

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

Commissioners

Steve Arreguin
Glen Jacobs
John Feriani
David Goldemberg
Ryan Campbell
Matt Hawkins
Mark Plummer

Alternates

Adam Artzer
Kathleen Haff
Suzanne Cruz

Executive Officer

Quincy Yaley, AICP

AGENDA

TUOLUMNE COUNTY LAFCO

April 8, 2024

BOARD OF SUPERVISORS CHAMBERS

2 SOUTH GREEN STREET, SONORA, CA, 4TH FLOOR

4:00 p.m.

You may submit written comments by U.S. Mail to 2 South Green Street, Sonora, CA 95370, or via email to cdd@tuolumnecounty.ca.gov for retention as part of the administrative record. Comments will not be read during the meeting.

COMMISSION BUSINESS:

- A. Salute the Flag
- B. Minutes of the March 11, 2024 Meeting
- C. Reports

“Reports” are a brief oral report from a committee or commission member and/or County staff, and no committee or commission action will occur. This item is not intended to include in-depth presentations or reports, as those matters should be placed on an agenda for discussion.

PUBLIC COMMENT: 15 Minutes

The public may speak on any item not on the printed agenda. No action may be taken by the Commission.

PUBLIC HEARING: None

NEW BUSINESS:

1. Tuolumne County Multi-Jurisdiction Hazard Mitigation Plan Update – presentation by the Office of Emergency Services
2. Report from Ad Hoc Committee on Request for Proposals for Executive Officer and Legal Services (no staff report)— Commission to Provide Direction to Ad Hoc Committee.
3. Discussion and direction on drafting the Work Plan and Budget for FY 2024-2025— Commission to Provide Direction to Executive Officer.

OLD BUSINESS:

4. Overview of proposed update to LAFCO Policies and Procedures (FY23-24 Workplan Item). Commission to Provide Direction to Executive Officer.
5. Consideration of an Out of Agency Agreement for the Groveland Community Services District to Serve the Airport Estates Project pursuant to Government Code Section 56133.

ADJOURNMENT

Disclosure of Campaign Contributions – Government Code Section 84308 requires that campaign disclosure reports provide the public with the identity of contributors and the amounts they give, and the amount that officeholders, candidates, and committees spend. A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an “entitlement for use” (such as an annexation or sphere amendment) if, within 12 months, the Commissioner has received \$250.00 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application (such as an attorney, engineer, or planning consultant) representing the applicant or interested party. The law also requires any applicant or participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding. The law also prohibits an applicant from making a contribution of \$250.00, or more to a LAFCO Commissioner while a proceeding is pending or for 3 months afterward.

Disclosure of Expenses Supporting and Opposing Proposals - If a person or group contributes or expends \$1,000.00 or more in support of, or in opposition to, a proposal before LAFCO, those contributions and expenditures must be disclosed. Pursuant to Section 56100.1 of the Government Code, disclosure shall be made to the Commission’s executive officer.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28FR35.102-35.104 ADA Title 11).

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UNAPPROVED

MINUTES OF THE Local Agency Formation Commission

March 11, 2024, 4:00 PM

Board of Supervisors Chambers County Administration Center 4th Floor

2 S. Green St. Sonoma, CA 95370

PRESENT: Chair John Feriani, Vice-Chair Steve Arreguin, Commissioner Ryan Campbell, Kathleen Haff- Alternate, Mark Plummer, Matt Hawkins

ABSENT: Commissioner Glen Jacobs and David Goldemberg

STAFF: Quincy Yaley, Executive Officer; Maria Sullivan, LAFCO Council

COMMISSION BUSINESS:

A. Salute the Flag

Chair Feriani called the meeting of March 11, 2024, to order at 4:00 p.m. and led the Commission and audience members in the Pledge of Allegiance.

PUBLIC COMMENT:

Chair Feriani opened the 15-minute public comment period, during which anyone wishing to could come forward and address the Commission on any item not on the printed Agenda. He indicated that there would be a three-minute time limit of public comment.

Members of the public address the Commission regarding the agenda format and what goals or priorities the LAFCO Commission should address.

B. Meeting Minutes for January 8, 2024 and February 5, 2024

The Commission discusses the format of the meeting minutes. They unanimously agree, for future meeting minutes the format should be a condensed version of the meeting.

Chair Feriani opened the public comment period.

Members of the public address the Commission regarding the meeting minutes and agree with the Commission's decision.

Chair Feriani closes the public comment period.

MOTION: To approve Meeting Minutes for January 8, 2024 and February 5, 2024 with the restated language, plus, going forward bullet points and action items to be included.

RESULT: Approved

MOVER: Mark Plummer, Commissioner

SECONDER: Ryan Campbell, Commissioner

AYES: Kathleen Haff, Commissioner; Ryan Campbell, Commissioner; Matt Hawkins, Commissioner; Mark Plummer, Commissioner; Chair John Feriani

NOES: Steve Arreguin, Vice Chair

ABSENT: Glen Jacobs, Commissioner; David Goldemberg, Commissioner

C. Reports from Commissioners and staff

**** Reports are a brief oral report from a Commission member and/or LAFFCO staff, and no Commission action will occur. This item is not intended to include in depth presentations or reports, as those matters should be placed on an agenda for discussion****

Quincy Yaley, Executive Officer, states she has no current reports to present to the Commission.

PUBLIC HEARING:

1. Protest Hearing – Dissolution of the following County Service Areas (CSA): Jupiter Subdivision Unit 1 CSA, No. 4, Lake Don Pedro Units 4 and 5 CSA No. 8, Curtis Creek Ranch Unit 2 CSA No. 31, Sunny Hill Subdivision CSA No. 40, Buena Oaks Estates CSA No. 45, Mountain Ridge Estates CSA No. 46, Yosemite Estates CSA No. 50, Gina Avenue CSA No. 52, Vilas Lane CSA No. 55, and Granite Ridge Subdivision CSA No. 61 and their respective Spheres of Influence.

Ms. Yaley reads the protest hearing instructions to the Commission and the public in attendance. She further explains what Resolution 304-1 included in the agenda packet entails.

Chair Feriani opened the public comment period, during which anyone wishing to could come forward and submit new protest petitions to the Executive Officer. Ms. Yaley follows up with a last call for any additional protest petitions.

Chair Feriani closes public comment requesting any additional protest petitions and opens public comment on Resolution 304-1.

Members of the public address the Commission regarding Resolution 304-1 and history of County Service Areas.

Chair Feriani closes public comment and brings the discussion back to the Commission.

The Commission discusses and asks questions of staff and county council of the current liability, county level involvement and if resolution is passed, and who inherits the liability.

The LAFCO Staff, Cody Nesper of County Counsel and Denise Zitnek of Tuolumne County Public Works, address the Commissioners' questions.

Chair Feriani reopens the public comment period.

A member of the public addresses the Commission and cites the provision in Tuolumne County ordinance code.

Chair Feriani closes the public comment period and brings the discussion back to the Commission.

MOTION: To approve Resolution 304-1: Dissolution of the following County Service Areas (CSA): Jupiter Subdivision Unit 1 CSA, No. 4, Lake Don Pedro Units 4 and 5 CSA No. 8, Curtis Creek Ranch Unit 2 CSA No. 31, Sunny Hill Subdivision CSA No. 40, Buena Oaks Estates CSA No. 45, Mountain Ridge Estates CSA No. 46, Yosemite Estates CSA No. 50, Gina Avenue CSA No. 52, Vilas Lane CSA No. 55, and Granite Ridge Subdivision CSA No. 61 and their respective Spheres of Influence

RESULT: Approved

MOVER: Mark Plummer, Commissioner

SECONDER: Steve Arreguin, Vice Chair

AYES: Unanimous

ABSENT: Glen Jacobs, Commissioner; David Goldemberg, Commissioner

OLD BUSINESS:

2. Results of Request for Proposals for Executive Officer and Legal Services
(Chair Feriani requested that this item be moved to the end of the meeting)

Ms. Yaley addresses the Commission on the results of the Request for Proposal. She looks for further direction from the Commission.

Chair Feriani asks the Commission if they have questions for staff.

The Commission asks staff questions of timing of the request for proposals, an Ad Hoc committee, and other alternatives.

Ms. Yaley and Ms. Sullivan address the Commission's questions and restate their recommendations.

The Commission agrees with forming an Ad Hoc committee, to specify the criteria in the request for proposals, for an Executive Officer and legal services. Also, decides the three members who will be on the Ad Hoc committee.

Chair Feriani opens the public comment period.

Members of the public address the Commission regarding LAFCO policy and procedures update, support for the Ad Hoc committee and the request for proposals.

Chair Feriani closes the public comment period.

3. Out of Agency Agreement for Groveland Community Services District- Update on Authority to Grant a Fee Waiver

Maria Sullivan, LAFCO legal counsel states to the Commission her research findings on LAFCO's authority regarding fee waivers and makes a recommendation.

The Commission has questions for staff regarding timeline, collection of original fee amount and the implications going forward, if the fee is waived.

Ms. Yaley and Ms. Sullivan address the Commissioners' questions and follow up with their recommendations.

The Commission asked staff additional questions regarding waiving the fee, for the new application, for an Out of Agency Agreement.

Ms. Yaley and Ms. Sullivan clarify the timelines, LAFCO's purview, and an option in reducing the fee rather than waiving it entirely.

Chair Feriani opens the public comment period.

Pete Kampa, General Manager of Groveland Community Services District addresses the Commission regarding the Out of Agency Agreement and the application fee.

Chair Feriani closes public comment period and brings the discussion back to the Commission.

The Commission discusses reducing or waiving the fee for an Out of Agency Agreement.

MOTION: To grant a fee waiver for a Groveland Community Services District- Out of Agency Agreement.

RESULT: Approved

MOVER: Kathleen Haff, Commissioner

SECONDER: Mark Plummer, Commissioner

AYES: Unanimous

ABSENT: Glen Jacobs, Commissioner; David Goldemberg, Commissioner

NEW BUSINESS:

4. Requests of LAFCO Chair- Commission to Provide Direction to Executive Officer

Chair Feriani explains to the Commission and the public in attendance, the list of requests included in the agenda packet.

The Commission discusses the list of items and gives feedback to the Chair and staff.

Ms. Yaley addresses the Commission's feedback and discussion points.

Chair Feriani opens the public comment period.

Members of the public, address the Commission regarding the list of requests by LAFCO Chair.

Ms. Yaley addresses the public comments.

The Commission discuss if the response to the requests of LAFCO Chair, is an agenda item requiring a vote by the Commission.

Ms. Sullivan states the rules as to when an item can be discussed by the Commission.

Members of the public addresses the Commission and suggests the consultant contracts be on the next agenda; suggests delaying major changes due to LAFCO member term expiration coming up in May 2024.

Chair Feriani closes public comment period and calls for the vote.

MOTION: To approve Requests of LAFCO Chair- Commission to Provide Direction to Executive Officer. First request, for agenda items to be backed up with information that would allow the Commissioners to make an informed decision on each item. Second request, if a special district, CSA, city, county agency, etc., is to be the topic of an agenda item, LAFCO staff shall notify the entity under discussion. Last request, for the LAFCO Chair and LAFCO Executive Officer to meet prior to finalize agenda before it is distributed.

RESULT: **Approved**

MOVER: Kathleen Haff, Commissioner- Supervisor

SECONDER: Mark Plummer, Commissioner- Supervisor

AYES: Unanimous

ABSENT: Glen Jacobs, Commissioner; David Goldemberg, Commissioner

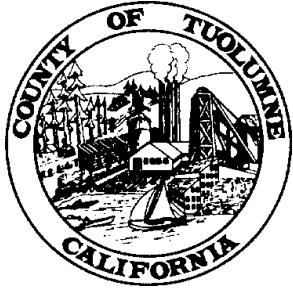
ADJOURNMENT

Chair Feriani adjourns the meeting at 6:07 p.m.

APPROVED:

Quincy Yaley, AICP
Executive Officer

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Office of Emergency Services County of Tuolumne

Tracie M. Riggs, Director
Dore A. Bietz, Assistant Director

Tuolumne County Administration Center
2 South Green Street
Sonora, CA 95370
Phone (209) 533-5511
Fax (209) 533-5510

April 2, 2024

TO: Tuolumne County Local Agency Formation Commission

FROM: Dore Bietz - OES Assistant Director
Sara Daniel – OES Resiliency Analyst

SUBJECT: **Tuolumne County Office of Emergency Services staff report on the
Tuolumne County Multi-Jurisdiction Hazard Mitigation Plan Update**

What is Hazard Mitigation

The Federal Emergency Management Agency (FEMA) defines hazard mitigation as, “*Any sustained action taken to reduce or eliminate long-term risk to life and property from natural hazards.*” Another way to understand hazard mitigation is as the prevention component of the emergency management process.

- Preparedness activities are the emergency plans, training, drills, and exercises those individuals, communities and first responders participate in on almost a daily basis. These are things done to get ready for an emergency or disaster before it happens.
- Response is the short-term, emergency actions taken to address the immediate impacts of a hazard.
- Recovery is the longer-term process of restoring the community back to normal or pre-disaster conditions.
- Mitigation activities are actions that will prevent or eliminate losses, even if an incident does occur. Mitigation can reduce or eliminate the need for an emergency response and greatly reduce the recovery period

Why is Natural Hazard Mitigation Important?

- Most people who live or work in Tuolumne County have been affected by natural hazards in one way or another. Tuolumne and its residents are vulnerable to a variety of hazards including flood, earthquake, wildfire, dam failure and severe weather events.
- The rising costs associated with disaster response and recovery have focused the attention of federal, state, and local governments on addressing natural hazards before they occur. Obviously, torrential rains, floods, and wildfires cannot be prevented from occurring. Planning for natural hazards and implementing mitigation measures, however, can reduce the impact of such events when they do occur. Emergency response and recovery costs; property damage and monetary losses; personal injury and loss of life; and the overall economic and social impact on the

community can all be reduced, and in some instances eliminated through natural hazard mitigation.

- Visit Cal OES My Hazards portal to see what hazards are in your community
<https://myhazards.caloes.ca.gov/>

Tuolumne County Hazard Mitigation Plan and Plan Update Process

Mitigation planning is a process for state and local governments to identify community-level policies and actions that will mitigate and thus reduce the impacts of natural hazards. According to the Disaster Mitigation Act of 2000, local governments are required to complete a **“Local Hazard Mitigation Plan (LHMP)”** every five years to remain eligible for future federal disaster mitigation grant funding. The first approved version of the MJHMP was completed in 2004 by County Staff. In 2012, Category Five completed a complete rewrite of the plan to include seven additional school districts bringing the total number of participating jurisdictions to 19. This plan was approved in September 2013, and again in 2018.

The function of the Tuolumne County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) is to assess each jurisdiction’s vulnerability to natural and manmade hazards and then develop strategies to mitigate those vulnerabilities. Once the plan is adopted by the governing bodies for each jurisdiction, the overarching plan will be submitted to the California Governor’s Office of Emergency Services (Cal OES) Hazard Mitigation Office for review and then on to FEMA for final approval.

Having an approved MJHMP through FEMA allows each jurisdiction to be eligible to apply for Pre-Disaster Mitigation (PDM) Grant Program funding, which can be used to implement projects that reduce overall risk to the population and structures from future hazardous events and reduces the reliance on federal funding in future disasters, so long as that hazard is identified in the approved plan.

Tuolumne County has been engaging partners and stakeholders since May of 2023 and finalizing a final draft to be presented to Cal OES and then FEMA to review. More information about the plan, the process for the update and a survey that you can participate in, please visit <https://www.tuolumnecounty.ca.gov/1184/Multi-Jurisdictional-Hazard-Mitigation-P>

Staff will present an overview and be available for any questions and or comments about the Tuolumne County Hazard Mitigation Plan Update for 2024.

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

April 3, 2024

TO: LAFCO Commissioners

FROM: Quincy Yaley, AICP, Executive Officer

RE: Discussion and direction on drafting the Work Plan and Budget for FY 2024-2025

REQUESTED ACTION

LAFCO Commissioners to discuss and provide direction to the Executive Officer on how to draft the Fiscal Year 2024-2025 Budget and Work Plan.

Commissioners
Steve Arreguin
Glen Jacobs
John Feriani
David Goldemberg
Ryan Campbell
Matt Hawkins
Mark Plummer

Alternates
Adam Artzer
Kathleen Haff
Suzanne Cruz

Executive Officer
Quincy Yaley, AICP

Background

Pursuant to Section 56381 of the California Government Code, LAFCO must adopt a final budget by June 15th of each year for the next fiscal year, which begins on July 1st. The Executive Officer will bring the draft budget to the Commission at the May meeting, and the final budget will be heard at the June meeting. After approving the draft budget, the statute requires that it be sent to the City of Sonora, County of Tuolumne, and all the Special Districts in Tuolumne County for review and comment before adoption of final budget in June. This notification happens annually to each special district, the City, and the County.

Budget Forecasting

The Executive Officer requests direction from the Commission on how to draft the budget for the next fiscal year. The Commission has communicated its intention to separate from the County entirely and hire a consultant to function as the Executive Officer and legal counsel. As a result, the Commission will need to fund costs that have been born by the County, including but not limited to, insurance, human resources, finance/auditing/reporting, and office space and supplies.

The budget is directly related to the workplan. Any proposed budget will need to provide LAFCO staff and Commissioners with funds needed to implement the upcoming year's workplan. Two 23-24 work plan items will be carried over into the next fiscal year: Tuolumne Utilities District and Jamestown Sanitary District MSR. The total cost for each of these MSRs, which LAFCO approved, is approximately \$49,000 each. Funding for personnel to complete the work plan, including the carry-over items, must be included in the draft budget. The amount to be budgeted depends on how far along the projects are at the end of the fiscal

year, which depends on the time each of the above districts need to respond to the MSR Request for Information. Staff will work with the consultant to include the necessary funds in the 2024-2025 Fiscal Year budget.

Below are the budgets for the last two fiscal years.

LAFCO BUDGET

Description	FY 22-23	FY 23-24
Dues and Memberships	\$1,745	\$1,965
Office Expenses	\$1,000	\$500
Publications/Legal Notices	\$1,000	\$1,000
Travel and Training	\$7,500	\$16,350
Personnel & Consultants	\$51,539	\$58,000
Total	\$62,784	\$75,815

Cost Sharing Agreements

LAFCO is currently funded by the County of Tuolumne, the City of Sonora, and the special districts under the purview of LAFCO. Pursuant to a Memorandum of Understanding (MOU) between the City and the County, the Local Transportation Fund per capita percentage is used to determine the City's and the County's respective shares of the LAFCO budget. Under this formula, the City will be responsible for 8.1 percent of the adopted FY 2024-2025 LAFCO Budget. In January of 2024, the County provided notice to the City of Sonora of their intention to renegotiate that percentage (https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2395092/BOS_memo-LAFCO_Cost_Share_1-23-24.pdf). The Special Districts will continue to be responsible for paying one-third of the budget and have independently determined those percentage allocations.

Work Program

The Work Plan for the current fiscal year, which was approved in July 2023, included the following projects:

- Municipal Service Reviews (MSRs) for Jamestown Sanitary District (JSD) (added to plan in

February 2024), Tuolumne Utility District (TUD), Tuolumne City Sanitary District (TCSD), and the Tuolumne Park and Recreation District (TPRD)

- Review/Clarify of Term Limits for Special District Members
- Update of the Tuolumne County LAFCO Policies and Procedures

When the Commissioners modified the work plan in January 2024 to add the JSD MSR, it was discussed to modify the budget to cover the full cost of the TUD and JSD MSRs (under a contract with consultant approved in December 2023 by Commission) but declined to take action, given the upcoming annual budgeting process. Completion of the MSRs will require sufficient funding to be allocated in the 2024-2025 budget. As July 1 approaches, the Executive Officer will obtain a status report from the consultant and report to the Commission the amount of work remaining in the next fiscal year. The Executive Officer will also initiate the MSRs for the Tuolumne City Sanitary District and the Tuolumne Park and Recreation District this fiscal year, with the work continuing into late 2024. These reports have not been assigned to a consultant at this time.

Municipal Service Reviews

A Municipal Service Review is a comprehensive study to determine the adequacy of governmental services being provided by the local agencies under LAFCO jurisdiction (Government Code Section 56430). These studies may be used by LAFCO, other governmental agencies, and the public to better understand and improve provision of services and to identify opportunities for greater cooperation between service providers. The service review is a prerequisite to a sphere of influence update and may lead a LAFCO to recommend actions to other agencies or to take actions under its own authority. Service Reviews are completed in conjunction with the respective district that is the subject of the study and includes opportunity for district and public input into the study.

Specifically, service reviews are required to address:

- Growth and population projections for the affected area.
- Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies.
- Financial ability of agencies to provide services.
- Status of, and opportunities for, shared facilities, which may result in recommendations of consolidation or dissolution.
- Accountability for community service needs, including governmental structure and operational efficiencies.

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- Any other matter related to effective or efficient service delivery, as required by commission policy.

It is anticipated that the MSRs for Jamestown Sanitary District and Tuolumne Utilities district will be completed in the late summer/fall of 2024. Staff recommends that the completion of the TPRD and TCSD MSRs be completed in the second quarter of FY 24-25. All of these MSRs are recommended to be on the 24-25 Work Plan. Once completed, LAFCO can begin on additional MSR work and should determine which studies should be completed in the Work Plan. The LAFCO website lists all the MSRs and their completion dates (<https://www.tuolumnecounty.ca.gov/1808/LAFCO-Districts-MSRs>).

The cost of a MSR is a component of the LAFCO budget and is not paid for by the district that is the subject of the report. As districts pay their annual portion of the budget, they are funding the work of completing MSRs, and do not pay additional costs when their MSR is being updated. A thorough MSR can take approximately 200 hours to complete and can take six months to a year to complete. A 2018 Staff Report from El Dorado County LAFCO looked at the costs associated with MSRs and found the following:

- Average Water/Wastewater MSR Cost: \$60,300
- Average Fire MSR Cost: \$76,800
- Average Nonspecific MSR Cost: \$46,500

(https://www.edlafco.us/files/c193e618d/18Aug_Item+7+Staff+Memo+%28MSR+Costs%29.pdf)

Conclusion

The Executive Officer is requesting direction on how to draft the 24-25 Fiscal Year Work Plan and Budget with respect to staffing, insurance, fiscal operations/auditing, office space and supplies, human resources, and other operational tasks/items.

Attachments:

23-24 Draft and Final Budget/Workplan Staff Reports, Budget Letter to Special Districts, Work Plan Modification Staff Report

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Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

June 16, 2023

TO: LAFCO Commissioners

FROM: Quincy Yaley, Executive Officer

RE: Draft Budget and Workplan for Fiscal Year (FY) 2023-2024

REQUESTED ACTION

Consideration of adopting the Draft Budget for the Local Agency Formation Commission (LAFCO) for Fiscal Year 2023-2024, directing staff to send it to the County of Tuolumne, City of Sonora, and Special Districts for review and comment, and approving the LAFCO Fiscal Year 2023-2024 Work Program.

EXECUTIVE OFFICER'S REPORT

A. Background

Pursuant to Section 56381 of the California Government Code, LAFCO is required to adopt a final budget by June 15th of each year for the next fiscal year which begins on July 1st. The Commission must formulate a draft budget that is to be sent to the City of Sonora, County of Tuolumne, and all the Special Districts in Tuolumne County for review and comment before adoption of the final budget by LAFCO.

B. Budget

Staff proposes to maintain the LAFCO budget at status quo for the FY 2023-2024 with the exception of accounting for increases in staff billing rates due to salary adjustments at the County. The proposed FY 2023-2024 is \$75,815. Pursuant to Government Code Section 56381, the budget shall, at a minimum, be equal to the budget adopted for the previous fiscal year unless LAFCO finds that reduced staffing or program costs will nevertheless allow LAFCO to fulfill the purposes and programs of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The increase in the budget, \$13,031 dollars, is proposed to allow an additional LAFCO Commissioner to attend annual training, additional staff costs related to general LAFCO work, and an increase in annual CALAFCO dues. Lastly, this proposed budget carefully evaluated last year's expenses and budgeted more precisely, especially related to travel and training costs.

Commissioners
Steve Arreguin
David Boatright
John Feriani
David Goldemberg
Kathleen Haff
Matt Hawkins
Mark Plummer

Alternates
Adam Artzer
Ryan Campbell
Suzanne Cruz

Executive Officer
Quincy Yaley, AICP

The proposed budget will provide LAFCO with the funds needed to implement the FY 2023-2024 LAFCO Work Plan which includes completing Municipal Service Reviews and other LAFCO projects. Proposed budget expenditures are as follows:

LAFCO BUDGET

Description	FY 22-23	FY 23-24
Dues and Memberships	\$1,745	\$1,965
Office Expenses	\$1,000	\$500
Publications/Legal Notices	\$1,000	\$1,000
Travel and Training	\$7,500	\$16,350
Personnel & Consultants	\$51,539	\$58,000
Total	\$62,784	\$75,815

The LAFCO budget has repeatedly had fund balance that carries over from one fiscal year to the next. This fund balance has never been considered during the preparation and approval of an annual budget, however LAFCO staff have begun to track that balance, as it varies throughout the year based on when districts/entities pay their share of the membership dues. Staff will bring the fund balance to the LAFCO Commission at the June meeting for consideration of including in the next year's budget as a means to lower the membership dues during the 2023-24 fiscal year.

C. Cost Sharing Agreements

LAFCO is an independent agency that has historically been funded by the County of Tuolumne and the City of Sonora. In FY 20-21, it was also funded by special districts (see MSR schedule below) as per their request to pay a share of costs and add two special district members and an alternate to the LAFCO Board. Pursuant to a Memorandum of Understanding (MOU) between the City and the County, the Local Transportation Fund (LTF) per capita percentage is used to determine the City's and the County's respective shares of the LAFCO budget. Under this formula, the City will be responsible for 8.1 percent of the adopted FY 2023-2024 LAFCO Budget. In the past, the County was responsible for the remaining balance. With the addition of Special District representatives on the LAFCO Commission,

the Special Districts will be responsible for paying one third of the LAFCO operating budget. The County Auditor will invoice the City of Sonora, County of Tuolumne and the Special Districts to pay their respective shares of the proposed costs as shown in the table below.

LAFCO FY 23-24 ANICIPATED REVENUES

Amount	Percent	Entity
\$ 6,141	8.1%	City of Sonora
\$ 25,019	33%	Special Districts
\$ 44,655	58.9%	County of Tuolumne
\$ 75,815	100%	

D. Expenses

Dues - The California Association of Local Agency Formation Commissions (CALAFCO) annual membership fee for the upcoming year is \$1,965. Tuolumne County LAFCO staff gain access to a wealth of information and advice by participating in CALAFCO. CALAFCO provides access to a network of other Executive Officers and LAFCO staff statewide, which provide daily insight and advice on LAFCO procedures and regulations. Without access to this network, Tuolumne County LAFCO staff would be required to attend more trainings and/or hire additional consultants for assistance.

Travel and Training - Pursuant to Section 56334 of the Government Code, Commission members and alternates may be reimbursed for actual and reasonable expenses necessary to attend meetings and perform duties of their office. LAFCO may authorize payment of a per diem to Commission members and alternates for each day they attend meetings of the Commission. Based upon LAFCO's past practice prior to 2023, funds were not proposed to be budgeted for City, County, or Special District LAFCO members to attend LAFCO meetings and conferences or to pay a per diem to any Commissioner.

In 2022, LAFCO did fund conference attendance and travel at the CALAFCO Conference in Los Angeles. Members Brandon and Arreguin attended, as did three LAFCO staff members. Additionally, because the 2023 Staff Workshop in April is in Murphys, the LAFCO budget paid for four staff members to attend.

The draft FY 2023-2024 travel budget includes the estimated costs for registration, hotel, and travel:

Training	Registration	Hotel (3 nts)	Travel/Meals	Cost per person
Annual Conference	\$600 per attendee	\$250 per night	\$500 per person	\$1,850
Annual Staff Training	\$400 per attendee	\$250 per night	\$500 per person	\$1,650
General Training	Estimate \$500			\$500

Annual Training 2023-24 – Three LAFCO members, LAFCO EO, LAFCO Counsel: \$9,250

Annual Staff Training 2023-24 – Three LAFCO Staff, LAFCO Counsel: \$6,600

Total Training Budget Fiscal Year 23-24: **\$16,350**

The training budget has increased due to the inclusion of Special Districts on LAFCO and the need for them to attend regular trainings. It is recommended that LAFCO establish a process to select members to attend the Annual Conference. Any other member of LAFCO that wishes to attend may opt to at the expense of their own agency.

Personnel - Personnel costs are based on the County's adopted methodology for establishing hourly rates for each employee. These costs include employee salaries and benefits, and the County's overhead, such as office space, utilities, and internal services, including the Auditor's expenses in handling LAFCO's finances.

In an effort to improve transparency for LAFCO, the Executive Officer is not assigning deputy officer duties to the current County Planning Manager. This will allow the County Planning Manager to function separate from any LAFCO responsibilities and allow them to support Tuolumne County separately on projects involving LAFCO or other LAFCO work. Therefore, the funds previously allotted to the "deputy officer" are being reallocated to a County CDD staff planner and a consultant.

LAFCO staff work on three types of projects:

- General LAFCO work not related to a project – Meetings, MSRs, Procedures, etc
- LAFCO Projects – flat fee projects (out of boundary agreements)
- LAFCO Projects – Time and materials (Consolidations, annexations, etc)

The second two project types are paid for by applicants and are not included in this budget as the LAFCO members do not fund this staff work. Only work in the first category is funded by LAFCO members, which includes funding the LAFCO Counsel. Staff is proposing to use LAFCO staff in combination with an on-call consultant to complete the work in the first category. Based on last year's budget and actual costs to date, the expenses related to General LAFCO Work, including use of a consultant, is estimated to be **\$58,000**.

E. Work Program for Fiscal Year 2023-2023

Tuolumne County contains 18 independent Special Districts, 7 Lighting Districts and 58 County Service Areas (CSAs). The number of County Service Areas could be increased by developers requesting to add a County Service Area to maintain roads and other services for their development. Pursuant to Section 56425(g) of the Cortese-Knox-Hertzberg (CKH) Act, "on or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence". Further, 56430.a of the CKH states that "in order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission.

As mentioned above, LAFCO staff work on three types of projects. For the FY 23-24, staff will be working on the Tuolumne Sanitary District MSR, the Tuolumne Park and Recreation District MSR, and the TUD MSR.

In addition to the above activities, LAFCO staff is planning on reviewing the term limits for special district members to make sure the approved term limits are consistent with term limits for the other LAFCO members. Also, staff will be requesting that Commissioners review the current LAFCO procedures and that the adopted Commission procedures are updated as needed.

Special districts in the community of Tuolumne have approached LAFCO regarding formation of a Community Services District that would merge some of the special districts in that area into one CSD. LAFCO staff anticipate presenting this project to the Commission in 2023. The cost for the formation of a CSD outlined in the LAFCO fee schedule as "Full cost recovery based on time and materials with a \$3,824.00 deposit".

There is a current application that staff is reviewing for completeness which proposes additional housing in an area that would need to be annexed into GCSD. Groveland CSD may also pursue a proposal to dissolve the Groveland Lighting District and merge its functions with the CSA. LAFCO staff anticipate reviewing these proposals in FY 22-23. LAFCO staff may also be processing several out of area service agreements. Additional projects may also be submitted to LAFCO during FY 2023-2024 that would be added to the Work Plan.

F. Recommendation

The Executive Officer recommends that your Commission:

- Adopt the Draft FY 2023-2024 budget.
- Direct staff to send the budget to the County of Tuolumne, City of Sonora, and special districts for review and comment.
- Approve the LAFCO Fiscal Year 2023-2024 Work Program.

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

June 20, 2023

TO: LAFCO Commissioners
FROM: Quincy Yaley, Executive Officer
RE: Final Budget for Fiscal Year (FY) 2023-2024

REQUESTED ACTION

Consideration of adopting the Final Budget for the Local Agency Formation Commission (LAFCO) for Fiscal Year 2023-2024.

EXECUTIVE OFFICER'S REPORT

Commissioners
Steve Arreguin
John Feriani
David Goldemberg
Glen Jacobs
Kathleen Haff
Matt Hawkins
Mark Plummer

Alternates
Adam Artzer
Ryan Campbell
Suzanne Cruz

Executive Officer
Quincy Yaley, AICP

A. Background

Pursuant to Section 56381 of the California Government Code, LAFCO is required to adopt a final budget by June 15th of each year for the next fiscal year which begins on July 1st. The Commission must formulate a draft budget that is to be sent to the City of Sonora, County of Tuolumne, and all the Special Districts in Tuolumne County for review and comment before adoption of the final budget by LAFCO. This was completed after the June 12th meeting on June 16, 2023. No comments were received.

B. Budget

The proposed FY 2023-2024 budget is \$75,815. Pursuant to Government Code Section 56381, the budget shall, at a minimum, be equal to the budget adopted for the previous fiscal year unless LAFCO finds that reduced staffing or program costs will nevertheless allow LAFCO to fulfill the purposes and programs of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The increase in the budget, \$13,031 dollars, is proposed to allow an additional LAFCO Commissioner to attend annual training, additional staff costs related to general LAFCO work, and an increase in annual CALAFCO dues. Lastly, this proposed budget carefully evaluated last year's expenses and budgeted more precisely, especially related to travel and training costs.

The proposed budget will provide LAFCO with the funds needed to implement the FY 2023-2024 LAFCO Work Plan which includes completing Municipal Service Reviews and other LAFCO projects. Proposed budget expenditures are as follows:

LAFCO BUDGET

Description	FY 22-23	FY 23-24
Dues and Memberships	\$1,745	\$1,965
Office Expenses	\$1,000	\$500
Publications/Legal Notices	\$1,000	\$1,000
Travel and Training	\$7,500	\$16,350
Personnel & Consultants	\$51,539	\$58,000
Total	\$62,784	\$75,815

The LAFCO budget has repeatedly had fund balance that carries over from one fiscal year to the next. This fund balance has never been considered during the preparation and approval of an annual budget, however LAFCO staff have begun to track that balance, as it varies throughout the year based on when districts/entities pay their share of the membership dues. Expenses for the fourth quarter have not been calculated or charged to LAFCO, so the current balance of the LAFCO account, which is \$25,944.81, will change once the charges/revenues are processed.

C. Cost Sharing Agreements

LAFCO is an independent agency that has historically been funded by the County of Tuolumne and the City of Sonora. In FY 20-21, it was also funded by special districts as per their request to pay a share of costs and add two special district members and an alternate to the LAFCO Board. On June 29, 2023, the Tuolumne County Auditor/Controller stated that all special districts had paid their annual portion of LAFCO fees, and that the County and the City had not yet been billed for the fourth quarter.

D. Expenses

Dues - The California Association of Local Agency Formation Commissions (CALAFCO) annual membership fee for the upcoming year is \$1,965. CALAFCO provides access to a network of other Executive Officers and LAFCO staff statewide, which provide daily insight and advice on LAFCO procedures and regulations. Without access to this network, Tuolumne County LAFCO staff would be required to attend more trainings and/or hire additional consultants for assistance.

Travel and Training - Pursuant to Section 56334 of the Government Code, Commission members and alternates may be reimbursed for actual and reasonable expenses necessary to attend meetings and perform duties of their office. LAFCO may authorize payment of a per diem to Commission members and alternates for each day they attend meetings of the Commission. Based upon LAFCO's past practice prior to 2023, funds were not proposed to be budgeted for City, County, or Special District LAFCO members to attend LAFCO meetings and conferences or to pay a per diem to any Commissioner.

In 2022, LAFCO did fund conference attendance and travel at the CALAFCO Conference in Los Angeles. Members Brandon and Arreguin attended, as did three LAFCO staff members. Additionally, because the 2023 Staff Workshop in April was in Murphys, the LAFCO budget paid for four staff members to attend.

The draft FY 2023-2024 travel budget includes the estimated costs for registration, hotel, and travel:

Training	Registration	Hotel (3 nts)	Travel/Meals	Cost per person
Annual Conference	\$600 per attendee	\$250 per night	\$500 per person	\$1,850
Annual Staff Training	\$400 per attendee	\$250 per night	\$500 per person	\$1,650
General Training	Estimate \$500			\$500

Annual Training 2023-24 – Three LAFCO members, LAFCO EO, LAFCO Counsel: \$9,250

Annual Staff Training 2023-24 – Three LAFCO Staff, LAFCO Counsel: \$6,600

Total Training Budget Fiscal Year 23-24: **\$16,350**

The training budget has increased due to the inclusion of Special Districts on LAFCO and the need for them to attend regular trainings. It is recommended that LAFCO establish a process to select members to attend the Annual Conference. Any other member of LAFCO that wishes to attend may opt to at the expense of their own agency.

Personnel -. Personnel costs are based on the County's adopted methodology for establishing hourly rates for each employee. These costs include employee salaries and benefits, and the County's

overhead, such as office space, utilities, and internal services, including the Auditor's expenses in handling LAFCO's finances.

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LAFCO staff work on three types of projects:

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The second two project types are paid for by applicants and are not included in this budget as the LAFCO members do not fund this staff work. Only work in the first category is funded by LAFCO members, which includes funding the LAFCO Counsel. Staff is proposing to use LAFCO staff in combination with an on-call consultant to complete the work in the first category. Based on last year's budget and actual costs to date, the expenses related to General LAFCO Work, including use of a consultant, is estimated to be **\$58,000**.

Quarterly invoices for work completed for LAFCO are attached to this report, as requested by the Commission.

E. Recommendation

The Executive Officer recommends that your Commission:

- Adopt the Draft FY 2023-2024 budget.

ATTACHMENTS:

A – Invoice Summaries with Costs – Not for Billable Projects

B – Hourly time spent – Quarterly— Not for Billable Projects

C – Invoices for Billable Projects

ATTACHMENT A

COUNTY OF TUOLUMNE
Community Development Department
FY22/23 LAFCO Services
Invoice Summary Period: Q1

Activity	Staff	Total Hours	Hourly Rate	10% Administration Fee	SUBTOTAL	TOTAL
LAF 18-004: Valley Vista JSD Annexation	Executive Director	0	\$192.87		\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
LAF 19-001: Special District Representation	Executive Director	0	\$192.87		\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
LAF 19-002: Request for Qualifications-Consultant	Executive Director	0	\$192.87		\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
LAF 19-003: Municipal Service Reviews	Executive Director	0	\$192.87		\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
Out of Boundary Service Agreements GCSD	Executive Director	0	\$192.87		\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
Research on Tuolumne TRA	Executive Director	0	\$192.87		\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
Research on Tuolumne CSD	Executive Director	0	\$192.87		\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
Research, Budget	Executive Director	0	\$192.87		\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
Miscellaneous, EO Work, MSR's, Meetings	Executive Director	19	\$192.87		\$3,664.53	3,664.53
	Asst. Ex. Director	0	\$143.50		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
Billing	Business Manager	1	\$114.03		\$114.03	114.03
					\$0.00	-
Clerical	Admin Asst.	9.75	\$90.54		\$882.77	882.77
TOTAL STAFF COST						\$4,661.33
Other Expenses:						
CALAFCO Member Dues	Check No. 00565695 dated 7/1/2022				\$1,815.00	
Postage Charges	JE No. JV2300622 dated 7/31/2022				\$4.56	
AP Chk Charges	JE No. JV2300615 dated 7/31/2022				\$3.50	
AP Check Charges	JE No. JV2301012 dated 8/31/2022				\$3.50	
Legal Services -CC July 22	JE No. JV2300689 dated 7/31/2022				\$1,722.50	
Legal Services - CC Aug 22	JE No. JV2301152 dated 8/31/2022				\$343.75	
MC Service Fee	CC073122 dated 7/31/22				\$3.95	
NOE-NOD Fee	CC073122 dated 7/31/22				\$50.00	
Helix Environmental Planning	Check No. 00567161 dated 8/30/2022				\$3,880.00	
CALAFCO Annual Conference	CC 083122 dated 8/31/2022				\$2,534.68	
CALAFCO Conf - Air Fare	CC083122 dated 8/31/2022				\$187.97	
CALAFCO Conf - Air Fare	CC083122 dated 8/31/2022				\$485.92	
TOTAL OTHER EXPENSES						\$11,035.33
TOTAL ALL EXPENSES						\$15,696.66
LESS EXPENSES ALREADY PAID OUT OF THE LAFCO BUDGET						(\$11,035.33)
TOTAL TO BE TRANSFERRED FROM LAFCO BUDGET TO THE CDD BUDGET						\$4,661.33

INVOICE FOR CITY OF SONORA & SPECIAL DISTRICTS

TOTAL ALL EXPENSES	\$15,696.66
8.1 % OF TOTAL EXPENSES TO BE TO CITY OF SONORA	\$1,271.43
33 % OF TOTAL EXPENSES TO BE TO SPECIAL DISTRICTS	\$5,179.90

ATTACHMENT A

Invoice Summary Period: Q2

Activity	Staff	Total Hours	Hourly Rate	10% Administration Fee	SUBTOTAL	TOTAL
LAF 18-004: Valley Vista JSD Annexation	Executive Director	0			\$0.00	
	Asst. Ex. Director	0			\$0.00	
	LU Coordinator	0			\$0.00	
LAF 19-001: Special District Representation	Executive Director	0			\$0.00	
	Asst. Ex. Director	0			\$0.00	
	LU Coordinator	0			\$0.00	
LAF 19-002: Request for Qualifications-Consultant	Executive Director	0			\$0.00	
	Asst. Ex. Director	0			\$0.00	
	LU Coordinator	0			\$0.00	
LAF 19-003: Municipal Service Reviews	Executive Director	0			\$0.00	
	Asst. Ex. Director	0			\$0.00	
	LU Coordinator	0			\$0.00	
Out of Boundary Service Agreements - GCSD	Executive Director				\$0.00	-
	Asst. Ex. Director	0			\$0.00	-
	LU Coordinator	0			\$0.00	-
Research on Tuolumne TRA	Executive Director	0			\$0.00	-
	Asst. Ex. Director	0			\$0.00	-
	LU Coordinator	0			\$0.00	-
Research on Tuolumne CSD	Executive Director	0			\$0.00	-
	Asst. Ex. Director	0			\$0.00	-
	LU Coordinator	0			\$0.00	-
Research, Budget	Executive Director	0			\$0.00	-
	Asst. Ex. Director	0			\$0.00	-
	LU Coordinator	0			\$0.00	-
Miscellaneous, EO Work, MSR's, Meetings	Executive Director	44.5	\$169.90		\$7,560.55	7,560.55
	Asst. Ex. Director				\$0.00	-
	LU Coordinator				\$0.00	-
Billing	Business Manager	1	\$81.36		\$81.36	81.36
					\$0.00	-
Clerical	Admin Asst.	43	\$78.25		\$3,364.75	3,364.75
TOTAL STAFF COST						\$11,006.66
Other Expenses:						
Helix Environmental Planning	Check #00569311 dated 11/22/22				\$1,980.00	
AP Check Charges	JV2302267 dated Nov 30, 2022				\$7.00	
Legal Services-CC dated 9/2022	JV2301510 dated 10/1/2022				\$750.00	
Legal Services-CC dated 10/2022	JV2302028 dated 10/31/2022				\$4,656.25	
Legal Services-CC dated 11/2022	JV2302580 dated 11/30/2022				\$218.75	
Legal Services-CC dated 12/2022	JV2302809 dated 12/31/2022				\$1,062.50	
CALAFCO-Burgers & Brews	CC103122 dated 10/31/2022				\$29.46	
CALAFCO-Hyatt Regency	CC103122 dated 10/31/2022				\$56.41	
CALAFCO conf. reimbursement	01230DPA1				(\$29.87)	
CALAFCO-CIAO SNA	CC113022 dated 11/30/2022				\$20.05	
CALAFCO-Hyatt Regency	CC113022 dated 11/30/2022				\$979.32	
CALAFCO-Airport Parking SAC	CC113022 dated 11/30/2022				\$30.00	
CALAFCO -Commis. Reimb.	Esteban Arreguin dated 11/8/22	check # 00568926			\$1,234.17	
CALAFCO -Commis. Reimb.	Jaron Brandon dated11/25/22	Ref:01240DP			\$1,090.11	
CALAFCO-conf. reimbursement	01260DPA dated 12/23/2022				(\$54.38)	
TOTAL OTHER EXPENSES						\$12,029.77
TOTAL ALL EXPENSES						\$23,036.43
LESS EXPENSES ALREADY PAID OUT OF THE LAFCO BUDGET						(\$12,029.77)
TOTAL TO BE TRANSFERRED FROM LAFCO BUDGET TO THE CDD BUDGET						\$11,006.66

INVOICE FOR CITY OF SONORA & SPECIAL DISTRICTS

TOTAL ALL EXPENSES	\$23,036.43
8.1 % OF TOTAL EXPENSES TO BE TO CITY OF SONORA	\$1,865.95
33 % OF TOTAL EXPENSES TO BE TO SPECIAL DISTRICTS	\$7,602.02

ATTACHMENT A

COUNTY OF TUOLUMNE
Community Development Department
FY22/23 LAFCO Services

Invoice Summary Period: Q3

Activity	Staff	Total Hours	Hourly Rate	10% Administration Fee	SUBTOTAL	TOTAL
LAF 18-004: Valley Vista JSD Annexation	Executive Director	0			\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
LAF 19-001: Special District Representation	Executive Director	0			\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
LAF 19-002: Request for Qualifications-Consultant	Executive Director	0			\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
LAF 19-003: Municipal Service Reviews	Executive Director	0			\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
Out of Boundary Service Agreements GCSD	Executive Director	0			\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
Research on Tuolumne TRA	Executive Director	0			\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
Research on Tuolumne CSD	Executive Director	0			\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
LAF 23-002 CSA Dissolution	Executive Director	0.5	\$169.90		\$84.95	84.95
	Asst. Ex. Director	11.25	\$115.12		\$1,295.10	1,295.10
	LU Tech	1.75	\$76.10		\$133.18	133.18
Research	Executive Director	0	\$0.00		\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
Miscellaneous: Meetings, Attend Conference(s), EO Work, MSR's	Executive Director	27.5	\$169.90		\$4,672.25	4,672.25
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	1	\$90.31		\$90.31	90.31
Billing	Business Manager	1	\$81.36	\$0.00	\$81.36	81.36
				\$0.00	\$0.00	-
Clerical	Admin Asst.	1.5	\$78.25		\$117.38	117.38
TOTAL STAFF COST						\$6,474.52
Other Expenses:						
Legal Services-CC dated 1.2023	JE: JV2303230 dated 1.31.2023				\$2,000.00	
Legal Services-CC dated 2.2023	JE: JV2303672 dated 2.28.2023				\$718.75	
Legal Services-CC dated 3.2023	JE: JV2304163 dated 3.31.2023				\$531.25	
CALAFCO Staff wkshop2.2.23	CC022823 dated 02.28.2023				\$1,543.96	
Training reimb- dated 2.3.23	Quincy Yaley-dated 02.03.2023 Ref # 01030DP				\$0.45	
Postage Charges	JE: JV2303348 dated 01.31.2023				\$6.43	
Postage Charges	JE: JV2303622 dated 02.28.2023				\$4.99	
TOTAL OTHER EXPENSES						\$4,805.83
TOTAL ALL EXPENSES						\$11,280.35
LESS EXPENSES ALREADY PAID OUT OF THE LAFCO BUDGET						(\$4,805.83)
TOTAL TO BE TRANSFERRED FROM LAFCO BUDGET TO THE CDD BUDGET						\$6,474.52

INVOICE FOR CITY OF SONORA & SPECIAL DISTRICTS

TOTAL ALL EXPENSES	\$11,280.35
8.1 % OF TOTAL EXPENSES TO BE TO CITY OF SONORA	\$913.71
33 % OF TOTAL EXPENSES TO BE TO SPECIAL DISTRICTS	\$3,722.52

ATTACHMENT A

COUNTY OF TUOLUMNE
Community Development Department
FY22/23 LAFCO Services

Invoice Summary Period: Q4

Activity	Staff	Total Hours	Hourly Rate	10% Administration Fee	SUBTOTAL	TOTAL
LAF 18-004: Valley Vista JSD Annexation	Executive Director	0	\$169.90		\$0.00	
	Asst. Ex. Director	0	\$0.00		\$0.00	
	LU Coordinator	0	\$0.00		\$0.00	
LAF 19-001: Special District Representation	Executive Director	0	\$169.90		\$0.00	
	Asst. Ex. Director	0	\$0.00		\$0.00	
	LU Coordinator	0	\$0.00		\$0.00	
LAF 19-002: Request for Qualifications-Consultant	Executive Director	0	\$169.90		\$0.00	
	Asst. Ex. Director	0	\$0.00		\$0.00	
	LU Coordinator	0	\$0.00		\$0.00	
LAF 19-003: Municipal Service Reviews	Executive Director	0	\$169.90		\$0.00	
	Asst. Ex. Director	0	\$0.00		\$0.00	
	LU Coordinator		\$0.00			
Out of Boundary Service Agreements - GCSD	Executive Director	0	\$169.90		\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
Research on Tuolumne TRA	Executive Director	0	\$169.90		\$0.00	-
	Asst. Ex. Director	0	\$0.00		\$0.00	-
	LU Coordinator	0	\$0.00		\$0.00	-
Research on Tuolumne CSD	Executive Director	0	\$169.90		\$0.00	
	Asst. Ex. Director	0	\$0.00		\$0.00	
	LU Coordinator	0	\$0.00		\$0.00	
Research, Budget	Executive Director	0	\$169.90		\$0.00	
	Asst. Ex. Director	0	\$0.00		\$0.00	
	LU Coordinator	0	\$0.00		\$0.00	
Miscellaneous, EO Work, MSR's, Meetings	Executive Director		\$169.90			
	Asst. Ex. Director		\$0.00			
	LU Coordinator		\$0.00			
Billing	Business Manager		\$0.00	\$0.00		
				\$0.00	\$0.00	
Clerical	Admin Asst.		\$0.00			
TOTAL STAFF COST						\$0.00
Other Expenses:						
TOTAL OTHER EXPENSES						\$0.00
TOTAL ALL EXPENSES						\$0.00
LESS EXPENSES ALREADY PAID OUT OF THE LAFCO BUDGET						
TOTAL TO BE TRANSFERRED FROM LAFCO BUDGET TO THE CDD BUDGET						

INVOICE FOR CITY OF SONORA & SPECIAL DISTRICTS

TOTAL ALL EXPENSES	\$0.00
8.1 % OF TOTAL EXPENSES TO BE TO CITY OF SONORA	\$0.00
33 % OF TOTAL EXPENSES TO BE TO SPECIAL DISTRICTS	\$0.00

ATTACHMENT B

CDD PROJECT TIME/MATERIALS ACCOUNTING RECORD

PROJECT: **LAFCO**

DATE:	TIME (hrs.)	TASK (describe in detail; i.e., reviewed plans, emailed applicant, etc.)	STAFF
7/15/2022	3.50	7-11-2022 LAFCO minutes	TV
8/1/2022	3.75	5-9-2022 LAFCO minutes	TV
8/1/2022	1.50	8-8-2022 LAFCO Agenda Pkt	TV
7/1/2022	4.00	EO Email Network-Emails	QY
7/11/2022	2.00	July LAFCO Meeting	QY
8/1/2022	4.00	EO Email Network-Emails	QY
8/1/2022	1.00	County LAFCO CAO Meeting	QY
8/1/2022	2.00	Tuolumne Research - review of Materials	QY
9/20/2022	6.00	EO Email Network-Emails / Prep for October LAFCO Mtg.	QY
9/30/2022	1.00	10-10-2022 LAFCO Agenda	TV
9/30/2022	1.00	Admin/billing	RB
Total Q1	29.75		
10/10/2022	2.50	10-10-2022 LAFCO meeting	QY
10/5/2022	2.50	10-10-2022 LAFCO Agenda pkt + distributions	TV
10/17/2022	4.00	10-10-2022 LAFCO minutes	TV
10/19-21/22	36.00	LAFCO Conference	QY
10/19-21/22	36.00	LAFCO Conference	TV
10/31/2022	2.00	emails, phone calls, etc for Oct	QY
11/2/2022	0.50	11-14-2022 LAFCO Cancellation	TV
11/30/2022	2.00	emails, phone calls, etc for Nov	QY
12/31/2022	2.00	emails, phone calls, etc for Dec	QY
12/31/2022	1.00	preparing quarterly report	RB
Total Q2	88.50		
1/1/2023	4.00	EO Email Network - Hours for the month	QY
1/10/2023	1.00	Draft Letter for LAF20-001	JP
2/1/2023	4.00	EO Email Network - Hours for the month	QY
2/3/2023	1.00	LAFCO agenda	QY
2/13/2023	2.00	LAFCO Meeting	QY
2/22/2023	0.50	Minute Review	QY
3/1/2023	4.00	EO Email Network - Hours for the month	QY
3/1/2023	1.00	City of Sonora Out of Boundary Meeting with Aimee New	QY
3/2/2023	1.00	City of Sonora Out of Boundary Correspondence with County Counsel	QY
3/6/2023	2.00	City of Sonora Out of Boundary Pre-Application Meeting	QY
3/7/2023	2.00	City of Sonora Out of Boundary Research	QY
3/7/2023	1.00	City of Sonora Out of Boundary Correspondence	QY
3/9/2023	1.00	City of Sonora Out of Boundary Correspondence	QY
3/21/2023	1.00	City of Sonora Out of Boundary Correspondence with County Counsel	QY
3/22/2023	1.00	City of Sonora Out of Boundary Correspondence with County Counsel	QY

ATTACHMENT B

3/29/2023	2.00	City of Sonora Out of Boundary Correspondence	QY
2/3/2023	1.00	LAFCO Agenda	TV
3/13/2023	0.50	LAFCO Cancellation	TV
TOTAL Q3	30.00		
4/10/2023	0.50	LAFCO Cancellation	TV
4/5/2023	1.00	LAFCO Directory Update	TV
4/15/2023	0.75	5-8 LAFCO Legal Notice	TV
5/19/2023	0.75	6-12-23 LAFCO Agenda pkt	TV
5/19/2023	0.50	6-12-23 LAFCO Legal Notice	TV
6/12/2023	1.00	6-12-23 LAFCO meeting set up	TV
6/25/2023	1.00	6-12-23 LAFCO minutes	TV
6/8/2023	0.50	7-10-23 LAFCO Legal Notice	TV
6/30/2023	1.00	7-10-2023 LAFCO Agenda	TV
6/29/2023	0.75	LAFCO Handbook Updating	TV
To Date Q4	7.75		

ATTACHMENT C - FY 22/23

CDD PROJECT TIME/MATERIALS ACCOUNTING RECORD

PROJECT: **TCSD**

DATE:	TIME (hrs.)	TASK (describe in detail; i.e., reviewed plans, emailed applicant, etc.)	STAFF
7/22/2022	2	Review of materials from TCSD	QY
8/25/2022	1	Application Processing	QY
9/6/2022	2	Project Status Letter	QY
9/20/2022	1	September meeting	QY
9/20/2022	5	Prep Staff Report for October LAFCO	QY
9/23/2022	2	Project Time Line	QY
9/23/2022	1	Meeting with EO consultant	QY
9/27/2022	0.5	meeting with Debi Bautista reueiw of proposed budget	QY
9/27/2022	1	Review of Budget	QY
9/29/2022	1	Review of materials from TCSD	QY
9/30/2022	1	Reueiw of materials from TCSD-Second Submission	QY
9/30/2022	2	Email Correspondence	QY
TOTAL Q1	19.5		
10/24/2022	4	Project Review	QY
12/14/2022	2	TPRD Formation Review	QY
TOTAL Q2	6		
1/5/2023	0.25	Property Tax Exchange process	QY
1/10/2023	1	Legal Review	QY
1/11/2023	2	Meeting with Applicant	QY
1/17/2023	1	Staff report/Tax Revenue Sharing Agreement	QY
1/19/2023	0.5	PG&E Lighting Correspondence	QY
2/10/2023	1	Project Review	QY
2/10/2023	1	Community Meeting prep	QY
2/27/2023	2	Meeting with PG&E & Project review	QY
TOTAL Q3	8.75		
4/5/2023	2	BOS Staff Report	QY
To Date Q4	2		

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

Commissioners

Steve Arreguin
Glen Jacobs
John Feriani
David Goldemberg
Kathleen Haff
Matt Hawkins
Mark Plummer

Alternates

Adam Artzer
Ryan Campbell
Suzanne Cruz

Executive Officer

Quincy Yaley, AICP

June 16, 2023.

TO: Special Districts, City of Sonora

FROM: Quincy Yaley, Executive Officer, LAFCO

RE: Draft Local Agency Formation Commission Budget for Fiscal Year 2022-2023

Enclosed is a copy of the Draft Budget for Fiscal Year 2023-2024 adopted by the Local Agency Formation Commission (LAFCO) at its meeting on June 12, 2023. The Commission also made the following recommendations for the LAFCO workplan: 1) A presentation to LAFCO on the application status of the Tuolumne CSD project; 2) Information regarding the cost of hiring a separate Executive Officer that is not a County of Tuolumne staff member. Please review the draft budget and advise LAFCO of any comments you may have by July 6, 2023.

The Local Agency Formation Commission will consider adopting its Final Budget at a public hearing to be held on July 10, 2023, at 4:00 p.m. Instructions for participating will be included on the agenda.

Please note that the City of Sonora's share of the funding for LAFCO is 8.1% of the approved LAFCO budget. Special districts will pay one third of the LAFCO annual budget. The County of Tuolumne will pay the remainder.

If you have any questions or comments concerning LAFCO's budget, please contact me at qyaley@co.tuolumne.ca.us or 209-533-5961.

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Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

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Steve Arreguin
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Alternates

Adam Artzer
Ryan Campbell
Suzanne Cruz

Executive Officer

Quincy Yaley, AICP

December 18, 2023

TO: LAFCO Commissioners

FROM: Quincy Yaley, Executive Officer

REQUESTED ACTION

Consideration of adopting modifications to the adopted Fiscal Year 2023-24 annual workplan.

A. Background

Pursuant to Section 56381 of the California Government Code, LAFCO is required to adopt a final budget by June 15th of each year for the next fiscal year which begins on July 1st. This budget is based on the workplan approved by the LAFCO commissioners, as different projects/staff efforts would have different financial costs.

The adopted budget provides LAFCO with the funds needed to implement the FY 23-24 Work Plan which includes completing Municipal Service Reviews and other LAFCO projects. The adopted budget expenditures are as follows:

LAFCO BUDGET

Description	FY 22-23	FY 23-24
Dues and Memberships	\$1,745	\$1,965
Office Expenses	\$1,000	\$500
Publications/Legal Notices	\$1,000	\$1,000
Travel and Training	\$7,500	\$16,350
Personnel & Consultants	\$51,539	\$58,000
Total	\$62,784	\$75,815

B. Work Program for Fiscal Year 2023-2024

For the FY 23-24, staff will be working on the Tuolumne Sanitary District Municipal Service Review (MSR), the Tuolumne Park and Recreation District MSR, and the TUD MSR. LAFCO also approved adding to the Work Plan the discussion and investigation of modifications to the current staffing model. The work plan also includes updating the current LAFCO procedures.

Groveland CSD may pursue a proposal to dissolve the Groveland Lighting District and merge its functions with the CSD and has an annexation pending that is waiting on a complete application prior to initiating processing. Additional projects may also be submitted during FY 23-24 that would be added to the Work Plan.

D. Conclusion

LAFCO may approve modifications to the Work Plan however Commissioners should with discuss with staff if increases to the adopted annual budget will be necessary as a result of any changes. Increases to the annual budget will result in increases to LAFCO members annual contributions. Changes to the budget must go through a two-step process, which includes notification of each LAFCO member prior to adoption of a final budget.

Additionally, LAFCO has discussed expanding the scope of review for municipal service reviews, which will increase the cost of processing each MSR even if the Work Plan is not modified. This will also require increases to the approved budget should the Commission desire to have additional information included for review in these reports.

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

March 22, 2024

TO: LAFCO Commissioners

FROM: Quincy Yaley, AICP, Executive Officer

RE: EXECUTIVE OFFICER'S REPORT - Review of Draft Updated Policy and Procedure Manual

REQUESTED ACTION

LAFCO Commissioners to review and comment on draft procedures and provide direction on additional modifications to the Executive Officer, and indicate when final draft should be considered by the Commission.

Commissioners
Steve Arreguin
John Feriani
David Goldemberg
Glen Jacobs
Kathleen Haff
Matt Hawkins
Mark Plummer

Alternates
Adam Artzer
Ryan Campbell
Suzanne Cruz

Executive Officer
Quincy Yaley, AICP

1. Tuolumne County LAFCO has a locally adopted set of policies and procedures that were originally approved in 2001 and last updated in 2011. In the 2023-24 Workplan approved by the Commission, updating the procedures was identified to be completed by the Executive Officer. The Executive Officer has been working with LAFCO legal counsel to complete this task.
2. As special districts are now voting members of LAFCO, it is necessary that the document be updated to reflect the current makeup of the Commission. Further, additional policies and procedures are suggested to improve the functioning of the Commission and staff. The draft document is attached to this memo, and new language is identified with this text "(**Proposed April 2024**)".
3. The current Policy and Procedure Manual is located on the Commission website at <https://www.tuolumnecounty.ca.gov/DocumentCenter/View/27031/2011-CURRENT-LAFCO-PROCEDURES>
4. The Executive Officer is requesting that the Commissioners review and provide comments on the proposed policies and procedures, take public comment on the document, and provide direction further modifications and on when the Executive Officer should bring back a version for further review, or consideration of adoption.

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Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

DRAFT UPDATE TO THE

POLICY AND PROCEDURE MANUAL

Adopted 11/16/01

Amendments Noted In Text

6/27/05

3/23/09

8/9/10

3/14/11

Proposed April 2024

PREFACE

Since the establishment of Local Agency Formation Commissions in 1963, various acts of the State Legislature have defined, amended, and expanded the role of LAFCOs in the State of California. This manual is, therefore, a dynamic document which must change as State directions, State mandates, and local needs change.

This manual is divided into six sections:

- Section One presents a background of statewide problems which led to the creation of LAFCOs in every county in the State (except the city and county of San Francisco) to place the current LAFCO role within an historical context.
- Section Two provides an overview of the statutes that govern and provide direction to Tuolumne County LAFCO. The statutes outlined herein are not exhaustive, but they reflect the scope of LAFCO responsibilities and the elements of LAFCO decision-making.
- Section Three lists the adopted policy guidelines of the Tuolumne County LAFCO. Recognizing that the needs of one county may be substantially different from another county, the State allows significant flexibility to each Commission, authorizing the LAFCO in many cases to apply the statutes "based on local conditions and circumstances". Sections four, five and six set forth Tuolumne County LAFCO's local policies which have been tailored to meet the unique needs of the County.
- Section Four establishes the organizational operating policies for LAFCO, including budget requirements and purchasing policies.
- Section Five lists the locally adopted Rules of Order by which the Commission conducts its hearings. Rules, which are not directly required by State law, are subject to change by a majority vote of the Commission members.
- Section Six includes directions on how to process LAFCO applications within Tuolumne County.

Several appendices have been included to clarify the following topics:

Appendix A – LAFCO Environmental Analysis Rules
Appendix B – Sphere of Influence Review Policies
Appendix C – Special District Selection Committee
Appendix D – Indemnification Agreement Policy
Appendix E – Conflict of Interest Statement

SECTION 1: BACKGROUND ON LAFCO

During the postwar 1940s and 1950s, California experienced a tremendous population increase. Along with this came land speculation and a development boom never before witnessed any place in the nation. Prime agricultural, ranch, and orchard lands were converted into sprawling residential tracts almost overnight.

As a result of this era of growth, the traditional purpose and structure of local government in California also underwent significant change. The demand for housing and municipal services mushroomed and the speculative nature of development caused developers to seek the most expeditious and economical means of providing basic services such as water, roads, fire protection, and sewers. During this period special district after special district was formed - many of them overlapping each other and providing like services to whoever asked for them without consideration of future development, land use, and long-range service financing.

Special districts became the local government of suburbia and municipalities suffered. With development moving away, cities experienced a deteriorating revenue base and a residual population of lower income residents. To counteract this, cities began annexing whatever territory they could. However, because of existing annexation statutes, cities were able to annex only the undeveloped land beyond or around developing suburbia. This type of annexation led to premature, unplanned development and irregular city boundaries.

By the late 1950s, California's agricultural industry dwindled and cities began seeking State assistance to correct their blighted conditions. In 1958, Governor Edmund G. Brown, Sr., appointed a blue-ribbon Commission to look into the cause and effect of these related happenings and to formulate solutions for restraining and correcting the situation.

As a result of these studies, the Legislature formed the California Boundary Commission. This Commission was organized at the State level and given review and comment authority over the boundaries of city annexations and incorporations.

The functioning of the Boundary Commission proved unsatisfactory from the beginning. It could offer no controlling solution to the creation of multiple special districts, and it did not have the authority to change the trend.

During 1961 and 1962, the Assembly Committee on Municipal and County Government held several lengthy hearings. All elements of local government participated. It was decided that the problems facing the areas had to be dealt with on a local county level; that whatever institution was formed had to have decisive regulatory power. Local answers to problems of urban sprawl and growth of local agencies required equal participation by the county and the cities to arrive at practical, workable solutions.

These principles became the cornerstone of the Knox-Nisbet Act, enacted in 1963, which created a local agency formation Commission in each county in the State and charged them with the responsibility to discourage urban sprawl and encourage orderly growth and development of cities, districts, and communities. It is the regulatory body which sits between the citizens and various governmental agencies that provide municipal services.

In 2000, the Cortese-Knox-Hertzberg Reorganization Act was enacted. This Act was a comprehensive revision of the Cortese-Knox Local Government Reorganization act of 1985. This 1985 act was a consolidation of the following three laws:

- The Knox-Nisbet Act of 1963, which established local agency formation Commissions (LAFCOs) with regulatory authority over local agency boundary changes.
- The District Reorganization Act of 1965 (DRA), which combined separate laws governing special district boundaries into a single law.
- The Municipal Organization Act of 1977 (MORAGA), which consolidated laws on city incorporation and annexation into one law.

Assembly Speaker Robert M. Hertzberg introduced AB 2838 in 2000 to comprehensively revise the Cortese-Knox Act. His bill incorporated many of the recommendations made by the Commission on Local Governance for the 21st Century in its report. "Growth Within Bounds." The extent of the revisions resulting from AB 2838 is reflected in the Act's title, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This act provided LAFCO with more authority over special districts, by transferring the conducting authority proceedings to LAFCO and granting the authority to LAFCOs to initiate various changes in organization of special districts. (Amended 8/9/10)

DRAFT

SECTION 2: TUOLUMNE COUNTY LAFCO POWERS

The powers of Tuolumne County LAFCO include, but are not limited, to the following:

- A. Review and approve or disapprove proposals with or without amendment, wholly, partially, or conditionally:
- Annexation of territory to cities or special districts.
 - Exclusion of land from cities or special districts.
 - The consolidation of two or more cities, or two or more special districts formed under the same principal act.
 - The formation of new special districts and the incorporation of new cities.
 - The dissolution of special districts and disincorporation of cities.
 - The merger of cities and special districts.
 - Reorganizations which involve boundary changes to two or more cities or special districts as part of one proceeding.
 - Review of city or special district contracts for service outside of their boundaries.
 - Conduct, or delegate to the Executive Officer, the review and approval of proposals that would extend services into previously unserved territory within unincorporated areas, pursuant to Government Code Section 56133.
 - Conduct service reviews of the municipal services provided in the county on a regional or subregional basis, and provide written Statements with respect to infrastructure needs, growth and population projections, financing constraints, cost avoidance opportunities, opportunities for shared facilities, and other factors in Government Code Section 56430. These reviews can occur in conjunction with sphere of influence studies and should be conducted at least once every five years or as necessary, as determined by the Commission. (Proposed April 2024)
 - Initiate and conduct special studies of existing governmental agencies including, but not limited to, inventorying such agencies and determining their maximum service area and service capacities.
 - Initiate proposals for consolidation of special districts, the merger of a special district with a city, the dissolution of a special district, the establishment of a subsidiary special district, or a reorganization which includes any of these outlined changes.
 - Conduct Protest Hearings or delegate the responsibility to the Executive Officer.
- B. Adopt evaluation standards and procedures for the evaluation of proposals which shall include, but are not limited to, the following factors identified in Government Code Section 56668:
- Conformity of the proposal and its anticipated effects on Commission policies on providing planned, orderly, efficient patterns of urban development and priorities.
 - Conformance with local city or county general plans.
 - The sphere of influence of any local agency which might be affected.
 - Effect of the proposed action and of alternative actions on adjacent areas, mutual social and economic interests, and local governmental structure of the county.
 - Land area and land use.
 - Population and population density.
 - Determine if the area is inhabited or uninhabited.
 - Proximity to other populated areas.
 - Likelihood of significant growth during the next ten years.
 - Effect of proposal on maintaining physical and economic integrity of lands in agricultural
-

preserves and open space uses.

- The proposed boundaries in relation to lines of assessment or ownership; the creation of islands or corridors of unincorporated territory.
- Natural boundaries and drainage basins.
- Assessed value.

- C. Review plans for service, which shall be prepared and submitted by each local agency affected by a proposed change of organization, regardless of whether that proposal is initiated by resolution or petition. In the case of a proposed annexation, the plan for service must demonstrate that the range and level of services currently available within the study area will, at least, be maintained by the annexing agency. For those proposals involving a reorganization consisting of annexations to multiple agencies, the plan for service shall also be required for each affected agency.
- D. Establish and review Spheres of Influence as described in Government Code Section 56425. LAFCO is required to establish spheres of influence for each city and special district in the County. Additional Sphere of Influence policies are in Appendix B.
- E. When necessary, form reorganization committees for reorganization proposals and adopt standards and procedures for the evaluation of any plan of reorganization or alternate plan reported on by such committee.
- F. Determine the successor district or city.
- G. Determine whether territory proposed for annexation or detachment, or municipal reorganization is inhabited or uninhabited. "Inhabited" means an area that contains twelve (12) or more registered voters.
- H. Determine the distribution of all assets and liabilities, including recommendations for retaining employees, for all consolidations, mergers, dissolutions, and creations of subsidiary districts, or any other proposal.
- I. Apply for or accept, or both, any financial assistance and grants-in-aid from public or private agencies or from the State and Federal government or from a local government.
-

SECTION 3: POLICY GUIDELINES

The Local Agency Formation Commission is a State-mandated entity, established for each county in the State and is independent of local county, city or district governmental jurisdiction. Recognizing that the needs of one county may be substantially different from another county, the State allows significant flexibility to each Commission, authorizing the LAFCO in many cases to apply the statutes “based on local conditions and circumstances”. These local policies are therefore the catalyst for implementation of State laws designed to “discourage urban sprawl and encourage the logical and orderly development of local agencies.”

POLICY # 1 - PURPOSE

The purposes of the Local Agency Formation Commission are provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and include the following:

- Discourage urban sprawl.
- Encourage orderly formation and development of local governmental agencies, based on local conditions and circumstances.
- Initiate and make studies of governmental agencies.
- Develop spheres of influence for each local governmental agency.

POLICY # 2 - ENCOURAGE ORDERLY URBAN DEVELOPMENT AND PRESERVATION OF OPEN SPACE

The Commission encourages well planned, orderly, and efficient urban development patterns for all developing areas. Also, the county, cities, and those districts providing urban services are encouraged to develop and implement plans and policies which will provide for well-planned, orderly and efficient urban development patterns with consideration of preserving permanent open space lands within those urban patterns.

Development of existing vacant non-open space and nonprime agricultural land within an agency's boundaries is encouraged prior to further annexation and development. However, where open land adjacent to the agencies are of low agricultural, scenic, or biological value, annexation of those lands may be considered over development of prime agricultural land already existing within an agency's jurisdiction.

Proposals to annex undeveloped or agricultural parcels to cities or districts providing urban services shall demonstrate that urban development is imminent for all or a substantial portion of the proposal area; that urban development will be contiguous with existing or proposed development; and that a planned, orderly, and efficient urban development pattern will result. Proposals resulting in a leapfrog, non-contiguous urban pattern will be discouraged. Consideration shall be given to permitting sufficient vacant land within each city and/or agency in order to encourage economic development, reduce the cost of housing, and allow timing options for physical and orderly development.

POLICY # 3 - ENCOURAGE CONSERVATION OF PRIME AGRICULTURAL LANDS AND OPEN SPACE AREAS

Proposals which would conflict with the goals of maintaining the physical and economic integrity of open space lands, agricultural lands, or agricultural preserve areas in open space uses, as indicated on the city or county general plan, shall be discouraged.

Annexation and development of existing vacant non-open space lands and nonprime agricultural land within an agency's sphere of influence is encouraged to occur prior to development outside of an existing sphere of influence.

A sphere of influence revision or update for an agency providing urban services where the revision includes prior agricultural land shall be discouraged. Development shall be guided towards areas containing nonprime agricultural lands unless such action will promote disorderly, inefficient development of the community or area.

Loss of agricultural lands should not be a primary issue for annexation where city and county general plans both indicate that urban development is appropriate and where there is consistency with the agency's sphere of influence. However, the loss of any prime agricultural soils should be balanced against other LAFCO policies and a LAFCO goal of conserving such lands.

POLICY #4 - PRIORITIES FOR ANNEXATION AND FORMATION

The Commission will consider the following priorities or guidelines for annexation and formation with the provision that overriding circumstances must be stated in exceptions:

- Annexation to the City of Sonora or district instead of formation of a new agency.
- Annexation to a multi-purpose district in preference to annexation to a single purpose district.
- Formation of a new political entity as the last and least desirable alternative.
- Boundaries should follow existing political boundaries, and natural or man-made features such as rivers, lakes, railroad tracks and highways. Where boundaries do not meet this standard the proponent shall justify the reason for non-conformance.
- Boundaries should not be drawn so as to create an island, corridor, or strip either within the proposed territory or immediately adjacent to it. Where boundaries do not meet this standard, the proponent shall justify the reason for non-conformance.
- Whenever practicable, boundary lines of areas to be annexed to the City of Sonora and/or special districts shall be so located that all streets and rights-of-ways will be placed within the same jurisdiction as the properties which abut thereon and/or for the benefit of which such streets and rights-of-ways are intended.
- The creation of boundaries that divide assessment parcels should be avoided, whenever possible. Where boundaries do not meet this standard, the proponent shall justify the reason for non-conformance.

Boundaries should avoid dividing an existing identifiable community, commercial district, or any other area having social or economic homogeneity. Where boundaries do not meet this standard, the proponent shall justify the reason for non-conformance

POLICY #5 – CONCURRENT DISTRICT ANNEXATION

For any annexation within a community served by a variety of community-based local agencies, the Commission shall require concurrent annexation to all of the local agencies serving the community

(concurrent district annexations) with the provision that overriding circumstances must be stated in any exception.

POLICY #6 – FACTORS FOR CONSIDERATION OF A PROPOSAL

State law provides a wide variety of factors that the Commission must consider in the review of a proposal. These are specified in Government Code Section 56668, and include but are not limited to the following:

- Land area and land use.
- Topography, natural boundaries, and drainage basins.
- Population, population density, proximity to other populated areas, and per capita assessed valuation.
- The likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next ten years.
- The effect of the proposed action and of alternative actions on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the County.
- The need for organized community services.
- The present cost and adequacy of governmental services and controls in the area, and probable future needs for such services and controls.
- The probable effects of the proposal and of alternatives on the cost and adequacy of services and controls in the area and adjacent areas. As used, "services" refers to governmental services, including necessary public facilities, whether or not the services would be provided by local agencies under LAFCO's jurisdiction, such as educational services.
- Conformity with appropriate city or county general and specific plans.
- The "sphere of influence" of any local agency which may be applicable to the proposal being reviewed.
- The effect of the proposal on maintaining the physical and economic integrity of agricultural lands. The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory and other similar matters affecting the proposed boundary.
- The conformity of the proposal and its anticipated effects with adopted Commission policies on providing planned, orderly, efficient patterns of urban development.
- The ability of the newly formed or annexing agency to provide the services which are identified in the application and consideration of whether the revenues for those services will be sufficient.
- The timely availability of water supplies adequate for projected needs.
- The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.
- Any information or comments from the landowner or owners, and residents of the study area.

POLICY # 7– PRE-ZONING FOR CITY OF SONORA ANNEXATIONS

No City of Sonora annexation application will be deemed complete unless the pre-zoning process has been completed.

Such pre-zoning shall also require that the City of Sonora become the lead agency for environmental review for the proposed change and shall prepare and submit to LAFCO the environmental analysis document in sufficient time for LAFCO's staff to comment before a determination of environmental effects is made.

POLICY #8 - INCORPORATION POLICIES

The following are the policy statements to assist in the guidance of unincorporated communities in their review of governmental options.

- Incorporation proposals involving land within the existing City of Sonora sphere of influence will not be accepted for filing. If a city incorporation proposal would conflict with an established City of Sonora sphere of influence, the incorporation proponents must first initiate, and the Commission must approve, a sphere of influence amendment to exclude the study area from that sphere prior to circulation of formal incorporation petitions.
- The Commission defines "financial feasibility" to mean the ability of a new city to maintain pre-incorporation service levels, with sufficient resources to provide a municipal-level law enforcement service consistent with the recommendations of the County Sheriff.
- In determining feasibility, the Commission will consider only those revenues that are currently available to all general law cities. It will not consider revenues derived through special taxes or assessments, nor will it consider hypothetical revenues available through possible actions of a future city council, such as utility users taxes in the determination of financial feasibility.
- In determining feasibility, the Commission requires that proposed staff salary costs shall be based on an average of similar-sized cities or those cities which have the most comparable population within Tuolumne, Stanislaus, and Calaveras Counties.
- In determining compliance with Government Code Section 56720, the Commission finds that a "reasonable reserve" is a contingency fund equal to 10% of the projected general and special funds of the new city.
- The Commission requires that a new city shall assume jurisdiction over all community-based special districts serving the incorporation area. A clear and compelling rationale must be provided if the continued overlay of a community-based district is proposed.
- In order to qualify for incorporation such as the sales tax revenues attributable to the study area must at least cover the expected administrative and legislative costs of the new city.

POLICY #9 – CONFLICT WITH PRINCIPAL ACT

In the event that the proceedings for the formation of a district as authorized by the principal act of the district conflicts with the procedural requirements of Government Code Section 56000 et. seq., the procedural requirements of the Government Code 56000 et. seq. shall be followed by LAFCO.

POLICY #10 - OUT-OF-AGENCY SERVICE CONTRACTS OR AGREEMENTS

The Commission has determined that the Executive Officer shall have the authority to approve, or conditionally approve, proposals to extend services outside jurisdictional boundaries in cases where the service extension is proposed to remedy a clear health and safety concern. In addition, the Executive Officer shall have the authority to approve or conditionally approve service extensions where the services in question will not facilitate development, such as an inter-agency contract for fire protection services. In cases where the Executive Officer recommends denial of a proposed service extension, that proposal shall be placed on the next Commission agenda for which notice can be provided. After the public hearing, the Commission may approve, conditionally approve, or deny the contract.

POLICY #11 - COUNTY RULES AND REGULATIONS

In Tuolumne County, the Commission has determined that for purposes of economy and convenience it chooses to use the rules and regulations of the County as those relate to working rules of staff and to allocation of space and supporting equipment and facilities necessary to accomplish its purpose, except as the Commission may determine otherwise.

SECTION 4: OPERATIONAL POLICIES

A. Membership

1. The Tuolumne County Local Agency Formation Commission consists of the following members:
 - Two members of the County Board of Supervisors and one alternate, appointed by the Board from its own members.
 - Two City Council members and one alternate, appointed by the City of Sonora.
 - One Public Member and one alternate, appointed by the other four Commission members after review of applications.
 - Two Special District members, and one Special District Alternate. (May 2023)
 - One of the Special District seats rotates between Tuolumne Utilities District, Groveland Utilities District, and Twain Harte Community Services District.
 - The second seat is an at large seat voted on by the Special District Selection Committee.

- 2 Notice of Vacancy for Public Member

Upon announcement that a vacancy for the public member or alternate public member will exist, the Executive Officer shall post a vacancy notice inviting all interested citizens of Tuolumne County to apply within thirty (30) days of posting. The Notice shall be posted at the following locations:

- On the bulletin board in the foyer on the 4th floor in the A.N. Francisco Building;
- On the bulletin board in the foyer on the 2nd floor (main entry) of the County Administration building;
- Any other location as directed by the Commission;
- Provide a Notice of Vacancy to the City of Sonora Clerk, the Clerk of the Board of Supervisors, and all LAFCO Special Districts; and,
- Issue a press release to local newspaper and radio stations for the purpose of further advertising the vacancy.
- Place an advertisement in the Union Democrat inviting applicants to apply for the vacant position.
- Provide a Notice of Vacancy to the clerk or secretary of each local agency within the County. (Amended 8/9/10)

The Executive Officer shall accept no application after the expiration of the thirty (30) days, and shall forward all applications to the members of the Commission. Only applications received by the Executive Officer may be considered for appointment. A review period of not less than ten (10) days shall follow the thirty-day application period.

The Commission may select a personnel committee from among its membership for the

purpose of reviewing applications and bringing its recommendations to the full Commission.

The Public and Alternate Public Member candidates receiving a majority of the votes cast by eligible Commission members will be appointed to the vacant position for either the unexpired or full term and/or until appointment and qualification of a successor. At such time as independent special districts are seated on the Commission, the Public and Alternate Public Member candidates must receive an affirmative vote from at least one County Member, one City Member, and one Special District member for appointment to that position.

3. Special District Representation

Special District Members include the following:

- Seat A (focused) – A four (4) year term that rotates automatically between Tuolumne Utilities District, Twain Harte Community Services District, Groveland Community Service District. If the Focused Special District member cannot continue to serve on LAFCO, the entity currently holding the position will select a new representative from its Board.
- Seat B(at large) – A two (2) year term, elected by a LAFCO initiated ballot process sent to all LAFCO Districts in the County. The Special District Selection Committee recommends the candidates to be placed on this ballot. If this seat is vacated, the Special District Selection Committee will recommend candidates which will appear of the LAFCO initiated ballot process sent to all LAFCO districts in the County.
- Special District Alternate – Will attend all LAFCO meetings to stay informed and will serve as the LAFCO Special District Representative in the event of a vacancy of Seat A or B, until a replacement is selected or in the event that a Special District member cannot attend a meeting. .

Appendix C has additional information regarding special district members and the Special District Selection Committee.

B. Staffing

The Tuolumne County LAFCO is an independent body responsible for selecting its staff and establishing personnel rules and regulations. LAFCO staffing is provided by the County of Tuolumne staff who serve as:

- An Executive Officer, who is required by State law to administer the day-by- day activities of the Commission and the staff, prepare the annual budget, prepare and/or approve the staff reports which are circulated in advance for all items being considered by the Commission, and represent LAFCO in most matters in relationship with the public and other governmental bodies;
 - An Assistant Executive Officer, who assists by processing applications, prepares draft reports for proposals submitted to the Commission for consideration, provides information to the public and attends LAFCO related meetings.
 - A Legal Counsel, who interprets the law and gives legal advice to the Commission and staff on matters relating to LAFCO proceedings and decisions; and
 - A LAFCO planner who completes municipal service review and other projects proposed by LAFCO or project proposed by an applicant that requires LAFCO review.
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- A Department Support Technician who prepares LAFCO agendas, and minutes, publishes legal notices, maintains records of proposals submitted, maintains the record of the official proceedings of the Commission, sends information and notices to people and agencies and performs other clerical and secretarial duties.

In addition, the County Assessor, Registrar of Voters, Surveyor, Planning staff, other County staff members, and when appropriate, many independent special districts and the City of Sonora, contribute to make up the background information contained in LAFCO staff reports.

C. Budget Requirements and Procedures

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 establishes the funding relationships between the County, the cities, the independent special districts, and LAFCO. The funding for LAFCO is shared by the City of Sonora, the LAFCO Special Districts, and the County of Tuolumne, summarized as follows:

- Annually in the month of April, the Commission will adopt a “preliminary” budget and will forward that document to the County, City and to each independent special district. (Proposed April 2024)
- The County, City and each independent special district will have an opportunity to review and comment on the preliminary budget, and they may present their recommendations to the Commission at its public hearing scheduled in May or June. At the conclusion of this public hearing process, the Commission adopts a budget. Pursuant to Section 56381, “the proposed and final budget shall be equal to the budget adopted for the previous fiscal year, unless the Commission finds that reduced staffing or program costs will nevertheless allow the Commission to fulfill the purposes and programs of this chapter.” (Proposed April 2024)
- By law, the Commission is required to adopt its final budget annually by June 15th, and then the budget is forwarded to the County, City, each independent special district and County Auditor/Controller. The County Auditor/ Controller divides the cost between the City, Special Districts, and County. Special Districts pay one-third of the annual budget, and the County of Tuolumne and the City pay the remaining balance. The County and City portions have been determined by a Memorandum of Understanding (MOU), and the Local Transportation Fund (LTF) per capita percentage is used to determine the City’s and the County’s respective share of the LAFCO budget. Additionally, Tuolumne County pays for LAFCO expenses and then the County Auditor/Controller bills the City and Special Districts on a quarterly basis for its share of the costs. Any time spent to collect fees from the City or Special District beyond one request/attempt will be charged to that agency on a time and materials basis. (Proposed April 2024)

D. Purchasing Policies

It is the policy of Tuolumne County LAFCO to follow a practice of ethical, responsible and reasonable procedures related to purchasing, agreements and contracts, and related forms of financial commitment. The policies in this section describe the principles and procedures that all staff shall adhere to in the completion of their designated responsibilities. The policies and procedures are intended to provide for the cost-effective use of public resources, including funds and staff time.

All purchases should adhere to the following guidelines:

Purchase Limit	Minimum Number of Quotes	Form of Quote	Approval Authority
<i>Goods</i>			
Up to \$1,000	1	Verbal	Executive Officer
\$1,001 - \$5,000	2	Written	Executive Officer
\$5,001 - \$10,000	3	Written	Chair
Over \$10,000	3	Written	Commission
<i>Services</i>			
Under \$1,000	1	Verbal	Executive Officer
Between \$ 1,002 and \$10,000	1	Written	Executive Officer
Over \$10,000	3	Written	Commission

Any contract or agreement for services greater than \$10,000 within a fiscal year shall be presented to the Commission for approval and execution.

Any contract or agreement for which there are not sufficient funds contained in the appropriate line item of the LAFCO budget, regardless of the amount of the contract or agreement, shall be presented to the Commission for approval and execution.

Any amendment to an existing contract or agreement for services which would cause the total amount of the contract or agreement to exceed \$10,000 in a fiscal year shall be presented to the Commission for approval and execution. (Proposed April 2024)

E. Financial Reporting and Annual Auditing Policies

The Executive Officer shall present financial reports to the Commission on a quarterly basis identifying actual year-to-date expenses and revenues relative to adopted budgeted amounts. Tuolumne LAFCO shall utilize the County Auditor to prepare annual financial statements. (Proposed April 2024)

F. Stipend and Travel Allowance

The Commission has no meeting stipend or per diem. The Commission annually allocates funding for travel, training and seminars.

G. Resolutions of Appreciation

The Commission authorizes expenditure for mounting and framing of resolutions of appreciation for retiring LAFCO Commissioners and LAFCO staff personnel who have rendered outstanding service.

In respect to retiring Commissioners, the public purpose being served by such expenditure is that through publicly adopted resolutions of appreciation, appropriately framed, other members of the public will also be encouraged to render public service by becoming members of various public agencies and Commissions.

The public purpose of the framed resolutions of appreciation for the LAFCO staff is to give

recognition for outstanding services rendered, with the purpose of maintaining high morale while at the same time providing further incentive for efficiency and productivity.

- H. The California Political Reform Act, Government Code §81000 et seq., requires each state and local government agency to adopt and promulgate a Conflict of Interest Code. The Fair Political Practices Commission (FPPC) has adopted a regulation, Title 2, §18730 of California Code of Regulations, which contains the terms of a standard Conflict of Interest Code. This standard Code is hereby incorporated by reference.

Persons serving in Designated Positions must file annual statements of economic interest (Form 700) with the County Clerk by April 1 of each year. Statements of economic interest are also required upon appointment to office and upon leaving office.

The following Designated Positions must file statements of economic interest:

- a) Commissioners and Alternate Commissioners
- b) Executive Officer and LAFCO Staff members
- c) LAFCO Counsel

(Proposed April 2024)

- I. Tuolumne County LAFCO is committed to governing in an ethical manner and adhering to all requirements of the Political Reform Act, Government Code § 1090 (relating to financial interests in contracts) and related state ethics laws. Commission members recognize that complying with State ethics laws is an individual responsibility and, as such, each member understands that potential ethical issues require careful attention. The following protocol offers a general framework for identifying and handling such issues in an appropriate manner:

- When a Commission member becomes aware of a potential ethical issue, he or she should promptly seek advice from the LAFCO Counsel, the FPPC, or a private attorney prior to taking any action that could violate ethics laws.
 - Ethical issues that arise for the first time in a public meeting or similar setting should be brought to the attention of the LAFCO Counsel as discreetly as possible. This may include requesting a meeting recess or a continuance, if feasible, to afford the affected member an opportunity to obtain accurate, confidential advice from the LAFCO Counsel or other appropriate advisor.
 - If a Commission member is advised that recusal is legally required, prior to LAFCO consideration of a relevant item, the Commissioner will briefly announce the nature of the conflict of interest. With the exception of consent agenda items, the Commissioner will leave the room during LAFCO consideration of the item. If these actions are not taken by a Commissioner, to preserve the validity of a pending LAFCO action, the LAFCO Counsel may advise the Commission of its opinion that recusal (or other action) is legally required and request appropriate action by the affected Commissioner.
 - If a Commissioner disagrees with the LAFCO Counsel's advice on an ethical issue, they will take reasonable steps to resolve the disagreement. This could include seeking advice from the FPPC or a private attorney, either independently or in coordination with the LAFCO Counsel's office. The Commissioner should recuse himself or herself from LAFCO items implicating the conflict (if such items cannot reasonably be continued) until further advice is obtained. (Proposed April 2024)
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SECTION 5: COMMISSION RULES OF ORDER

The Rules of Order were adopted on March 30, 1981 for the conduct of business by the Local Agency Formation Commission of Tuolumne County and the holding of regular meetings by such Commission. Said Rules of Order are hereby repealed and superseded by the following:

RULE 1 - REGULAR MEETING DATE

Regular meetings of the Local Agency Formation Commission shall be held on the second Monday of each month when there are matters to consider. Whenever a legal holiday falls on a regular meeting date, an alternate meeting date will be selected if needed. All regular meetings of the Local Agency Formation Commission shall be called to order at four o'clock p.m., unless advertised differently. (Amended 8/9/10, 4/11/05)

RULE 2 - CALLING OF SPECIAL MEETINGS

An emergency or special meeting may be called at any time by the Chairman of the Commission, or by a majority of the members of the Commission. Notice of such meetings must follow the Brown Act requirements, which includes notice at least 24 hours prior to the meeting.

RULE 3 - PUBLIC MEETINGS

All meetings of the Local Agency Formation Commission shall be open to the public, and all persons shall be permitted to attend any meeting of the Commission, except as otherwise provided herein.

RULE 4 – AGENDAS

An agenda shall be prepared by the Commission staff for each meeting of the Commission and shall be distributed in accordance with the Government Code.

RULE 5 - ORDER OF BUSINESS

The regular order of business of the Local Agency Formation Commission shall be:

1. Call to Order by the Chairman
2. Salute to the Flag
3. Approve Minutes of Previous Meeting
4. Approve Resolutions of Previous Actions, As Necessary
5. Presentation of Consent Items
6. Public Hearing on Continued Items
7. Public Hearing on New Items
8. Reports, a. Staff, b. Commission (**Proposed April 2024**)
9. Adjournment

RULE 6 – REPORTS, STAFF AND COMMISSION

Reports are a brief oral reports that are not intended to be in-depth presentations, as those matters should be placed on an agenda for discussion. During reports, the Executive Officer will provide information as necessary to the Commission, and then members may then provide a report to the Commission. All information provided during the "Report" item on the agenda shall not be discussed by the members at that meeting. If further discussion is warranted, a Commissioner may request that the Chair agendize the

topic for a future meeting. The Chair may then direct the Executive Officer to agendize the item to allow for in-depth discussion. (Proposed April 2024)

RULE 7 - ELECTION OF CHAIR AND VICE CHAIR

The Chair shall be elected each year, during the meeting in the month of May, or the next meeting held if there is no meeting in May. The Chair shall be elected by a majority of the Commission. The Vice Chair is also elected at this meeting. (Amended 8/9/10)

RULE 8 - CHAIR'S ROLE

The Chair, or in the Chair's absence, the Vice Chair shall be the presiding officer of the Commission at all meetings and shall:

- a. Preserve order and decorum.
- b. Determine the order of business to be transacted at a meeting including establishing a time limit for speakers when deemed appropriate.
- c. State the questions coming before the Commission.
- d. Call the vote on all questions.
- e. Announce the Commission's decisions.
- f. Decide all questions of order, subject however, to appeals to the Commission as a whole, in which event a majority vote shall govern.
- g. Sign all resolutions, directives and contracts approved by the Commission, which signature shall be attested by the Executive Officer or the Assistant Executive Officer. (Amended 8/9/10)

RULE 9 - CHAIR'S VOTING PRIVILEGES

The Chair of the Commission shall, in voting procedures, have all the rights and obligations of other members. (Amended 8/9/10)

RULE 10 - PARTICIPATION OF ALTERNATE MEMBERS IN OPEN AND CLOSED SESSIONS AND DISCUSSIONS OF PROPOSALS

Only regular members of the Commission may participate in the discussion and vote on a proposal before the Commission. Alternates may participate in the discussion and vote only when sitting in the place of a regular member who is absent or is disqualified for a particular action. (Amended 8/9/10)

RULE 11 - REFERRAL TO COMMITTEES

Any matter coming before the Commission may, if deemed necessary, be referred to staff or a committee of the Commission for additional information. The Commission shall appoint standing and special committees, as it may deem necessary.

RULE 12 - CONTINUATION OF PROPOSALS

Actions pending before the Commission may not be continued beyond seventy (70) days from the date specified in the original Notice of Hearing except under special circumstances as determined by the Commission.

RULE 13 - CONTINUANCE OF COMMISSION MEETINGS

The Commission may continue a meeting to a time and place specified if an insufficient number of Commissioners are present to constitute a quorum. A majority of the members of the Commission (four) constitutes a quorum.

If all members are absent from any regular or continued regular meeting, the Executive Officer or Assistant Executive Officer may declare the meeting continued to a stated time and place, without additional written notice of the continuance.

RULE 14 - CLOSED SESSIONS OF COMMISSION

The Commission may hold Closed Sessions during a regular or special meeting to consider pending or potential litigation. (Amended 8/9/10)

RULE 15 - QUORUM AND VOTING

A majority of all members of the Commission (four) shall constitute a quorum for the conduct of business. A quorum is the majority of the seats on the Commission regardless of whether they are filled or vacant. No action of the Commission shall be valid unless it receives the affirmative vote of not less than four members of the Commission. (Amended 8/9/10)

RULE 16 - ABSTENTION OF VOTING

The determination by a Commissioner to abstain from voting on any action before the Commission does not indicate, and shall not be counted as, either an "aye" or "no" vote on that count.

RULE 17 – ROLL CALL

The roll need not be called upon the vote on any motion, unless requested by a Commissioner or required due to the Brown Act. Any Commissioner not voting in an audible voice shall be recorded as voting "aye". Any roll call of the Commission shall be in alphabetical order by last name, except that the Chairman shall be called last.

RULE 18 - TIE VOTES OF COMMISSION

Four votes are necessary to approve a proposal or a motion. A proposal which receives a tie vote may be discussed further and then a second vote taken. If the tie is not broken, the proposal or motion shall automatically be continued to the next Commission hearing. A subsequent tie vote at the next hearing of the proposal indicates automatic denial without prejudice.

RULE 19 – DISQUALIFICATION OF MEMBERS FROM VOTING

No member of the Commission is disqualified from voting on any item being considered by the Commission, except in those instances in which the member has a financial conflict of interest. In any situation in which the member disqualifies himself or herself for whatever reason or is absent, the Alternate member will vote.

The representation by a member or alternate of the City of Sonora, a Special District, or the County of

Tuolumne shall not disqualify, or be cause for disqualification of, the member or alternate from acting on a proposal affecting the City, Special District, or County of Tuolumne, as provided by Government Code Section 56336.

RULE 20 – PUBLIC COMMENT PORTION OF THE COMMISSION'S AGENDA

The Commission encourages the public to attend its hearings and address the Commission during the “public comment” item on the agenda. Comments must be limited to issues which are under the jurisdiction of the Commission. Oral and written comments may be presented; however, the length of oral comments may be limited by the Chair.

RULE 21 – AGENDA CONTENT

Agendas shall be set by the chair in consultation with the Executive Officer. Items cannot be put on the agenda if they are outside of the purview of LAFCO.

RULE 22 – RETENTION OF MATERIALS UTILIZED DURING COMMISSION HEARINGS

Any person utilizing or presenting any audio, visual, or written materials at the LAFCO public hearing must be prepared to provide a copy of every item to the staff of the Commission at the time the presentation is made.

RULE 23 - SUSPENSION OR CHANGE TO RULES OF ORDER

Subject first to posting notice and following the Commission’s discussion at a regular meeting, any of the Commission Rules of Order not required by law may be suspended or changed by a majority of the members of the Commission. (Amended 8/9/10)

RULE 24 - QUESTIONS OF LAW

Questions of law may be referred to Commission Counsel for opinion. Commission Counsel is provided by the County of Tuolumne, County Counsel, who may retain outside counsel as needed. Any decisions regarding retention of outside counsel will be made solely by County Counsel, who will ensure that such retention does not exceed LAFCO’s budget.

RULE 25 – FORMS AND APPLICATIONS

The Executive Officer is delegated to create and add forms and applications to the Policy and Procedure Manual.

SECTION 6. APPLICATION PROCESSING PROCEDURES

The procedures for proposals considered by the Local Agency Formation Commission (LAFCO) are guided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.), and any proposal submitted must conform to the requirements outlined in the Act. The procedures outlined below represent broad guidelines as to the steps required. Specific processing procedures shall be followed as outlined in Government Code Section 56000 et seq.:

A. General Procedures

1. Prior to the submittal of any application by agencies, registered voters, or affected landowners, the applicant must meet with the Executive Officer to review the proposed project. A project will not be considered complete until this meeting is held. (Proposed April 2024)
2. Typically, proposals for changes in boundaries, formations, or changes of organization can be submitted for the consideration of LAFCO by petition of the registered voters or affected landowners; however, prior to the circulation of any petition, a "Notice of Intent to Circulate" available on the Commissions website, must be presented to the LAFCO Executive Officer following Government Code Section §56700.4. A proposal may also be initiated by a resolution adopted by the governing body of any related public body (county, city, or special district). The proposal must be submitted on forms available from the LAFCO staff office, or on the LAFCO website along with the applicable number of maps and filing fees to cover the proposal submitted. (Amended 8/9/10)
3. LAFCO shall establish a schedule of application processing fees through adoption of a resolution.

Unless otherwise authorized by LAFCO, application processing fees shall be established to recover their full cost of processing. Fees shall be established on a full cost recovery basis or based upon the average cost to process a specific type of application on a time and materials basis.

There shall be an automatic increase or decrease in the application processing fees adopted by LAFCO, based upon the "San Francisco Consumer Price Index, All Items, All Urban Consumers," published by the U.S. Department of Labor, for the preceding 12-month period.

There shall be no waivers of application processing fees. (Amended March 14, 2011)

Fees unpaid by applicants will be automatically collected by the County Auditor and/or will be sent to the Office of Revenue Recovery for collection. (Proposed April 2024)

4. If two or more proposals pending before the Commission shall conflict or be inconsistent with each other, the Commission may determine the relative priority for conducting further proceedings on these proposals. In the absence of any such determination, priority shall be given to that action which was first filed with the Executive Officer. (Proposed April 2024)
5. Upon receipt of a completed application, the LAFCO staff processes the application as follows:
 - a. Notice of Filing
 - Prepares a "Notice of Filing" and mails this to all affected and interested public bodies,

including school districts, and sends a copy to the County Assessor and County Auditor/Controller.

- This notice alerts the affected agencies of the item proposed, and requests from the Assessor and Auditor/Controller the ad valorem tax information pertinent to the proposal.
- When the LAFCO office receives the tax information related to the proposal, staff mails this information to the County Administrative Office and each affected special district, and/or the City of Sonora if it is affected, to negotiate any tax transfer. (Amended 8/9/10)
- The proposal cannot be considered by the Commission until LAFCO receives from the County Board of Supervisors for itself and affected districts and the City of Sonora if affected, a resolution approving any change in ad valorem tax distribution which is caused by the proposed change.

In addition to the notice requirements of the Cortese-Knox-Hertzberg Act of 2000, the LAFCO Staff shall notify landowners of applications for Changes of Organization as follows:

Formation of a County Service Area	The provisions of the Cortese-Knox-Hertzberg Act of 2000 including amendments regarding notice for formations shall be adhered to	
Annexation to County Service Area	Total Area of Parcels Subject to the Annexation	Distance of Notification of Landowners
	Less than 2 gross acres	300 feet
	2 gross to less than 10 gross acres	500 feet
	10 gross acres or larger	1,000 feet
All other special district and City of Sonora proposals	Total Area of Parcels Subject to the Entitlement	Distance of Notification of Landowners
	Less than 2 gross acres	300 feet
	2 gross to less than 10 gross acres	500 feet
	10 gross acres or larger	1,000 feet

b. Environmental Review Under The California Environmental Quality Act (CEQA)

- The LAFCO review process cannot continue until: (1) a determination is made that the proposal qualifies for an exemption as defined within the California Environmental Quality Act (CEQA) and the Commission's environmental guidelines (Appendix A); or (2) a Negative Declaration is provided by the applicant which indicates that, if approved, the project will have no adverse effects; or (3) there is a completed Environmental Impact Report submitted by the applicant for the project. (Amended 8/9/10)
- Environmental documents are reviewed and considered by the Commission in conjunction with the Commission's action on the proposal. The Commission determines if the environmental documents are adequate prior to making a decision on the proposal.

c. Departmental Review Process

- Basic information related to each proposal is mailed to every agency affected by the item and to the County Assessor, Auditor/Controller, County Clerk, Planning, Surveyor, and Public Works Departments.
 - Each department or agency is requested to comment on the proposal and submit information relating to it. Then all information and concerns are reviewed.
4. The LAFCO staff prepares the Commission meeting legal notice for posting, mailing, publishing in the newspaper and posting on the website at least 21 days prior to the meeting. The Assistant Executive Officer also prepares a draft report making a recommendation to the Commission relating to the proposal. (Amended 8/9/10)
 5. The LAFCO Executive Officer reviews, edits, and distributes the report making a recommendation to the Commission.
 6. The item is considered by the Commission, and it either approves or denies the proposal.
 - a. If the Commission denies the proposal, then it is legally terminated.
 - b. If the Commission approves the proposal, LAFCO staff will provide a published Notice of Protest Proceeding announcing the date for consideration of protest and the procedure and requirements for a valid written protest to the proposal. The hearing date shall be set for a date following the 30 day request for reconsideration period.
 7. After the protest hearing, if protests have been filed, the LAFCO Executive Officer will make a determination of the level of protest submitted. A recommendation for action to approve, deny, or submit the proposal to an election based on the amount of written protest received shall be submitted to the Commission at its next available hearing date.
 8. If the proposal is ultimately approved, the Department Support Technician prepares a "Certificate of Completion" for the Executive Officer to sign and date. Unless otherwise specified by the Commission, the effective date for all proposals shall be the date of issuance of the Certificate of Completion for any proposal.
Once the "Certificate of Completion" is signed, the Department Support Technician files this Certificate with appropriate bodies.

B. Conditions Which may be Imposed on Projects

In the approval of boundary change proposals, LAFCOs have strong powers to attach conditions. Government Code Section 56885.5 through Section 56890 provides a broad range of conditions that the Commission may impose in approving an application. Those conditions range from the authority to impose special assessments to the transfer of employees among districts in a consolidation. The reader is referred to the specific Code Sections for the complete conditions authorized by statute.

The following are examples of LAFCO's authority to impose conditions:

- Require as a condition of approval, that the territory being annexed shall be responsible for payment of existing fees, charges, or assessments currently in place by the annexing agency.
- Require as a condition of its approval that another change of organization for a related or overlapping agency be initiated, conducted, and completed. For example, if a proposal is for annexation of territory to a city, LAFCO can require that the territory also be annexed to or detached from special districts.
- Require establishment of special assessment or improvement districts to finance capital facilities or improvements needed in affected territory.
- Impose conditions related to the distribution of assets, financial contracts or obligations among affected agencies.
- Impose conditions related to a local agency's employee salaries, benefits, and other personnel rights.
- Impose a condition designating the method for selection of the Board of Directors and the number of Directors for a consolidated district.
- Impose a condition that establishes the effective date for a change of organization.
- Impose a condition that designates the agency to succeed to the rights, duties and obligations of an agency that is dissolved.

C. Legal Defense Fee Responsibility

It is the policy of this Commission that the costs for legal defense of an issue which has been approved by the Commission, is the primary responsibility of the agency or person seeking that approval. Therefore, as a condition of approval for any action taken by the Local Agency Formation Commission, the Commission shall impose a condition within its resolution of approval that requires the applicant to defend, indemnify, hold harmless, and provide for reimbursement or assumption of all legal costs in connection with that approval (See Appendix D).

The adopted procedure for the Legal Defense Policy is as follows:

- The Commission shall impose a condition of approval which requires the applicant to defend, indemnify, and hold harmless the Commission, its agents, and its employees from any claim, action or proceedings against them to attack, set aside, void, or annul such approval.
 - The Executive Officer shall promptly notify the applicant and LAFCO Counsel of any legal action brought challenging the Commission's action, and the Commission, its agents, and employees shall cooperate fully in the defense of that action.
 - Commission Counsel shall have the absolute right to approve any and all counsel employed to defend the Commission. To the extent the Commission uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the above described person or entity will reimburse the Commission upon demand. Such resources include, but are not limited to, staff time, court costs, Commission Counsel's time at its regular rate for non- County agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action, or proceedings. The Executive Officer may require a deposit of funds sufficient to cover the anticipated expenses of the litigation. (Proposed April 2024)
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D. Requests for Reconsideration

When the Commission has adopted a resolution making determinations, any person or affected agency may file a written request with the Executive Officer requesting amendments to or reconsideration of the resolution. (Government Code Section 56895)

Requests for reconsideration will be granted only when the petitioner can present some compelling new evidence or show that significant factors relative to the situation were overlooked or have changed. The request shall be submitted in writing to the Executive Officer within thirty (30) days of the Commission's decision.

No request shall be deemed filed unless appropriate filing fees if in effect, are submitted. In the event multiple requests for reconsideration are filed, the Executive Officer will divide a single reconsideration fee among the various petitioners for reconsideration.

The procedure for reconsideration requests is as follows:

Upon receipt of a legally filed request for reconsideration, the Executive Officer shall place the request on the agenda of the next Commission meeting for which notice can be provided. At the hearing, the Executive Officer will present the staff report and recommendations to the Commission and respond to questions. The Commission will then allow submission of any oral or written testimony on the issue; however, at the Chair's discretion, time limits may be placed on those wishing to provide an oral presentation. At the close of the hearing, the Commission may take one of the following actions:

- The Commission may approve the request, and adopt a resolution superseding the resolution previously issued;
- The Commission may deny the request; or
- The Commission may continue the hearing for a maximum of seventy (70) days.

E. . Conducting Protest Proceedings

1. Overview

- a. Government Code Section 57000 requires the Commission or the Executive Officer, through delegation of responsibility to conduct "protest proceedings" to determine:
 - Whether the proposal can be ultimately approved without an election.
 - Whether an election should be held.
 - Whether the proposal must be terminated due to majority protest.
- b. The Commission has authorized the Executive Officer to conduct Protest Hearings.

Upon completion of the request for reconsideration process, the Executive Officer will set the hearing date, provide notice and solicit protests. At the hearing, the Executive Officer will summarize the resolution making determinations to persons in attendance

and respond to questions. The Executive Officer will then allow submission of any oral or written protests on the issue; however, at the Executive Officer's discretion, time limits may be placed on those wishing to provide an oral presentation. After the hearing is closed, the Executive Officer shall determine the value of the protests. The Executive Officer shall submit a recommendation for action to approve, deny or submit the proposal for election to the Commission at its next available hearing to adopt the final resolution that completes the action based upon the level of protest.

- c. Protest Proceedings are a ministerial process where the Commission counts the submitted written protest to an action, determines the percentage that the landowner or voter protest bears to the total number of landowners and/or voters, and takes action based on that level of protest.
- d. The purpose of the protest proceedings is to provide a forum wherein the popularity of the issue is tested. Depending on the results of that test, the proposal is either approved or denied, as shown in the following outline:

2. Initiation of Proceedings

Within thirty-five (35) days of the adoption of a resolution of approval by LAFCO, the formal protest proceedings must be initiated by providing legal notices of the protest hearing. The final protest hearing must be set for a date not less than fifteen (15) or more than sixty (60) days after the notice is given. The Commission may waive protest proceedings if the proposal contains 100% landowner consent, is uninhabited, and the affected agencies who would gain or lose territory as a result of the proposed jurisdictional change have provided written consent to the waiver of these proceedings, as authorized by Government Code Section 56663. That section also authorizes the Commission to waive protest proceedings for inhabited areas if none of the registered voters and none of the landowners have submitted written opposition to the proposed annexation by the stated deadline.

3. Notice

The LAFCO Executive Officer must publish the notice of hearing to be held on the proposal in a newspaper of general circulation. It must send individual notices to everyone who has formally requested such notice, and to other local agencies as outlined by statute.

4. Final Hearing

The following is an example of the voter threshold to approve or require an election: (Amended 8/9/10)

The LAFCO Executive Officer shall conduct the final hearing and make findings related to the level of written protest received. A recommendation shall be made to the Commission to take one of the following actions:

- a. Approval. If less than 25% of the voters in an "inhabited" proposal (legally defined as an area containing 12 or more voters), or if less than 50% of the landowners in an "uninhabited" proposal submitted written protest to the action, then the proposal must be approved, without an election.

- b. Call for Election. If written protests are filed by at least 25% and less than 50% of the voters, or 25% - 100% of the landowners in an inhabited area, then an election must be called and held, so the voters may decide the issue.
- c. Denial. If written protests are filed by 50% or more of the voters in an inhabited area, or if landowners representing 50% or more of the assessed value of an uninhabited annexation area have filed written protest, then the proposal must be denied.

If the proposal is for city detachment or district annexation, the proposal shall be terminated if the detaching city or annexing district files an objection to that action, regardless of the level of consent or protest from affected landowners and voters.

5. Completion

If the proposal is approved, LAFCO issues a Certificate of Completion and notifies the State and other agencies of the successful jurisdictional change. If LAFCO has waived the protest proceedings, the resolution adopted by LAFCO is considered the final resolution and becomes part of the completion package.

6. Value of Written Protest

Briefly outlined below are examples of the levels of protest which require the Commission or the Executive Officer, through delegation of responsibility, to call an election or terminate proceedings. (Amended 8/9/10)

At the conclusion of the protest period, the written protest received will be counted, and one of the following actions will be taken:

- a. For uninhabited annexations (defined in Government Code Section 56079.5 as those annexations which contain less than 12 registered voters):
 - Terminate the annexation if protest is received from landowners who represent 50% or more of the assessed value of land (improvement values are not counted) within the annexation area; or
 - Approve the annexation if written protest is submitted by landowners who own less than 50% of the assessed value of the annexation area. NOTE: In uninhabited annexations, the issue is decided solely on the basis of landowner protest.
 - b. For inhabited annexations (those annexations which contain 12 or more registered voters):
 - Terminate the annexation if protest is received from 50% or more of the registered voters in the annexation area;
 - Call an election on the annexation issue if protest is received from at least 25% but less than 50% of the total number of voters in the annexation area, or if 25% to 100% of the number of landowners-- representing at least 25% of the total land value--submit written protest; or,
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- Approve the annexation without an election if written protest is received from less than 25% of the voters and less than 25% of the landowners (who represent less than 25% of the land value).

Although both landowners and registered voters may submit a protest against annexation, the ultimate outcome of an inhabited annexation is decided on the basis of registered voter protest or votes in a special annexation election. Thus, the most that can be accomplished through landowner protest in an inhabited annexation is the scheduling of an election wherein the voters, whether they own land or not, will decide the issue.

7. Sufficiency of Signatures on Petitions and Number of Registered Voters

The Commission recognizes that through the review and approval process for many proposals, the boundaries may be changed, and the number of registered voters affected:

For proposals which require petitions to be circulated after LAFCO approval, the number of registered voters residing in an area on the date of LAFCO approval is the number of registered voters on which the sufficiency of any petition is based.

For proposals in which petitions are circulated prior to LAFCO approval and for the determination of inhabited or uninhabited actions, the date of the Notice of Filing issued by LAFCO shall be the determining date for the number of registered voters residing within the affected area.

APPENDICIES

Appendix A – LAFCO Environmental Procedures – NOT NEW JUST MOVED HERE

Appendix B – Sphere of Influence Policies – NOT NEW JUST MOVED HERE

Appendix C - Special District Selection Committee - (Proposed April 2024)

Appendix D - Indemnification Agreement Policy (Proposed April 2024)

Appendix E – Conflict of Interest Policy - (Proposed April 2024)

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Appendix A
ENVIRONMENTAL REVIEW POLICES

In accordance with Title 14, Article 5, Sections 15050 (c) and 15050 (e) of the California Administrative Code, Tuolumne County has adopted the State CEQA Guidelines as amended May 10, 1980, in addition to the following specific provisions:

Section 1. Tuolumne County will be responsible for implementing CEQA and the State Guidelines for projects which the County has jurisdiction by law and/or for which the County is Lead Agency.

Section 2. ENVIRONMENTAL COORDINATOR

- a. The Director of the Community Development Department shall serve as Environmental Coordinator and may assign specific functions to staff. (Amended 8/9/10)
- b. The Environmental Coordinator is responsible for administering CEQA, the State Guidelines, and these Guidelines for projects the County of Tuolumne is either Lead Agency for or for which the County otherwise has jurisdiction by law.
- c. The Environmental Coordinator shall maintain a list of persons, firms, and organizations qualified to prepare all or portions of environmental documents.
- d. The Environmental Coordinator is responsible for the following tasks on projects for which the County is Lead Agency.
 1. Consultation with reasonable agencies.
 2. Determination of whether a project is exempt from CEQA.
 3. Initial determination of the need for a Negative Declaration or Draft Environmental Impact Report.
 4. Preparation of environmental documents, either directly or by contract.
 5. Conducting of meetings and public hearings regarding environmental documents.
 6. Preparation of responses to public comments.

7. Filing of Notices
 8. Certification that the decision-making body had reviewed and considered an Environmental Impact report or Negative Declaration.
- e. The Environmental Coordinator shall perform the following tasks on projects for which the County is a Responsible Agency or for which the County otherwise has jurisdiction by law:
1. Consultation with Lead Agencies.
 2. Reviewing and commenting on Draft Environmental Impact Reports and Negative Declarations.
 3. Making recommendations in the decision making body on alternatives or mitigation measures delineated in the environmental document.
 4. Filing of notices.
 5. Certification that the decision making body has reviewed and considered an Environmental Impact Report of Negative Declaration.

Section 3. ENVIRONMENTAL IMPACT REPORTS (EIR)

- a. Determination. If a reviewing body determines that the project may have a significant effect on the environment, the Environmental Coordinator shall cause and EIR to be prepared.
1. Upon reaching such a determination, the Environmental Coordinator shall notify the applicant in writing of the reasons for such determination.
 2. The applicant or property owner involved with the project may appeal such determination to the Board of Supervisors unless said Board made the determination. The appeal must be submitted in writing, with the reasons for the appeal specified, to the County Clerk within 10 days of the determination of significant effect by the reviewing body. If the appeal is successful, the Environmental Coordinator shall prepare, and the Reviewing Body shall approve a Negative Declaration, with the specific reasons why the appeal was granted by the Board of Supervisors listed in detail.

Section 4. EIR PREPARATION

- a. Following the determination that an EIR is required, the Environmental Coordinator shall determine whether said Coordinator's staff will conduct the analyses and inventory work necessary to prepare the EIR or whether the EIR will be contracted to an Environmental Consultant.
- b. The Environmental Coordinator will prepare the EIR, if the following findings are made:
 1. The proposed project would be of primary benefit to the general public.
 2. The Environmental Coordinator has on staff the necessary expertise to adequately prepare the EIR.
 3. The preparation of the EIR will not conflict with the progress of other projects which are of primary benefit to the general public.
- c. If any of the above findings cannot be made, or if the project prefers, the applicant shall select an individual or firm to prepare the EIR, who is on the County's approved list of Environmental Consultants and whose particular expertise is relevant to the information required for the EIR, provided, that said individual or firm is not otherwise engaged in the design, construction, sale, or use of the proposed project.
- d. The applicant's Consultant shall contract directly with the County to prepare the EIR.
- e. The applicant shall pay the total cost of the EIR preparation, including consultant fees, reproduction and distribution of Draft, and Final EIR's, and County processing fees, by depositing a Certified Check equal to such costs with the Environmental Coordinator, made payable to the County of Tuolumne, prior to the County's entering into any contract with the Consultant for EIR preparation.

Section 5. APPEAL

- a. Within 10 days of the filing of the Notice of Determination any person who is not satisfied that the EIR complies with the requirements of CEQA may appeal to the Board of Supervisors unless said Board was the Decision making Body on the project. The appeal shall be submitted in writing to the County Clerk and will state the reason(s) why the EIR is not felt to be in compliance with CEQA.
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Appendix B

SPHERE OF INFLUENCE POLICIES

Government Code Section 56076 defines a sphere of influence as “a plan for the probable physical boundaries and service area of a local agency, as determined by the Commission.” It is an area within which a city or district may expand, over an undefined period of time, through the annexation process. In simple terms, a sphere of influence is a planning boundary within which a city or district is expected to grow into over time.

The purpose of a sphere of influence is to encourage the “logical and orderly development and coordination of local government agencies so as to advantageously provide for the present and future needs of the county and its communities.” The following enumerated items comprise the Statement of Purpose adopted by Tuolumne County LAFCO for spheres of influence:

1. To promote orderly growth of communities, whether or not services are provided by a city or district (board governed or independently governed);
2. To promote coordination of cooperative planning efforts among the county, City of Sonora, special districts, and identifiable communities by encouraging compatibility in their respective general plans;
3. To guide timely changes in jurisdiction by approving annexations, reorganizations, etc., within a sphere of influence only when reasonable and feasible provision of adequate services is assured;
4. To encourage economical use and extension of facilities by assisting governmental agencies in planning the logical and economical extension of governmental facilities and services, thereby avoiding duplication of services;
5. To provide assistance to property owners in relating to the proper agency to comprehensively plan for the use of their property;
6. To review, update, and/or change existing spheres of influence periodically to reflect planned, coordinated changes in factors which impact on spheres of influence; and
7. To encourage the establishment of urban-type services only within an adopted sphere of influence.

The Commission emphasizes that a sphere of influence is a planning tool and the establishment of a sphere of influence, or the inclusion of territory within a sphere of influence of an existing governmental entity, does not automatically mean that the area is being proposed for annexation or development.

Establishment of a Sphere

As outlined under State law, the Commission is designated as the public body responsible for determining spheres of influence for each city and district within its jurisdiction.

As a function of incorporation and as outlined in Government Code Section 56426.5, the Commission must establish a sphere of influence for a newly-incorporated city within one year of its incorporation effective date. Usually within six months of a city's effective date, the LAFCO staff notifies the city of the requirement pursuant to State law. The sphere proposal may be initiated by the Commission, the city council, or the County Board of Supervisors, through adoption of a resolution of the governing body. State law also stipulates that a sphere of influence will not be established or changed without specific review and study independent of any action before the Commission at the time. Public hearings are held to review sphere of influence proposals such as establishment, amendment, or in connection with any proposed annexation, which may or may not involve another agency's sphere of influence.

Factors of Consideration

As part of a sphere of influence review and as outlined in Government Code Section 56425, LAFCO is required to review five "factors of consideration" in connection with any sphere of influence proposal. The factors of consideration are as follows:

1. The present and probable land uses within the area, including agricultural and open space lands;
2. The present and probable need for public facilities and services in the study area;
3. The present capacity of public facilities and the adequacy of public services that the agency provides or is authorized to provide; and
4. The existence of any social or economic communities of interest in the study area.
5. For a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

In these categories of review, the City of Sonora or district must show that its planning activities can be beneficial to the area, and that the initiation of those activities is appropriate. None of the above factors by themselves shall be deemed to be a determining factor in the establishment or revision of a sphere of influence for the City of Sonora, district, or community area, but shall be reviewed as part of the total project.

The factors of consideration noted above are addressed individually within the staff's report for each sphere of influence proposal.

Government Code Section 56425 also requires the following for any sphere of influence or a sphere of influence that includes a special district:

1. Require existing districts to file written statements with the Commission specifying the functions or classes of services provided by those districts.
2. Establish the nature, location, and extent of any functions or classes of services provided by existing districts.

The approaches and/or methods listed below are policies adopted by Tuolumne County LAFCO. The policies guide the Commission's review in its determination of spheres of influence, periodic reviews and/or updates, and any amendments of those sphere boundaries.

Concurrent Sphere Reviews

The Commission may include additional agencies as part of its review of a sphere of influence proposal. In considering the sphere of influence of a community, the Commission will concurrently evaluate all agencies serving that community, and as a policy guideline, it will need to establish a single, coterminous sphere for all such agencies unless the Commission determines it is to the best interest of the area to have differing sphere boundaries.

Community-by-Community Approach

The community approach includes the practice of looking at a total area, which could be considered a community, and defining its boundaries. This approach also considers the existence of inter-related economic, environmental, geographic, and social interests, and attempts to harmonize the conflicting plans and services of the various service entities. Under this approach, an attempt is made to keep the spheres of influence of the various service districts as nearly the same as possible.

Coterminous Boundaries:

The Commission may establish a sphere of influence which is coterminous with existing City of Sonora/district boundaries when it is not feasible for the public agency to expand beyond its present boundaries. However, as outlined in State law, a sphere of influence must be established for each city and district, regardless of whether the sphere boundary is the same as the city or district boundary.

Environmental Review for a Sphere

A sphere of influence proposal requires review of the environmental aspects of the proposed sphere. The environmental review process is a requirement outlined in the California Environmental Quality Act (CEQA) that applies to the review of sphere of influence proposals. In compliance with CEQA and the State CEQA Guidelines, Tuolumne County LAFCO adopted its own Guidelines and Policies Implementing CEQA.

Exclusion of Territory

Under certain circumstances, a sphere of influence may exclude portions of the existing boundaries of a district. The Commission encourages reorganization and special studies in this situation to make final determination of which district should serve.

A sphere of influence study may be initiated to determine which public agency could better serve the area of review. The sphere of influence study would include a review of the possibility of excluding territory from one jurisdiction and the placement of the same territory in another jurisdiction's sphere of influence. The purpose of excluding territory would be an attempt to straighten irregular boundaries and eliminate confusion arising from multiple jurisdictions.

Modification of a Sphere Review Area

During the review of a sphere of influence proposal, the Commission may modify the area of review by expanding or reducing the area of review. The expansion or reduction of a sphere can be for several reasons, such as to include areas that may be better served by a public agency or exclude areas that may be better served by another public agency.

Periodic Review/Update of a Sphere:

As a function of its duties and responsibilities, LAFCO is required to periodically review and/or update spheres of influence. Government Code Section 56425 requires the Commission to review and update, if necessary, all spheres of influence for cities and special districts at least once every five years. The periodic sphere review does not preclude a public agency (city or district), or an individual from initiating a sphere proposal. The purpose of the periodic sphere review plan is to keep abreast of changes occurring within the public agencies under the jurisdiction of LAFCO.

Update If Necessary/Municipal Service Review: (Amended 8/9/10)

The spheres of influence of all of the special districts in Tuolumne County have been previously studied with no change to any district's sphere. It will be necessary to update a special districts sphere of influence upon LAFCO's receiving an application to do so, or at the direction of the Commission. Updating municipal service review information will be conducted once every five years. (Amended 8/9/10)

Requirement for a Sphere Review in Relationship to Annexation:

State law precludes the Commission from approving annexation proposals lying outside of current sphere of influence boundaries for the affected city or district. If an annexation proposal lies outside the sphere of influence of a city or district, the annexation proposal must also include a sphere review. The joint sphere and annexation review is to maintain consistency in city or district boundaries and their sphere boundaries, for the extension and provision of services as it relates to proposed annexation sites.

Responsibility/Obligation for a Sphere Area:

When a sphere of influence is assigned, a city or district is required to commence long range land use and service planning activities, thereby enabling it to respond to any annexation requests it might receive from landowners or residents within the sphere. By accepting a sphere of influence, a city, or district agrees to plan for the provision of services.

Urban Development within a City Sphere:

LAFCO takes the position that any new urban development which occurs within a city sphere of influence should take place as close to the city's urban area as possible. This position is emphasized for two reasons; first, so that contiguous areas may easily be annexed to the city; and secondly, so that the new urban area can be served by reasonable extension of the city's already developed municipal services.

Appendix C
COMMISSION POLICY GUIDELINES
SPECIAL DISTRICT SELECTION COMMITTEE

1. OVERVIEW

The purpose of the Independent Special District Selection Committee shall be to appoint the regular and alternate special district members of the Local Agency Formation Commission (LAFCO) and to fill unexpired terms when vacancies occur. It is important to note that nothing in these Rules of Procedure shall supersede Government Code Section 56332, which governs the establishment of the Independent Special District Selection Committee.

2. MEMBERSHIP

Membership of the Independent Special District Selection Committee shall be composed of the presiding officer or designated board member of the legislative body of each independent special district either located wholly within Tuolumne County or containing territory within the county that represents 50% or more of the assessed value of taxable property of the district.

3. MEETINGS

3.1 Notification and Solicitation of Nominations

The Executive Officer of the Commission shall give written notice to all eligible independent special districts of any meeting of the Independent Special District Selection Committee, specifying the date, time, and place.

Any person qualified to serve as an Independent Special District representative to LAFCO shall be qualified to submit a nomination which shall be accompanied by a brief resume on the form provided by LAFCO. Each district shall be encouraged to submit nominations.

3.2 Registration

Each member of the Selection Committee shall be entitled to one vote for each independent special district of which he or she is the presiding officer.

In the event that the presiding officer is unable to attend a meeting of the Committee, the legislative body may appoint one of its members to attend in the presiding officer's place. Such a designated member shall submit written authorization at the time of registration.

Each voting member shall register and complete a declaration of qualification. The voting member will then be given the required number of ballots and other voting materials.

3.3 Quorum

Members representing a majority of the eligible districts shall constitute a quorum for the conduct of Committee business. No meeting shall be called to order earlier than the time specified in the notice and until a quorum has been declared to be present.

Before calling the meeting to order, the Executive Officer shall announce that a quorum is present and request that any voting member who has not yet registered do so at that time. Only those eligible members registered and present shall be allowed to vote.

3.4 Sequential Balloting

If there is more than one position to fill, sequential balloting will be held in the following order using a ballot with names of all eligible nominees: (1) Seat A Rotated Seat, regular member; (2) At Large Special District Seat, regular member; and (3) Alternate member.

If a candidate is elected to a position, his or her name will be crossed out on the subsequent ballots.

3.5 Majority to Win

In order for a candidate to be elected, that candidate must receive a majority of the votes being cast.

If no candidate receives a majority, a subsequent round of voting shall be conducted with the eligible candidates limited to the two candidates who received the most votes in the previous round and any candidates who received the same number of votes as the second candidate.

4. MAILED-BALLOT ELECTIONS

4.1 Authority

A mailed-ballot election may be conducted if the Executive Officer has determined that a meeting of the Special District Selection Committee is not feasible.

4.2 Notification and Solicitation of Nominations

The Executive Officer of the Commission shall give written notice to all eligible independent special districts of the intention to conduct a mailed-ballot election. Each district shall acknowledge receipt of the Executive Officer's notice.

Each district shall be encouraged to submit nominations, accompanied by a brief resume on the form provided by LAFCO. All nominations must be received by a

specified date that shall be at least six weeks from the date of notification. Emailed copies of nominations may be submitted, if necessary, to meet the established deadline; however, replacement originals must be submitted as soon thereafter as possible.

4.3 Distribution and Return of Ballots

All eligible districts shall be sent, by certified mail, return receipt requested, the following materials: (1) copies of all nominations received by the deadline, (2) ballot(s) as required to vote for Commission members, and (3) voting instructions.

The following outlines the necessary information and steps to submit a complete ballot:

1. The ballots shall include the names of all nominees.
2. Each ballot shall be accompanied by a certification sheet to be completed by the presiding officer or designated alternate who cast that district's vote.
3. A specified period of time, not less than six weeks, shall be allowed for the districts to cast their votes and return their ballots.
4. Ballots shall be sent by certified mail, return receipt requested.
5. Emailed copies of ballots may be submitted, if necessary, to meet the established deadline; however, replacement originals must be submitted as soon thereafter as possible.
6. All ballots received by the deadline shall be counted and the results announced within seven days.
7. Certified ballots representing a simple majority of the eligible districts must be returned for a valid election.

4.4 Appointment by Majority Vote

A candidate for a regular or alternate member of the Commission must receive at least a majority of the votes cast in order to be selected. Results of the election will be reviewed and adopted by the Commission during an open session of a regularly scheduled LAFCO Meeting.

In the event that no candidate receives the required number of votes, a run-off election shall be conducted, either by a second mailed ballot or a meeting of the Independent Special District Selection Committee, at the discretion of the Executive Officer.

Appendix D INDEMNIFICATION AGREEMENT POLICY

1. OVERVIEW

The purpose of this policy is to establish guidelines that require all applicants to indemnify the Commission, its agents, officers, attorneys, and employees from any action brought to challenge the discretionary approvals of proposals by the Commission.

2. BACKGROUND

Applicants to the Commission for discretionary approvals of proposals for changes of organization are typically the real parties in interest and therefore have financial interest in the Commission's decisions on their applications. Applicants who are not the real parties in interest also have interest in the outcome of their applications. Therefore, LAFCO believes that it is fair and equitable for all applicants to indemnify LAFCO from suits brought to challenge the discretionary approvals of their applications by the Commission. LAFCO also believes that indemnifying LAFCO furthers good government practices and public policy by providing applicants with an incentive to assist the Commission in complying with all laws, including those intended to ensure public rights.

3. PROCESS

In order to fulfill this practice, and to protect the integrity of the Commission's ability to make good government decisions, it is the policy of this Commission that:

- a) As part of any application submitted to the Commission, the applicant(s) shall be required to submit a signed agreement to indemnify the Commission, its agents, officers, attorneys, and employees from any action brought to challenge the Commission's discretionary approvals related to the application in the required form.
- b) In the event that an action is brought to challenge the discretionary approval of a proposal by the Commission, the Commission shall promptly notify the applicant(s) and real party(ies) in interest of the existence of the legal challenge; and
- c) The Executive Officer shall not issue a Certificate of Filing for an application if an indemnification agreement in the form has not been executed and submitted to the Executive Officer by the applicant(s).

Appendix E
Tuolumne Local Agency Formation Commission
CONFLICT OF INTEREST CODE

Section 1. Definitions

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal.Adm. Code Sections 18100, et seq.) and any amendments to the Act or regulations, are incorporated by reference into this Conflict of Interest Code.

Section 2. Designated Employees.

The persons holding positions listed in Attachment "1" are designated employees. It has been determined that these officers and employees make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

Section 3. Disclosure Categories.

Those designated employees, if any, specified in Government Code Section 87200 shall file statements of economic interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200 et seq.¹ With respect to all other designated employees, they shall disclose all those types of economic interests set forth in the latest adopted standard form for statements of economic interests as adopted by the Fair Political Practices Commission. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of

¹ Designated employees who are required to file statements of economic interests under any other Conflict of Interest Code and those Article 2 filers who are designated in this code in a capacity which is in addition to their Article 2 capabilities may file identical expanded statements of economic interests with both entities in lieu of filing separate and distinct statements. Each expanded statement shall be originally signed by the designated employee, and shall include interests made reportable by virtue of both positions.

financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

Section 4. Statements of Economic Interests - Place of Filing.

The Clerk of the Local Agency Formation Commission shall be the official filing officer. However, all designated employees shall file statements of economic interests with the County Clerk's Office.

Section 5. Statements of Economic Interests - Time of Filing.

(a) Initial Statements. All designated employees employed by the agency on the effective date of this Code shall file statements within thirty (30) days after the effective date of this Code, unless the employee has previously filed a statement pursuant to subdivision (b) or (c).

(b) Assuming Office Statements.

(1) All persons assuming designated positions after the effective date of this Code which are civil service or merit system positions, shall file statements within thirty (30) days after assuming the designated positions.

(2) All other persons appointed, promoted or transferred to designated positions after the effective date of the Code, shall file statements within ten (10) days after assuming office, or if subject to confirmation, ten (10) days after being nominated or appointed.

(c) Annual Statements. All designated employees shall file statements no later than April 1st.

(d) Leaving Office Statements. All persons who leave designated positions shall file statements within thirty (30) days after leaving office.

(e) Candidate Statement. All candidates for election to designated offices other than those specified in Government Code Section 87200 shall file statements within five (5) days after the final date for filing nomination petitions. This subsection shall not apply to candidates who have filed a statement of economic interests with the agency within the previous twelve (12) months.

Section 6. Contents of Statements of Economic Interests.

All statements shall disclose those reportable interests required by the applicable disclosure categories as set forth in Section 3.

Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information.

(a) Investment and Real Property Disclosure. When an investment or interest in real property² is required to be reported³ the statement shall contain the following:

(1) A statement of the nature of the investment or interest;

² For the purposes of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

³ Investments and interests in real property which have a fair market value of less than \$1,000.00 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment of interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

(2) The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

(3) The address or other precise location of the real property;

(4) A statement whether the fair market value of the investment or interest in real property exceeds Two Thousand Dollars (\$2,000.00), exceeds Ten Thousand Dollars (\$10,000.00), or exceeds One Hundred Thousand Dollars (\$100,000.00), or exceeds One Million Dollars (\$1,000,000.00).

(b) Personal Income Disclosure. When personal income is required to be reported⁴, the statement shall contain:

(1) The name and address of each source of income aggregating Five Hundred Dollars (\$500.00) or more in value, or Fifty Dollars (\$50.00) or more in value if the income was a gift and a general description of the business activity, if any, of each source.

(2) A statement whether the aggregate value of income from each source was One Thousand Dollars (\$1,000.00) or less, greater than One Thousand Dollars (\$1,000.00), or greater than Ten Thousand Dollars (\$10,000.00), or greater than One Hundred Thousand Dollars (\$100,000.00);

(3) A description of the consideration, if any, for which the income was received;

⁴ A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

(4) In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received.

(c) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported⁵, the statement shall contain:

(1) The name, address and a general description of the business activity of the business entity;

(2) The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than Ten Thousand Dollars (\$10,000.00).

(d) Management Position Disclosure. When management positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(e) Acquisition or Disposal During Reporting Period. In the case of an annual leaving office statement, if an investment or interest in real property was partially or

⁵ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filers spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. Disqualification.

Designated employees must disqualify themselves from making, participating in the making or using their official positions to influence the making of any governmental decision which will foreseeably have a material financial effect, distinguishable from its effect on the public generally, on:

(a) Any business entity in which the designated employee has a direct or indirect investment worth more than Two Thousand Dollars (\$2,000.00);

(b) Any real property in which the designated employee has a direct or indirect interest worth more than Two Thousand Dollars (\$2,000.00);

(c) Any source of income, other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating Five Hundred Dollars (\$500.00) or more in value received by or promised to the designated employee within twelve (12) months prior to the time when the decision is made; or

(d) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

The effects on a designated employee's financial interests of a decision by a landowner voting district to set ad valorem property tax assessments is not distinguishable from the effects such a decision will have on the public generally within such a district. The effects on a designated employee's financial interests of a decision by

a utility district to set rates is not distinguishable from the effects such a decision will have on the public generally unless the designated employee's financial interests constitute more than two percent (2%) of the users to whom the rate will be applicable.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participating legally required for purposes of this section.

Section 9. Manner of Disqualification.

When a designated employee determines that he or she should not make a government decision because he or she has a financial interest in it, the determination not to act must be accompanied by disclosure of the financial interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

Section 10. Opinions of the Commission and Counsel.

(a) Any designated employee who is unsure of his or her duties under this Code may request a formal opinion or written advice from the Fair Political Practices Commission pursuant to Government Code Section 83114, or an opinion from the attorney for the agency, provided however that nothing in this section requires the attorney for the agency to issue such an opinion.

(b) If the designated employee truthfully discloses all material facts, an opinion or written advice provided by the Commission protects the designated employee from administrative, civil and criminal penalties to the extent provided for in Government Code Section 83114. If the designated employee has truthfully disclosed all material facts to the attorney for his or her agency, and an opinion is rendered by the attorney stating in full the facts and law upon which the opinion's based, compliance by the designated employee with such opinion may be evidence of good faith in any civil or criminal proceeding brought pursuant to the Political Reform Act, Government Code Sections 81000, et seq. In addition, the designated employee's good faith compliance with the opinion of the attorney for the agency shall act as a complete defense in any disciplinary action the agency may bring under Government Code Section 91003.5.

(c) Copies of any opinion rendered by the attorney for an agency pursuant to this section shall be delivered to the designated employee requesting the opinion and shall be maintained in the files of the agency. Such opinions may subsequently be modified by the attorney for the agency or by the Commission, but such modifications or revisions shall be prospective in effect and shall take effect only after notification has been given the designated employee who requested the opinion.

Section 11. Violations.

This Code has the force and effect of law. Designated employees violating any provision of this Code are subject to the administrative, penal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014.

Attachment "1"

LAFCO Commissioners (7)

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

March 28, 2024

TO: LAFCO Commissioners

FROM: Quincy Yaley, AICP, Executive Officer

RE: Out of Agency Service Agreement – Groveland Community Services District and Airport Estates

REQUESTED ACTION

LAFCO Commissioners may act on the requested Out of Agency Agreement for Groveland Community Services District to serve the Airport Estates Project.

Commissioners
Steve Arreguin
John Feriani
David Goldemberg
Glen Jacobs
Kathleen Haff
Matt Hawkins
Mark Plummer

Alternates
Adam Artzer
Ryan Campbell
Suzanne Cruz

Executive Officer
Quincy Yaley, AICP

1. Pursuant to Government Code Section 56133(b), the Commission may authorize a district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.
2. Groveland Community Services District (GCSD) has requested to provide water and sewer service to Lots 1 through 8 to the property known as Airport Estates. The subject property is located outside the district boundaries but within the district Sphere of Influence and is anticipated to annex into the GCSD service district. GCSD has provided a signed copy of the service agreement between the district and the landowner that includes language stating that the landowner consents to further annexation and agrees not to protest the annexation.
3. LAFCO Commissioners determined at the March 11, 2024 meeting to waive the re-application fee of \$1,938.00 for the out of agency agreement as it would be detrimental to the public interest, as allowed in Government Code section 56383(d).
4. Local Commission policy allows the Executive Officer or the Commission to make such approvals. In 2020, the Executive Officer approved the initial application, however that agreement expired as the annexation was not able to be completed in time. Should the Commission wish to approve this request, the Executive Officer recommends the following condition. The Commission may choose an alternative timeline, or may also specifically add language for extensions:
 - GCSD and the property owner shall complete an annexation of the property within one year of the approval of this agreement.

S:\Planning\PROJECTS\LAFCO\2020\LAF20-004 GCSD out of boundary agreement\OOA Determination Commission.docx

APPROVED

JUN 20 2018

Proposed Tentative Subdivision Map

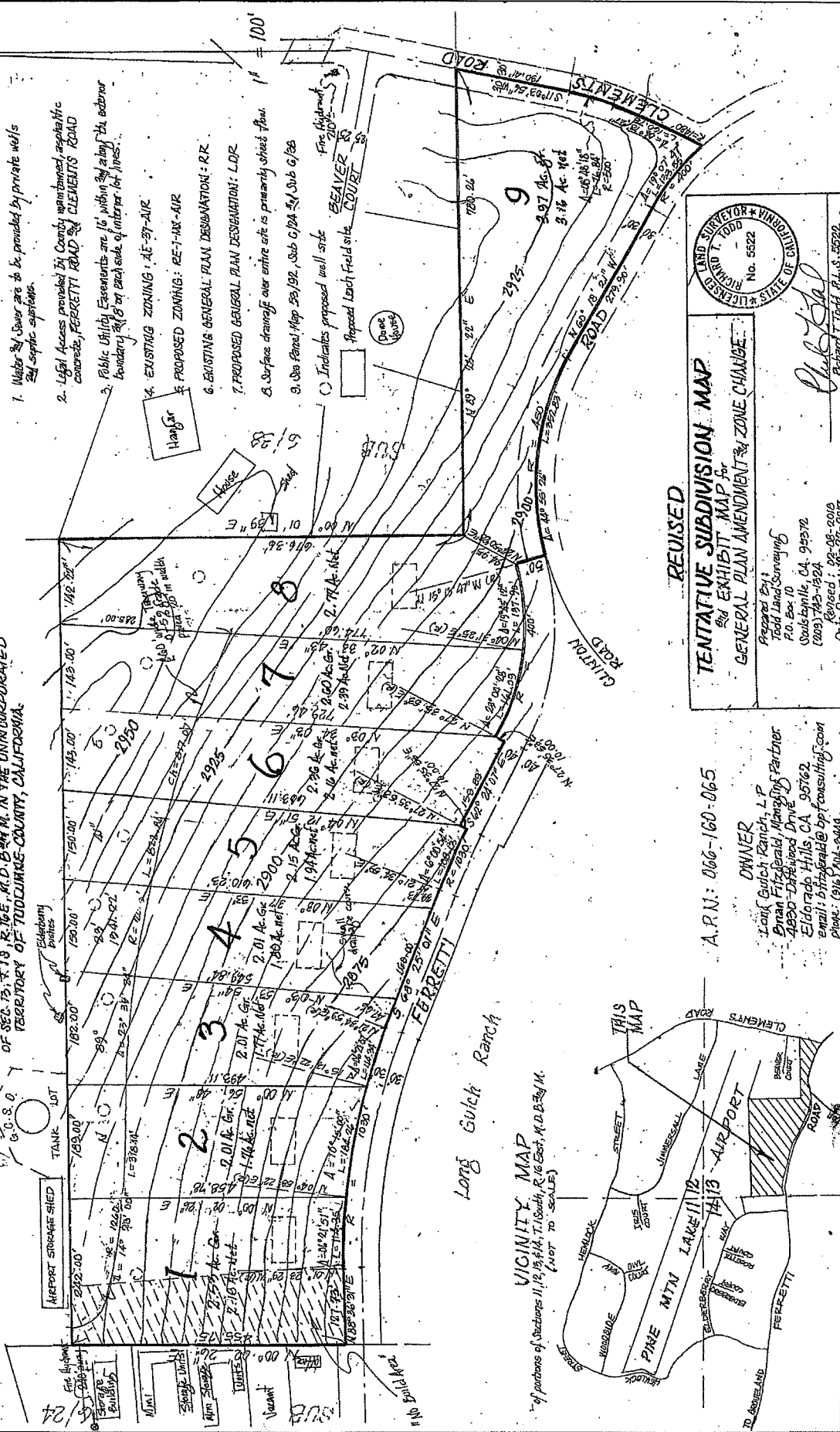
AIRPORT ESTATES

A SUBDIVISION OF PARCEL 3, P.M. 53192, BEING A PORTION OF THE NW 1/4 OF SEC. 12, T. 13 N. R. 16 E., M.D. 34 N. IN THE UNINCORPORATED TERRITORY OF TULARE COUNTY, CALIFORNIA.

Subject to Conditions
1 through 104

NOTES

1. Water & Sewer are to be provided by private wells & septic systems.
2. Legal Access provided by County maintained asphaltic concrete, FERRETTI ROAD & CLEMENTS ROAD.
3. Public Utility Easements are 16' within 34' along the exterior boundary & 8' on each side of interior lot lines.
4. EXISTING ZONING: AE-37-AIR
5. PROPOSED ZONING: RE-1-MX-AIR
6. EXISTING GENERAL PLAN DESIGNATION: R.R.
7. PROPOSED GENERAL PLAN DESIGNATION: LDR
8. Surface drainage over entire site is primarily sheet flow. 1" = 100'
9. See Parcel Map 53192, Sub G/P 4 & Sub G/P 5
10. Includes proposed well site BEAVER COURT
11. Proposed Leach Field site COURT



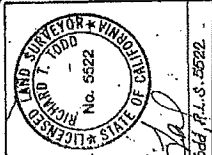
REVISED

TENTATIVE SUBDIVISION MAP
FOR
EXHIBIT MAP FOR
GENERAL PLAN AMENDMENT & ZONE CHANGE

Prepared By:
Todd Land Surveying
P.O. Box 10
Sausalito, CA 94572
(415) 745-1324
Revised: 02-08-2018
Date Drawn: 10-27-2017

A.P.N.: 066-160-065

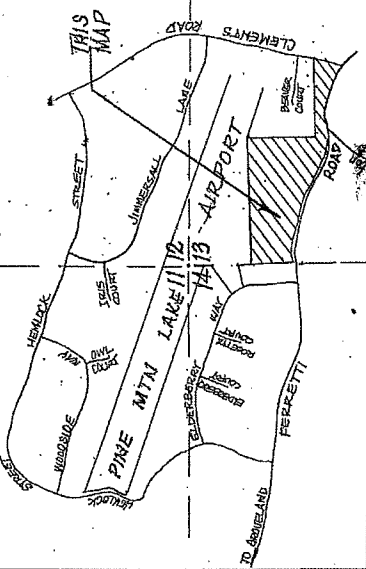
OWNER
Long Gulch Ranch, L.P.
Brian Fitzgerald, Managing Partner
4850 Daffodil Drive
Eldorado Hills, CA 95762
email: bfitzgerald@bpconsulting.com
Phone: (916) 204-2440

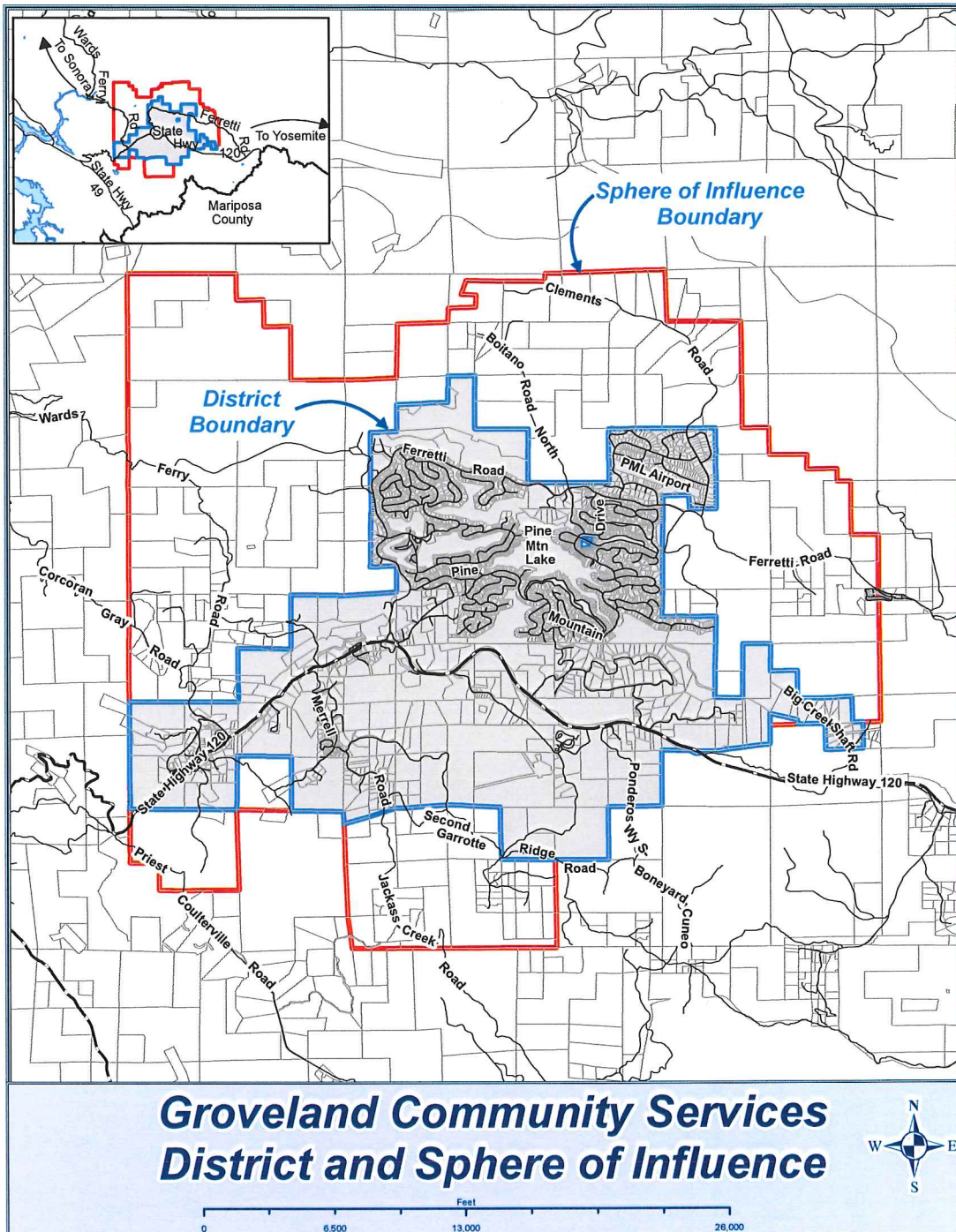


Richard T. Todd, P.L.S. 25522

VICINITY MAP

of portions of Sections 11, 12, 13, 14, T. 13 N. R. 16 E., M.D. 34 N.





OUT OF BOUNDARY SERVICE AGREEMENT

Between Groveland Community Services District and Airport Estates, LLC

Location:

The project site is located south of Pine Mountain Lake Airport, approximately 280 feet east of the intersection of Elderberry Way and Ferretti Road, within the community of Groveland. A portion of Section 13, Township 1 South, Range 16 East, Mount Diablo Baseline and Meridian Assessor's Parcel Numbers 93-290-01 through 93-290-08. Supervisorial District 4.

Project Description:

Out of Boundary Service Agreement to provide water and sewer service to Lots 1 through 8 of Tentative Subdivision Map TSM17-002 for Airport Estates, which are zoned to RE-1:MX:AIR (Residential Estate, one acre minimum:Mobilehome Exclusion Combining District:Airport Combining) under Title 17 of the Tuolumne County Ordinance Code

Environmental Evaluation:

The proposal is statutorily exempt from CEQA pursuant to CEQA Guidelines § 15061(b)(3).

Conditions of Approval:

1. Any expansion of service beyond serving 9 parcels will not be permitted without approval from Tuolumne County LAFCO.
2. Groveland Community Service District and the property owner shall apply for and complete an annexation of the project site into the district boundaries, including any conditions of approval of the annexation, within one year of the approval of this agreement.

Approved: _____

Date:_____

John Feriani, Chair

RECEIVED

SEP 02 2020

Community Development
Department

**TUOLUMNE COUNTY LOCAL AGENCY FORMATION
COMMISSION**

APPLICATION FOR REVIEW

(Attach additional sheets as necessary)

Date Submitted to LAFCO: September 1, 2020

Applicant/Chief Petitioner Name: Groveland Community Services District

Mailing Address: P.O Box 350, Groveland, CA 95321

Telephone Number: 209-962-7161

Email: pkampa@gcsd.org

Location of proposed action and street address if know: Ferretti Rd., Groveland, CA 95321

Assessor's parcel number(s): Lot 1: 093-290-001, Lot 2: 093-290-002, Lot 3: 093-290-003,

Lot 4: 093-290-004, Lot 5: 093-290-005, Lot 6: 093-290-006, Lot 7: 093-290-007,

Lot 8: 093-290-008

General Plan designation(s) for the subject area: LDR

Zoning for the subject area: RE1 MX AIR

Acreage of affected area: 21 Acres

This proposal is being presented by:

☐ Property Owner Request

☒ Resolution of Governing Body

☐ Petition of Landowners in Voting District

☐ Petition of Residents in Voting District

☐ Other (specify) _____

1. Purpose of proposal. Why is proposal being filed? List all actions for LAFCO approval (annexation, detachment, formation, etc.), and all local agencies involved.

Approval of out-of-area water service to the above parcels in advance of and until completion of Annexation of Lots 1 through 8 of the Airport Estates subdivision into GCSD service area.

2. Explain how the proposal provides more logical boundaries and/or improves the provision of services.

Groundwater is limited in the region and to ensure adequate water to the properties for sanitation, drinking and fire protection, water service provided by GCSD is preferred.

3. Identify other actions that are part of the overall project such as a development permit.

Tentative Sub parcel map and Rezone have been completed and approved by the CRA and DRE. An annexation application has been submitted and will be considered following completion of an updated Municipal Service Review for GCSD.

4. Describe any conditions that should be included in a LAFCO resolution of approval, including any special terms and conditions related to your proposal.

The approval of out of area service should be conditioned on satisfaction of the Plan Check and Inspection Agreement between the GCSD and Airport Estates, and the future completion of annexation of the parcels to the GCSD.

5. Existing land uses within the proposal area (number of dwellings and type, commercial and industrial buildings).

RE1 MX AIR – 2 Dwellings per parcel

6. Proposed land uses that would result from this proposal.

Residential use

7. How does this proposal conform to or differ from the General Plan and Zoning?

Conforms to general plan, and matches surrounding neighborhood

8. Is a development project currently under consideration or has such already been approved by affected agencies? Please list affected agency(ies) and status of any entitlements (zone change, land division, etc.).

[Click or tap here to enter text.](#)

Agency	Status
CRA	APPROVED
DRE	APPROVED
GCSD	APPROVED

9. Describe area surrounding proposal. Describe land uses-vacant, residential, commercial, agricultural, etc. and general plan designations and zoning).

North: Pine Mountain Lake E45 AIRPORT	South: Ferretti Rd
East: RE1 MX Air – residential	West: Commercial c1 and RE1 residential

10. List all urban services which are currently provided to the subject area and the agencies providing these services.

Service	Current Agency
Police	Tuolumne County Sheriff
Fire	Groveland Community Services District Fire Department
Water	Groveland Community Services District
Sewer	Septic and Groveland Community Services District
Street Lighting	None
Road Maintenance	Tuolumne County
Parks and Recreation	Groveland Community Services District

11. Is the proposal area within the sphere of influence of the annexing agency? If not, include a proposal to revise the sphere of influence.

Yes

12. Physical Features of proposal area and area surrounding the proposal. General description of topography, natural boundaries and barriers (rivers, mountains, freeways), drainage basins, rivers, flood control channels, major roads or highway access to the area.

The property is located on the South Side of Pine Mountain Lake Airport in Groveland CA. Ferretti Road runs to the south of the property. The topography consists of natural grass lands that runs from the Airport south to Ferretti Road. There is a GCSD water main running along the North boundary of the property. No rivers, wetlands, natural drainage to Ferretti Road.

13. Does the affected property currently produce a commercial agricultural commodity?

No.

14. Is the affected property Prime Agricultural Land as defined in Government Code 56064 or designated as open space?

No.

15. Is any portion of the proposal area within a Land Conservation (Williamson) Act Contract? If so, please provide contract information.

No.

16. Why are these boundaries being used? Ideally, what other properties should be included in the proposal?

None at this time.

17. Describe the level and range of services to be extended to the affected territory by the proposal.

Public water, sewer, fire and park/recreation services.

18. When can the services be provided?

Upon approval of out-of-area service and installation of water service meter boxes.

19. Indicate any improvements or upgrading of structures, roads, sewer or water facilities or other conditions that will be required as a result of the proposal.

Installation of water service lines connected to adjacent GCSD water main, future extension of sewer to Lot 1.

20. Describe how those services will be financed, including both capital improvements and ongoing maintenance and operation.

Mid Valley Aviation.LLC will finance the construction, which will be passed in ownership to GCSD to maintain in future, pursuant to the Plan Check and Inspection Agreement with GCSD.

21. Attach a statement from the annexing agency describing its ability to provide the services, including enough funding/revenues (per Government Code 56668j).

See attached "Will Serve Letter."

22. Provide a list of current and any known future land owners or lessees (for any boundary change related to land use development projects).

None.

Certification

I hereby petition Tuolumne County Local Agency Formation Commission to consider and approve this proposal. I certify that I am the duly appointed representative of the entity submitting this application. I further certify that the information provided in this application and attachments is true and accurate to the best of my knowledge. I agree to pay any fees and expenses required to process my application, including LAFCO fees and the cost to prepare any necessary environmental documentation and planning studies.



SIGNATURE OF APPLICANT

Peter J. Kampa

Name and Title of Applicant

In addition to the Applicant, I (We) request that LAFCO furnish copies of Staff Reports or Notices of Hearings to the following (not to exceed two names):

NAME

EMAIL ADDRESS

PHONE

Rex Pemberton

rex@evolveaerosports.com

Jason Johanson

johanson.construction@yahoo.com

STAFF USE

Fees Collected:

LAFCO Processing-----\$_____

State Board of Equalization
Filing-----\$_____