

THE BASS LAKE BULLETIN

The Voice of the Bass Lake Community
<http://basslakeaction.org>

THE BASS LAKE ACTION COMMITTEE

The Bass Lake Action Committee was formed by a group of concerned property owners in the Bass Lake Area and incorporated in 2003 as Non-profit organization, a 501(C)(4) corporation.

Our Mission Statement:

To provide a voice for Bass Lake homeowners in dealing with the county and other community agencies.
To keep homeowners informed about issues and meetings.



AUSTIN v. EL DORADO COUNTY MITIGATION FEE LAWSUIT CLOSER TO END

By John Davey

El Dorado County residents who paid development fees may be in line for a refund following a recent court decision in favor of Thomas and Helen Austin. The Austins sued El Dorado County, El Dorado Hills Community Services District (EDH CSD), and El Dorado Hills Fire Department (EDH FD) in 2015, alleging they violated the California Mitigation Fee Act (MFA) by collecting fees without proper justification.

The California Mitigation Fee Act requires agencies to conduct and update studies, called nexus studies, every five years. These studies link fees collected from developers to specific public projects that will be impacted by new

(continued on page 2)



AUSTIN v. EDC MITIGATION FEE LAWSUIT *(con't)*

development, ensuring the fees offset the negative effects of new growth.

According to the lawsuit, the county and special districts failed to submit these updated nexus studies when the Austins and others paid the development fees.

Presiding Judge Gary Slossberg ruled on April 15th that the agencies "failed to substantially comply with the five-year findings requirement" of the MFA. The ruling further stated that not only were the studies not completed on time, but they also lacked the required "finding that demonstrate a reasonable relationship between the fee and the purpose for which it is charged," as mandated by the government code.

"As such," Judge Slossberg noted, "a refund is mandated, the amount to be determined in the next phase of trial."

El Dorado County Auditor-Controller Joe Harn had previously raised concerns. In writing, he informed the Board of Supervisors in 2013, 2014 and 2015 of violations of the MFA in the levying of these permit fees, but the county continued to collect fees on behalf of itself and the other agencies.

All studies have since been updated

and approved, but the financial impact of the lapse could be significant.

El Dorado County Auditor-Controller Joe Harn estimates the potential cost of the ruling, stating, "I was expecting that the ruling was going to cost the CSD about \$5 million, EDH Fire about \$4 million and the county road capacity enhancement plan about \$13 million based on a one-year statute of limitations."

However, Judge Slossberg's ruling suggests a broader timeframe, potentially leading to a much higher total refund amount.

Harn further noted, "Judge Gary Slossberg's ruling, which I agree with, states that the unexpended fees, regardless of when they were collected, are subject to refund. Based on his ruling, the numbers could go much higher."

El Dorado County Communications Director Carla Hass did not provide specific dollar figures on the refund amount. In an email message reported in the Mountain Democrat Director Hass shared "The matter is still pending and the amount of fees subject to refund will not be determined until the third phase of trial, which has not yet been scheduled."

(continued on page 3)

AUSTIN v. EDC MITIGATION FEE LAWSUIT *(con't)*

Harn expressed frustration with the past county leadership, saying "It's unfortunate past county leaders chose to listen to unqualified, unethical carpetbaggers that the Board of Supervisors appointed to a number of key positions."

Looking ahead, he offered a hopeful perspective: "Maybe the CSD, EDH Fire and the county will now stop spending hundreds of thousands of dollars on out-of-town lawyers who are fighting to prevent El Dorado County residents from getting refunds that are required by state law. Maybe now these property owners will get the refunds they were due over 10 years ago." The county has reportedly spent nearly \$700,000 on attorneys defending the case, not including staff time.

EDH CSD General Manager Mark Hornstra indicated the district is reviewing the decision "to determine the potential impact and next steps."

EDH Fire Chief Maurice Johnson declined to provide comment, as the case is still ongoing.

Sources:

[Mountain Democrat April 17, 2024 Reporting](#)

EDC CIVIL GRAND JURY REPORT CRITICAL OF EDH CSD

By John Davey

The El Dorado County Civil Grand Jury released a harsh report on April 5th, 2024, detailing its investigation into the El Dorado Hills Community Services District (EDH CSD). The report criticizes current and former board members and staff for their handling of several controversies and issues over the past few years.

Key findings from the report center on a lack of oversight and transparency within the CSD. The Grand Jury's recommendations focus on improving these areas. A summary of the recommendations states, "The Grand Jury is proposing a broad range of recommendations that include greater oversight to CSD decisions that ensure transparency and public involvement." Specific recommendations include:

- Ongoing Brown Act and ethics training for the Board of Directors and staff.
- Improved transparency regarding the use of large cash reserves.
- Increased responsiveness to public concerns about assessment amounts and how they are certified.

(continued on page 4)

GRAND JURY REPORT CRITICAL OF EDH CSD *(cont)*

The Grand Jury's investigation began in 2023, focusing on then-General Manager Kevin Loewen's outside work with a consultant firm, DTA, which had a separate agreement with the EDH CSD to provide annual engineer reports required by law for Landscaping and Lighting Assessment Districts (LLAD) and work to determine park fee assessments. The investigation quickly broadened to examine "how CSD determines park assessments, collects developer impact fees and CSD's overall financial position."

The full report can be accessed online at <https://www.edcgov.us/Government/GrandJury>.

At the April 11, 2024 EDH CSD Board of Directors meeting, residents expressed a range of emotions upon hearing the report, from disappointment to outrage. Residents called for increased transparency and accountability from the board. "I have no confidence in senior board members of the CSD," said Robin Valicenti, urging for term limits and improved transparency. Similar sentiments were echoed by other residents.

Several board members acknowledged the need for improvement. Director Steve Ferry stated, "We need to be better," while Director Heidi Hannaman pointed out that neither she nor Ferry were on the board during the time many of the issues arose.

The board agreed to cooperate with staff in crafting a response to the report, which is due within 90 days. General Manager Mark Hornstra explained the initial step involves gathering information on each raised issue. The response will be available for public review and comment before being submitted to the county.

Former General Manager's Potential Conflict of Interest

A key finding of the report is that Loewen's consulting work for DTA, which simultaneously held a contract with the CSD to provide annual Engineer Reports for the District's management of LLADs as well other services, presented a "potential serious conflict of interest as well as potential statutory and ethics violations." The report further criticizes the board's handling of the situation, noting, "The CSD Board of Directors did not adequately address the issue, even appearing to support the GM without inquiry or serious investigation until he voluntarily separated from CSD in mid-December 2023."

(continued on page 5)

GRAND JURY REPORT CRITICAL OF EDH CSD *(con't)*

The El Dorado County District Attorney's Office collaborated with the Grand Jury on this investigation due to potential criminal violations.

The report suggests that current and prior board members may have committed Brown Act violations when approving Loewen's request to start a consulting business and that Loewen may have misled the public regarding his work with DTA. As of yet, no charges have been filed.

The Grand Jury recommends the District Attorney complete its investigation into potential ethics and conflict of interest violations by December 31st, 2024.

Financial Concerns

The Grand Jury also examined the EDH CSD's finances, including landscaping and lighting district assessments (which have been omitted from tax rolls for the past two years due to a dispute between the district and the Auditor-Controller's office) and the district's cash reserves. The report describes the district's cash reserves, totaling around \$50 million, as "truly shocking" given the district's annual revenue of \$2 million to \$5 million.

Recommendations from the report

regarding the district's finances include:

- Establishing clear guidelines for the certification process of assessment levies.
- Documenting the projected use of all treasury funds and clarifying the purpose of each fund account.
- Publicly reviewing and approving the spending plan.
- Reviewing, revising, and publicizing the 2021 master plan with realistic timelines and cost estimates for new park developments.
- Gathering public input on the development plan and park impact fee usage over an extended period. This should include a contingency plan for funding future park development if additional funds are not secured.

The El Dorado County Civil Grand Jury's report serves as a critical evaluation of the EDH CSD's practices. The Civil Grand Jury believes that the recommendations outlined in the report offer a roadmap for the district to improve transparency, address conflicts of interest, and ensure responsible financial management.

Sources: [Village Life April 12, 2024 Reporting](#)
[EDH CSD April 11 2024 Meeting Recording](#)

CAMERON PARK ESKATON SENIOR LIVING LODGE SOLD TO CAL FIRE

By John Davey

The Cameron Park community has a new neighbor focused on fire safety. The Cal Fire Amador-El Dorado Unit (AEU) has officially opened the Ponderosa Fire Center at 3421 Palmer Drive, the former location of Eskaton Cameron Park senior living lodge.

"We're excited to announce the Ponderosa Fire Center," said Cal Fire spokeswoman Wendy Oaks. The newly renovated facility will serve as a central hub for seven firefighting hand crews.

New Home Base for Firefighters

Through a lease finalized earlier this month, Cal Fire AEU partnered with Eskaton to transform the property into a functional fire station. Firefighting crews began moving in last week.

The Ponderosa Fire Center boasts the capacity to house over 150 personnel, encompassing both firefighters and vital support staff. Up to three crews will reside on-site daily, ensuring a prompt and effective response to emergencies.

"Finding a suitable location to meet our needs while providing a comfortable home for our crews proved challenging," acknowledged

Mike Blankenheim, Cal Fire AEU Unit Chief. "We're grateful for the successful partnership with Eskaton, which has allowed us to establish a permanent presence in Cameron Park. The Ponderosa Fire Center significantly enhances our ability to respond to wildfires within the community and surrounding areas."

Cal Fire officials are planning a ribbon-cutting ceremony and open house to introduce the Ponderosa Fire Center to the public. This event will provide an opportunity for residents to familiarize themselves with the new facility and the vital role it plays in local fire response.

Cal Fire Hand Crews: Protectors Against Wildfires and More

The highly trained firefighters stationed at the Ponderosa Fire Center specialize in wildland fire operations and various hazard incidents. Oaks explained, "Their primary function during a wildfire involves constructing fire lines using chainsaws and hand tools. They're also adept at protecting structures from advancing flames."

While their primary focus lies in wildland fire response, Cal Fire hand crews demonstrate remarkable versatility. "These crews are also deployed in various disaster response scenarios," Oaks continued. "This

(continued on page 7)

CAMERON PARK ESKATON SENIOR LIVING LODGE SOLD TO CAL FIRE *(con't)*

includes floods, earthquakes, heavy snowfall events, and even search and rescue operations." During periods without active wildfires or emergencies, the crews dedicate themselves to fuel reduction and vegetation management projects within the community, proactively mitigating fire risks.



Ponderosa Fire Center - Courtesy Photo



*Cal Fire Amador-El Dorado Unit
Ponderosa Fire Center - Courtesy Photo*

ARC MOVES FORWARD WITH EL DORADO RANCH CONSERVATION

By John Davey

There's good news for those who value the natural landscape of El Dorado County. The American River Conservancy (ARC) is making significant progress towards permanently conserving the El Dorado Ranch property, a vast 7,200-acre area.

With each additional acquisition of property, the probability of development of more than 7,000 acres along the tributaries to the Consumnes River in El Dorado County recedes. This translates to a future where the land will be preserved in its natural state, rather than developed.

ARC is currently engaged in a fundraising campaign to secure the final piece of the puzzle: nearly 3,000 acres of El Dorado Ranch. Marshall Gorham, the conservancy's land protection specialist, shared their vision for the property's ultimate purpose in an [article](#) in the Sacramento Business Journal. "It will be El Dorado County's first state wildlife area, and it will be open to the public," he said.

The ambitious goal, over a decade in the making, received a major boost

(continued on page 8)

EL DORADO RANCH CONSERVATION *(con't)*

late last month. The California Natural Resources Agency awarded ARC a significant grant of \$1.5 million to acquire a key 2,997-acre portion of the ranch.

This specific area includes a valuable natural feature: 3.8 miles of riparian frontage along Slate Creek and Big Canyon Creek, which are tributaries to the Cosumnes River.

While the total purchase price for this piece of land is \$15 million, according to Gorham, ARC is well on its way.

"Between the new award and previous fundraising, the conservancy is about halfway to that mark," he said.

Additional funding is anticipated from the California Wildlife Conservation Board, and the conservancy aims to complete the acquisition within the next two years.

For some perspective, the El Dorado Ranch property has a long and interesting history. Located south of the unincorporated community of El Dorado and west of Highway 49, the land was once slated for a significant development project. McCuen Properties had plans for 569 single-family homes on the site.

However, those plans faced strong opposition from various groups. Neighbors, environmental

organizations, and even Amador County to the south all voiced concerns. As a result, the development proposal was ultimately shelved by McCuen Properties.

In 2005, AKT Development Corp. acquired the land, but no development plans materialized. The future of the property shifted dramatically in 2013 when ARC began the process of acquiring it for permanent conservation.

ARC successfully secured 1,025 acres of the ranch earlier in 2024. With the fundraising campaign for the remaining portion underway, the entire El Dorado Ranch is poised to become a state wildlife area. While Gorham emphasized public access to the area, he assured the community that the land will "largely remain as it is now," preserving its natural character.

Sources:

[Sac Business Journal April 11 2024 Reporting](#)



[Image credit - ARC El Dorado Ranch Website](#)

EID: SLY PARK INTERTIE EIR GOOD TO GO

*Press Release: Jesse Saich El Dorado
Irrigation District Apr 12, 2024*

In a move to enhance water supply reliability, the El Dorado Irrigation District Board of Directors unanimously certified the environmental impact report for the Sly Park Intertie Improvements Project at its Monday, April 8, meeting.

The project, aimed at reconnecting two of the district's important water treatment plants and ensuring uninterrupted water supply, received a 4 to 0 vote in favor, with Director Brian Veerkamp absent.

Originally constructed in 1978, the Sly Park intertie pipeline was designed to mitigate water shortages experienced during the drought years of 1976 and 1977. However, after decades of service, the pipeline developed corrosion issues, leading to its decommissioning in 2013.

The new project seeks to replace the existing pipeline with a modern, bidirectional system capable of conveying treated drinking water between key reservoirs and storage facilities in the district.

The board's decision follows a comprehensive environmental review process in which an EIR was prepared in accordance with the California Environmental Quality Act. The EIR, which underwent

public review and comment, concluded that the project's environmental impacts could be mitigated to less-than-significant levels. As part of the approval, the board adopted the Findings of Fact and the Mitigation Monitoring and Reporting Program, ensuring the project adheres to environmental standards.

Key objectives of the Sly Park intertie project include improving drinking water supply reliability, facilitating uninterrupted water supply during treatment plant shutdowns, reducing energy use through gravity flows and high-efficiency pumps and enhancing water quality. The project also aims to reconnect the district's two largest water sources, Project 184 and Jenkinson Lake, thereby boosting supply reliability across the distribution system.

Subsequent board consideration of a construction contract is scheduled in June with construction beginning as soon as this summer and completion expected by the end of 2025. The project will involve the installation of a new pipeline along the existing intertie alignment, with some minor deviations. It also includes the construction of a new pump station at the district's Reservoir A water treatment plant facility.

The EID Board of Directors' approval of the EIR marks a significant milestone in the district's efforts to modernize its water infrastructure and ensure a reliable water supply for its customers in the years to come.

(continued on page 10)

SLY PARK INTERTIE EIR GOOD TO GO *(con't)*

Total construction cost has been estimated to be between \$35 million and \$40 million, not including grant funding of \$750,000 from the American Rescue Plan Act (via El Dorado County) and \$10 million from the state Department of Water Resources

EDH CSD APPOINTS NEW DISTRICT GENERAL MANAGER

By John Davey

At the April 11, 2024 El Dorado Hills Community Services District (EDH CSD) Board of Directors Meeting, returning from closed session, Board President Noelle Mattock announced that the Board had appointed current Interim General Manager Mark Hornstra as the new General Manager.

Mr. Hornstra previously served as the Director of Parks and Recreation, and was appointed by the EDH CSD Board in January 2024 to serve as Interim General Manager while the District considered a permanent replacement for departed GM Kevin Loewen.

To date, many EDH residents have spoken openly about GM Hornstra's engagement and openness with the community on many District matters and issues.

No mention has been made regarding the currently vacant

Director of Parks and Recreation position.

The Bass Lake Action Committee looks forward to opportunities for working with Mr. Hornstra in his new full time position.

REMINDER: BASS LAKE FISHING CLOSED IN APRIL

Fishing season At Bass Lake Regional Park opened March 1, 2024, then closed for the month of April for Fish Spawning

Fishing season at Bass Lake
reopens May through October.

When you fish, you must follow state laws.

In addition, Bass Lake has its own rules. There are a few reminders regarding the lake:

- Encourage Barbless Hooks
- Catch and Release
- No Floating Craft

Additionally, dogs must be on leash and there are no bikes allowed on the trails.

If you have concerns during business hours (8:00 – 3:30), call EDH CSD at (916) 933-6624. For concerns after hours call (916) 825-6690. If there is an issue related to Fish and Wildlife, please call the local California Department of Fish and Wildlife at (916) 358-2900.

EDH CSD LLAD COMMUNITY WORKSHOP MAY 7th 6PM

By John Davey

The El Dorado Hills Community Services District (EDH CSD) is hosting a Landscape and Lighting Assessment District (LLAD) Community Workshop at the request of the EDH CSD’s LLAD Community Advisory Committee.

The workshop will be held at the EDH CSD Norm Rowett Pavilion 1021 Harvard Way, El Dorado Hills, from 6:00PM to 8:00PM

The LLAD Community Advisory Committee seeks to engage with the EDH Community to help property owners learn about LLADs, and to ask questions.

The meeting is being run by the EDH CSD LLAD Community Advisory Committee volunteer members, to discuss directly with property owners in LLADs in El Dorado Hills. EDH CSD Staff will be on hand to help answer specific questions.

This is an opportunity for the Community to discuss LLAD questions and concerns directly with the Volunteer Advisory Committee members.

The Volunteer Advisory Committee is also looking for more community members to participate as members of the Advisory Committee.



There have been many questions about LLADs, the manner that assessment levies are determined, and the current dispute that has prevented LLAD assessment levies from being placed on property owners property tax statements for the past two years.

Learn more about these items at the Community Discussion on May 7th.

Disclosure: the author is a volunteer member of the EDH CSD LLAD Community

Advisory Committee.

- 01 Learn about LLADs**
Learn about what a Landscape and Lighting Assessment District is, how they were formed, and what they provide.
- 02 Meet Staff and Volunteers**
Get to know our current LLAD Community Advisory Committee members. Meet our District staff, including Admin and Parks team members.
- 03 Ask Questions**
Engage with current staff and LLAD Community Advisory Committee members for a Q&A session.
- 04 Stay Involved**
Information on applying to join our LLAD Community Advisory Committee will also be available. This is a volunteer position.

APRIL LOCAL MEETING RECORDINGS

By John Davey

Recordings of local meetings in El Dorado Hills and El Dorado County in April 2024.

El Dorado Hills Community Council Meetings: First Monday of each month.
April Meeting

https://www.youtube.com/watch?v=SFz5Q5_NcLg

El Dorado Hills Area Planning Advisory Committee Meetings: Typically the second Wednesday of each Month

April Meeting

<https://www.youtube.com/live/9nNAlyHjksk?si=h2csU8CXMgt4JgSX>

El Dorado Hills Community Services District Board of Directors Meetings: Second Thursday of each month

April Meeting

<https://basslakeaction.net/edhcsd-apr-2024>

El Dorado Irrigation District Board EID Meetings, Agendas, Minutes -
<https://www.eid.org/about-us/board-of-directors/meetings-agendas-and-minutes>

EID Recorded Meetings on EID YouTube Channel -

<https://www.youtube.com/@eldoradoirrigationdistrict3994>



OR VISIT:

<https://basslakeaction.net/SUBSCRIBE>

BASS LAKE ACTION BOARD MEETING



The second quarterly meeting of the Bass Lake Action Committee Board of Directors is scheduled for Monday May 13, 2024 at 7PM, in-person at the home of John and Meirve Davey & virtually via ZOOM. Members will receive the Agenda & Meeting link/location details via email.

For more information about meetings and membership, please contact President John Davey at 530-676-2657, or email basslakemembers@gmail.com.

Bass Lake Area Residents can also visit our online membership form at <https://basslakeaction.net/members>