this disclosure prohibition may be addressed by any legal remedy, including: injunctive relief to prevent future disclosures; disciplinary action (against employees); or referral to a grand jury (for violations by members of the legislative body).⁸⁶

Note: A joint powers agency may authorize in its agreement or bylaws the disclosure of confidential information by members of the agency’s legislative body to their district legislative body in a closed session as well as to legal counsel of a member district.⁸⁷



Compliance Tip

Although § 54957.1(a)(1) indicates that real estate agreements may be approved in closed session, as a practical and political matter, it is prudent to take final action on such agreements in open session so that the public may more fully participate in the deliberations.

Adjournments and Continuances

Adjournments.

The legislative body may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may adjourn such meetings and if all members are absent, the clerk or secretary of the legislative body may declare the meeting adjourned. Written notice of the adjournment must be provided in the same manner as notice for special meetings.

A copy of the order or notice of adjournment must be conspicuously posted on or near the door of the place where the meeting was held within 24 hours of the adjournment. When a regular or adjourned regular meeting is adjourned, the resulting adjourned meeting is a regular meeting for all purposes. If the order of adjournment fails to state a specific hour for the next meeting, the meeting must be held at the hour designated for regular meetings.⁸⁸

Continuances.

A duly noticed hearing may also be continued in the same manner as adjourned meetings. However, if the hearing is continued to a meeting that will occur in less than 24 hours, a copy of a notice of continuance must be posted immediately following the meeting at which the continuance was adopted.⁸⁹

Less
than
a quorum
may adjourn such
meetings and if all members
are absent, the clerk or secretary
of the legislative body may declare
the meeting adjourned. Written notice of the
adjournment must be provided in the same manner as
notice for special meetings.

Remedies and Penalties for Violations

Criminal penalties.

A member of a legislative body may be charged with a misdemeanor where (a) the member attends a meeting where an action is taken in violation of the Brown Act, and (b) the member intends to deprive the public of information to which the public is entitled under the Brown Act.⁹⁰

Note: If the challenged meeting involves only deliberation and no action is taken, there can be no misdemeanor penalty. Moreover, as with most criminal statutes, it is often difficult to prove criminal intent. As a result, criminal enforcement of the Brown Act is rare.

Civil action to prevent future violations.

The district attorney or any interested person may file a civil action to:

- Stop or prevent a threatened violation of the Brown Act.⁹¹
- Determine the applicability of the Brown Act to ongoing actions or threatened future action of the legislative body.⁹²
- Determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid under state or federal law.⁹³
- Compel the legislative body to tape record its closed sessions.⁹⁴
- Determine that an action of a Legislative Body violated the Brown Act and the action is null and void.⁹⁵

Opportunity for the legislative body to cure and correct alleged violations.⁹⁶

Before filing a legal action alleging that a legislative body violated the Brown Act, the complaining party must send a written “cure or correct” demand to the legislative body. The demand must clearly describe the challenged action, the nature of the alleged violation, and the “cure” sought, and must be sent within 90 days of the alleged violation (or 30 days if the action was taken in open session but in violation of § 54952.2, which defines “meetings”). The legislative body has up to 30 days to cure and correct its action. If it does not act, any lawsuit must be commenced within 15 days after (a) receipt of written notice from the legislative body of such non-action, or (b) the expiration of the 30-day cure period if the legislative body does not respond to the cure request.



Remedies and Penalties for Violations (continued)

Opportunity for the legislative body to commit to cease & desist alleged past actions or practices.⁹⁷

Prior to commencing an action to determine if past actions of a legislative body are a violation of the Brown Act under § 54960, the complaining party must send a “cease and desist letter.” The cease and desist letter must be sent within nine months of the alleged violation. The legislative body may respond to the cease and desist letter within 30 days by making an unconditional commitment to cease and desist from the past action in open session at a regular or special meeting as a separate item of business, and not on its consent agenda, and providing such commitment to the complaining party. The commitment must state that:

- The legislative body has received the cease and desist letter; and
- The legislative body unconditionally commits to cease and desist from the challenged action; and

If the legislative body chooses to send an unconditional commitment agreeing to cease and desist from the challenged conduct within 30 days of receipt of the cease and desist letter, then no legal action can be commenced.

Any party sending a cease and desist letter can commence a legal action challenging past conduct of a legislative body on whichever is earlier: (a) 60 days of receiving a response other than an unconditional commitment to cease and desist; or (b) within 60 days of the expiration of the legislative body’s 30-day time period to respond to the cease and desist letter.



Compliance Tip

The cure & correct and cease & desist options allow a legislative body to avoid litigation over alleged Brown Act violations unless it is abundantly clear that no violation occurred and a district wants to defend what it believes to be a correct policy or procedure.

And even if a legislative body waits to cure or correct an alleged violation until after a lawsuit is commenced, an action seeking invalidation must be dismissed.

Because a subsequent cure or correction cannot be introduced as evidence of a violation of the Brown Act, there is rarely a legitimate reason for a legislative body not to take any post-lawsuit steps to cure or correct an alleged violation if there is any question as to Brown Act compliance.⁹⁸



If a court finds that a legislative body violated the Brown Act, the plaintiff may be awarded costs and attorney fees.

Invalidation of certain types actions.

Only actions taken in violation of the Brown Act under the following circumstances may be invalidated:⁹⁹

- the basic open meeting provision;¹⁰⁰
- notice and agenda requirements for regular meetings and closed sessions;¹⁰¹
- tax hearings;¹⁰²
- special meetings;¹⁰³ and
- emergency situations.¹⁰⁴
- Certain actions taken in violation of the Brown Act will not be invalidated if they involve:¹⁰⁵
- substantial compliance;
- sale or issuance of notes, bonds or other indebtedness, or related contracts or agreements;
- a contractual obligation upon which a party has in good faith relied to its detriment;
- the collection of any tax; or
- the complaining party had actual notice at least 72 hours prior to the meeting at which the action is taken.

Award of costs and attorney fees.

If a court finds that a legislative body violated the Brown Act, the plaintiff may be awarded costs and attorney fees.¹⁰⁶ The costs and fees are the liability of the district and not its officers or employees. A district may only recover its costs and attorney fees if it wins and the court determines that the lawsuit was “clearly frivolous and totally lacking in merit.”¹⁰⁷

Acknowledgment

Special thanks to our contributor and Burke, Williams & Sorensen, LLP

DONALD M. DAVIS, ESQ.

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Endnotes

1. The Brown Act is codified in the Government Code starting at Section 54950. Unless otherwise indicated, all statutory references are to the California Government Code.
2. Please note that school districts and community college districts have a number of unique Brown Act provisions applicable only to such districts that are outside the scope of this manual.
3. § 54950.
4. § 54953(a).
5. *Epstein v. Hollywood Entertainment Dist. II Bus. Improvement Dist.* (2001) 87 Cal.App.4th 862, 867.
6. § 54952(a).
7. § 54952.1.
8. § 54952(b).
9. § 54952(b).
10. See *Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 805; *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781, 792-793.
11. See *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal.App.4th 354.
12. § 54952(c).
13. See also Op.Cal.Atty.Gen. No. 01-401 (2002), available at <https://oag.ca.gov/system/files/opinions/pdfs/01-401.pdf>; and *International Longshoreman's & Warehouseman's Union v. L.A. Export Terminal, Inc.* (1999) 69 Cal.App.4th 287.
14. See 56 Ops. Cal. Atty Gen 14 (1973).
15. § 54952.2(a).
16. § 54952.6.
17. § 54952.2(b)(1).
18. See Op.Cal.Atty.Gen. No. 00-906 (2001), available at <https://oag.ca.gov/system/files/opinions/pdfs/00-906.pdf?>.
19. § 54953(b).
20. § 54953(b)(3).
21. § 54953(b)(4).
22. §§ 54952.2(b)(2), 54952.2(c)(1).
23. § 54952.2(c)(2)-(6).
24. § 54954(a).
25. § 54956.
26. § 54955.
27. § 54956.5.
28. § 54954(b).
29. § 54954(d).
30. § 54954(e).
31. § 54954.2; Compare *San Diegans for Open Government v. City of Oceanside* (2016) 4 Cal.App.5th 637 [agenda description provided fair notice of what would be considered] with *Hernandez v. Town of Apple Valley* (2017) 7 Cal.App.5th 194 [omission of significant items of business from agenda violated Brown Act and led to invalidation of action]; and *San Joaquin Raptor Rescue v. County of Merced* (2013) 216 Cal.App.4th 1167 [Brown Act violated where agenda description for project approval did not include proposed approval of CEQA action (mitigated negative declaration)].
32. §§ 54954.2 and 54956.
33. See Op.Cal.Atty.Gen. No. 14-1203 (2016), available at <https://oag.ca.gov/system/files/opinions/pdfs/14-1203.pdf?>.

Endnotes (continued)

34. See Assembly Bill 2257, available at https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB2257.
35. § 54954.2(a).
36. See *Cruz v. City of Culver City* (2016) 205 Cal. App.5th 239.
37. § 54954.2(b).
38. § 54952.3.
39. § 54953.
40. § 54953.3.
41. § 54961(a).
42. § 54961(a).
43. § 54953(b)(3).
44. § 54953.2.
45. 42 U.S.C. § 12101 et seq.
46. 42 U.S.C. § 12132; 28 C.F.R. § 35.149.
47. 28 C.F.R. §§ 35.149, 35.150.
48. Department of Justice Technical Assistance Manual (Title II), Section II-5.1000. The Manual is available at: <https://www.ada.gov/taman2.html>.
49. 28 C.F.R. §§ 35.150, 35.151.
50. §§ 54954.2(a), 54954.1, 54957.5(b).
51. § 54957.5.
52. § 54957.5(b)(2).
53. § 54957.5(c).
54. § 54954.1.
55. § 54957.5 (c).
56. § 54953.5(b); see also § 6253(b).
57. § 54954.3.
58. § 54954.3(a).
59. § 54954.3; See *Chaffee v. San Francisco Public Library Commission* (2005) 134 Cal.App.4th 109.
60. §§ 54957.5 and 54953.5.
61. *Acosta v. City of Costa Mesa* (9th Cir. 2013) 718 F.3d 800 [“insolent” remarks did not constitute actual disruption]; *Norse v. City of Santa Cruz* ((9th Cir. 2010) 629 F.3d 966 [silent Nazi salute directed at mayor is not a disruption].
62. § 54957.9.
63. § 54957.9.
64. § 54954.3(c).
65. *White v. City of Norwalk* (9th Cir. 1990) 900 F.2d 1421.
66. The Brown Act provides a format for describing closed sessions, which if substantially followed, create a “safe harbor” from any alleged notice violations of the Brown Act. See § 54954.5. This manual provides adapted versions of such safe harbor descriptions.
67. For a complete list of all permissible closed session matters see § 54954.5.
68. § 54957(b)(1).
69. § 54957(b)(2); see also *Fischer. v. Los Angeles Unified School District* (1999) 70 Cal.App.4th 87 [decision by school board not to reemploy probationary employees based on the evaluation of performance, but not specific complaints or charges, does not require 24 hours’ advance written notice]; and *San Diego Civil Service Com. v. Bollinger* (1999) 71 Cal.App.4th 568 [if charges have already been heard and sustained at a public evidentiary hearing, employee notice of closed session is not required].

- 70. § 54957(b)(4).
- 71. *San Diego Union v. City Council* (1983) 146 Cal.App.3d 947 [two-step process contemplated: (1) closed session for evaluation of performance or appointment; (2) open session for setting employee's salary].
- 72. § 54957.6.
- 73. § 54953(c)(3).
- 74. § 54956.9
- 75. In addition, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to Section 54956.9(e)(2) to (5).
- 76. See for example, "The Brown Act," California Attorney General (2003), p.40.
- 77. See Op.Cal.Atty.Gen. No. 10-206 (2011), available at <https://oag.ca.gov/system/files/opinions/pdfs/10-206.pdf?>.
- 78. See *Shapiro v. San Diego City Council* (2002) 96 Cal.App. 4th 904.
- 79. § 54956.7.
- 80. § 54957(a).
- 81. § 54957.7.
- 82. See Op.Cal.Atty.Gen. No. 03-604 (2003), available at <https://oag.ca.gov/system/files/opinions/pdfs/03-604.pdf?>.
- 83. See §§ 54957.1 and 54957.7.
- 84. § 54957.1.
- 85. See §§ 54957.1 and 54957.7.
- 86. § 54963.
- 87. § 54956.96.
- 88. § 54955.
- 89. § 54955.1.
- 90. § 54959.
- 91. § 54960(a).
- 92. § 54960 (a).
- 93. § 54960 (a).
- 94. § 54960 (b).
- 95. § 54960.1(a).
- 96. § 54960.1.
- 97. § 54960.2.
- 98. § 54960.1(e) and (f).
- 99. § 54960.1(a).
- 100. § 54953.
- 101. §§ 54954.2 and 54954.5.
- 102. § 54954.6.
- 103. § 54956.
- 104. § 54956.5; see also § 54960.1.
- 105. § 54960.1(d).
- 106. See *Los Angeles Times Communications v. Los Angeles County Board of Supervisors* (2003) 112 Cal. App.4th 1313 ["fees are 'presumptively appropriate' and a successful plaintiff 'should ordinarily recover attorney's fees unless special circumstances would render such an award unjust'"].
- 107. § 54960.5.

Calendar Year 2025

Target Date	Completed Date	Responsible Party	Report / Deliverable	Action
--	Feb. 14, 2025	NCSD Staff	NCSD FY 2024 Audit - FINAL	Present to NCSD Board & Provide to Sub-Committee.
--	Feb. 24, 2025	Sub-Committee	NCSD FY 2024 Audit - FINAL	Review. Consider auditor services.
--	March 24, 2025	NCSD Staff	FY 2026 (Summer 2025) Work Plan - DRAFT	Provide to MUOC.
--	April 18, 2025	Sub-Committee	MUOC FY 2023 Annual Report - DRAFT	Provide to MUOC.
--	April 18, 2025	Sub-Committee	MUOC FY 2024 Annual Report - DRAFT	Provide to MUOC.
--	April 8, 2025	Public, Sub-Committee, MUOC, NCSD Staff	Agenda - MUOC Annual Meeting - DRAFT	Prepare for MUOC Annual Meeting – Agenda Items.
--	May 13, 2025	NCSD Staff	Meeting Notice & Agenda - FINAL	Notice Annual MUOC Meeting – Distribute Agenda.
May 19, 2025		MUOC	Agenda - MUOC Annual Meeting - FINAL	MUOC Annual Meeting – Complete Agenda.
May 19, 2025		MUOC	MUOC FY 2023 Annual Report - FINAL	MUOC Annual Meeting – Review & Approve.
May 19, 2025		MUOC	MUOC FY 2024 Annual Report - FINAL	MUOC Annual Meeting – Review & Approve.
May 19, 2025		MUOC	FY 2026 (Summer 2025) Work Plan - DRAFT	MUOC Annual Meeting – Review & provide input.
May 21, 2025		MUOC	MUOC FY 2024 Annual Report - FINAL	Provide & present to NCSD Board.
May 23, 2025		NCSD Staff	FY 2026 (Summer 2025) Work Plan - FINAL	Finalize with input from MUOC.
May 30, 2025		NCSD Staff, Sub-Committee (content review)	Measure U Webpage	Update. Publish FINAL "MUOC FY 2024 and FY 2023 Annual Reports".
May 30, 2025		Sub-Committee	NPOA Newsletter Article	Provide article re: FINAL "MUOC FY 2023 & 2024 Annual Reports".
June 1, 2025		NPOA	NPOA Newsletter Article	Publish in <i>Northstar Living</i> Magazine Summer 2025.
July 1, 2025		NCSD Staff	FY 2026 (Summer 2025) Work Plan	Start work.
July 15, 2025		MUOC, Public, NCSD Board & Staff	Site Visit - In-Person	Boots-on-Ground Inspection of WPZ.
Sept. 1, 2025		NCSD Staff	FY 2025 Annual Summary Report (Unaudited)	Provide to Sub-Committee.
Oct. 1, 2025		Sub-Committee	FY 2025 Annual Summary Report (Unaudited)	Review.
Oct. 16, 2026		MUOC, Public, NCSD Board & Staff	Site Visit - In-Person	Boots-on-Ground Inspection of WPZ.
Nov. 19, 2025		NCSD Staff	FY 2025 Annual Summary Report (Unaudited)	Present to NCSD Board
Dec. 17, 2025		NCSD Staff	NCSD FY 2025 Audit - FINAL	Present to NCSD Board & provide to Sub-Committee.

Revision Date: May 12, 2025

HISTORY: November 2, 2021 to December 31, 2024

Target Date	Completed Date	Responsible Party	Report / Deliverable	Action
--	Nov. 2, 2021	Northstar Electorate	Ballot Measure U	Voters approve Measure U
--	May 23, 2022	MUOC	FY 2023 (Summer 2022) Work Plan - DRAFT	MUOC Annual Meeting – Review & provide input.
--	June 16, 2022	NCSD Staff	FY 2023 (Summer 2022) Work Plan - FINAL	Finalize with input from MUOC.
--	July 12, 2022	NCSD Staff	FY 2023 (Summer 2022) Work Plan - FINAL	First day "On the Ground" work completed.
--	Aug. 19, 2022	Sub-Committee	Site Visit	FY 2023 (Summer 2022) Work Site visit with Forester.
--	Nov. 29, 2022	NCSD Staff	FY 2023 Q1 Quarterly Report	Provide to MUOC.
--	March 17, 2023	NCSD Staff	FY 2023 Q2 Quarterly Report	Provide to MUOC.
--	April 7, 2023	NCSD Staff	FY 2024 (Summer 2023) Work Plan - DRAFT	Provide to MUOC.
--	June 7, 2023	NCSD Staff	FY 2023 Q3 Quarterly Report	Provide to MUOC.
--	June 7, 2023	NCSD Staff	FY 2024 (Summer 2023) Work Plan - FINAL	Provide to MUOC.
--	Oct. 17, 2023	MUOC	Site Visit	FY 2024 (Summer 2023) Work Site visit with Forester.
--	Oct. 19, 2023	NCSD Staff	FY 2023 Q4 Quarterly Report	Provide to MUOC.
--	Jan. 15, 2024	Sub-Committee	Meeting	Meet with Foresters. Decide to report annually, not quarterly.
--	Feb. 23, 2024	NCSD Staff	FY 2023 Annual Summary Report (Unaudited)	Provide to MUOC.
--	Feb. 23, 2024	NCSD Staff	FY 2025 (Summer 2024) Work Plan - FINAL	Provide to MUOC.
--	June 19, 2024	MUOC	MUOC FY 2023 Annual Report - DRAFT	Provide & present to NCSD Board.
--	June 19, 2024	NCSD Staff	MUOC Bylaws	Approved by NCSD Board.
--	July 12, 2024	NCSD Staff	MUOC Bylaws	Provide to MUOC.
--	Oct. 7, 2024	NCSD Staff	FY 2024 Annual Summary Report (Unaudited)	Provide to Sub-Committee.
--	Nov. 8, 2024	Sub-Committee	MUOC FY 2023 Annual Report - DRAFT	Review.
--	Nov. 8, 2024	Sub-Committee	FY 2024 Annual Summary Report (Unaudited)	Review.
--	Nov. 20, 2024	NCSD Staff	FY 2024 Annual Summary Report (Unaudited)	Present to NCSD Board
--	Dec. 31, 2024	NCSD Staff, Sub-Committee (content review)	Measure U Webpage	Update.

Revision Date: May 12, 2025

Measure U Oversight Committee Report for Fiscal Year 2023



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I. OVERVIEW

The Measure U Oversight Committee consists of seven members representing the following stakeholder entities:

1. The Board of Directors of the Northstar Community Services District (“the District”);
2. Camco Truckee-managed property associations (“Camco”);
3. Mountainside Builders LLC, as manager of Timberline Highlands LLC (“Mountainside”);
4. Northstar California Resort operated by Vail Resorts/Trimont Land Company (“Trimont”);
5. Northstar Property Owners Association (“NPOA”); and
6. Northstar Village Association and related Village property associations (“NVA”).

The Committee engaged in several steps to perform its diligence as part of its oversight of the District’s Measure U activities and expenditures for Fiscal Year 2023, which ran from July 1, 2022 through June 30, 2023. Those steps are discussed in sections II-V below.

As a result of the diligence, the Committee found that the Measure U tax revenues were spent consistent with the purpose of “providing wildfire prevention and mitigation actions for existing development and infrastructure within the Wildfire Prevention Zone, pursuant to the [Community Wildfire Protection Plan]” as stated in Measure U (Resolution No. 21-12 ¶ 10), that may include:

- investing more in early fire detection, emergency warning systems and fire-safe evacuation routes that would help ensure residents are notified quickly and can safely escape danger if a wildfire does occur; removing dry brush, dead trees, fuels, and other fire hazards;
- adding firebreaks where needed to help prevent or slow the spread of wildfire;
- providing matching funds to landowners for eligible fuels reduction compliance projects within fuel break areas;
- providing homeowners with easy and inexpensive disposal options for trimmings and green waste;
- updating the CWPP;
- investing in future green waste systems that reduce fire risks;
- investing in capital and equipment to help remove fire fuels and reduce the risk of wildfire;
- improving inspection systems;
- expenses related to management of these types of programs; and
- providing for any incidental expenses related to the collection of the special tax and managing exemptions.

Moreover, consistent with the purpose of Measure U, revenues were expended to give prioritization to non-compliant areas within the 300-foot fuel break areas of the Wildfire

Prevention Zone, including the providing of matching funds to landowners for fuels reduction compliance. And, the District managed all aspects of projects receiving Measure U funds, along with matching funds from landowners. The landowner areas within the Wildfire Prevention Zone that were subjected to fuels reduction treatment with Measure U taxation and matching landowner funds for Fiscal Year 2023 are shown in the map attached as Exhibit A.

In addition, as part of its oversight, the Committee recommends the following to the District's Board:

1. Direct the District's Forester to meet with the Committee annually before that fiscal year's Measure U activities to review the proposed fire suppression activities and make adjustments that take into account the Committee's recommendations, if any.
2. Accept the District's Measure U Financial Summary for the 12 Months Ending June 30, 2023 (i.e., Fiscal Year 2023 or "FY23"), attached as Exhibit B.
3. Direct the District to continue to use the reporting structure for its annual Measure U Financial Summary, as set forth in Exhibit B, going forward.
4. Direct the District to separately track Measure U-specific employee labor expenditures separately starting with the upcoming fiscal year (i.e., Fiscal Year 2025), and have those separately-tracked labor costs reflected in the District's Measure U expense reporting, instead of having its employee labor allocated as a percentage of revenue direct along with other fire suppression activities, as was done for Fiscal Year 2023.
5. Direct the District's auditor to provide an opinion to the Committee as to the annual Measure U Financial Summary prior to the Committee's presentation of its report to NCSD's Board.
6. Direct the District to engage in a public bidding process, at least annually, for third-party contractors to perform Measure U fuel reduction activities that will be performed during the next fire season.

II. MEETING WITH THE FORESTER & FIRE CHIEF

The committee held its inaugural meeting on June 9, 2022—i.e., before the District's fuel reduction activities—with the District's Fire Department Forester, Chief, Division Chief, and other Department personnel in attendance.

During that meeting, the following topics were discussed:

- Overview of meeting, Measure U and Northstar Forest Fuels Reduction requirements, understanding of the Community Wildfire Protection Plan, Forest Fuels Wildfire Modeling, how project areas will be found and prioritized.
- The purpose of the Committee, how Committee's process can potentially work, and how the Northstar Fire Department will report to the District's Board and the Committee.
- Map of the proposed Measure U fire suppression activities for Fiscal Year 2023 project areas, including why the proposed project areas were planned, the computer modeling used to identify high risk areas, but then project areas are further refined by the Forester.
- Other fire suppression activities within the District's Wildfire Protection Zone Boundary

(WPZB) and outside of the District’s WPZB but necessary as an Evacuation Route Priority for the residences within the District.

- Other fire suppression funding sources, such as grants from Cal FIRE, that are pending review.
- Fire suppression activities in Measure U years 2 through 10 being decided based on: receiving grant funding; Measure U funding, Measure U partner matching; how Year 1 turns out.
- The Department’s [Community Wildfire Protection Plan](#), [Emergency Preparedness and Evacuation Guide](#), and “Areas of Last Resort” within the District if evacuation routes become unavailable due to fire conditions.
- The use of Measure U funds for common space, raw, undeveloped or vacant land, whether entitled or not; if an undeveloped land’s property owner signals an intention to develop the land, then it must be done consistent with the District’s local ordinance (#38-22) regarding fire suppression.

Given the discussions during that meeting, the Forester revised the fuel reduction plan for Fiscal Year 2023 to reflect the map attached as Exhibit A, with the following breakdown of Measure U funds, with matching funds by each landowner group/entity:

Camco	\$ 7,486
Mountainside	53,200
NPOA	35,986
Trimont	<u>59,983</u>
Total	\$156,655

Since the completion of the fuel reduction work, the Committee corresponded with the Forester to ascertain whether the fuel reduction work was performed consistent with this plan. The Committee learned that expenditures of Measure U taxation revenues for land owned by Mountainside was \$49,210—i.e., just under \$4,000 less than planned—and Measure U funds were instead spent on other non-matching fuel reduction work, such as removing twelve dead/dying pine trees along Northstar Drive, which is a primary evacuation route.

The Committee was informed by the Foerster’s team that, after the initial plan was sent, members of the Committee advised that certain Mountainside parcels/project areas included in the plan could still be developed in the future. Based on this information and the best interest of the tax measure in mind, the Forester chose to remove these acres from future scheduled treatments to avoid any misconceptions that tax dollars were being spent to benefit a developer. Ultimately, this led to the \$3,990 decrease in the implemented plan’s spending on Mountainside properties.

III. INSPECTION OF FUEL REDUCTION ACTIVITIES

The committee, either in small groups or individually, also toured the areas where work had been completed or was in progress to see how the work was performed and better understand the

topography challenges involved. As examples, below are photos taken by a Committee member of two of the areas where work was performed.



Picture 1: Gold Bend to Deer Path



Picture 2: Martis Landing to Indian Hills

IV. MEETING WITH NCSD MANAGERS REGARDING FINANCIALS

The Committee also reviewed the report of Measure U fund expenditures at the end of Fiscal Year 2023, as provided by the District, which are pages 3-7 in Exhibit B. The Committee then met with the District's General Manager and Financial Director to better understand the revenue contributions from landowners who matched funds, and the District's allocation of its expenditures concerning Measure U, which included administration expenses in addition to the vendor's costs. That meeting resulted in a further narrative report explaining the financials, which are pages 1-2 in Exhibit B.

The Committee notes the following from its review of the financials:

- \$462,528.24 was collected as tax revenue (called "Non-operating Revenue").
 - \$193,254.00 or 42% of the tax revenue, was expended on "Boots on the ground" fuels reduction work.
 - \$152,665 or 33% of tax revenue, was expended on "Boots on the ground" fuels reduction work on areas that received prioritization with landowners provided matching funds.

- \$30,000 or 6% of Measure U funds were expended on the green waste curbside pickup program.
- \$141,679 of Reimbursable & Grant Revenue, and matching Expense, is the combination of \$116,679 in landowner matching funds and a \$25,000 grant for green waste curbside pickup from the Tahoe Truckee Community Foundation. This figure should be \$152,665 to reflect all the matching funds provided by landowners, but there was an anomaly this year: NPOA directly paid its share of \$35,986 in matching funds to the outside services vendor directly, instead of paying it to the District. So, NPOA's matching funds are not reflected in the District's financials on page 3 of Exhibit B, but acknowledged in the details that follow on page 4. This has been remedied such that, in future years, these revenue and expense lines will contain all matching funds that will be paid to the District.

As a result of its review and discussions regarding Measure U's financials for Fiscal Year 2023, the Committee had several recommendations, as outlined in Section I above and further elaborated upon below:

- Some Committee members found the District's tracking methodology confusing because the landowner contribution is recognized as a revenue, and then the equal amount is also recognized as an expense, separate from the vendor costs (called "Outside Services"). The Committee was informed by the District that this approach reflects that, per Measure U's directive, matching contributions are used strictly for "boots on the ground" by the vendor, and that Measure U funds otherwise bore administrative and other expenses as set forth in page 3 and explained in page 7 of Exhibit B. In light of this explanation, the Committee accepted the accounting methodology by the District in general, subject to the exception in the following bullet point.
- The District allocated its administrative costs for fuel reduction based on a percentage of Measure U taxation fund received versus other funding sources (i.e., matching fund and grant revenues). The District's auditor concluded that this was a reasonable approach. Nevertheless, the Committee believes that costs related more directly to fuel reduction—such as the Forester's salary—should not be allocated based on revenues, but instead based on a more reasonable measure, such as actual time tracking as to whether the work is being done or Measure U-specific activities, or other forestry and fuel reduction initiatives and programs.
- The Committee confirmed, by receiving a copy of the legal opinion memorandum dated April 2, 2024 from the District's legal counsel, Downey Brand LLP, to the District, confirming that the District is not subject to public bidding per the Local Agency Public Construction Act, set forth in California Public Contract Code §§ 20100 *et seq.* Nevertheless, the Committee recommends that the District try to solicit multiple bids to ensure that the fuel reduction work is performed cost effectively. It is the Committee's understanding that the District has since started doing so, such that multiple bids will be sought for the work performed in FY 2025 / 26.

V. MEETING WITH NCSD'S AUDITOR REGARDING FINANCIALS

Some of the Committee's members also spoke to the District's auditor, Micheal Manduca at James Marta & Company, LLP, about the auditing methodology used to ensure that accounting was properly performed. Mr. Manduca confirmed that District's financial transactions regarding

Measure U activities were included as part of District's general audit, which results in a control report. No significant deficiencies were noted in the control report from the audit for FY2023. Because the transactions are not categorized by type, however, there is no basis to determine whether the overall sample of the District's transactions that were audited included a significant number of Measure U transactions. The Committee members and Mr. Manduca also discussed the reasonableness of different methodologies to allocate the District's administrative expenses to Measure U. Mr. Manduca informed the Committee that, in future fiscal years, the Committee could seek to separately audit Measure U, as are similar tax measures for the Town of Truckee.

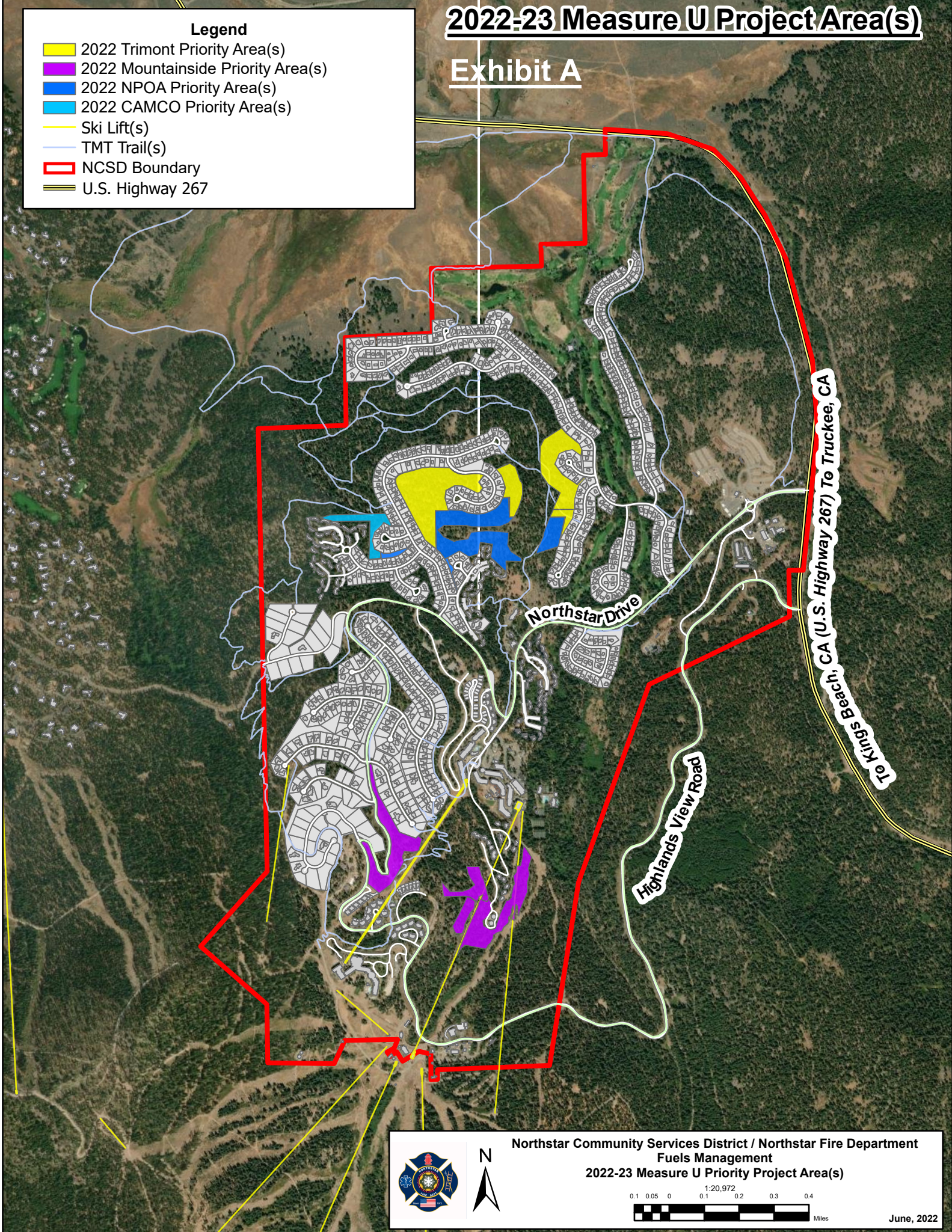
The Committee also notes that, while performing the audit for FY2023, the District's auditor did not identify any deficiencies in internal control over financial reporting that the auditor consider to be material weaknesses in the District's accounting.

2022-23 Measure U Project Area(s)

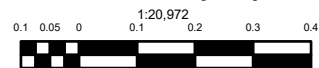
Exhibit A

Legend

- 2022 Trimont Priority Area(s)
- 2022 Mountainside Priority Area(s)
- 2022 NPOA Priority Area(s)
- 2022 CAMCO Priority Area(s)
- Ski Lift(s)
- TMT Trail(s)
- NCSD Boundary
- U.S. Highway 267



Northstar Community Services District / Northstar Fire Department
Fuels Management
2022-23 Measure U Priority Project Area(s)



June, 2022

Exhibit B

Measure U Financial Summary for the 12 Months Ending June 30, 2023



N.C.S.D.
Northstar Community Services District
900 Northstar Drive, Truckee, CA 96161
P: 530.562.0747 • F: 530.562.1505 • www.northstarcisd.org

The following summary is intended to provide a narrative overview and analysis of the financial activities surrounding the District's utilization of Measure U funding. To gain the greatest understanding, it should be read in conjunction with the Fuels Mgt_Measure U_Summary report and the reports that follow. Please be advised that, unless otherwise noted, all accompanying reports cover the same reporting period as shown in the header above.

Measure U Revenue

R02 Non-operating Revenue totaling \$462,528 represents the gross amount of Measure U parcel tax collected by Placer County as requested by and on behalf of the District.

R04 Reimbursable & Grant Revenue in the amount of \$141,679 is comprised of \$116,679 in partner payments made to reimburse the District for the partner's share of forest fuels management work managed and paid for by the District and also includes \$25,000 in grant proceeds. A breakdown of these amounts can be viewed in the *Measure U Project Activity* report on Page 4 with a particular focus on the *Revenue – End Balance* column within the *Reimbursable & Grant Project Activity* section.

It should be noted that although all partner work was completed in accordance with cost-sharing agreements, not all partners paid the District for their share but instead paid the contractor directly. For this reason, the District did not record *Revenue* or *Expense* for NPOA's share as represented by the *Reimbursable & Grant Project Activity* section referenced above. The practice of partners paying vendors directly for their portion of the cost sharing agreement will not continue into future years.

Measure U Expense

Some expenses can be attributed specifically to Measure U related efforts (*Direct*) and others must be split (*Indirect*) between general forest fuels management efforts and those specific to Measure U. Given this understanding and the need to allocate a portion of those indirect costs to Measure U, an allocation method must be chosen. Because the classification (Measure U or General) of forest fuels management work to be accomplished is driven by the funding available to accomplish those tasks, the District has arrived at a revenue based allocation supported by a ratio of budgeted Non-Operating (Measure U) Revenue to Operating (exclusive of grant & reimbursable) Revenue when distributing indirect expenses. That proportion is calculated annually based on the District's adopted budget and is shown below.

<i>Two main revenue sources determine the indirect expense allocation to Measure U</i>		
Measure U Revenue	\$ 463,400	73.1%
Operating Revenue	170,360	26.9%
	\$ 633,760	

When looking at the *Fuels Mgt_Measure U_Quarterly Summary* report that follows, the expenses of *E02 Salaries & Wages*, *E03 Benefits & Deductions*, *E05 Utilities*, *E07 Repairs & Maintenance*, and *E10 Intradistrict Allocations* are allocated to Measure U based on the method described above. The expenses of *E04 Outside Services* and *E11 Reimbursable & Grant Expense* are reported as direct Measure U costs, and *E06 General Supplies* and *E08 Other Operating Expenses* recognize portions of expenses that are both *Direct* and *Indirect*.

Let it be noted that the above-described reporting approach will continue until FY2024-25 at which time Fuels Management staff will begin recording hours worked specific to Measure U vs. non-Measure U activity and a secondary allocation based on that ratio will be utilized to allocate both E02 Salaries & Wages and E03 Benefits & Deductions to Measure U.

E02 Salaries & Wages and *E03 Benefits & Deductions* totaling \$232,375 represents the allocated portion of overall Fuels Management staffing expense.

E04 Outside Services is representative of the District's portion of the cost-sharing agreements, operating projects, and any other *Direct* Measure U expense. A breakdown of this \$193,254 amount can be viewed in the *Outside Services Detail* report on the following page. This report also shows (for informational purposes) the partner share amounts of cost-sharing agreements and any grant expense only to better represent the overall cost of specific tasks and are not included in the report total.

The \$182,665 District portion of the cost-sharing agreements and other project-related activity can also be seen in the *Measure U Project Activity* report on Page 4 within the *Operating Project Activity* section with the difference of \$10,589 being detailed by the previously mentioned *Outside Services Detail* report which follows this summary.

E05 Utilities through *E10 Intradistrict Allocations*. Because of the nature of expenses within these expense groupings, each recognizes *Direct* expenses, when possible, and/or an allocated portion of *Indirect* expenses according to the delineation shown at the beginning of this section and is further clarified within the *Revenue and Expense Descriptions* shown on the last page of this report.

E11 Reimbursable & Grant Expense totaling \$141,679 is comprised of \$116,679 associated with expense the District incurred when facilitating the partner's share of forest fuels management work managed by the District and \$25,000 in expense associated with grant funded projects. A breakdown of these amounts can be viewed in the *Measure U Project Activity* report on Page 4 with a particular focus on the *Expense – End Balance* column within the *Reimbursable & Grant Project Activity* section.

Revenue vs Expense

When comparing *Revenue* to *Expense*, Measure U Expense exceeds Measure U Revenue by \$16,503. While this variance may come about due to the timing of Measure U Expense, when looking at the results from a big picture perspective, the result is representative of more Measure U work being done than the Measure U funds alone would allow. Ultimately, this means that a portion of Fuels Management Operating Revenue was used to supplement Measure U activities.

General Ledger

Fuels Mgt_Measure U_Summary

User: greg
 Printed: 6/26/2024 9:08:51 AM
 Period 09 - 14
 Fiscal Year 2023



N.C.S.D
 Northstar Community Services District
 900 Northstar Drive, Truckee, CA 96161
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Sort Level	Description	Budget	End Bal	Variance
620	Fuels Management Operations			
Revenue	Revenue			
R02	Non-operating Revenue	0.00	-462,528.24	462,528.24
R04	Reimbursable & Grant Revenue	0.00	-141,679.00	141,679.00
Revenue	Revenue	0.00	-604,207.24	604,207.24
Expense	Expense			
E02	Salaries & Wages	0.00	160,748.76	-160,748.76
E03	Benefits & Deductions	0.00	71,625.76	-71,625.76
E04	Outside Services	0.00	193,254.00	-193,254.00
E05	Utilities	0.00	993.01	-993.01
E06	General Supplies	0.00	4,521.40	-4,521.40
E07	Repairs & Maintenance	0.00	1,888.19	-1,888.19
E08	Other Operating Expenses	0.00	5,971.66	-5,971.66
E10	Intradistrict Allocations	0.00	40,028.84	-40,028.84
E11	Reimbursable & Grant Expense	0.00	141,679.00	-141,679.00
Expense	Expense	0.00	620,710.62	-620,710.62
620	Fuels Management Operations	0.00	16,503.38	-16,503.38

Outside Services Detail

CAMCO	\$ 7,486.00
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Hand crews consisted of (2) sawyers and (8) ground personnel. Responsibilities included felling, limbing, and processing cut trees. Processing the stem of a tree involved cutting into manageable rounds so they could be moved to a work truck by hand which would then transport the rounds offsite. The Districts track chipper was used to chip and broadcast slash material. A masticator was used to mitigate hazardous brush components along single family home property lines, Indian Hills Condominium property line, and directly under tree canopies. A skid steer with grapples was used to move lengths of timber from hard to reach places to an area more manageable to be processed.

	<u>Polygon 1</u>	<u>Totals</u>
Acres Treated	3.90	3.90
Treatment Cost	\$ 14,972	\$ 14,972
Avg. Cost per Acre	\$ 3,839	\$ 3,839
Measure U (District Share)		\$ 7,486.00
Cost-share Agreement (Partner Share)		7,486.00
		\$ 14,972.00

Mountainside CA LLC	\$ 49,210.00
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Heavy equipment could not be used due to 35% slopes or greater within the project areas. Therefore, hand crews were instructed to cut and stack material into burn piles. The cutting prescription included limbing branches 6-15 feet from ground level, mitigating all combustible brush components under tree canopies that could act as ladder fuel, and reducing the fir component and overall stand density in the project area by targeting any tree that was 12" or less in DBH (Diameter Breast Height), dead, dying, or diseased. In total, 395 burn piles were built. Currently working with Placer County Air Pollution Control District to apply for a permit to burn these piles over the course of the 2023-24 winter season.

There was also a Class-I waterway going through Polygon 1. The Board of Forestry (BOF) and State of California require that there be a 75-foot buffer between any heavy equipment operations and the waters bank. There is also a rule preventing any woodchips from being broadcasted within the 50-foot buffer. Hand crews were forced to once again go without heavy equipment and abide by rules established by the BOF which led to meticulous work, ultimately slowing productivity and increasing the costs to treat.

	<u>Polygon 1</u>	<u>Polygon 2</u>	<u>Totals</u>
Acres Treated	16.00	9.90	25.90
Treatment Cost	\$ 60,800	\$ 37,620	\$ 98,420
Avg. Cost per Acre	\$ 3,800	\$ 3,800	\$ 3,800
Measure U (District Share)			\$ 49,210.00
Cost-share Agreement (Partner Share)			49,210.00
			<hr/>
			\$ 98,420.00

Northstar Property Owners Association	\$ 35,986.00
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Hand crews consisted of (2) sawyers and (8) ground personnel. Responsibilities included felling, limbing, and processing cut trees. Processing the stem of a tree involved cutting into manageable rounds so they could be moved to a work truck by hand which would then transport the rounds offsite. The Districts track chipper was used to chip and broadcast slash material. A masticator was used to mitigate hazardous understory components along single family home property lines, Gold Bend Condominium property line, and directly under tree canopies. A skid steer with grapples was used to move lengths of timber from hard to reach places to an area more manageable to be processed.

	<u>Polygon 1</u>	<u>Polygon 2</u>	<u>Polygon 3</u>	<u>Totals</u>
Acres Treated	3.11	15.17	0.66	18.94
Treatment Cost	\$ 11,818	\$ 57,646	\$ 2,508	\$ 71,972
Avg. Cost per Acre	\$ 3,800	\$ 3,800	\$ 3,800	\$ 3,800
Measure U (District Share)				\$ 35,986.00
Cost-share Agreement (Partner Share) *				35,986.00
				\$ 71,972.00

Trimont	\$ 59,983.00
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Hand crews consisted of (2) sawyers and (8) ground personnel. Responsibilities included felling, limbing, and processing cut trees. Processing the stem of a tree involved cutting into manageable rounds so they could be moved to a work truck by hand which would then transport the rounds offsite. The Districts track chipper was used to chip and broadcast slash material. A masticator was used to mitigate hazardous understory components along single family home property lines and directly under tree canopies. A skid steer with grapples was used to move lengths of timber from hard to reach places to an area more manageable to be processed.

	<u>Polygon 1</u>	<u>Polygon 2</u>	<u>Polygon 3</u>	<u>Totals</u>
Acres Treated	11.20	4.43	15.94	31.57
Treatment Cost	\$ 42,560	\$ 16,834	\$ 60,572	\$ 119,966
Avg. Cost per Acre	\$ 3,800	\$ 3,800	\$ 3,800	\$ 3,800
Measure U (District Share)				\$ 59,983.00
Cost-share Agreement (Partner Share)				59,983.00
				<u>\$ 119,966.00</u>

Green Waste Curbside Pickup Program	\$ 30,000.00
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<u>Total Cost</u>	<u>Pickup 01</u>	<u>Pickup 02</u>	<u>Pickup 03</u>	<u>Pickup 04</u>	<u>Pickup 05</u>	<u>Pickup 06</u>	<u>Pickup 07</u>	<u>Total</u>
Dump Disposal Costs	\$ 1,800.75	\$ 637.00	\$ 1,080.00	\$ 510.00	\$ 2,100.00	\$ 3,045.00	\$ 900.00	\$ 10,072.75
Labor & Equipment Costs	10,829.00	4,428.00	5,851.00	3,246.00	7,430.00	10,293.00	2,850.25	44,927.25
	<u>\$ 12,629.75</u>	<u>\$ 5,065.00</u>	<u>\$ 6,931.00</u>	<u>\$ 3,756.00</u>	<u>\$ 9,530.00</u>	<u>\$ 13,338.00</u>	<u>\$ 3,750.25</u>	<u>\$ 55,000.00</u>
<u>Funding Breakdown</u>								
Measure U	\$ 6,314.88	\$ 2,532.50	\$ 3,465.50	\$ 1,878.00	\$ 4,765.00	\$ 7,293.88	\$ 3,750.25	\$ 30,000.00
TTCF Grant	6,314.88	2,532.50	3,465.50	1,878.00	4,765.00	6,044.13	-	25,000.00
	<u>\$ 12,629.75</u>	<u>\$ 5,065.00</u>	<u>\$ 6,931.00</u>	<u>\$ 3,756.00</u>	<u>\$ 9,530.00</u>	<u>\$ 13,338.00</u>	<u>\$ 3,750.25</u>	<u>\$ 55,000.00</u>

Other work	\$ 10,589.00
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Measure U Forest Fuels reduction work on Northstar Drive	\$ 8,437.00
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Twelve dead or dying pine trees were removed along Northstar Drive's primary evacuation route due to Red Turpentine Beetles. The funds came from the 2022-23 Measure U budget; however, they are not associated with any of the cost-share agreements. Rather, these funds were a contingency meant for unforeseen projects during the fiscal year like hazard trees. Treatment included hand crew work and the use of the contractors track chipper.

Measure U Forest Fuels reduction work on Northstar/Trimont Land	488.00
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This is what remained from prepaid funds provided by Trimont before the inception of Measure U. Trimont would often write a check to NCSD each year for fuels management on their land. \$488 is what remained from their last check and therefore was used to treat a Trimont Measure U polygon from the FY2023. This revenue is not associated with Measure U or the parcel tax. Instead, it was used to supplement expenses necessary to treat a 0.13 acre portion of a Trimont Measure U polygon.

Legal Fees - Measure U Specific	1,664.00
	<u>\$ 10,589.00</u>

Total E04: Outside Services	\$ 193,254.00
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* NPOA Partner Share was wrongly paid directly to the Vendor by NPOA

Measure U Project Activity

for the 12 Months Ending June 30, 2023

		Revenue		Expense			Status
		Budget	End Balance	Budget	End Balance	Variance	C = Completed CXL = Cancelled P = Postponed
Project Number	Project Description						

Operating Project Activity (Projects other than Reimbursable & Grant Projects)

Fund 620 - Fuels Mgt Operations												
O22-004	CAMCO Cost Share_NCSD	\$	-	\$	-	\$	4,600	\$	7,486	\$	(2,886)	C
O22-005	Mountainside Cost Share_NCSD		-		-		53,200		49,210		3,990	C
O22-006	NPOA Cost Share_NCSD		-		-		35,986		35,986		-	C
O22-007	Trimont Cost Share_NCSD		-		-		59,983		59,983		-	C
O22-008	Curbside Pickup_NCSD 54.5%		-		-		30,000		30,000		-	C
Total Fund 620		\$	-	\$	-	\$	183,769	\$	182,665	\$	1,104	
Total Operating Project Activity		\$	-	\$	-	\$	183,769	\$	182,665	\$	1,104	

Reimbursable & Grant Project Activity

Reimbursable Projects												
R22-004	CAMCO Cost Share_Owner		7,600		(7,486)		7,600		7,486	\$	114	C
R22-005	Mountainside Cost Share_Owner		53,200		(49,210)		53,200		49,210		3,990	C
R22-006	NPOA Cost Share_Owner		35,986		-		35,986		-		35,986	C
R22-007	Trimont Cost Share_Owner		59,983		(59,983)		59,983		59,983		-	C
Total Reimbursable Projects		\$	156,769	\$	(116,679)	\$	156,769	\$	116,679	\$	40,090	
Grant Funded Projects												
G23-001	Curbside Pickup_TTCF 45.5%		25,000		(25,000)		25,000		25,000		-	C
Total Grant Funded Projects			25,000		(25,000)		25,000		25,000		-	
Total Grant Funded & Reimbursable Projects		\$	181,769	\$	(141,679)	\$	181,769	\$	141,679	\$	40,090	

Summary

Non-Capital (Operating) Projects	\$	-	\$	-	\$	183,769	\$	182,665	\$	1,104
Reimbursable Projects		181,769		(141,679)		181,769		141,679		40,090
Total	\$	181,769	\$	(141,679)	\$	365,538	\$	324,344	\$	41,194

General Ledger Revenue and Expense Descriptions

Measure U Revenue

Non-operating Revenue is comprised solely of the Measure U Parcel Tax. Parcel taxes are calculated by the District based on an annual escalator and submitted to Placer County to be collected on the tax rolls.

Reimbursable & Grant Revenue is comprised of the partner (Trimont, Northstar Property Owners Association, Mountainside California, and CAMCO) portion of Reimbursable cost-sharing agreements and any Grant related activity specific to Measure U goals. Absent any timing differences, it will be fully offset Measure U Reimbursable & Grant Expense and can be further analyzed through the attached *Measure U Project Reporting* sheet.

Measure U Expense

Salaries and Wages* is an allocation of Fuels Management employee pay including the use of leaves

Benefits and Deductions* includes an allocation of employee related expenses outside of labor costs including payroll taxes, health insurance, and retirement costs.

Outside Services is comprised of the direct costs of Professional/Other Services mostly comprised of “boots on the ground” fuels reduction work. Some of this work may be captured as an Operating Project and represented on the *Measure U Project Activity* report (in addition to the *Outside Services Detail* report). To a lesser extent, this grouping may also include other outside services such as legal fees, once again, directly applicable to Measure U activities.

Utilities* is an allocation of the overall costs associated with the monthly Mobile Connectivity activity of the Fuels Management department.

General Supplies includes the general supply needs of staff including such things as Uniforms, Operating Supplies, Tools, and Fuel. It is comprised of both the direct and indirect costs with the total being a combination of an allocation* from Fuels Management and any direct Measure U expenses.

Repairs & Maintenance* is an allocated cost of the maintenance activities required to keep Fuels Management vehicles and equipment in proper working order.

Other Operating Expenses includes the costs associated with expenses such as leases, advertising, travel, education, and computer hardware/software. It is comprised of both direct and indirect costs with the total being a combination of an allocation* from Fuels Management and any direct Measure U expenses.

Intradistrict Allocations* is an allocated cost of the administrative overhead required to support Forest Fuels Management efforts including things such as general management, payroll, accounts payable, and human resources functions.

Reimbursable & Grant Expense is limited to the partner (Trimont, Northstar Property Owners Association, Mountainside California, and CAMCO) portion of Reimbursable cost-sharing agreements and any Grant related activity specific to Measure U goals. Absent any timing differences, it will be fully offset Measure U Reimbursable & Grant Revenue and can be further analyzed through the attached *Measure U Project Reporting* sheet.

* Allocations are based on the ratio of Measure U Parcel Tax revenue to the Operating Revenue received from the Enterprise Funds of Water, Sewer, and Solid Waste for their share of the cost associated with the Forest Fuels Management program.

Measure U Oversight Committee Report for Fiscal Year 2024



N.C.S.D.
Northstar Community Services District
900 Northstar Drive, Truckee, CA 96161
P: 530.562.0747 • F: 530.562.1505 • www.northstarcisd.org

The Measure U Oversight Committee consists of seven members representing the following stakeholder entities:

1. The Board of Directors of the Northstar Community Services District (“the District”);
2. Camco Truckee-managed property associations (“Camco”);
3. Mountainside Builders LLC, as manager of Timberline Highlands LLC (“Mountainside”);
4. Northstar California Resort operated by Vail Resorts/Trimont Land Company (“Trimont”);
5. Northstar Property Owners Association (“NPOA”); and
6. Northstar Village Association and related Village property associations (“NVA”).

As a result of its diligence, including the Committee’s tour on October 17, 2023 of the work performed, the Committee’s review of the District’s report of Measure U expenditures for this fiscal year as provided on November 8, 2024, and the Committee’s discussion at its annual meeting on May 1, 2025, the Committee found that the Measure U tax revenues were spent consistent with the purpose of “providing wildfire prevention and mitigation actions for existing development and infrastructure within the Wildfire Prevention Zone, pursuant to the [Community Wildfire Protection Plan]” as stated in Measure U (Resolution No. 21-12 ¶ 10), that may include:

- investing more in early fire detection, emergency warning systems and fire-safe evacuation routes that would help ensure residents are notified quickly and can safely escape danger if a wildfire does occur; removing dry brush, dead trees, fuels, and other fire hazards;
- adding firebreaks where needed to help prevent or slow the spread of wildfire;
- providing matching funds to landowners for eligible fuels reduction compliance projects within fuel break areas;
- providing homeowners with easy and inexpensive disposal options for trimmings and green waste;
- updating the CWPP;
- investing in future green waste systems that reduce fire risks;
- investing in capital and equipment to help remove fire fuels and reduce the risk of wildfire;
- improving inspection systems;
- expenses related to management of these types of programs; and
- providing for any incidental expenses related to the collection of the special tax and managing exemptions.

Moreover, consistent with the purpose of Measure U, revenues were expended to give prioritization to non-compliant areas within the 300-foot fuel break areas of the Wildfire Prevention Zone, including the providing of matching funds to landowners for fuels reduction compliance. And, the District managed all aspects of projects receiving Measure U funds, along matching funds from landowners. The landowner areas within the Wildfire Prevention Zone that were subjected to fuels reduction treatment with Measure U taxation and matching landowner

funds for Fiscal Year 2024 are shown in the map attached as Exhibit A.

In addition, as part of its oversight, the Committee recommends that the District's Board accept the District's Measure U Financial Summary for the 12 Months Ending June 30, 2024 (i.e., Fiscal Year 2024 or "FY24"), attached as Exhibit B. The Committee also notes that, while performing the audit for FY24, the District's auditor did not identify any deficiencies in internal control over financial reporting that the auditor consider to be material weaknesses in the District's accounting.

Finally, the Committee notes the status of its recommendations for the prior year as follows:

1. Direct the District's Forester to meet with the Committee annually before that fiscal year's Measure U activities to review the proposed fire suppression activities and make adjustments that take into account the Committee's recommendations, if any.

Status: The District's Forester is now scheduled to meet with the Committee annually, to review the proposed fire suppression activities for the upcoming fiscal year, and make adjustments that take into account the Committee's recommendations, during the Committee's meeting held every Spring.

2. Accept the District's Measure U Financial Summary for the 12 Months Ending June 30, 2024 (i.e., Fiscal Year 2023 or "FY23").

Status: The District's Board has accepted the District's Measure U Financial Summary for Fiscal Year 2023.

3. Direct the District to continue to use the reporting structure for its annual Measure U Financial Summary, going forward.

Status: The District has continued to use the same reporting structure, per Exhibit B.

4. Direct the District's to separately track Measure U specific employee labor expenditures separately starting with the upcoming fiscal year (i.e., Fiscal Year 2025), and have those separately-tracked labor costs reflected in the District's Measure U expense reporting, instead of having its employee labor allocated as a percentage of revenue direct along with other fire suppression activities, as was done for Fiscal Year 2023.

Status: The District has agree to separately track Measure U-specific employee labor expenditures separately starting in Fiscal Year 2025.

5. Direct the District's auditor to provide an opinion to the Committee as to the annual Measure U Financial Summary prior to the Committee's presentation of its report to NCSD's Board.

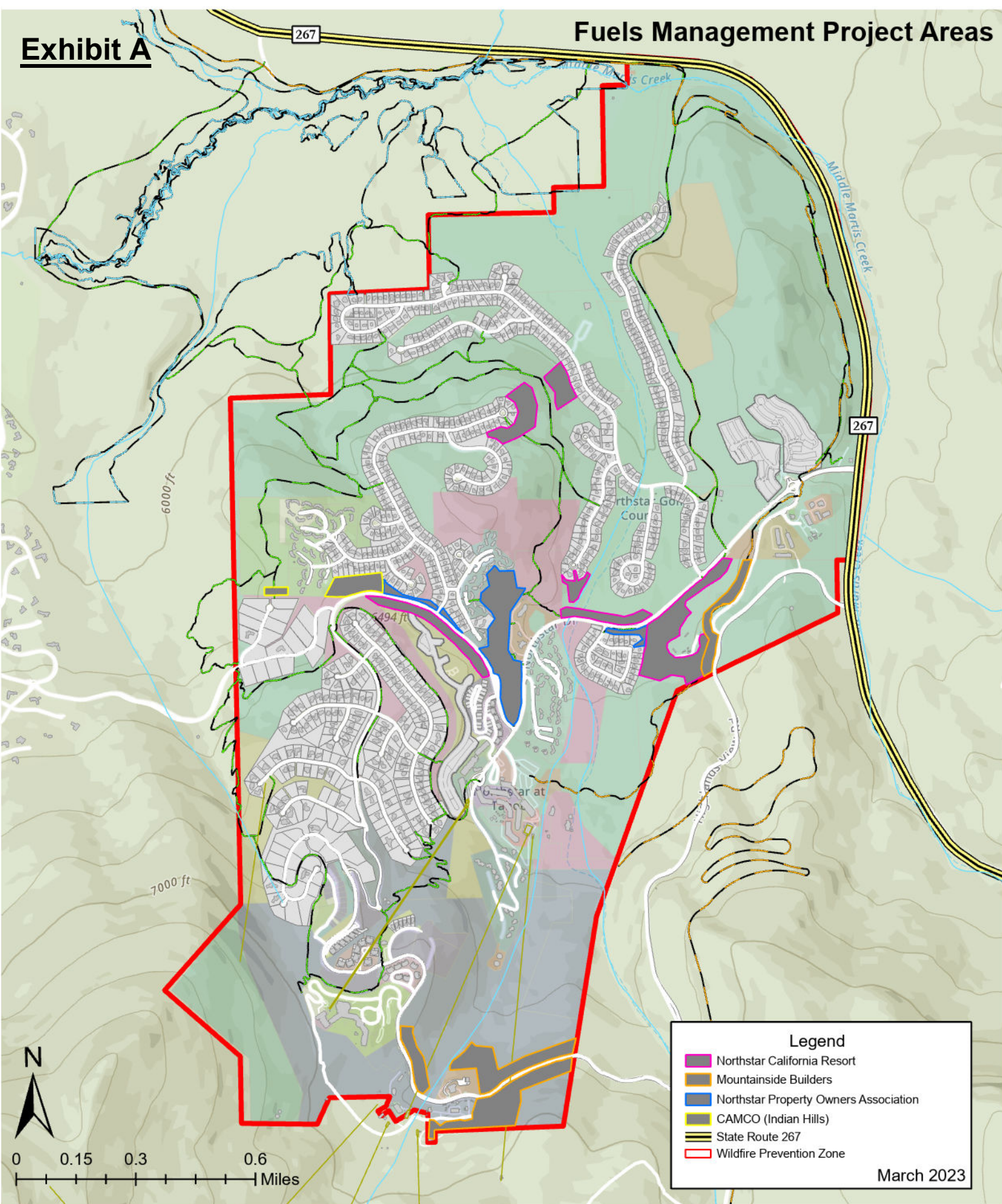
Status: The District's auditor has provided an opinion to the Committee as to the annual Measure U Financial Summary, opining that its financial reporting methodology is reasonable.

6. Direct the District to engage in a public bidding process, at least annually, for third-party contractors to perform Measure U fuel reduction activities that will be performed during the next fire season.

Status: The District has agreed to engage in a public bidding process for Measure U fuel reduction activities starting in Fiscal Year 2025.

Exhibit A

Fuels Management Project Areas



2023-24 Measure U

Trimont: 31.9 Acres
Mountainside: 28.7 Acres
NPOA: 17.0 Acres
CAMCO: 4.5 Acres

Exhibit B

Measure U Financial Summary for the 12 Months Ending June 30, 2024



N.C.S.D.
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The following summary is intended to provide a narrative overview and analysis of the financial activities surrounding the District's utilization of Measure U funding. To gain the greatest understanding, it should be read in conjunction with the Fuels Mgt_Measure U_Summary report and the reports that follow. Please be advised that, unless otherwise noted, all accompanying reports cover the same reporting period as shown in the header above.

Measure U Revenue

R02 Non-operating Revenue totaling \$474,651 represents the gross amount of Measure U parcel tax collected by Placer County as requested by and on behalf of the District.

R04 Reimbursable & Grant Revenue in the amount of \$169,923 is comprised of \$162,319 in partner payments made to reimburse the District for the partner's share of forest fuels management work managed and paid for by the District and also includes \$7,604 in grant proceeds. A breakdown of these amounts can be viewed in the *Measure U Project Activity* report on Page 6 with a particular focus on the *Revenue – End Balance* column within the *Reimbursable & Grant Project Activity* section.

It should be noted that all partners properly paid the District for their respective share of the cost. You may remember that this approach was not followed in the prior fiscal year in which the District did not record *Revenue* or *Expense* for NPOA's share because the partner paid the vendor directly. As referenced in the prior year report, the practice of partners paying vendors directly for their portion of the cost sharing agreement will not continue into future years.

Measure U Expense

Some expenses can be attributed specifically to Measure U related efforts (*Direct*) and others must be split (*Indirect*) between general forest fuels management efforts and those specific to Measure U. Given this understanding and the need to allocate a portion of those indirect costs to Measure U, an allocation method must be chosen. Because the classification (Measure U or General) of forest fuels management work to be accomplished is driven by the funding available to accomplish those tasks, the District has arrived at a revenue based allocation supported by a ratio of budgeted Non-Operating (Measure U) Revenue to Operating (exclusive of grant & reimbursable) Revenue when distributing indirect expenses. That proportion is calculated annually based on the District's adopted budget and is shown below.

<i>Two main revenue sources determine the indirect expense allocation to Measure U</i>			
Measure U Revenue	\$	479,900	73.1%
Operating Revenue		176,880	26.9%
	\$	656,780	

When looking at the *Fuels Mgt_Measure U_Summary* report that follows, the expenses of *E02 Salaries & Wages*, *E03 Benefits & Deductions*, *E05 Utilities*, *E07 Repairs & Maintenance*, and *E10 Intradistrict Allocations* are allocated to Measure U based on the method described above. The expenses of *E04 Outside Services* and *E11 Reimbursable & Grant Expense* are reported as direct Measure U costs, and *E06 General Supplies* and *E08 Other Operating Expenses* recognize portions of expenses that are both *Direct* and *Indirect*.

Let it be noted that the above-described reporting approach will continue until FY2024-25 at which time Fuels Management staff will begin recording hours worked specific to Measure U vs. non-Measure U activity and a secondary allocation based on that ratio will be utilized to allocate both E02 Salaries & Wages and E03 Benefits & Deductions to Measure U.

E02 Salaries & Wages and *E03 Benefits & Deductions* totaling \$235,620 represents the allocated portion of overall Fuels Management staffing expense.

E04 Outside Services is representative of the District's portion of the cost-sharing agreements, operating projects, and any other *Direct* Measure U expense. A breakdown of this \$207,501 amount can be viewed in the *Outside Services Detail* report on the following page. This report also shows (for informational purposes) the partner share amounts of cost-sharing agreements and any grant expense only to better represent the overall cost of specific tasks and are not included in the report total.

The \$207,319 District portion of the cost-sharing agreements and other project-related activity can also be seen in the *Measure U Project Activity* report on Page 6 within the *Operating Project Activity* section with the difference of \$182 being detailed by the previously mentioned *Outside Services Detail* report which follows this summary.

E05 Utilities through *E10 Intradistrict Allocations*. Because of the nature of expenses within these expense groupings, each recognizes *Direct* expenses, when possible, and/or an allocated portion of *Indirect* expenses according to the delineation shown at the beginning of this section and is further clarified within the *Revenue and Expense Descriptions* shown on the last page of this report.

E11 Reimbursable & Grant Expense totaling \$169,923 is comprised of \$162,319 associated with expense the District incurred when facilitating the partner's share of forest fuels management work managed by the District and \$7,604 in expense associated with grant funded projects, specifically a contribution to the *Green Waste Curbside Pickup Program*. A breakdown of these amounts can be viewed in the *Measure U Project Activity* report on Page 6 with a particular focus on the *Expense – End Balance* column within the *Reimbursable & Grant Project Activity* section.

Revenue vs Expense

When comparing *Revenue* to *Expense*, Measure U Expense exceeds Measure U Revenue by \$85,169. This variance has come about due to more Measure U work being done than the Measure U funds alone would allow. Ultimately, this means that a portion of Fuels Management Operating Revenue was used to supplement Measure U activities.

General Ledger

Fuels Mgt_Measure U_Summary

User: greg
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Period 10 - 12
Fiscal Year 2024



N.C.S.D
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Sort Level	Description	Budget	End Bal	Variance
620	Fuels Management Operations			
Revenue	Revenue			
R02	Non-operating Revenue	0.00	-474,650.88	474,650.88
R04	Reimbursable & Grant Revenue	0.00	-169,922.50	169,922.50
Revenue	Revenue	0.00	-644,573.38	644,573.38
Expense	Expense			
E02	Salaries & Wages	0.00	163,817.88	-163,817.88
E03	Benefits & Deductions	0.00	71,802.61	-71,802.61
E04	Outside Services	0.00	207,500.58	-207,500.58
E05	Utilities	0.00	1,716.05	-1,716.05
E06	General Supplies	0.00	3,212.00	-3,212.00
E07	Repairs & Maintenance	0.00	2,880.60	-2,880.60
E08	Other Operating Expenses	0.00	6,055.62	-6,055.62
E10	Intradistrict Allocations	0.00	102,834.59	-102,834.59
E11	Reimbursable & Grant Expense	0.00	169,922.50	-169,922.50
Expense	Expense	0.00	729,742.43	-729,742.43
620	Fuels Management Operations	0.00	85,169.05	-85,169.05

Outside Services Detail

CAMCO	\$ 8,775.00
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Scope of work included both mechanical and non-mechanical treatments. 75-90 foot basal area was established by hand crew cutting all hazard trees and green trees up to 20" DBH (Diameter Breast Height) where necessary for proper canopy spacing. All conifers were limbed 6-15 feet off the ground. The stems of trees were cut into wood rounds and hauled off site or left as a contour for erosion control. 1-3 contours were established per acre. The remaining biomass from cutting trees was either chipped and broadcast on-site or chipped into trucks and hauled away for disposal. Snags that did not present a threat were retained for animal habitat where possible. Hazardous understory fuels including brush and downed woody material were masticated completely or broken down into less contiguous features. A hazardous fuels buffer, up to 300 feet, was established in CAMCO common area backing up to Indian Hills Condominium units and single-family homes. A 150-foot buffer was established along Big Springs Drive - a primary evacuation route for the District.

	<u>Polygon 1 *</u>	<u>Polygon 2 *</u>	<u>Totals</u>
Acres Treated	0.76	3.74	4.50
Treatment Cost	\$ 2,964	\$ 14,586	\$ 17,550
Avg. Cost per Acre	\$ 3,900	\$ 3,900	\$ 3,900
Measure U (District Share)			\$ 8,775.00
Cost-share Agreement (Partner Share)			8,775.00
			\$ 17,550.00

Mountainside CA LLC	\$ 55,575.00
----------------------------	---------------------

Heavy equipment could not be used in Polygons 2, 3, and 4 due to 35% slopes or greater within the project areas. Hand crews were instructed to cut and stack material into burn piles. The cutting prescription included limbing branches 6-15 feet off the ground mitigating hazardous brush and downed woody material directly under tree canopies and reducing the fir to pine ratio by targeting any fir that was 12" or less in DBH (Diameter Breast Height) as well as removing larger hazards including dead, dying, or diseased trees up to 20" DBH. A 150-foot fuels buffer was established along Ridgeline Road and Highlands View Road - both essential evacuation routes for the District. In total, 204 burn piles were built. The Fuels Management Department is currently working with Placer County Air Pollution Control District to apply for a permit to burn these piles with assistance from CAL FIRE over the course of the 2024-25 winter season.

	<u>Polygon 1 *</u>	<u>Polygon 2 *</u>	<u>Polygon 3 *</u>	<u>Polygon 4 *</u>	<u>Totals</u>
Acres Treated	4.59	9.32	11.11	3.48	28.50
Treatment Cost	\$ 17,901	\$ 36,348	\$ 43,329	\$ 13,572	\$ 111,150
Avg. Cost per Acre	\$ 3,900	\$ 3,900	\$ 3,900	\$ 3,900	\$ 3,900
Measure U (District Share)					\$ 55,575.00
Cost-share Agreement (Partner Share)					55,575.00
					\$ 111,150.00

Northstar Property Owners Association	\$ 36,992.00
--	---------------------

Scope of work included both mechanical and non-mechanical treatments. 75-90 foot basal area was established by hand crew cutting all hazard trees and green trees up to 20" DBH (Diameter Breast Height) where necessary for proper canopy spacing. All conifers were limbed 6'-15' off the ground. The stems of trees were cut into wood rounds and hauled off site or left as a contour for erosion control. 1-3 contours were established per acre. The remaining biomass from cutting trees was either chipped and broadcast on-site or chipped into trucks and hauled away for disposal. Snags that did not present a threat were retained for animal habitat where possible. Hazardous understory fuels including brush and downed woody material were masticated completely or broken down into less contiguous features. A hazardous fuels buffer, up to 300-foot, was established in NPOA common area backing up to Gold Bend Condominium units and Beaver Pond single-family homes. A 150-foot fuels buffer was established along Big Springs Drive and Northstar Drive - both primary evacuation routes for the District.

	<u>Polygon 1 *</u>	<u>Polygon 2 *</u>	<u>Polygon 3 *</u>	<u>Totals</u>
Acres Treated	1.40	16.42	1.15	18.97
Treatment Cost	\$ 5,460	\$ 64,038	\$ 4,485	\$ 73,983
Avg. Cost per Acre	\$ 3,900	\$ 3,900	\$ 3,900	\$ 3,900
Measure U (District Share)				\$ 36,992.00
Cost-share Agreement (Partner Share) *				36,992.00
				\$ 73,984.00

Trimont	\$ 60,977.00
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Scope of work included both mechanical and non-mechanical treatments. 75-90 foot basal area was established by hand crew cutting all hazard trees and green trees up to 20" DBH (Diameter Breast Height) where necessary for proper canopy spacing. All conifers were limbed 6'-15' off the ground. The stems of trees were cut into wood rounds and hauled off site or left as a contour for erosion control. 1-3 contours were established per acre. The remaining biomass from cutting trees was either chipped and broadcast on-site or chipped into trucks and hauled away for disposal. Snags that did not present a threat were retained for animal habitat where possible. Hazardous understory fuels including brush and downed woody material were masticated completely or broken down into less contiguous features. A hazardous fuels buffer, up to 300-foot, was established in Trimont common area backing up to single-family homes on Beaver Pond, Wolf Tree, Martis Landing, and Basque. A 150-foot fuels buffer was established along Big Springs Drive and Northstar Drive - both primary evacuation routes for the District.

	<u>Polygon 1 *</u>	<u>Polygon 2 *</u>	<u>Polygon 3 *</u>	<u>Polygon 4 *</u>	<u>Polygon 5 *</u>	<u>Polygon 6 *</u>	<u>Totals</u>
Acres Treated	5.03	3.00	5.11	1.02	3.08	14.03	31.27
Treatment Cost	\$ 19,617	\$ 11,700	\$ 19,929	\$ 3,978	\$ 12,012	\$ 54,717	\$ 121,953
Avg. Cost per Acre	\$ 3,900	\$ 3,900	\$ 3,900	\$ 3,900	\$ 3,900	\$ 3,900	\$ 3,900
Measure U (District Share)							\$ 60,977.00
Cost-share Agreement (Partner Share)							60,977.00
							\$ 121,954.00

Green Waste Curbside Pickup Program	\$ 45,000.00
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	<u>Pickup 01</u>	<u>Pickup 02</u>	<u>Pickup 03</u>	<u>Pickup 04</u>	<u>Pickup 05</u>	<u>Total</u>
Material Collected (Yd³)	147.00	100.00	119.00	227.00	109.00	702.00
Total Cost						
Dump Disposal Costs	\$ 2,155.00	\$ 1,500.00	\$ 1,785.00	\$ 3,405.00	\$ 1,627.50	\$ 10,472.50
Labor & Equipment Costs	9,560.00	6,040.00	7,550.00	12,729.00	6,252.00	42,131.00
	\$ 11,715.00	\$ 7,540.00	\$ 9,335.00	\$ 16,134.00	\$ 7,879.50	\$ 52,603.50
Funding Breakdown						
Measure U	\$ 11,715.00	\$ 7,540.00	\$ 9,335.00	\$ 16,134.00	\$ 276.00	\$ 45,000.00
CAL Fire Grant	-	-	-	-	7,603.50	7,603.50
	\$ 11,715.00	\$ 7,540.00	\$ 9,335.00	\$ 16,134.00	\$ 7,879.50	\$ 52,603.50

Other expense	\$ 181.58
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Confidential Archaeological records per CEQA requirements (Measure U and CalFire Grant)

One-half of the \$363.15 cost for copies of Confidential Government Records including Archaeological Site Location Maps and associated Archaeological Site Record Forms.

Outside Services - Measure U Specific 181.58

Total E04: Outside Services	\$ 207,500.58
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Measure U Project Activity

for the 12 Months Ending June 30, 2024

		Revenue		Expense			Status
							C = Completed
Project		Budget	End Balance	Budget	End Balance	Variance	CXL = Cancelled
Number	Project Description						P = Postponed

Operating Project Activity *(Projects other than Reimbursable & Grant Projects)*

Fund 620 - Fuels Mgt Operations												
O24-001	CAMCO Cost Share_NCSD	\$	-	\$	-	\$	8,775	\$	8,775	\$	-	C
O24-002	Mountainside Cost Share_NCSD		-		-		55,575		55,575		-	C
O24-003	NPOA Cost Share_NCSD		-		-		36,992		36,992		-	C
O24-004	Trimont Cost Share_NCSD		-		-		60,977		60,977		-	C
O24-006	Curbside Green Waste Pickup		-		-		45,000		45,000		-	C
Total Fund 620		\$	-	\$	-	\$	207,319	\$	207,319	\$	-	
Total Operating Project Activity		\$	-	\$	-	\$	207,319	\$	207,319	\$	-	

Reimbursable & Grant Project Activity

R24-001	CAMCO Cost Share_Owner		8,775		(8,775)	8,775	8,775	-	C
R24-002	Mountainside Cost Share_Owner		55,575		(55,575)	55,575	55,575	-	C
R24-003	NPOA Cost Share_Owner		36,992		(36,992)	36,992	36,992	-	C
R24-004	Trimont Cost Share_Owner		60,977		(60,977)	60,977	60,977	-	C
	Total Reimbursable Projects	\$	162,319	\$	(162,319)	\$ 162,319	\$ 162,319	\$ -	
G24-001	23 NEU Phase II_CalFire CCI		-		(7,604)	-	7,604	(7,604)	C
	Total Grant Funded Projects		-		(7,604)	-	7,604	(7,604)	
	Total Grant Funded & Reimbursable Projects	\$	162,319	\$	(169,923)	\$ 162,319	\$ 169,923	\$ (7,604)	

Summary

Non-Capital (Operating) Projects	\$	-	\$	-	\$	207,319	\$	207,319	\$	-
Reimbursable Projects		162,319		(169,923)		162,319		169,923		(7,604)
Total	\$	162,319	\$	(169,923)	\$	369,638	\$	377,242	\$	(7,604)

General Ledger Revenue and Expense Descriptions

Measure U Revenue

Non-operating Revenue is comprised solely of the Measure U Parcel Tax. Parcel taxes are calculated by the District based on an annual escalator and submitted to Placer County to be collected on the tax rolls.

Reimbursable & Grant Revenue is comprised of the partner (Trimont, Northstar Property Owners Association, Mountainside California, and CAMCO) portion of Reimbursable cost-sharing agreements and any Grant related activity specific to Measure U goals. Absent any timing differences, it will be fully offset Measure U Reimbursable & Grant Expense and can be further analyzed through the attached *Measure U Project Reporting* sheet.

Measure U Expense

Salaries and Wages* is an allocation of Fuels Management employee pay including the use of leaves

Benefits and Deductions* includes an allocation of employee related expenses outside of labor costs including payroll taxes, health insurance, and retirement costs.

Outside Services is mostly comprised of “boots on the ground” fuels reduction work which includes the cost of contracting with private third-party contractors licensed in the State of California who are selected through a competitive RFP process that evaluates cost, experience, qualifications, and schedule availability. Some of this work may be captured as an Operating Project and represented on the Measure U Project Activity report (in addition to the Outside Services Detail report). To a lesser extent, this grouping may also include other outside services such as legal fees, once again, directly applicable to Measure U activities.

Utilities* is an allocation of the overall costs associated with the monthly Mobile Connectivity activity of the Fuels Management department.

General Supplies includes the general supply needs of staff including such things as Uniforms, Operating Supplies, Tools, and Fuel. It is comprised of both the direct and indirect costs with the total being a combination of an allocation* from Fuels Management and any direct Measure U expenses.

Repairs & Maintenance* is an allocated cost of the maintenance activities required to keep Fuels Management vehicles and equipment in proper working order.

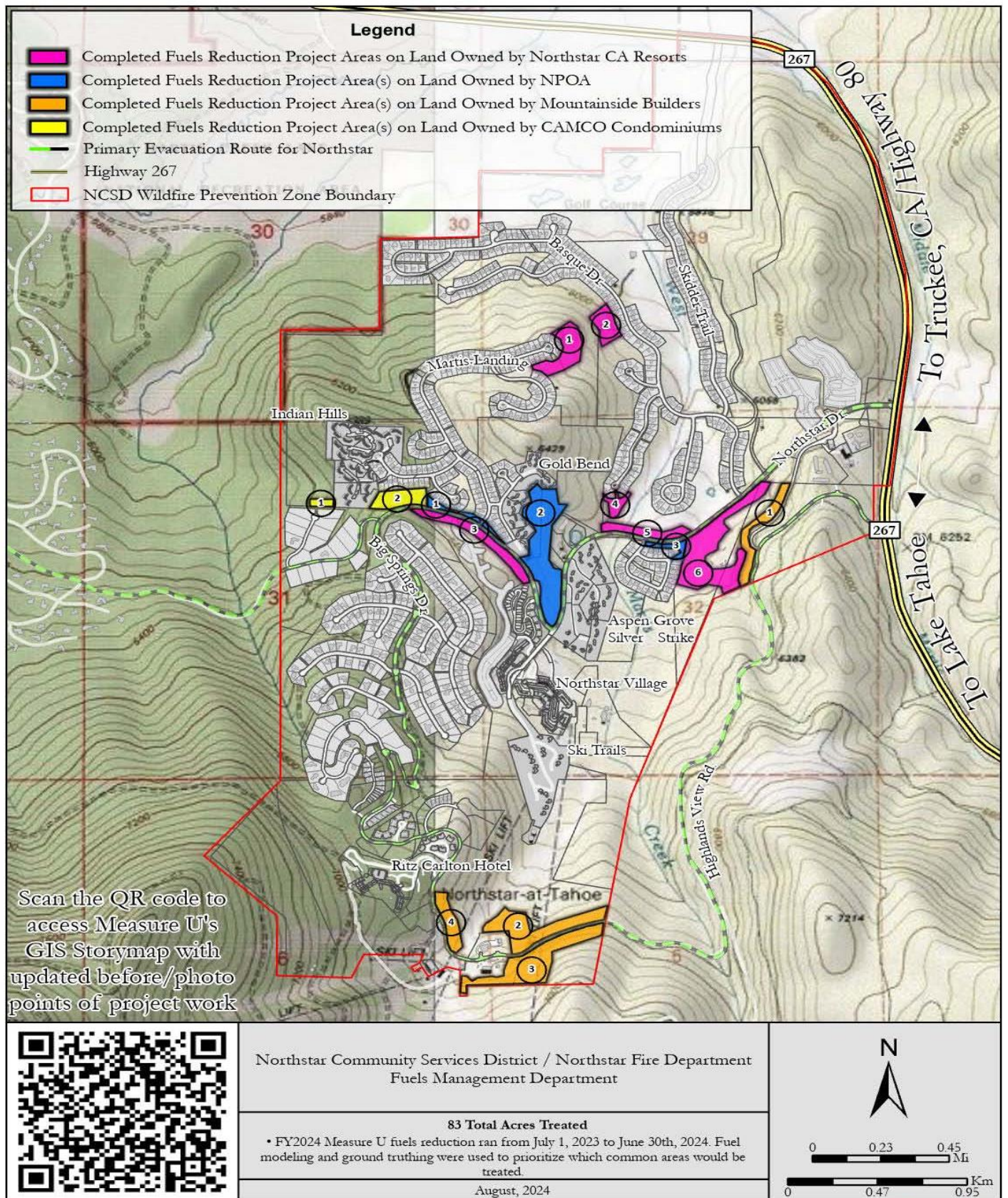
Other Operating Expenses includes the costs associated with expenses such as leases, advertising, travel, education, and computer hardware/software. It is comprised of both direct and indirect costs with the total being a combination of an allocation* from Fuels Management and any direct Measure U expenses.

Intradistrict Allocations* is an allocated cost of the administrative overhead required to support Forest Fuels Management efforts including things such as general management, payroll, accounts payable, and human resources functions.

Reimbursable & Grant Expense is limited to the partner (Trimont, Northstar Property Owners Association, Mountainside California, and CAMCO) portion of Reimbursable cost-sharing agreements and any Grant related activity specific to Measure U goals. Absent any timing differences, it will be fully offset Measure U Reimbursable & Grant Revenue and can be further analyzed through the attached *Measure U Project Reporting* sheet.

* Allocations are based on the ratio of Measure U Parcel Tax revenue to the Operating Revenue received from the Enterprise Funds of Water, Sewer, and Solid Waste for their share of the cost associated with the Forest Fuels Management program.

Appendix A: FY2024 Measure U Fuels Reduction Treatment Areas





MEASURE U CITIZENS OVERSIGHT COMMITTEE

AGENDA ITEM 8

FISCAL YEAR 2025 (SUMMER 2024) WORK REVIEW

There is no written report for this agenda item.



NORTH STAR FIRE DEPT.

FY 2026 Measure U Work Plan

March 21, 2025

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- *Completed Acres In Measure U WPZ.....5*
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- *Green Waste Curbside Pickup Newsletter.....7*

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[NFD Fuels Management Hub](#)

* NEW FY 2025 Before/After
Photos Coming Soon



FY 2026 (Summer 2025) Measure U Work Plan Budget

* Drafted by NFD Fuels Management staff

Revision Created:
May 8, 2025

CAMCO	\$ -
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CAMCO has met their total financial obligation for Measure U's cost-share agreement. Officially completed FY2025. All project areas were confirmed by NFD's Forester to be treated to the desired level of thinning prescribed specifically for Measure U and CAMCO owned property. CAMCO's cost-share project areas are now in "maintenance mode".

	<u>Totals</u>	
Acres Treated		-
Treatment Cost	\$	-
Avg. Cost per Acre		
	Measure U (District Share)	\$ -
	Cost-share Agreement (Partner Share)	-
	\$	-

Mountainside Builders	\$ -
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Mountainside has met their total financial obligation for Measure U's cost-share agreement. Officially completed FY2025. All project areas were confirmed by NFD's Forester to be treated to the desired level of thinning prescribed specifically for Measure U and Mountainside managed property. Mountainside cost-share project areas are now in "maintenance mode".

	<u>Totals</u>	
Acres Treated		-
Treatment Cost	\$	-
Avg. Cost per Acre		
	Measure U (District Share)	\$ -
	Cost-share Agreement (Partner Share)	-
	\$	-

Trimont (Unit A1)	\$ 62,976.00
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Prescription will include mechanical and non-mechanical treatment methods. 75-90 foot basal area will be established by cutting all hazard trees and any green trees up to 20" DBH (Diameter Breast Height) where necessary. Residual conifers will be limbed 6-15 feet, while retaining perching limbs for fledglings and other wildlife habitat. The stems of trees will be cut into wood rounds and hauled off site or left as natural contours for erosion control and nitrogen fixers for the soil. An average of 1-3 contour trees will be established per acre. Remaining biomass will be chipped and broadcast on-site or chipped and hauled away. Hazardous understory fuels including brush and downed woody material will be masticated completely or at a minimum broken down into less contiguous features. The end result will be an established 300 foot fuel break directly abutting to property lines with habitable structures along Skidder Trail, Beaver Pond, Basque, Conifer, and Martis Landing.

	<u>Polygon 1</u>	<u>Totals</u>
Acres To Treat	30.72	30.72
Treatment Cost	\$ 125,972	\$ 125,972
Avg. Cost per Acre	\$ 4,101	\$ 4,101
	Measure U (District Share)	\$ 62,976.00
	Cost-share Agreement (Partner Share) *	62,976.00
	\$	125,952.00

Northstar Property Owners Association (Unit A2)

\$ 42,005.00

Prescription will include mechanical and non-mechanical treatment methods. 75-90 foot basal area will be established by cutting all hazard trees and any green trees up to 20" DBH (Diameter Breast Height) where necessary. Residual conifers will be limbed 6-15 feet, while retaining perching limbs for fledglings and other wildlife habitat. The stems of trees will be cut into wood rounds and hauled off site or left as natural contours for erosion control and nitrogen fixers for the soil. An average of 1-3 contour trees will be established per acre. Remaining biomass will be chipped and broadcast on-site or chipped and hauled away. Hazardous understory fuels including brush and downed woody material will be masticated completely or at a minimum broken down into less contiguous features. The end result will be an established 300 foot fuel break directly abutting to habitable structures along Beaver Pond, Grouse Ridge, Wolf Tree, Martis Landing, Indian Hills Road, Wagon Wheel, Mill Site Road, and Basque.

	Polygon 1	Totals
Acres To Treat	20.49	20.49
Treatment Cost	\$ 84,010	\$ 84,010
Avg. Cost per Acre	\$ 4,100	\$ 4,100
Measure U (District Share)		\$ 42,005.00
Cost-share Agreement (Partner Share)		42,005.00
		\$ 84,010.00

Beyond 300 Foot Work (Unit A3)

\$ 69,700.00

Beyond 300 foot fuels reduction is an essential component to Measure U's 10-year scope of work. By mitigating hazardous fuels up to NCSD's Wildfire Prevention Zone boundary, it will tie multiple fuel breaks together to create contiguous work. Once developed, these buffers will help lower the intensity of an approaching wildfire. Lower flame length and fewer embers being cast will lead to greater statistical odds of protecting structures. The prescription will involve mechanical and non-mechanical treatment methods. 100-150 foot basal area will be established by cutting and removing all hazard trees and any green tree up to 14" DBH (Diameter Breast Height) where necessary. Residual conifers will be limbed 6-15 feet, while retaining perching limbs for fledglings and other wildlife habitat. The stems of trees will be cut into wood rounds and hauled off site, left as natural contours for erosion control and nitrogen fixers for the soil, or cut and stacked into burn piles to be burned at a later date. An average of 1-3 contoured trees will be established per acre. Remaining biomass will be chipped and broadcast on-site or stacked into burn piles. Hazardous understory fuels including brush and downed woody material will be masticated where possible. Remaining brush will be broken down into mosaics using chainsaws and hand tools. The end result will be a secondary (beyond) 300 foot fuel break that connects previously established buffers abutting directly to property lines with habitable structures.

	Polygon 1	Totals
Acres To Treat	17.00	17.00
Treatment Cost	\$ 69,700	\$ 69,700
Avg. Cost per Acre	\$ 4,100	\$ 4,100
Measure U (District Share)		\$ 69,700.00
Cost-share Agreement (Partner Share)		-
		\$ 69,700.00

* Any expense related to Beyond 300 foot treatment that cannot be paid for using FY 2026 Measure U funding alone will be covered by other funding sources.

Green Waste Curbside Pickup Program

\$ -

Total Cost	Pickup 01	Pickup 02	Pickup 03	Pickup 04	Pickup 05	Pickup 06	Pickup 07	Total
Dump Disposal Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	-	-	-	-	-	-	-	-
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Funding Breakdown								
Measure U	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
CAL FIRE Grant	10,600.00	10,600.00	10,600.00	10,600.00	10,600.00	-	-	53,000.00
	\$ 10,600.00	\$ 10,600.00	\$ 10,600.00	\$ 10,600.00	\$ 10,600.00	\$ -	\$ -	\$ 53,000.00

* Measure U dollars will not be used to fund FY 2026 Green Waste Curbside Pickup. All expense including unforeseen overages will be covered by other funding sources.

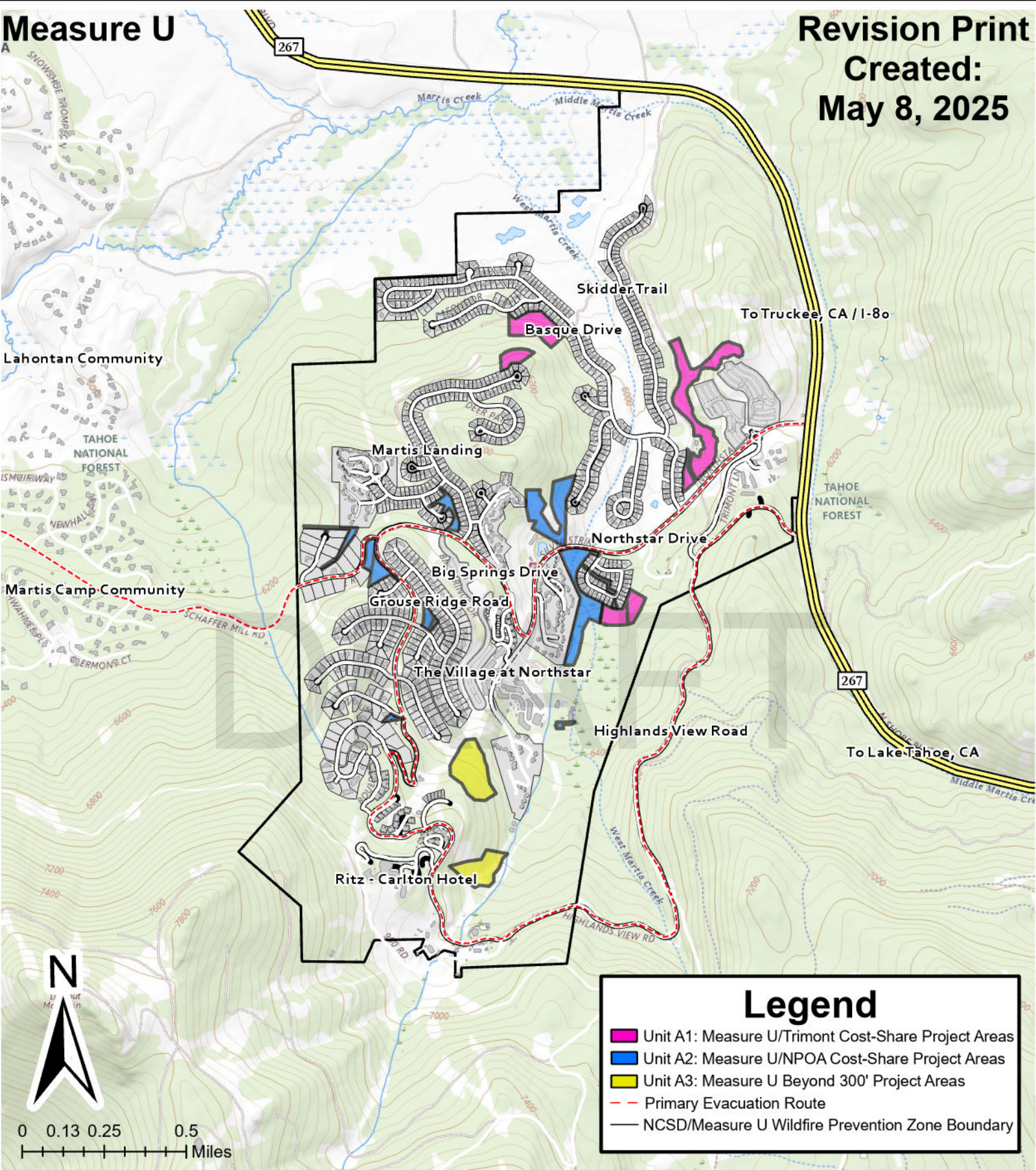
Other Work

\$ -

N/A

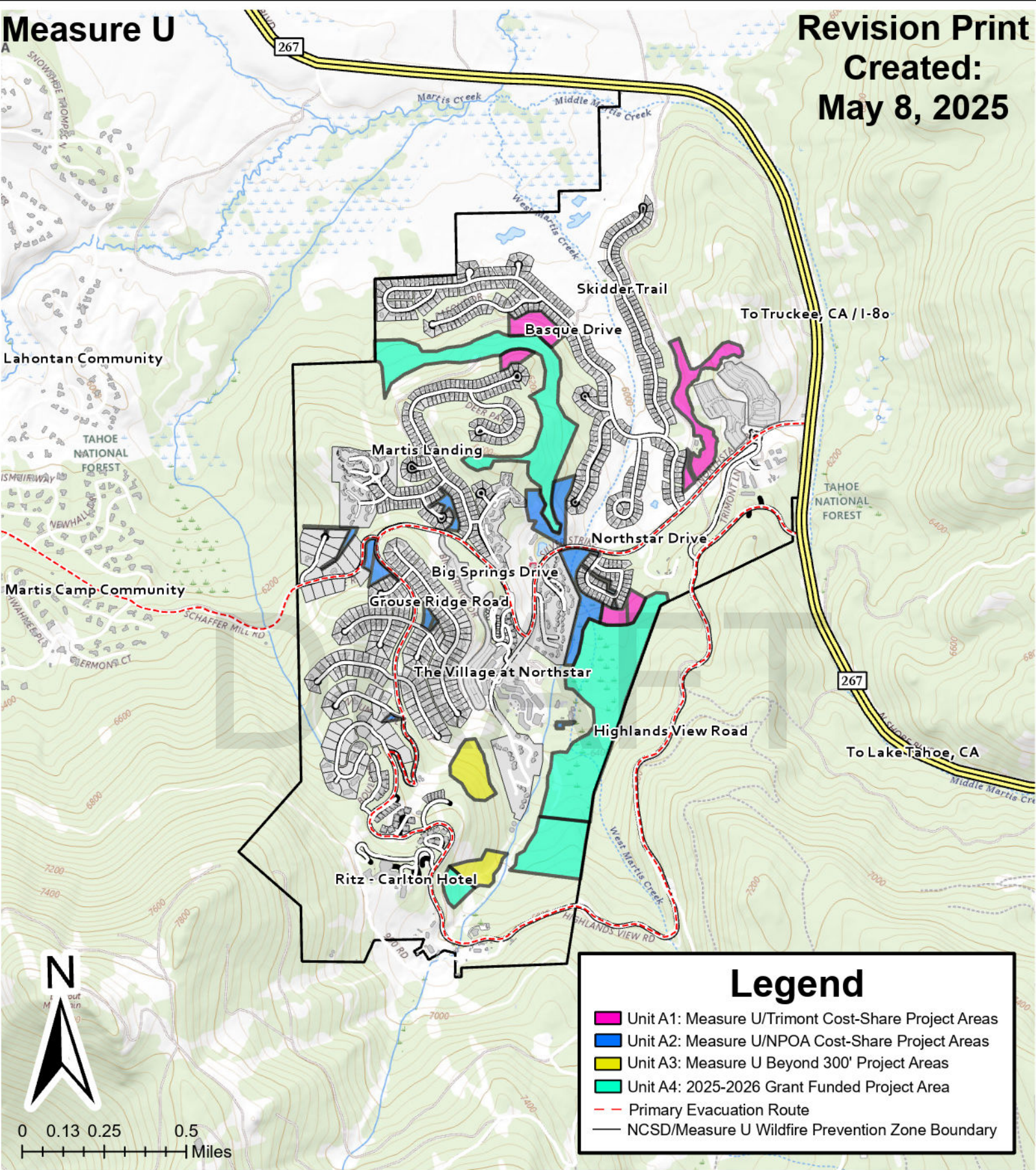
Total E04: Projected Outside Services

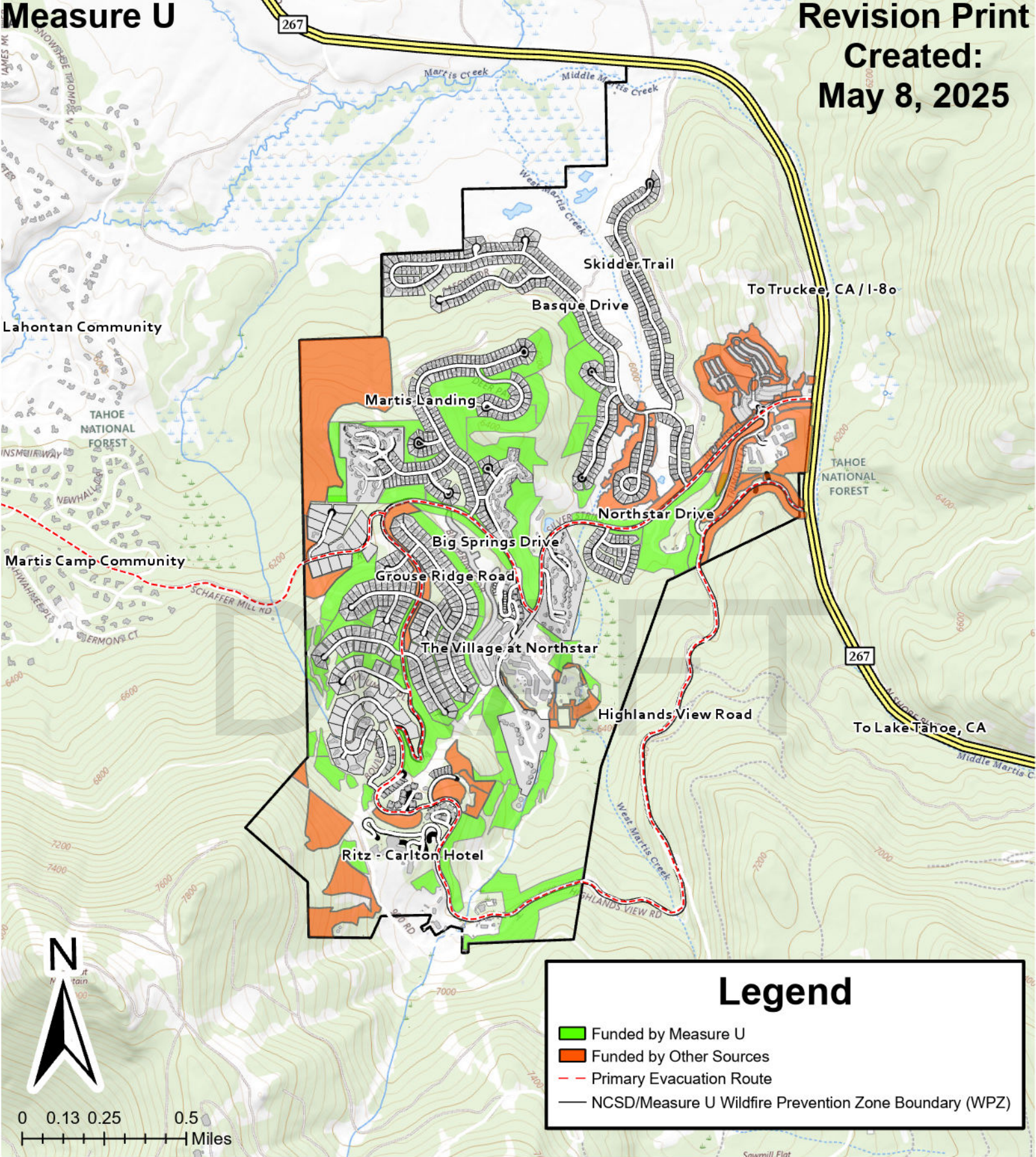
\$ 174,681.00



FY 2026 (Summer 2025) Measure U Funded Work Plan Map

Unit A1: 30.72 Acres
Unit A2: 20.49 Acres
Unit A3: 17 Acres



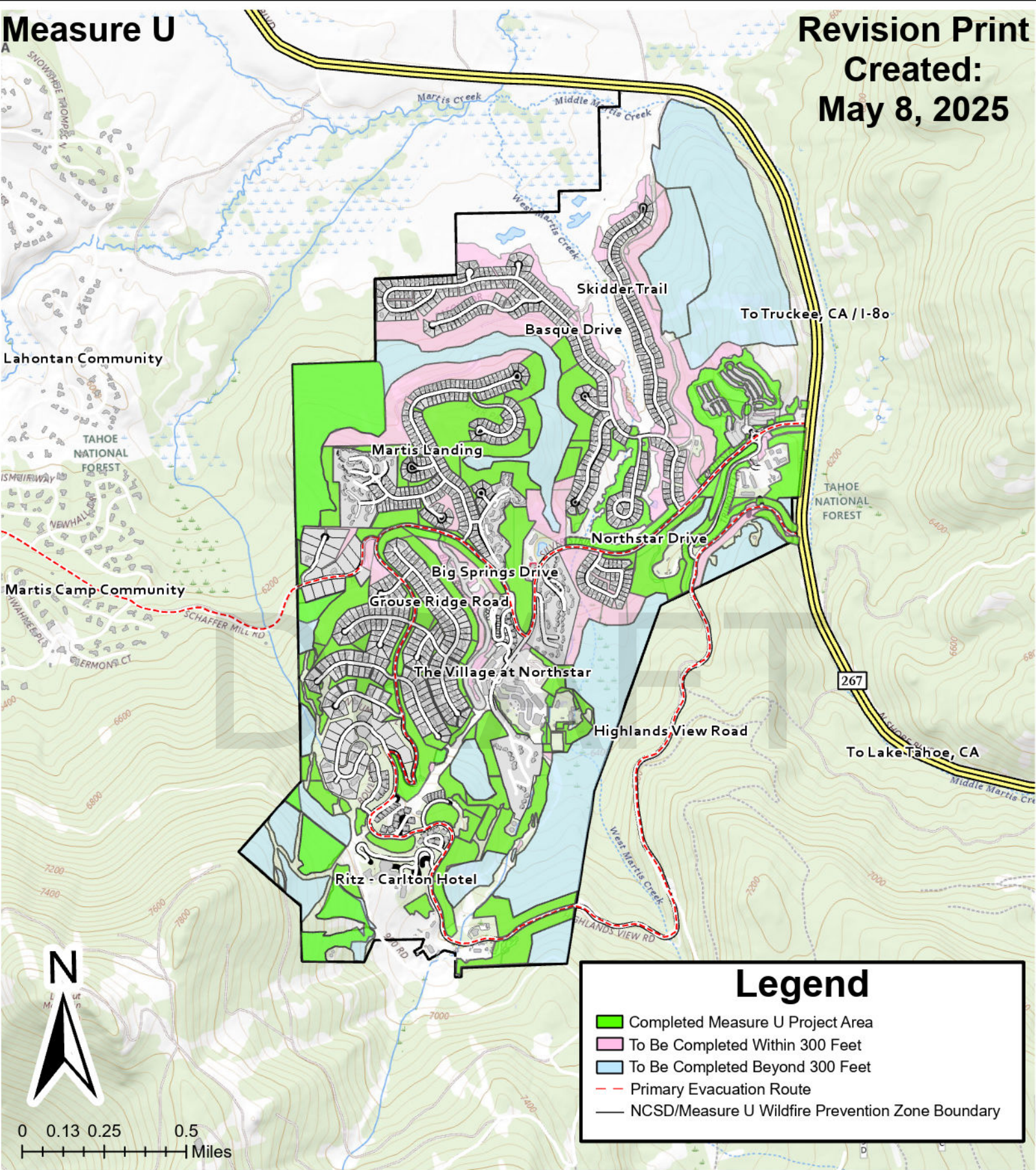


Legend

- Funded by Measure U
- Funded by Other Sources
- Primary Evacuation Route
- NCSD/Measure U Wildfire Prevention Zone Boundary (WPZ)



Completed Acres
In Measure U WPZ



Total Measure U Completed
Acres vs. To Be Completed

Completed Area: 444 Acres
To Be Completed Within 300 Feet: 146 Acres
To Be Completed Beyond 300 Feet: 370 Acres



NORTHSTAR FIRE DEPARTMENT



GREEN WASTE CURBSIDE PICKUP

2025 PICKUP DATES: JUNE 2, JUNE 23, JULY 14, AUGUST 4, AUGUST 25

RULES TO THE PROGRAM: There is no cap on the amount of pine needles each property owner can leave curbside per pickup, so long as those needles are raked from a single parcel. Also, 55-gallon trash bags are now required for downed woody debris. Permissible downed woody material including tree limbs/branches, pinecones, bark, and brush will need to be broken down and placed in up to five (5) 55-gallon trash bags to be picked up.

WHAT MATERIAL IS ACCEPTED PER PICKUP:

- **Pine Needles: Quantity Restrictions - None. NOTE: Pine needles can be left curbside in either a neat pile OR in 55-gallon trash bags.**
- **Downed Woody Debris: Quantity Restrictions – Maximum of five (5) 55-gallon trash bags per pickup. Acceptable material includes tree bark, pinecones, limbs/branches 4" or less in diameter, and brush. NOTE: Downed woody debris MUST be left curbside in 55-gallon trash bags. Piles will not be picked up.**

WHAT MATERIAL IS NOT ACCEPTED FOR CURBSIDE PICKUP:

- **Tree rounds or tree stumps.**
- **Rocks, soil, or grass clippings.**
- **Garbage or construction wood/material.**

GREEN WASTE DUMPSTER REBATE PROGRAM:

- **Northstar Fire Department has separately allocated additional funds to reimburse District residents for the rental of a 6-yard green waste dumpster from Tahoe Truckee Sierra Disposal (TTSD). Dumpsters are meant to provide Northstar residents with additional disposal options when the type or quantity of material does not meet Curbside criteria. Refunds must meet specific conditions and will be available until all program funds have been exhausted.**
- **For further information regarding the Dumpster Rebate Program and how to seek reimbursement, please go to: <https://www.northstarcso.org/Yard-Debris-and-Defensible-Space-Rebate-Programs>**



MEASURE U CITIZENS OVERSIGHT COMMITTEE

MUOC MEMBERS TENTATIVE NEW APPOINTMENTS

DATE: April 22, 2025

SUBJECT: MUOC Members – Tentative New Appointments

DISCUSSION: The MUOC will consider tentative new member appointments to replace current members. Any member of the MUOC may suggest a new committee member providing they are 18 years of age and represent property owners within the Wildfire Prevention Zone of Northstar Community Services District.

Members are appointed to the MUOC by the Northstar Community Services District and will be considered on completion of an application. Applications received prior to the posting deadline for the May 2025 Regular Meeting of the Board of Directors will be included for consideration and action.

RECOMMENDED ACTION: None

ATTACHMENTS: MUOC Member Application

**NORTHSTAR COMMUNITY SERVICES DISTRICT
APPLICATION FOR MEMBERSHIP ON THE
MEASURE U CITIZENS OVERSIGHT COMMITTEE**

FILING POST DATE (as listed on vacancy listing): _____

NAME: _____

RESIDENCE ADDRESS: _____

MAILING ADDRESS: _____

PHONE NUMBER (S): Home: _____ Business: _____

EMAIL ADDRESS: _____

Are you at least 18 years of age and represent property owners within the Wildfire Prevention Zone of Northstar Community Services District? Yes _____ No _____

What days and times you are available for meetings? _____

Organization and Community Experience: _____

Other experience, which you feel, would be helpful to bring to the attention of the Board Members in making this appointment: _____

Education (include high school, college and/or university, and graduate study): _____

Why would you like to be appointed? _____

A resume containing other pertinent information about yourself would be helpful to the Board Members in evaluating your application. Please attach one if you can.

DATE: _____ SIGNATURE: _____

APPLICATION MUST BE FILED WITH THE SECRETARY OF THE BOARD
900 NORTHSTAR DRIVE, TRUCKEE, CALIFORNIA 96161



MEASURE U CITIZENS OVERSIGHT COMMITTEE

APPROVE SUB-COMMITTEE RESPONSIBILITIES

DATE: April 22, 2025

SUBJECT: Measure U Citizens Oversight Committee (MUOC) – Sub-Committee Responsibilities

DISCUSSION: In order to comply with the Ralph M. Brown Act, the MUOC will appoint members to a sub-committee which will represent less than a quorum of the current committee.

The MUOC sub-committee will be responsible for the following:

- Review Draft Annual Summary Report prepared by NCSD staff
- Review Final District Audit for Previous Fiscal Year
- Prepare MUOC Fiscal Year Annual Reports
- Present MUOC Fiscal Year Annual Report to NCSD Board of Directors
- Assist in preparation of the MUOC Annual Meeting Agenda
- Review Draft Meeting Packet
- Provide Northstar Property Owners Association with Final MUOC Fiscal Year Annual Report for newsletter

RECOMMENDED ACTION: Approve sub-committee responsibilities for the MUOC.

ATTACHMENTS: None



MEASURE U CITIZENS OVERSIGHT COMMITTEE

APPOINT MUOC SUB-COMMITTEE MEMBERS

DATE: April 22, 2025

SUBJECT: Appoint MUOC Sub-Committee Members

DISCUSSION: The MUOC sub-committee will be comprised of two to three MUOC members based on the total number of MUOC members. To comply with the Brown Act, no committee shall consist of a majority, or quorum, of committee members. If the MUOC is comprised of five members, only two members shall be appointed to the sub-committee. If there are six or more members of the MUOC, the MUOC may appoint up to three members to the sub-committee.

RECOMMENDED ACTION: Appoint Sub-Committee Members.

ATTACHMENTS: None.