

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

Commissioners
Steve Arreguin
Janice Kwiatkowski
John Feriani
David Goldemberg
Ryan Campbell
Suzanne Cruz
Ann Segerstrom

Alternates
Adam Artzer
Kathleen Haff
Andy Merrill

Executive Officer
Quincy Yaley, AICP

AGENDA TUOLUMNE COUNTY LAFCO

September 9, 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 August 12, 2024
- C. Reports

“Reports” are a brief oral report from a committee or commission member and/or LAFCO 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.

PUBLIC COMMENT: 15 Minutes

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

NEW BUSINESS:

- 1. Review of letter from Tuolumne County regarding termination of staffing for the Commission and consideration of potential staff options.

OLD BUSINESS:

- 1. RFP for an Executive Officer/Legal Counsel for LAFCO staffing.
- 2. Review of the Tuolumne County LAFCO, June 2024 Grand Jury report and consideration of a response to report’s findings and recommendations, due September 23, 2024.

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3. Review of the County Service Areas in Tuolumne County: Road Maintenance in Subdivisions, June 2024 Grand Jury report and consideration of a response to report's findings and recommendations, due September 23, 2024.
 4. Consideration of approving a proposed update to the LAFCO Policies and Procedures.

PUBLIC HEARING:

None

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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Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

August 28, 2024

TO: LAFCO Commissioners
FROM: Quincy Yaley, AICP, Executive Officer
RE: Letter from County of Tuolumne Terminating Staff Support

Commissioners

Steve Arreguin
Ryan Campbell
Suzanne Cruz
John Feriani
David Goldemberg
Janice Kwiatkowski
Ann Segerstrom

Alternates

Adam Artzer
Kathleen Haff
Andy Merrill

Executive Officer

Quincy Yaley, AICP

1. August 27, 2024, the County Administrative Officer notified the Commission Chair, via the Executive Officer, that as of January 1, 2025, the County would no longer provide support or services for Tuolumne County LAFCO. It was stated that the Commission would be provided with all files and that County staff would work with the Commission to transition the agency to a new staffing model. The Executive Officer sent the correspondence from the County to all Commissioners.
2. The County currently provides the following services and support to the Commission:
 - Executive Officer/Planning Staff
 - Clerk/Administrative Support
 - Legal Services
 - IT – hardware, software, web services
 - Fiscal – bookkeeping, auditing services, invoicing
 - Administrative – human resources, payroll (salary/benefits)
3. The Government Code section 56384 requires that a Commission appoint an Executive Officer and legal counsel.
4. The Commission will need to determine how the agency should run. This may include hiring a consultant, hiring employees, using another agency staff to serve as an Executive Officer and staff support, sharing an Executive Officer/Staff with another County, a combination of those options, or something else.

RECOMMENDATION

Determine how to run LAFCO once the County no longer provides the service on January 1, 2025.

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From: [Quincy Yaley](#)
To: [Quincy Yaley](#)
Cc: [Maria Sullivan](#)
Subject: FW: Letter to Executive Director-LAFCO-PLEASE REVIEW
Date: Tuesday, August 27, 2024 3:11:22 PM
Attachments: [LAFCO County Staff Support Services Letter.pdf](#)
Importance: High

Good afternoon LAFCO Commissioners on BCC,

Please see the email below and attached correspondence from the County Administrator.

I will place this item under new business on the next Commission agenda, scheduled for September 9.

Please contact me if you have any questions.

Respectfully,

Quincy

Quincy Yaley, AICP
Executive Officer
Tuolumne County LAFCO
48 Yaney, 4th Floor
Sonora, CA 95370
209-533-5961
qyaley@co.tuolumne.ca.us
<https://www.tuolumnecounty.ca.gov/143/Local-Agency-Formation-Commission>

From: Tracie Riggs <TRiggs@co.tuolumne.ca.us>
Sent: Tuesday, August 27, 2024 2:48 PM
To: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Subject: Letter to Executive Director-LAFCO-PLEASE REVIEW
Importance: High

Good afternoon Quincy,

As you are aware, I have shared my concerns related to the growing lack of trust and respect, from some members of LAFCO, towards County staff. This issue has been weighing on my mind and heart for several years and instead of getting better, the situation seems to be degrading further. Therefore, I am providing a four month notification, to you, as the Executive Director of LAFCO, of the County's intent to stop providing all staff services to Commission

effective January 1, 2025. County staff will remain available and committed to serving the Commission, its members and the community, prior to January 1. During this time, please compile all of the necessary documents for future LAFCO support staff, including a status report of the current work plan.

I wish the Commission and its future staff the best in executing the duties required to operate efficiently and effectively.

I am also requesting you would share the attached letter with the Commission and all of its members upon receipt of this email. My office will be issuing a press release before the end of the day.

Thank you for your continued dedication to the Commission, its members and the community.

Respectfully,

Tracie M. Riggs

County Administrative Officer

Tracie M. Riggs

(209) 533-5511



County Administration Office

Tracie M. Riggs
County Administrative Officer

August 26, 2024

Dear Mr. Feriani

Since the establishment of the Tuolumne County Local Agency Formation Commission (LAFCO), the Commission has been served and supported by the County of Tuolumne, including the Community Development Department, the Office of County Counsel, and a host of other administrative functions performed by County staff members. These individuals have always strived to execute the necessary duties to fulfill the mission of LAFCO, which includes improving the quality of life for citizens. Prior to 2019, our County valued the professional and respectful relationship between the Tuolumne County LAFCO Commissioners, LAFCO member agencies, and County staff, who performed Executive Officer and legal support services for the important work the Commission is responsible for completing. However, in recent years, the relationship has changed, resulting in an untenable situation for County staff. The rhetoric and actions towards the Executive Officer and Legal Counsel have been unprofessional and resulted in a working environment that is no longer serving the citizens of Tuolumne County. Therefore, as of January 1, 2025, the County will no longer provide any staff support for the Commission, including providing an executive officer, legal counsel, or other support services.

The Board of Supervisor representatives on LAFCO are eager to participate in transitioning the Commission to a new staffing model that benefits the County citizens. County staff will also be available prior to January 1 to transfer any situational information or data to new staff members. Prior to the termination of support for the Commission, the Executive Officer will compile the necessary documents for the future LAFCO support staff, including a status report of the current work plan. These will be delivered to you in an electronic format for use in future LAFCO efforts.

We wish the Commission and its future staff the best in executing the duties required to have a functional and productive agency. Please don't hesitate to contact me with any questions.

Respectfully,

Tracie Riggs

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

August 27, 2024

TO: LAFCO Commissioners
FROM: Quincy Yaley, AICP, Executive Officer
RE: RFP for an Executive Officer/Legal Counsel for LAFCO staffing

Commissioners

Steve Arreguin
Ryan Campbell
Suzanne Cruz
John Feriani
David Goldemberg
Janice Kwiatkowski
Ann Segerstrom

Alternates

Adam Artzer
Kathleen Haff
Andy Merrill

Executive Officer

Quincy Yaley, AICP

1. On January 8, 2024, the Commissioner directed the Executive Officer to release a Request for Proposals (RFP) for an Executive Officer/Legal Counsel. The RFP was released on January 26 and was posted on the County's Bid/RFQ/RFP webpage. Anyone who had requested notifications when bids are posted would have received the RFP, and the Executive Officer also sent the RFP to consulting firms who are members of CALAFCO. After being available until February 19, no responses were received.
2. A second RFP was released on May 1, 2024 and closed on May 31, 2024. It was circulated in the same manner as the previous RFP. The Commission indicated they would like to review responses to that RFP in a closed session, however because the current LAFCO procedures do not allow for this type of item to be discussed in closed session, the matter was heard in open session on June 10, 2024 and the Commission decided to postpone the item to a future agenda.
3. At the August 2024 meeting, the Commission did not vote to engage with the legal firm Colantuono, Highsmith, and Whatley, PC, that responded to the May 2024 RFP.
4. At the August 2024 meeting, there was a motion to bring the RFP back for revisions at the September meeting. Commissioners were directed by the Chair to provide changes to the Executive Officer prior to the August meeting to be incorporated into the RFP. Commissioners Campbell and Goldemberg informed the Executive Officer that they did not have any changes to the RFP. No other comments were received on this item prior to release of the agenda. The May 2024 RFP is attached to this report.

RECOMMENDATION

Finalize the RFP and circulate it to prospective consultants and the public.

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Tuolumne County
Community Development Department
Issued: Wednesday, May 1, 2024



**REQUEST FOR PROPOSAL (RFP No. RFP-
2024-0159)**

**LAFCO EXECUTIVE OFFICER AND/OR LEGAL
SERVICES TUOLUMNE COUNTY**

Deadline for Submission of Proposals: Friday, May 31, 2024

RESPONSES MUST BE SUBMITTED ELECTRONICALLY TO:

<https://procurement.opengov.com/portal/tuolumnecountyca>

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A - SAMPLE Agreement

1. Introduction

1.1. Summary

The Tuolumne County Local Agency Formation Commission (“Tuolumne LAFCO/LAFCO”) seeks proposals from qualified professionals or firms to perform Executive Officer services. LAFCO is also seeking proposals from qualified professionals or firms to perform Legal services. Proposals offering either Executive Officer services or Executive Officer and Legal services will be considered.

The Executive Officer is appointed by, reports to, and serves at the will of the Commission. The Executive Officer position is authorized by Section 56384 of the California Government Code and has responsibility for overall policy development, program planning, fiscal and personnel management, general administration, contract administration, and operation of Tuolumne LAFCO. The Executive Officer will also be responsible for conducting day-to-day business and administration of the Commission and making reports and recommendations to the Commission on matters that require the Commission's consideration and action. This person/firm will serve as an independent contractor to the Commission.

1.2. Background

The Commission has seven members, including two from the Tuolumne County Board of Supervisors, two from the City of Sonora, one member from the public, and two special district members. There are 19 independent special districts, 9 lighting districts, and 45 community service areas under the authority of Tuolumne LAFCO.

Tuolumne LAFCO is considering changing its current staffing model of using Tuolumne County staff for all direct and indirect tasks/costs needed to run Tuolumne LAFCO. Currently, Tuolumne LAFCO utilizes the following staff of Tuolumne County: Community Development Department (Director, planners, and administrative staff), Auditor Controller, Human Resources/Risk Management, and County Counsel. Regarding use of facilities, Tuolumne LAFCO uses County buildings for meetings, vehicles for travel, and employee insurance, etc.

The Commission wishes to transition to an independent Executive Officer in charge of all Tuolumne LAFCO requirements and operations. The Commission also seeks to identify the costs of employing new staff for Tuolumne LAFCO, compared to the current model where County staff provides part-time Executive Officer services.

Alternative staffing models that individuals/firms can provide, including auditing/accounting and legal services, are also encouraged to be proposed in any submittal. The Commission is open to discussing other staffing models with interested applicants, so long as the full slate of Executive Officer services can be provided (staffing, administration, human resources, bookkeeping/fiscal support). Services may be provided on an hourly basis or in another fashion.

1.3. Timeline

Release of RFP	May 1, 2024
Deadline for receiving all questions	May 26, 2024, 12:00pm
Deadline for RFP responses	May 31, 2024, 12:00pm
Evaluation and Interview Period	May 31, 2024 - June 7, 2024
Commencement of Negotiation Period (tentative)	June 17, 2024
Notice of contract award (Tentative)	June 21, 2024
Deadline for protests/appeals (Tentative)	July 5, 2024
Contract executed (Tentative)	July 8, 2024

2. Scope of Services

2.1. Overview

The duties and responsibilities assigned to the Executive Officer will include but are not limited to the following:

- A. Administrative duties include the following: development, oversight, and review of an annual work plan; assignment of work activities, projects, and programs; monitoring workflow and the day-to-day business of the Commission; personnel management, including supervision of employees or subcontractors; and preparation and management of contracts.
- B. Scheduling and preparing for regular and special meetings of the Commission, including preparation and timely transmittal of the meeting agenda and related reports, and providing recommendations and presentations at Commission meetings.
- C. Reviewing and updating Tuolumne LAFCO Policies and Procedures.
- D. Processing applications for city and district formations, annexations, reorganizations, consolidations, detachments, and extension of services by contract.
- E. Preparing notices, filings, agreements, and reports consistent with the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (or the “Act”).
- F. Preparing special reports and studies to the Commission as mandated by the Act, such as municipal services reviews (MSR) and spheres of influence (SOI).
- G. Preparation of the Tuolumne LAFCO budget including the following: preparation and implementation of the budget, forecasting revenue and expenses, identifying and recommending alternatives for implementation of the budget subject to the review of the Commission, as well as scheduling and noticing all budget hearings and communication.
- H. Administration of the adopted Tuolumne LAFCO budget by maintaining budget controls, records, files, and making timely payments of claims and deposits of revenues.
- I. Planning, assigning, and supervising work of support staff.
- J. Outreach and liaison duties include the following: representing the Commission before public and private policy making agencies and community groups; coordinating the LAFCO processes and discretionary actions of other agencies; facilitating workshops and attending meetings as directed by the Commission to understand community and agency concerns affected by LAFCO policies and decision-making.
- K. Compliance and review in accordance with the California Environmental Quality Act (CEQA), including preparation of necessary documents (*e.g.*, Notices of Exemption, Initial Studies, Negative Declarations, and Mitigation Monitoring Plans) as may be required, and review and drafting comments on CEQA documents prepared by other agencies which affect Tuolumne LAFCO.

- L. Monitoring new and proposed state and local legislation that pertains to LAFCO; preparing reports to the Commission that includes a recommendation of support or opposition to proposed legislation.
- M. Actively participating in related organizations, such as CALAFCO or other professional associations.
- N. Coordinating with LAFCO legal counsel (or providing legal counsel, if proposing legal services) on legal issues and other matters that may require an oral or written interpretation or opinion from legal counsel.
- O. Representing LAFCO before other local governmental agencies at community meetings and at other public forums.

3. Minimum Qualifications

- A. Experience with Local Agency Formation Commissions and ability to provide the scope of services described herein.
- B. Knowledge of the procedures, requirements, and applications of the Cortese-Knox-Hertzberg Local Government Reorganization Act.
- C. Experience with local governmental agencies and demonstrated knowledge of the laws, codes, guidelines, and principles which apply to local governmental agencies.
- D. Knowledge of the California Environmental Quality Act and its application to LAFCO actions.
- E. Principles and practices of public administration, organizational analysis, leadership, team building, and conflict resolution.
- F. Ability to work cooperatively with the Tuolumne LAFCO Commissioners.
- G. Ability to perform the work, stay within budget, and meet deadlines.
- H. *If proposing legal services*, licensed attorney with experience in Local Agency Formation Commissions, knowledge of the procedures, requirements, and applications of the Cortese-Knox-Hertzberg Local Government Reorganization Act, and knowledge of the California Environmental Quality Act and its application to LAFCO actions.

4. Proposal Package Requirements

Proposals are to be straightforward, clear, concise and responsive to the information requested. In order for proposals to be considered complete, proposers must provide all requested information.

Each proposer must submit their response online via Tuolumne County's e-Procurement platform, <https://procurement.opengov.com/portal/tuolumnecountyca>.

4.1. Proposal Package Requirements*

1. **Cover Letter.** The cover letter should describe the proposer's applicable experience and how the applicant proposes to meet the requirements of this RFP. Explanation in the letter may include if the proposer will provide the services at an individual level or with broader firm support.
2. **Resume/CV.** Please include a resume for all key personnel who may provide the services, describing applicable education, experience, and certifications/licenses.
3. **(If applicable) Firm Description / Statement of Qualifications / Experience.** For firms that are interested in providing responses, please provide documentation explaining your organization and staff that may assist in providing Executive Officer services. This section shall contain names, contact numbers, and descriptions of experience of all key personnel who would be assigned to perform the services. Resumes shall be provided for each staff member included in the RFP. This section shall include the contact person information, address, and telephone number of the company office that will be providing the services. Each company shall identify itself as to the type of organizational entity (corporation, sole proprietorship, partnership, etc.). Any supplemental information that the company believes is pertinent to the selection process may also be provided.
4. **References.** Provide at least three (3) references of local agencies for whom services have been performed that are comparable in quality and scope to that specified in this RFP. The references shall include names, positions, addresses, telephone numbers, and email addresses of individuals for whom prior work was performed and include an explanation of the services provided.
5. **Price.** The proposal shall include a fee schedule or explanation of the salary or rates desired. The rates should include any and all costs associated with the fulfillment of the scope of services (materials, equipment, supplies, travel fees, etc.). All expenses should be included in the billing rate structure.
6. **Disclosure.** Please disclose any and all past or current business and personal relationships with any current LAFCO official or districts/agencies associated with Tuolumne LAFCO.

*Response required

4.2. Proposal Cost*

Proposer shall upload a fee schedule here. Information should include any and all costs associated with the fulfillment of the Scope of Services.

*Response required

5. RFP Process

5.1. Submittal of Proposals

Sealed proposals must be received online, NO LATER THAN 12:00 pm on Friday, May 31, 2024.

Proposals shall be submitted electronically using Tuolumne County's e-Procurement platform, <https://procurement.opengov.com/portal/tuolumnecountyca>. Proposals will be received only as instructed above, and must be received before 12:00 pm on Friday, May 31, 2024. It is the sole responsibility of the proposer to properly upload its proposal so that it is received by the time and date required. Any proposal received after said time and/or date or in any other format other than as instructed herein, cannot be considered and will not be accepted. The County's e-Procurement Platform records the time stamp for every proposal submitted properly in the system. Once a proposal is submitted in the e-procurement platform, the Proposer will receive an email confirmation, and the proposal status will also show as "submitted." Any proposal received after said time and/or date or in any other format other than as instructed herein will not be accepted.

5.2. Submitter's Questions

Questions regarding the RFP must be submitted exclusively in writing to Tuolumne LAFCO by 12:00 pm via Tuolumne County's e-Procurement platform in the Q&A tab. Except for questions that might render the award of this contract invalid, LAFCO will not respond to any questions submitted after this time. LAFCO will use an addendum to the RFP to post any questions received along with written responses on the Tuolumne County e-Procurement platform,

<https://procurement.opengov.com/portal/tuolumnecountyca>. **It is the responsibility of the proposers to check the County website to review the questions and responses.** Any oral responses to questions are not binding on LAFCO.

5.3. Cost of Developing the Proposal

All costs incurred in the preparation of a proposal are the responsibility of each proposer and will not be reimbursed by Tuolumne LAFCO.

5.4. Proposal Terms and Conditions

- It is the responsibility of each proposer to be familiar with all of the specifications, terms, and conditions of the RFP. By the submission of a proposal, the proposer certifies that if awarded a contract, proposer will make no claim against Tuolumne LAFCO based upon ignorance or misunderstanding of the specifications.
- Each proposer shall submit its proposal with the understanding that the proposal will become a part of the official file on this matter and shall be subject to disclosure in compliance with the California Public Records Act, if requested by a member of the public. It is the responsibility of the proposer to clearly identify information in their proposals that they consider to be confidential under the California Public Records Act. To the extent that Tuolumne LAFCO agrees with that designation, such information will be held in confidence whenever possible. All other information will be considered public.
- By submitting a proposal, each proposer certifies that all statements in this proposal are true. This constitutes a warranty, the falsity of which shall include the right, at Tuolumne LAFCO's option, of declaring any contract made as a result thereof null and void.

- Proposals shall be completed and submitted in accordance with the instructions of this RFP. If a proposal is not submitted in the form specified in this RFP, it may be rejected, unless the Review Committee determines that the nonconformity is either a minor irregularity or that the defect or variation in the proposal is immaterial or inconsequential. The Review Committee may give the proposer an opportunity to cure any deficiency resulting from a minor irregularity or an immaterial or inconsequential defect, or it may waive such deficiency, whichever is most advantageous to Tuolumne LAFCO.
- The proposer is cautioned that it is the proposer's sole responsibility to submit the information requested by this RFP. Tuolumne LAFCO is under no obligation to solicit such information if it is not included in the proposal. Failure of the individual or firm to submit such information may cause an adverse impact to the evaluation of the proposal.
- Any individual who is currently employed with the County of Tuolumne shall not be eligible to respond to this RFP.
- Tuolumne LAFCO reserves the right to issue addenda to modify the terms and conditions of this RFP, including modifications to the RFP deadline or to the attachments to this RFP. Each proposer is solely responsible for obtaining and reviewing any and all addenda before submitting its RFP response.

5.5. Successful Proposal as Part of Contract Services

Proposals received in response to this RFP, at Tuolumne LAFCO 's discretion, may be incorporated into the awarded contract and may serve as basic terms and conditions for the ultimate contract. Therefore, proposers are advised that, if successful, they will be held responsible for levels of services proposed at the funding levels quoted. Tuolumne County LAFCO reserves the right to negotiate modifications or revisions to any awarded contract.

5.6. Other Requirements

In order to contract with Tuolumne County LAFCO, a proposer must also meet the following requirements:

- Make available its federal Tax Identification Number (TIN) or Social Security Number (SSN).
- Comply with all Federal, State and local rules, regulations and policies, including but not limited to the standard professional services agreement language used by Tuolumne LAFCO.
- Maintain insurance coverage to include worker's compensation, general liability, auto liability, and professional liability (if necessary), unless waived by Tuolumne LAFCO.

5.7. Non-Discrimination

Non-Discrimination: The Contractor selected through this RFP shall provide services without discrimination based on race, creed, color, ethnic or linguistic identification, gender or sexual preference, disability or handicap or any other basis prohibited by law.

5.8. [Protest/Appeal Process](#)

The following procedure is provided in the event that a proposer wishes to protest the RFP process or appeal the recommendation to award a contract for LAFCO Executive Officer services once the Notices of Award/Non-Award have been issued.

- Any protest must be submitted in writing to LAFCO c/o Community Development Department, 2 South Green Street, Sonora, CA, Attention: Quincy Yaley
- The protest must be submitted before 5:00 pm of the tenth (10th) business day following the date of the Notice of Award.
- The protest must contain a complete statement of the basis for the protest. The protest must include the name, address, telephone number and e-mail address of the person representing the protesting party.
- The procedure and time limits are mandatory and are the proposer's sole and exclusive remedy in the event of a bid protest.

Proposer's failure to comply with these procedures shall constitute a waiver of any right to further pursue the protest, including filing a Government Code claim or legal proceedings.

Upon receipt of written protest/appeal, a protest review committee will review and provide an opportunity to settle the protest/appeal by mutual agreement and may schedule a meeting to discuss or issue a written response to advise of an appeal/protest decision within five (5) business days of receipt of the appeal/protest.

5.9. [Public Records Access](#)

Proposers should be aware that submitted proposals are subject to the California Public Records Act and may be disclosed to members of the public upon request. It is the responsibility of the proposers to clearly identify information in their proposals that they consider to be confidential under the California Public Records Act. To the extent that Tuolumne LAFCO agrees with that designation, such information will be held in confidence whenever possible. All other information will be considered public.

All information regarding the proposals will be held as confidential until such time as the Review Committee has completed its evaluation and, or if, contract negotiations are complete.

6. Evaluation of Proposals

The objective is to perform a thorough and fair evaluation of submitted proposals and facilitate the selection of a contractor that best satisfies Tuolumne LAFCO's requirements. The following describes the evaluation process and associated components.

6.1. Factors to be Considered in Evaluating Each Proposer

1. Thoroughness of the submitted qualifications;
2. Professional excellence and experience in similar employment;
3. Costs of providing the services;
4. Review of references;
5. Capability to respond to requests and to start and complete work in a timely manner;
and
6. Ability to meet the contract requirements.

6.2. Award

1. A contract will be offered to the proposer who will be most advantageous to Tuolumne LAFCO, with price and all other factors considered.
2. Tuolumne LAFCO will negotiate with the highest-ranked proposer to develop the scope of work and contract for mutual satisfaction.
3. If a contract cannot be successfully negotiated, Tuolumne LAFCO reserves the right to terminate negotiations and begin negotiations with the next highest-ranked proposer. Upon termination of negotiations, proposers will receive notice of award or non-award.
4. Proposers are advised that Tuolumne LAFCO reserves the following discretion: to reject any or all proposals, and to consider historic formation and facts discovered during the evaluation process, whether gained from the proposal or another source.

6.3. Evaluation

Tuolumne LAFCO will evaluate each proposal, interview the selected applicants and make a determination as to which proposer will be most advantageous to LAFCO.

7. **Contract Information**

7.1. Sample Agreement

A sample Agreement is attached to this RFP, which details all standard terms and conditions required by Tuolumne LAFCO. The terms of the agreement listed below are not subject to negotiation.

7.2. Term/Termination

The term of the initial contract awarded under this RFP will be for: two (2) years. By mutual agreement, this contract may be extended for one (1) one (1) year, under the following circumstances:

- LAFCO receives adequate funding to extend program operations;
- The Contractor has achieved demonstrable success by meeting all of the contract's service requirements;
- LAFCO continues to need the services purchased under this RFP;
- The Contractor is willing and able to modify the services provided to best meet the needs of the program as determined by LAFCO.

The contract will be subject to termination by either party upon 30 days' written notice of intent to terminate. Tuolumne LAFCO may terminate the contract at any time, without written notice, upon a material breach of contract by the Contractor.

7.3. Funding Availability

It is mutually agreed that in the unlikely event the LAFCO budget of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, LAFCO shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement. Contractor's assumption of risk of possible non-appropriation is part of the consideration for this Agreement. Tuolumne LAFCO budget decisions are subject to the Commission.

If funding for any fiscal year is reduced or deleted by the LAFCO budget for purposes of this program, LAFCO shall have the option to either cancel this Agreement with no liability occurring to LAFCO or offer an Agreement amendment to Contractor to reflect the reduced amount.

7.4. Insurance

- A. Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by

the Contractor, his agents, representatives, employees or subcontractors. Coverage shall be at least as broad as:

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury, and personal & advertising injury with limits no less than \$2,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** ISO Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, hired, (Code 8) and non-owned autos (Code 9), with limit no less than \$1,000,000 per accident for bodily injury and property damage.
3. **Workers' Compensation:** as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease.
- iv. **Professional Liability (Errors and Omissions):** Insurance appropriate to the Contractor's profession, with limit no less than \$2,000,000 per occurrence or claim, \$2,000,000 aggregate.

If the Contractor maintains broader coverage and/or higher limits than the minimums shown above, the LAFCO requires and shall be entitled to the broader coverage and/or the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the LAFCO.

B. Other Insurance Provisions: The insurance policies are to contain, or be endorsed to contain, the following provisions:

1. Additional Insured Status. The LAFCO, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 if a later edition is used).
2. Primary Coverage. For any claims related to this contract, the Contractor's insurance coverage shall be primary coverage at least as broad as ISO CG 20 01 04 13 as respects the LAFCO, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the LAFCO, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

3. Umbrella or Excess Policy. The Contractor may use Umbrella or Excess Policies to provide the liability limits as required in this agreement. This form of insurance will be acceptable provided that all of the Primary and Umbrella or Excess Policies shall provide all of the insurance coverages herein required, including, but not limited to, primary and non-contributory, additional insured, Self-Insured Retentions (SIRs), indemnity, and defense requirements. The Umbrella or Excess policies shall be provided on a true “following form” or broader coverage basis, with coverage at least as broad as provided on the underlying Commercial General Liability insurance. No insurance policies maintained by the additional Insured, whether primary or excess, and which also apply to a loss covered hereunder, shall be called upon to contribute to a loss until the Contractor’s primary and excess liability policies are exhausted.
4. Notice of Cancellation. Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the LAFCO.
5. Waiver of Subrogation. Contractor hereby grants to LAFCO a waiver of any right to subrogation which any insurer of said Contractor may acquire against the LAFCO by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the LAFCO has received a waiver of subrogation endorsement from the insurer.
6. Self-Insured Retentions. Self-insured retentions must be declared to and approved by the LAFCO. The LAFCO may require the Contractor to purchase coverage with a lower retention or provide proof of ability to pay losses and related investigations, claim administration and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or LAFCO.
7. Acceptability of Insurers. Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best’s rating of no less than A:VII, unless otherwise acceptable to the LAFCO.
8. Verification of Coverage. Contractor shall furnish the LAFCO with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to LAFCO before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The LAFCO reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

9. Special Risks or Circumstances. LAFCO reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.
10. Failure to Comply: Upon failure to comply with any of these insurance requirements, this Agreement may be forthwith declared suspended or terminated. Failure to obtain and/or maintain any required insurance shall not relieve any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the indemnification obligations.
 - xi. Claims Made Policies. If any of the required policies provide claims-made coverage:
 1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
 2. Insurance must be maintained, and evidence of insurance must be provided, for at least five (5) years after completion of the contract of work.
 3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor must purchase "extended reporting" coverage for a minimum of five (5) years after completion of work.

7.5. Hold Harmless/Indemnification

Contractor shall hold harmless, defend and indemnify Tuolumne LAFCO and its officers, officials, employees and volunteers from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with Contractor's performance of work hereunder or its failure to comply with any of its obligations contained in the agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of LAFCO.

If such indemnification becomes necessary, the counsel for LAFCO shall have the absolute right and discretion to approve or disapprove of any and all counsel employed to defend LAFCO. This indemnification clause shall survive the termination or expiration of this Agreement.

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

August 27, 2024

TO: LAFCO Commissioners
FROM: Quincy Yaley, AICP, Executive Officer

REQUESTED ACTION

Review of the Tuolumne County LAFCO June 2024 Grand Jury report and consideration of a response to report's findings and recommendations, due September 23, 2024.

Commissioners

Steve Arreguin
Ryan Campbell
Suzanne Cruz
John Feriani
David Goldemberg
Janice Kwiatkowski
Ann Segerstrom

Alternates

Adam Artzer
Kathleen Haff
Andy Merrill

Executive Officer

Quincy Yaley, AICP

BACKGROUND

The Tuolumne County Civil Grand Jury performed an investigation of LAFCO during its 2023-2024 session and authored a report with its summarized findings and recommendations. Pursuant to Penal Code §933(c), the governing body of the public agency subject to the grand jury's reviewing authority "shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matter under [its] control" no later than 90 days after the grand jury submits a final report. The final report was issued on June 25, 2024, which means a response will be due by September 23, 2024.

GRAND JURY FINDINGS AND RECOMMENDATIONS

In its report, the Grand Jury mainly focused on concerns regarding LAFCO's transparency and amount of information available to the public, LAFCO's staffing model, LAFCO's compliance with state and local requirements, including the timeliness of municipal service reviews and the need for updated policies and procedures, and the LAFCO budget.

The Grand Jury report made the following findings:

- | | |
|-----|--|
| F1. | The Tuolumne County LAFCO website fails to provide information that is commonly provided by other county LAFCO websites, which includes the following deficiencies:
No adopted budget summaries are available
No roster of LAFCO commissioners including some form of contact information and when current term expires
No identification of key support personnel including Executive Officer and Legal Counsel
No approved Minutes documents available for review
No list, description, or map of special districts subject to LAFCO review and authority |
| F2. | Tuolumne County LAFCO commissioners are not given adequate preparation or orientation when assuming roles as commissioners. For example, Commissioners have served without being provided with the Policy and Procedures Manual. Some did not know such a Manual existed or was statutorily required. |
| F3. | LAFCO has no reserve fund as contributions for each fiscal year are based on actual expenditures with no carryover for the next fiscal year. |

F4.	While Sphere of Influence maps and Municipal Service Review updates were proposed in the 2019-2020 budget work plan, to catch-up to the standard 5-year review cycle, most of the updates have not been completed. As such, there are a total of 35 districts that have had no SOI or MSR updates in over 11 years.
F5.	LAFCO staff support can be provided by County staff; however, it must be under a contractual agreement. There is no contract between Tuolumne County LAFCO and Tuolumne County, which is a violation of state law requirements.
F6.	LAFCOs have the right to appoint and assign staff to support their activities. However, Tuolumne County has made personnel assignments to LAFCO staff without consulting commissioners. These assignments have not always been in the interest in maintaining continuity or accomplishing LAFCO goals.
F7.	One of the special district seats on LAFCO is to be available to multiple different special districts who provide funding for LAFCO and that seat is subject to vote of the special districts every four years through a Special District Selection Committee. A vote took place that was not in compliance with the state requirements and only a small number of eligible districts participated. However, that decision was accepted by LAFCO, and that commissioner will have that seat until 2026. The majority of eligible special districts lost their opportunity to decide who represents them on LAFCO.
F8.	Present staffing levels and expertise of Tuolumne County employees are inadequate to provide necessary and cost-effective support for LAFCO.
F9.	Annual assignments of Tuolumne County Board of Supervisors to the LAFCO commissioner and alternate commissioner roles have fluctuated among different Supervisors every year and does not provide continuity based on experience in the role of commissioner.

The report also contains the following recommendations:

R1.	Tuolumne County LAFCO commissioners and Tuolumne County leadership and staff should fully assist and expedite the proposed move from County-staff provided support to a contract with an outside agency or firm. Any support staffing continuing to remain provided by County-staff should be subject to a formal contract between LAFCO and Tuolumne County. (Findings 8, 6, 5)
R2.	Tuolumne County LAFCO website needs improvements in order to make it easier to locate and find minutes, identify commissioners, list and status of all districts subject to LAFCO, current and previous budgets, and any other information necessary to make LAFCO more transparent and accountable. (Finding 1)
R3.	Tuolumne County LAFCO staff should prepare a realistic schedule to review and update all Sphere of Influence (SOI) and Municipal Service Reviews (MSR) for all districts that have not been so updated within the last 5 years. Once approved by LAFCO, that schedule of progress should be available for all to view on the LAFCO website and updated at least twice per year. (Finding 4)
R4.	All decisions regarding personnel responsible for staff support for LAFCO, including but not limited to Executive Officer, Assistant Executive Officer, and Legal Counsel, should be at the discretion of LAFCO commissioners after careful consideration of experience, cost-effectiveness, and subject to at least one interview with LAFCO or an ad-hoc committee determined by LAFCO. (Finding 6)
R5.	Tuolumne County LAFCO should budget for participation by commissioners and staff in formal education opportunities such as CALAFCO conferences. LAFCO staff should provide local workshops for new commissioners to attend to introduce them to LAFCO

	laws and practices. These should also be advertised on the website and open to the public to attend at no cost. (Findings 2, 8)
R6.	Tuolumne County LAFCO budgets should include a contribution to a reserve fund to be carried over from year to year. In a year when the estimated budget contributions are not fully expended, those remaining contributions should roll to the reserve fund. (Finding 3)
R7.	Tuolumne County LAFCO should complete an update of Policy and Procedures Manual as soon as possible. Any detail necessary to remove ambiguities about how and when the Special Districts Selection Committee determines the succession of representatives from the special districts to the two Commission seats should be addressed in that update. Orientation for new commissioners should take place immediately after their appointment and understanding the Policy and Procedures Manual should be a point of emphasis during all orientation and subsequent training. (Findings 2, 7)
R8.	Tuolumne County Board of Supervisors should encourage multiple year assignments of the Supervisors to the role of LAFCO commissioner, in the interest of providing more knowledgeable and experienced members of the Commission. (Finding 9)

LAFCO RESPONSE

At the July 2024 meeting, the Commission identified that additional time was needed to review the responses drafted by staff prior to having a discussion and providing feedback. The responses have been updated in response to the August 27, 2024 letter received from the County of Tuolumne expressing that the County will terminate services and support for the Commission on January 1, 2025.

The Grand Jury has directed LAFCO to provide a response to Findings F1-F9 and Recommendations R1-R7, pursuant to Penal Code §933. The Commission should consider its response to the findings and recommendations with one of the following, as required by Penal Code §933.05:

- The respondent agrees with the finding.
- The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- As to each grand jury recommendation the responding entity shall report one of the following actions:
 - The recommendation has been implemented, with a summary regarding the implemented action.
 - The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe of implementation.
 - The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

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LAFCO GRAND JURY REPORT – DRAFT RESPONSES

FINDING	DRAFT RESPONSE
<p>F1. The Tuolumne County LAFCO website fails to provide information that is commonly provided by other county LAFCO websites, which includes the following deficiencies:</p> <ul style="list-style-type: none"> No adopted budget summaries are available No roster of LAFCO commissioners including some form of contact information and when current term expires No identification of key support personnel including Executive Officer and Legal Counsel No approved Minutes documents available for review No list, description, or map of special districts subject to LAFCO review and authority 	<p>Disagree Partially. It is unclear what should be considered “commonly provided” information. The report indicates that the Grand Jury reviewed approximately 4 LAFCO websites out of the 58 County LAFCOs in California. The LAFCO website is not required to contain any specific information beyond what is required by the Brown Act, nor does it need to be managed in the same or similar manner as other LAFCOs. The Tuolumne County LAFCO website does include all legally required information. All of the additional information listed in the report is available from the Commission Executive Officer, whose contact information is on the LAFCO website. And while there are not direct links on the LAFCO homepage for the items listed in the finding, this information, with the exception of a roster, is available within the posted Agendas and accompanying Minutes on the LAFCO website.</p> <p>Larger LAFCOs have extensive staffing resources who can provide and maintain information on a website. Currently there is not funding within the LAFCO budget to dedicate to additional staff to enhance or improve the website.</p> <p>The Commission will take into consideration any enhancements or improvements that may be made to the website within the current year’s budget.</p>
<p>F2. Tuolumne County LAFCO commissioners are not given adequate preparation or orientation when assuming roles as commissioners. For example, Commissioners have served without being provided with the Policy and Procedures Manual. Some did not know such a Manual existed or was statutorily required.</p>	<p>Disagree Partially. The LAFCO Clerk completes an onboarding process with each new Commissioner. This includes providing them information about the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH), the Tuolumne LAFCO policy handbook, and a roster. This year, materials from a “LAFCO 101” training that was provided by LAFCO Counsel was also included in the welcome packet.</p>

	<p>Commissioners are also given access to the California Association of Local Agency Formation Commissions (CALAFCO), a statewide organization who assists member LAFCOs with educational, technical, and legislative resources. CALAFCO organizes an annual conference and trainings throughout the year for Commissioners and staff. Commissioners routinely attend the trainings and annual conference. Four Commissioners, the Executive Officer, and LAFCO Counsel are planning to attend the 2024 LAFCO conference in October 2024. From time to time, subject matter experts attend local LAFCO meetings to speak to the Commission about different responsibilities and procedures related to LAFCO.</p> <p>The Commission voted in 2023 to update the policy handbook. Revisions have been ongoing and were on the agendas at four recent meetings: April 8 and May 13, June 10, and August 12, 2024. Once the updates have been completed and approved, it will be redistributed to the members and posted on the LAFCO website.</p>
<p>F3. LAFCO has no reserve fund as contributions for each fiscal year are based on actual expenditures with no carryover for the next fiscal year.</p>	<p>Agree. LAFCO does not have a reserve fund. The Commission will consider whether to include this in the updated policy handbook.</p>
<p>F4. While Sphere of Influence maps and Municipal Service Review updates were proposed in the 2019-2020 budget work plan, to catch-up to the standard 5-year review cycle, most of the updates have not been completed. As such, there are a total of 35 districts that have had no SOI or MSR updates in over 11 years.</p>	<p>Disagree Partially.</p> <p>The Government Code states that the Commission shall, as necessary, review and update each Sphere of Influence (SOI) every 5 years¹. In order to prepare and update SOIs, the Commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the Commission². The timing of MSRs is not strictly mandated under the Government Code, and the Commission may determine whether a review is necessary. LAFCO law also provides that “any provisions in this division governing the time within which an official or the commission is to act shall in all instances, except for notice requirements and the requirements of subdivision (h) of Section 56658 [notice on an application] and subdivision (b) of Section 56895 [requests</p>

¹ CA Government Code Section 56425(g)

² CA Government Code Section 56430

	<p>for amendments to or reconsideration of resolutions], be deemed directory, rather than mandatory³.”</p> <p>The Commission directs the timing of MSRs in an annual workplan. The Grand Jury report specifically mentions the proposed 2019-2020 workplan, which was significantly curtailed due to limited staffing resources during the Covid pandemic and the resulting shutdowns that occurred. During the April 29, 2024, LAFCO meeting, the Commission approved a MSR Completion Schedule which will be used to create the annual workplan moving forward. The Commission also adopted a significantly increased budget in 2024-2025 in order to complete additional MSRs. The Commission is currently considering how to best staff LAFCO to complete multiple MSRs in a cost-effective manner.</p>
<p>F5. LAFCO staff support can be provided by County staff; however, it must be under a contractual agreement. There is no contract between Tuolumne County LAFCO and Tuolumne County, which is a violation of state law requirements.</p>	<p>Disagree Wholly. The Grand Jury misinterprets the Government Code. LAFCO law allows the Commission to “appoint an executive officer⁴,” “appoint legal counsel to advise it⁵,” and “appoint staff as it deems appropriate⁶.” The Government Code also gives the Commission the power to “appoint and assign staff personnel and to employ <i>or contract</i> for professional or consulting services to carry out and effect the functions of the commission⁷.”</p> <p>The Attorney General has addressed the designation of the Executive Officer, Legal Counsel and staff in past opinions⁸. The Attorney General noted that “personnel to assist the Commissions may be obtained in two ways: (1) County officers or other employees may serve, and in doing so, do not lose their status as county employees; or (2) the Commission may employ or contract for professional or consulting services to carry out its functions, and may further appoint and assign staff personnel where the assistance rendered by the county boundary commission is insufficient. When the Commission fails to appoint an executive officer, the County</p>

³ CA Government Code Section 56106

⁴ CA Government Code Section 56384(a)

⁵ CA Government Code Section 56384(b)

⁶ CA Government Code Section 56384(c)

⁷ CA Government Code Section 56375(k)

⁸ 45 Ops. Cal. Atty. Gen. 82 and 51 Ops. Cal. Atty Gen. 235

	<p>Administrator or County Clerk so serves.” The distinction made by the Attorney General in the above quote is important, in that LAFCO can either use County employees or appoint and assign their own staff from other sources. The Attorney General further notes that, where a LAFCO commission chooses to utilize county staff, the County Counsel would be available to represent and advise such commissions.</p> <p>As set forth in LAFCO’s Policy and Procedure Manual, the Commission has elected to utilize County staff to serve as Executive Officer, Assistant Executive Officer, Legal Counsel and Department Support Technician. The Community Development Department (“CDD”) Director fills the role of LAFCO Executive Officer, who then selects the appropriate support staff. The CDD Director is a County employee, appointed by the Board of Supervisors, and the duties of LAFCO EO are detailed in that job description. LAFCO does not have the legal authority to hire or fire the CDD Director. The same is true for LAFCO Counsel and supporting staff. The LAFCO Policy and Procedure Manual allows County Counsel to represent LAFCO. County Counsel is also a County employee appointed by the Board of Supervisors. County Counsel assigns its attorney staff to clients based on a combination of factors, including competency, knowledge and experience.</p> <p>Upon consultation, other County LAFCOs have advised that they typically enter contracts when they hire employees directly or when they hire independent contractors, but not when they use staff of another agency. Although a retention agreement between agencies is commonly used, it is not universal, nor is it legally required.</p> <p>If the Commission continued to use County staff to perform the functions of LAFCO, it could consider entering into a retention agreement with the County to clarify roles and responsibilities, but a retention agreement is not a requirement under the law.</p>
<p>F6. LAFCOs have the right to appoint and assign staff to support their activities. However, Tuolumne County has made personnel assignments to LAFCO staff without consulting commissioners. These</p>	<p>Disagree Wholly. For the reasons mentioned in Response F5, LAFCO has the right to designate Tuolumne County to fulfill their staffing requirements, but LAFCO cannot directly appoint the individuals who fill the County-provided roles.</p>

<p>assignments have not always been in the interest in maintaining continuity or accomplishing LAFCO goals.</p>	<p>Pursuant to the Policy and Procedure Manual, LAFCO staffing is currently provided by Tuolumne County staff. The CDD Director operates as the EO and utilizes the appropriate support staff within that department to fill the roles of Assistant Executive Officer and Department Support Technician. The County provides legal counsel through County Counsel’s office.</p> <p>No evidence has been presented to LAFCO that demonstrates how personnel assignments to LAFCO have “not always been in the interest in maintaining continuity or accomplishing LAFCO goals.” In fact, many of the issues addressed in the Grand Jury report are the result of budget and funding constraints, and not the result of personnel assignments.</p> <p>County staff have the competency, experience, and knowledge to assist LAFCO in accomplishing its goals, and also have access to resources and, when needed, subject matter experts. Staff attend regular CALAFCO trainings and also belong to statewide Executive Officer and Legal Counsel associations and listservs, and have an active shared staffing agreement with Marin, Santa Cruz, and San Benito LAFCOs who can provide assistance when necessary.</p> <p>Notwithstanding the above, on August 27, 2024, the County of Tuolumne provided notice to LAFCO that as of January 1, 2025, they would no longer provide any staffing or support to the Commission. As a result, the Commission will immediately begin the process of transitioning staff to a different model.</p>
<p>F7. One of the special district seats on LAFCO is to be available to multiple different special districts who provide funding for LAFCO and that seat is subject to vote of the special districts every four years through a Special District Selection Committee. A vote took place that was not in compliance with the state requirements and only a small number of eligible districts participated. However, that decision was accepted by LAFCO, and that commissioner will have that seat until 2026. The majority of eligible special</p>	<p>Agree. In reviewing the process of the election of the Special District Selection Committee, the Special District appointment made in 2023 was nonstandard. This decision was indirectly accepted by LAFCO as no formal action was taken by the Commission to seat the member. If the special districts wish to revisit this action, the Government Code allows the Executive Officer to “call a noticed meeting of the Special District Selection Committee upon receipt of a written request by one or more members of the selection committee representing districts having 10 percent or more of the assessed value of taxable property within the county, as shown on the last equalized county assessment roll⁹.”</p>

⁹ CA Government Code Section 56632

<p>districts lost their opportunity to decide who represents them on LAFCO.</p>	
<p>F8. Present staffing levels and expertise of Tuolumne County employees are inadequate to provide necessary and cost-effective support for LAFCO.</p>	<p>Disagree Wholly.</p> <p>There is no evidence in the report to support this finding regarding expertise of Tuolumne County employees. The report concludes that meeting cancellations and MSR's not being completed more frequently is a result of inadequate staffing. However, the report acknowledges that the LAFCO budget will need to increase in order to update SOI maps and MSR's. The budget, not staff, directly dictates how many Commission meetings can be held, how many staff members can be assigned to LAFCO, and how many SOI maps and MSR's can be performed in a fiscal year. Staffing levels are directly tied to the LAFCO budget. The Commission may consider a future budget increase to support additional LAFCO staff.</p> <p>The report further notes that, because no one is currently assigned to the Assistant EO role for LAFCO, the EO currently provides all professional support to LAFCO, and at higher rates than an Assistant EO would, which is not cost-effective. The current LAFCO EO has over 25 years of experience in community planning and LAFCO matters and projects. This depth of experience permits LAFCO work to be completed efficiently and cost-effectively, as those with less experience generally require additional time to complete the same task, which essentially eliminates any cost savings that might otherwise result.</p> <p>All staff assigned to LAFCO are competent and have the knowledge and experience in performing the work of LAFCO. As mentioned in Response F6, staff have access to resources and, when needed, subject matter experts. Staff attend regular CALAFCO trainings and also belong to statewide LAFCO Executive Officer and Legal Counsel associations and listservs, and have an active shared staffing agreement with Marin, Santa Cruz, and San Benito LAFCOs to provide assistance when necessary. The Executive Officer, in working with budget constraints, has discretion regarding how to best accomplish a project or a required task to maximize the limited funding available. Legal Counsel is competent and knowledgeable in not only LAFCO law (Cortese Knox Hertzberg Act), but also public agency law, contracts law, and all other areas of law in which</p>

	<p>legal counsel routinely engage as LAFCO counsel. To the extent that a project or issue requires complicated subject matter expertise, LAFCO staff utilize subject matter experts, which is standard practice in the industry.</p> <p>LAFCO is not aware of any specific concerns or complaints made about the quality of the work performed by staff, and the Grand Jury report does not address any work quality issues related to LAFCO staff.</p> <p>Notwithstanding the above, on August 27, 2024, the County of Tuolumne provided notice to LAFCO that as of January 1, 2025, they would no longer provide any staffing or support to the Commission. As a result, the Commission will immediately begin the process of transitioning staff to a different model.</p>
<p>F9. Annual assignments of Tuolumne County Board of Supervisors to the LAFCO commissioner and alternate commissioner roles have fluctuated among different Supervisors every year and does not provide continuity based on experience in the role of commissioner.</p>	<p>Disagree Wholly. In 2019, County Board of Supervisor appointments were extended from one year to two years. LAFCO does not have the authority to direct the appointments of County or City commissioners, including the length of their appointments.</p>

RECOMMENDATION	RESPONSE
<p>R1. Tuolumne County LAFCO commissioners and Tuolumne County leadership and staff should fully assist and expedite the proposed move from County-staff provided support to a contract with an outside agency or firm. Any support staffing continuing to remain provided by County-staff should be subject to a formal contract between LAFCO and Tuolumne County. (Findings 8, 6, 5)</p>	<p>Recommendation requires further analysis. The Commission is currently considering whether changes to LAFCO staffing should be implemented .and has been exploring this matter for over a year. Two Requests for Proposals have recently been released and no responses for Executive Officer services have been received. A third is proposed to be released later in 2024.</p> <p>On August 27, 2024, the County of Tuolumne provided notice to LAFCO that as of January 1, 2025, they would no longer provide any staffing or support to the Commission. As a result, the Commission will immediately begin the process of transitioning staff to a different model.</p>
<p>R2. Tuolumne County LAFCO website needs improvements in order to make it easier to locate and</p>	<p>Recommendation requires further analysis. The Commission will consider whether enhancements or improvements can or should be made with the</p>

<p>find minutes, identify commissioners, list and status of all districts subject to LAFCO, current and previous budgets, and any other information necessary to make LAFCO more transparent and accountable. (Finding 1)</p>	<p>current budget and/or whether to increase the budget in the next fiscal year to address website modifications.</p>
<p>R3. Tuolumne County LAFCO staff should prepare a realistic schedule to review and update all Sphere of Influence (SOI) and Municipal Service Reviews (MSR) for all districts that have not been so updated within the last 5 years. Once approved by LAFCO, that schedule of progress should be available for all to view on the LAFCO website and updated at least twice per year. (Finding 4)</p>	<p>Recommendation will not be implemented because it is not warranted. As noted in Response F4, LAFCO law gives the Commission discretion regarding how often to update SOIs and MSRs and how to prioritize those MSRs. The Commission must also consider budget restraints when determining how many MSRs can be completed and how often. Additionally, the Commission approved a MSR Completion Schedule in April, 2024, which will be used to create the work plan.</p>
<p>R4. All decisions regarding personnel responsible for staff support for LAFCO, including but not limited to Executive Officer, Assistant Executive Officer, and Legal Counsel, should be at the discretion of LAFCO commissioners after careful consideration of experience, cost-effectiveness, and subject to at least one interview with LAFCO or an ad-hoc committee determined by LAFCO. (Finding 6)</p>	<p>Recommendation will not be implemented because it is not warranted. LAFCO already has the options of utilizing County staff, hiring its own staff, or contracting with another individual or agency. However, as explained in Response F6, the Commission does not control County staff and does not have the authority to select individual County staff members to fill LAFCO roles.</p> <p>LAFCO is currently assessing what staffing changes it will implement. LAFCO has published two recent Requests for Proposals seeking an Executive Officer and/or Legal Counsel. There were no responses to the request for an EO, and the Commission did not elect to move forward with the one proposal received for a Legal Counsel due to cost. A third RFP is under consideration for release later in 2024.</p> <p>On August 27, 2024, the County of Tuolumne provided notice to LAFCO that as of January 1, 2025, they would no longer provide any staffing or support to the Commission. As a result, the Commission will immediately begin the process of transitioning staff to a different model.</p>
<p>R5. Tuolumne County LAFCO should budget for participation by commissioners and staff in formal education opportunities such as CALAFCO conferences. LAFCO staff should provide local workshops for new commissioners to attend to</p>	<p>Recommendation has been implemented. Commissioners and staff have routinely attended CALAFCO trainings in the past, and LAFCO brings in subject matter experts from time to time to present to the Commission. Tuolumne County also offers occasional training for all Committees and Commissions regarding AB1234, Contracts and the Public Records Act.</p>

<p>introduce them to LAFCO laws and practices. These should also be advertised on the website and open to the public to attend at no cost. (Findings 2, 8)</p>	<p>Four Commissioners will be attending the CALAFCO conference in October of 2024 as the expenses were paid for with available funding in the 2023-24 fiscal year budget. There is also funding in the 2024-25 budget to provide local training to the Commissioners by subject matter experts. For trainings that occur during Commission meetings, they will be available for the public to attend at no cost. The Commission will consider the appropriateness of advertising workshops on the website.</p>
<p>R6. Tuolumne County LAFCO budgets should include a contribution to a reserve fund to be carried over from year to year. In a year when the estimated budget contributions are not fully expended, those remaining contributions should roll to the reserve fund. (Finding 3)</p>	<p>Recommendation requires further analysis. The Commission will consider including provision of a reserve fund in the Policy and Procedure Manual that is currently under review. The handbook update is anticipated to be completed by the end of 2024.</p>
<p>R7. Tuolumne County LAFCO should complete an update of Policy and Procedures Manual as soon as possible. Any detail necessary to remove ambiguities about how and when the Special Districts Selection Committee determines the succession of representatives from the special districts to the two Commission seats should be addressed in that update. Orientation for new commissioners should take place immediately after their appointment, and understanding the Policy and Procedures Manual should be a point of emphasis during all orientation and subsequent training. (Findings 2, 7)</p>	<p>Recommendation is being implemented. The handbook is anticipated to be updated by the end of 2024 and will include Policy Guidelines regarding the Special District Selection Committee.</p> <p>Commissioners are attending the CALAFCO Conference in October 2024 which serves as a component of their orientation. This year, local trainings will be provided by subject matter experts.</p> <p>LAFCO staff will continue to provide resources to new Commissioners that include the Cortese Knox Hertzberg Act and the Tuolumne LAFCO policy handbook.</p>



CITY ADMINISTRATOR

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August 30, 2024

Quincy Yaley, AICP
Executive Officer
Tuolumne County Local Agency Formation Commission
2 South Green Street
Sonora, CA 95370

RE: August 26, 2024, Press Release on Local Agency Formation Commission Staffing Transition and the City of Sonora's Response to the June 2024 Grand Jury Report on LAFCO

Dear Ms. Yaley:

With the County of Tuolumne's ("County") announcement on August 26, 2024, that the County will no longer provide staffing services to the Tuolumne Local Agency Formation Commission ("LAFCO") effective January 1, 2025, we would like to take this opportunity to thank you, and all County staff that have provided service to LAFCO since its establishment. As LAFCO Commissioners and City of Sonora ("City") City Councilmembers, we look forward to continuing to work with the County and its Commissioners through an independently staffed LAFCO. The City supports this new approach to LAFCO staffing to ensure that LAFCO achieves its goals as set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act")¹ and as defined by the LAFCO Commissioners.

In addition to sincerely thanking the County and its staff for their years of service, this letter also serves as the City's supplementary responses to the June 2024 Tuolumne Grand Jury Report, related to LAFCO ("Grand Jury Report"). The items highlighted below remain concerns that the City would like to see addressed, especially as LAFCO transitions to being an independently staffed agency. The City seeks to continue the conversation about the ways LAFCO can provide services to all of the agencies that benefit from the orderly development, and efficient extension of government services in an equitable and organized manner.

Municipal Service Reviews

Grand Jury Report Finding 4 and Recommendation 3

The Grand Jury report recommends that LAFCO update the Municipal Service Reviews ("MSRs") and Spheres of Influence for all districts that have not been updated within the last five (5) years. LAFCO partially disagrees with this recommendation. The City also partially disagrees with this recommendation. With the unique circumstance in the County of the City being the only incorporated city, the update of MSRs should be addressed and financed by the agencies that benefit from the update of that report. This ensures that the City is not unduly burdened by LAFCO actions that do not benefit it.

¹ Gov't. Code, § 56000 et seq.



Government Code section 56430 provides that LAFCO conduct MSR in order “to prepare and to update spheres of influence.” Nowhere in Government Code section 56430 is LAFCO authorized to compel local agencies to complete an MSR nor is there a deadline for the completion or update of that study. The only timeline associated with MSRs, and spheres of influence is included in Government Code section 56425. That section provides that spheres of influence are reviewed and updated as necessary on a five (5) year cycle after January 1, 2008. Consequently, MSRs and spheres of influence need not be updated every five (5) years, unless necessary. LAFCO staff agree with this interpretation of Government Code section 56425 and further support it by relying on Government Code section 56106 which identifies the timelines within the Act as “directory, rather than mandatory”.

However, the current response to the Grand Jury Report indicates that LAFCO has proposed an annual work plan and “significantly increased budget in 2024-2025 in order to complete additional MSRs”², without finding that these MSRs are necessary at this time or that they must be funded through the LAFCO budget. By proceeding without finding that the MSRs are necessary, LAFCO is proposing a work plan and budget that contradicts its conclusion that MSRs need only be updated when necessary. By relying on the budget LAFCO adopts each year as required under Government Code section 56381 to fund the MSRs, the burden of financing the work to complete MSRs, that are not clearly required at this time, is shifted to agencies, including the City, that do not benefit from that work being done.

Government Code section 56381 establishes LAFCO’s budgetary powers and assigns the funding of that budget to the county, cities, and special districts that are represented on the LAFCO commission. Reliance on the budget established under Government Code section 56381 to fund the update of MSRs, ignores LAFCO’s power to impose fees under Government Code section 56383. Government Code section 56383 allows LAFCO to “establish a schedule of fees and a schedule of service charges” for the activities LAFCO undertakes through the Act, including “amending and updating a sphere of influence.” Rather than burdening agencies that are not benefited with the costs of MSRs and spheres of influence determinations, LAFCO should adopt a fee schedule that includes fees for MSRs and spheres of influence updates. Other LAFCOs have taken this approach, including, for example, Fresno LAFCO³ and San Joaquin LAFCO.⁴ Following this approach ensures that the agencies that are benefited by any MSR and sphere of influence update bear the cost of that work and is consistent with LAFCO’s own interpretation of Government Code section 56428’s requirements.

LAFCO Budget Recommendations

Grand Jury Report Finding 3 and Recommendation 6

The Grand Jury Report recommends that the LAFCO budget include a reserve fund and where estimated budget contributions are not fully expended, those remaining contributions rollover to the reserve fund. LAFCO’s

² LAFCO Proposed response to Grand Jury Report, August 12, 2024, Response to Finding 4.

³ Fresno LAFCO Fee Schedule, effective July 1, 2011, available at:
<https://www.fresnolafco.org/files/10858ccc6/LAFCo+Fee+Schedule.pdf>.

⁴ San Joaquin LAFCO Fee Schedule, effective July 1, 2024, available at:
<https://www.sjlafco.org/files/67243f6c3/Schedule+of+Fees+FY+2024-2025.pdf>.



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proposed response indicates it is considering the recommendation but has not determined whether it will be implemented. The City wholly disagrees with this recommendation.

Implementing a reserve fund for LAFCO is unnecessary. There is no legal requirement that LAFCO budgets include a reserve component. Instead, the County is authorized to loan LAFCO funds that can then be appropriated into the next year's LAFCO budget to repay the loan.⁵ This provision anticipates the need for additional funding without a reserve and is the appropriate vehicle to respond to any funding shortfalls as established under the Act.

Additionally, any funding approach that equally apportions the funding obligations between the County, the City, and the many special districts in Tuolumne County is fundamentally unfair and should be rejected. The language of Government Code section 56381 that provides for the equal apportionment of costs contemplates that there are *cities*, not a singular city, that would share in the costs of funding a LAFCO budget. Here, the City is the only entity that would bear the funding obligation for the *cities* component of the LAFCO budget funding, where it is apportioned equally among the three entity types. The unique circumstances of the County call for a unique solution to funding, which Government Code section 56381, subdivision (b)(4) provides for, allowing "any alternative method of apportionment of the net operating expenses of the commission".

LAFCO Policies and Procedures

Grand Jury Report Findings 2 & 7 and Recommendation 7

The Grand Jury Report and the proposed LAFCO response indicate that LAFCO should and is considering revisions to its Policies and Procedures. That document has been provided to LAFCO Commissioners for review and comment. The City agrees that updates and revisions to the Policies and Procedures should be a priority as LAFCO transitions to an independent staffing model. Included below are the City's comments on the proposed changes to facilitate the process of review and adoption of the revisions.

Policies and Procedures Section	Comment
Page 11, Section 4, Operational Policies, Subdivision B, Staffing	Currently, the only staffing option given is for County staff to provide LAFCO staffing. This provision should be revised to reflect that LAFCO will be an independently staff agency after January 1, 2025.
Page 12, Section 4, Operational Policies, Subdivision C, Budget Requirements and Procedures	The funding percentages and financial responsibilities for all entities are not clearly defined. This should be clarified, especially where a penalty provision associated with the payment of fees and costs is being introduced.

⁵ Gov't. Code, § 56381, subd. (c).



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Page 14, Section 4, Commission Rules of Order, Rule 2	The option for emergency meetings has been removed. It should be retained as emergency meetings are allowed under the Brown Act.
Page 17, Section 4, Commission Rules of Order, Rule 24	County Counsel should not be included in questions of law. Outside Counsel, of the Commission's choosing, should be retained to provide answers to questions of law. This is especially true where LAFCO will be independently staff beginning January 1, 2025.
Page 18, Section 4, Commission Rules of Order, Rule 26	Strict adherence to Robert's Rule of Order should not be required. Rosenberg's Rules of Order provide a more flexible procedure for public agency meetings and the Policies and Procedures should provide that any failure to follow parliamentary procedure should not result in a waiver of any action taken.
Page 19, Section 6, Application Processing Procedures, Subdivision A, Item #3	The schedule of application fees should include fees for services such as sphere of influence reviews and MSR reviews. The use of fees for these activities would remove them from inclusion in the LAFCO budget which all agencies are responsible for funding.
Page 21, Section 6, Application Processing Procedures, Subdivision A, Item #6	LAFCO review of items allows for additional options beyond just the approval or disapproval of a project. The additional options, including conditionally approving a project, should be addressed.
Page 26, Section 6, Application Processing Procedures, Subdivision F, Item #1	The proposed language is overly broad. Exceptions to address ongoing negotiations among the interested parties need to be added to ensure that applications are not unduly dismissed based on factors outside of the applicant's control.
Page 32, Appendix B, Sphere of Influence Policies, Factors of Consideration, Item #5	The language appears to be a direct quote from Government Code section 56425, adding the citation to Government Code section 56425 before "subdivision (g)" would improve the clarity of that language.

LAFCO Staffing
Grand Jury Report Findings 5, 6, & 8 and Recommendations 1 & 4



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The Grand Jury Report finds that the current LAFCO staffing approach does not provide consistent, reliable support for LAFCO, does not operate according to state law, and recommends that the proposed shift to a contract with an outside agency or firm to provide LAFCO staffing be expedited. Initially, LAFCO's proposed response indicated that the recommendation required additional analysis, but the County's August 26, 2024, press release indicates that the analysis is complete, and LAFCO will be implementing the Grand Jury Report's recommendation, with the County's staffing of LAFCO set to cease on January 1, 2025. The City wholly supports the implementation of the move to a contractual relationship with an outside agency or firm to provide LAFCO staffing. This will ensure that LAFCO proceedings have a greater measure of transparency through separate staff providing services and establish true independence for LAFCO as a separate, statutorily established agency from the County.

In implementing the recommendation to provide LAFCO staffing, the City would like to explore all procurement methods, beyond the issuance of a request for proposals ("RFP"). As the proposed LAFCO response to the Grand Jury Report notes, LAFCO has previously issued RFPs for both an Executive Officer and Legal Counsel with only one response for Legal Counsel received. Alternative approaches for securing LAFCO staff could include sole sourcing the needed assistance, using a subcommittee of LAFCO commissioners to reach out to potential candidates or firms, using a recruiting agency, as well as many other possibilities, all of which the City is open to exploring. The City looks forward to discussing this with the other LAFCO commissioners and determining the best path to securing staffing for LAFCO.

In closing, the City would once again like to thank the County and its staff for all of its service to LAFCO. We look forward to cooperating with all local agencies in the County to help guide future development in an orderly, efficient manner through LAFCO in the years to come.

Sincerely,

Ann Segerstrom
Mayor, City of Sonora
LAFCO Commissioner

 Recoverable Signature

X Suzanne Cruz

Signed by: 996cfac1-a76d-4500-b5d3-0f1bbd6041de

Suzanne Cruz
Mayor Pro-Tem, City of Sonora
LAFCO Commissioner

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Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

August 5, 2024

TO: LAFCO Commissioners
FROM: Quincy Yaley, AICP, Executive Officer

Commissioners

Steve Arreguin
Ryan Campbell
Suzanne Cruz
John Feriani
David Goldemberg
Janice Kwiatkowski
Ann Segerstrom

REQUESTED ACTION

Review of the County Service Areas in Tuolumne County: Road Maintenance in Subdivisions June 2024 Grand Jury report and consideration of a response to report's finding and recommendation, due September 23, 2024.

Alternates

Adam Artzer
Kathleen Haff
Andy Merrill

Executive Officer

Quincy Yaley, AICP

BACKGROUND

The Tuolumne County Civil Grand Jury performed an investigation of County Service Areas (CSA) during its 2023-2024 session and authored a report with its summarized findings and recommendations. Pursuant to Penal Code §933(c), the governing body of the public agency subject to the grand jury's reviewing authority "shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matter under [its] control" no later than 90 days after the grand jury submits a final report. The final report was issued on June 25, 2024, which means a response will be due by September 23, 2024.

GRAND JURY FINDINGS AND RECOMMENDATIONS

In its report, the Grand Jury focused on three areas: the CSA policy manual, the CSA engineering reports, and that the Sphere of Influence analysis has not been done by LAFCO for many years.

The Grand Jury report made the following finding relative to the scope of authority of LAFCO:

F10. LAFCO has not reviewed Sphere of Influence for CSAs in the last five year [sic] which doesn't allow for reassessment of non-contributors. Those benefiting from a CSA regularly should be members of that CSA.

The report also contains the following recommendations:

R10. Within the next nine months, LAFCO should do Sphere of Influence (SOI) analysis that addresses any other landowners who may primarily use the CSA roads for access and expand the CSA to include those parcels. (Finding 10)

LAFCO RESPONSE

The Grand Jury has directed LAFCO to provide a response to Finding 10 and Recommendation R10, pursuant to Penal Code §933. The Commission should consider its response to the finding and recommendation with one of the following, as required by Penal Code §933.05:

- The respondent agrees with the finding.
- The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- As to each grand jury recommendation the responding entity shall report one of the following actions:
 - The recommendation has been implemented, with a summary regarding the implemented action.
 - The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe of implementation.
 - The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

Draft responses for consideration by the Commission are attached to this report. LAFCO may modify these recommendations but will need to finalize a response by September 23, 2024. The Executive Officer will place this item again on the next scheduled LAFCO meeting agenda if further consideration/modifications are requested by the Commission prior to a formal response being submitted to the Grand Jury.

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FINDING	DRAFT RESPONSE
<p>F10. LAFCO has not reviewed Sphere of Influence for CSAs in the last five year [sic] which doesn't allow for reassessment of non-contributors. Those benefiting from a CSA regularly should be members of that CSA.</p>	<p>Agree. The SOIs were last evaluated in 2013. LAFCOs are instructed to review SOIs every five years or as necessary. The information in the Grand Jury Report may be used by LAFCO to assist in determining the timing of the next SOI review.</p>

RECOMMENDATION	DRAFT RESPONSE
<p>R10. Within the next nine months, LAFCO should do Sphere of Influence (SOI) analysis that addresses any other landowners who may primarily use the CSA roads for access and expand the CSA to include those parcels. (Finding 10)</p>	<p>Recommendation needs further analysis. LAFCO needs to decide the priority of completing a review of the CSA SOIs when the next annual workplan is determined in 2025.</p> <p>It should be noted that expanding a SOI does not automatically include adding new properties to a CSA – the actual boundary of the CSA would need to be modified if the County wished to add properties into a CSA, and the feasibility of adding those properties into a CSA would need to be evaluated.</p>

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

August 27, 2024

TO: LAFCO Commissioners
FROM: Quincy Yaley, AICP, Executive Officer
RE: EXECUTIVE OFFICER'S REPORT - Updated Policy and Procedure Manual

REQUESTED ACTION

Consideration of approving a proposed update to the LAFCO Policies and Procedures.

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. This item was considered at the August meeting and the Commission decided to have further discussion at the September LAFCO meeting.
2. This item has been on four meeting agendas (4/8/2024, 5/13/2024, 6/10/24, and 8/12/24). Some changes to the document were discussed in meetings, and at other times, Commissioners were directed to provide changes to the Executive Officer to facilitate edits to the document.
3. Updates to the document since June have been made in the draft redline document, which are highlighted in yellow.
4. 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>
5. The Commission may make additional changes to the policy handbook, may direct staff to make additional changes, and/or may approve the document. Nothing precludes the Commission from making further revisions to the handbook should it be warranted in the future.

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Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

POLICY AND PROCEDURE MANUAL

Adopted 11/16/01

Amendments Noted In Text

6/27/05

3/23/09

8/9/10

3/14/11

August 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 LAFCOs**. 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 These Tuolumne County LAFCO's local policies are therefore the catalyst for implementation of State laws designed to "discourage urban sprawl and encourage the logical and orderly formation and development of local agencies". which have been tailored to meet the unique needs of the County. establishes the organizational operating policies for LAFCO, including budget requirements and purchasing policies.~~
- 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 Code**

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)

~~The declared State policy for LAFCO is found in Section 56301 of the Government Code:~~

~~"Among the purposes of a Local Agency Formation Commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies based upon local conditions and circumstances."~~

~~"One of the objectives of the Local Agency Formation Commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governments in each county and to shape the development of local governmental agencies so as to advantageously provide for present and future needs of each county and its communities."~~

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. (Jan 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~~ **guidelines and the policies** that follow 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 GUIDELINE # 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 GUIDELINE # 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 GUIDELINE # 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 GUIDELINE #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 GUIDELINE #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 GUIDELINE #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 GUIDELINE # 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 GUIDELINE # 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 GUIDELINE # 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 GUIDELINE #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 GUIDELINE #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.**
 - **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 four (4) 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 Seat 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.
- 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.
- 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.”
- 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. The County and City negotiated what share of the budget the City and County are responsible to fund. 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 share of the LAFCO budget. **Special Districts pay one-third of the annual budget, the City of Sonora pays their share based on the LTF percentage, and the County of Tuolumne pays the remaining balance.** 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.**

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.

E. Financial Reporting and Annual Auditing Policies

The Executive Officer shall present financial reports to the Commission at a midpoint in the fiscal year identifying actual year-to-date expenses and revenues relative to adopted budgeted amounts. Tuolumne LAFCO shall utilize the County Auditor to prepare annual audits/financial statements and pay for any related costs.

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.

SECTION 4: 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 EMERGENCY OR 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 meeting must be delivered at least twenty-four (24) hours before the time of such meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meeting.~~

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 (Amended Jan 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. (Amended Jan 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 **or labor and employment matters listed under Gov. Code §54957.** (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 ~~within Commission R~~ules 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.

RULE 26 – RULES OF PROCEDURE

Robert's Rules of Order shall be used as the general guide for conducting meetings and to resolve points of order, unless otherwise specified herein.

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.**
2. **Generally 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. 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.

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.**
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 ~~Assistant Executive Officer~~ 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 staff 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, staff prepare 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.

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 indicated 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 56079.546 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,
 - 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.

F. Inactive Applications

1. If an application has not, in the opinion of the Executive Officer, seen substantial activity for a period of 18 months, a letter shall be sent to the applicant notifying them that unless documents or other requested information needed to process the application are received within 30 days, the application shall be deemed terminated and placed on inactive status, and the Commission shall be so notified at the next regularly scheduled meeting of LAFCO. If the applicant responds within the initial 30-day notice period and represents that the requested documents or other information will be available shortly, the applicant, at the discretion of the Executive Officer, shall be granted an additional six (6) months from the date of submission (for a total of 24 months) to submit said documents. If said documents or information are not received within the 24-month period, the application shall be deemed terminated and the Executive Director shall so notify the applicant and the Commission. Any application remaining inactive for a period of three (3) years shall automatically be deemed terminated. Information on applications that have been terminated and placed on inactive status shall be retained in conformance with LAFCO's document retention policy. A new application with the required fee and/or deposit shall be required to re-activate the process for said terminated/inactive project.

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 - NEW

Appendix D - Indemnification Agreement Policy-NEW

Appendix E - Conflict of Interest Code - NEW

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 Planning Director (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 an 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.

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~~ **four** "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 rangeland 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.

1. MAILED-BALLOT ELECTIONS

1.1 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.

1.2 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.

1.3 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.

1.4 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
COMMISSION POLICY GUIDELINES
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).

UNAPPROVED

MINUTES OF THE

Local Agency Formation Commission Special Meeting

August 12, 2024, 4:00 PM

Board of Supervisors Chambers County Administration Center 4th Floor
2 S. Green St. Sonora, CA 95370

PRESENT: Chair, John Feriani; Vice-Chair Steve Arreguin; Commissioners, Ryan Campbell, David Goldemberg, Suzanne Cruz, Janice Kwiatkowski, Ann Segerstrom

ABSENT: None

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

COMMISSION BUSINESS: Chair Feriani called the meeting to order at 4:03 p.m.

A. Consideration and approval of Janice Kwiatkowski's request to appear remotely for "emergency circumstances" under Government Code Section 24953.

Motion: To approve Janice Kwiatkowski's request to appear remotely for "emergency circumstances" under Government Code Section 24953.

Result: Approved

First: Chair Feriani

Second: Commissioner Cruz

Ayes: Chair Feriani, Vice-Chair Arreguin, Commissioners Campbell, Goldemberg, Cruz, Kwiatkowski and Segerstrom

Noes: **None**

B. Salute the Flag

Chair Feriani asked Commissioner Segerstrom to lead the Commission and audience members in the Pledge of Allegiance.

C. Meeting Minutes of June 10, 2024

Motion: To approve the meeting minutes of June 10, 2024

Result: Approved

First: Commissioner Campbell

Second: Commissioner Cruz

Ayes: Chair Feriani, Commissioners Campbell, Goldemberg, Cruz, Kwiatkowski and Segerstrom

Noes: **None**

Abstain: Vice-Chair Arreguin

D. Reports from Commissioners and staff

Quincy Yaley, Executive Officer, gave an update on the CALAFCO conference.
August 12, 2024

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.

There was one member of the public who spoke.

Chair Feriani closed the public comment period.

NEW BUSINESS:

- 1. Review of the Tuolumne County LAFCO, June 2024 Grand Jury report and consideration of a response to reports findings and recommendations, due September 23, 2024.**
- 2. Review of the County Service Areas in Tuolumne County: Road Maintenance in Subdivisions, June 2024 Grand Jury report and consideration of a response to reports, findings and recommendations, due September 23, 2024.**

Chair Feriani opened both items 1 and 2 under “New Business” to discuss at once.

A discussion ensued on how to address the Grand Jury reports.

Chair Feriani opened the public comment period and asked if there was anyone who wished to speak on the item.

One member of the public spoke on the items.

Motion: To bring the Review of the June 2024 Grand Jury reports back to the next scheduled LAFCO meeting.

Result: **Approved**

First: Commissioner Campbell

Second: Commissioner Cruz

Ayes: Chair Feriani, Vice-Chair Arreguin; Commissioners Campbell, Goldemberg, Cruz, Kwiatkowski and Segerstrom

Noes: **None**

Motion: A counter motion was made to create a workshop to address the June 2024 Grand Jury Report.

Result: **Failed**

First: Commissioner Kwiatkowski

Second: None

OLD BUSINESS:

- 1. Update on status of Municipal Service Review for Tuolumne Utilities District, Jamestown Sanitary District, Tuolumne Park and Recreation District, and Tuolumne City Sanitary District.**

Ms. Yaley reported that staff received the draft administrative MSR from Jamestown Sanitary District. She noted that the consultants had a list of questions for additional information, that staff forwarded onto

the district. She stated that an internal meeting was scheduled between LAFCO staff, Jamestown Sanitary District and the consultants to finalize the MSR before public and Commission review. She noted that Tuolumne Utilities District would follow the same process. She said that LAFCO staff was currently working on Tuolumne Park and recreation District, and Tuolumne City Sanitary District and was waiting for additional information.

Chair Feriani opened public comment and asked if there was anyone who wished to speak on the item. Seeing no one, he closed public comment and referred the item back to the Commission.

2. Review of results of RFP for an Executive Officer/Legal Counsel and consideration of providing direction to the Executive Officer on LAFCO staffing.

Ms. Yaley reported on the results of the RFP and reminded the Commission this item was brought back before the Commission per their last meeting. She noted that staff did not receive a response for an executive officer but did receive one response for legal counsel.

A discussion ensued on modifying the language and posting the RFP for a third time.

Chair Feriani opened public comment and asked if there was anyone who wished to speak on the item.

There were three members of the public who spoke.

Motion: To bring this item back to the next scheduled LAFCO meeting to work on a revision to the RFP
Result: Approved
First: Commissioner Kwiatkowski
Second: Commissioner Cruz
Ayes: Chair Feriani, Commissioners Campbell, Goldemberg, Cruz, Kwiatkowski and Segerstrom
Noes: **None**
Abstain: Vice-Chair Arreguin

3. Consideration of approving a proposed update to the LAFCO Policies and Procedures.

Ms. Yaley gave an update on the LAFCO Policies and Procedures.

A discussion ensued on postponing the approval of the LAFCO Policies and Procedures for the next LAFCO meeting.

Chair Feriani opened the public comment period and asked if there was anyone who wished to speak on the item.

There were two members of the public who spoke on the item.

Chair Feriani closed the public comment period and referred the item back to the Commission.

Motion: To approve the updated LAFCO Policies and Procedures with an amendment, clarifying the distinction between the payments between the city, county, and special districts.
Result: Failed
First: Commissioner Campbell
Second: Commissioner Goldemberg

Ayes: Commissioners Campbell and Goldemberg
Noes: Chair Feriani, Vice-Chair Arreguin, and Commissioners Kwiatkowski, Cruz, Segerstrom
Abstain: None

Motion: To bring this item back to the next scheduled LAFCO meeting with the Commission ready to discuss and make a final decision.

Result: Approved

First: Commissioner Cruz

Second: Commissioner Campbell

Ayes: Chair Feriani, Vice-Chair Arreguin, and Commissioners Campbell, Goldemberg, Cruz, Kwiatkowski and Segerstrom

Noes: **None**

Abstain: None

PUBLIC HEARING:

None

ADJOURNMENT

Commissioner Campbell adjourned the meeting at 6:28 p.m.

APPROVED:

Quincy Yaley, AICP
Executive Officer

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