



County of Tuolumne Local Agency Formation Commission

Quincy Yaley, AICP
Executive Officer

AGENDA

TUOLUMNE COUNTY LAFCO VIA ZOOM October 10, 2022 4:00 p.m.

A.N. Francisco Building
48 Yaney Avenue
Mailing: 2 S. Green Street
Sonora, CA 95370
209 533-5633
209 533-5616 (fax)
www.tuolumnecounty.ca.gov

IMPORTANT PUBLIC NOTICE: Under the Governor's Executive Order N-25-20, this meeting will allow members of the Local Agency Formation Commission to participate by teleconference. Under Order N-29-20, Accessibility Requirements, if you need swift special assistance during the LAFCO Commission meeting, please call **209-770-5423**.

In order to protect public health and the safety of Tuolumne County citizens, the Tuolumne County Local Agency Formation Commission meeting will be physically closed to the public. Public Comment will be opened and closed individually for each agenda item listed below, excluding Reports. To observe or participate in the LAFCO meeting, follow the instructions below.

For detailed Zoom instructions go to the Agenda Packet
<https://www.tuolumnecounty.ca.gov/AgendaCenter/Local-Agency-Formation-Commission-7>

- Link to join webinar: <https://us02web.zoom.us/j/84944356434>

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

COMMISSION BUSINESS:

- Salute the Flag.
- Adopting Resolution LAFCO2022-004 authorizing remote teleconference meetings of LAFCO for the period of October 10, 2022, to November 9, 2022.
- Reappointment of Steve Arreguin as the General Public Representative for LAFCO with a term set to expire May 2026.
- Minutes of July 11, 2022
- Reports.
"Reports" are a brief oral report from a committee or commission member and/or County staff, and no committee or commission action will occur. This item is not intended to include in depth presentations or reports, as those matters should be placed on an agenda for discussion.

PUBLIC COMMENT: 15 Minutes

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

PUBLIC HEARING:

None

NEW BUSINESS:

1. Presentation and discussion on LAFCO procedures, roles and responsibilities by Michael G. Colantuono, Colantuono, Highsmith & Whatley, PC.
2. Update and discussion on the proposed Tuolumne Community Services District project.

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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COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

Land Use and Natural Resources – Housing and Community Programs – Environmental Health – Building and Safety – Code Compliance

TO: Tuolumne County Committee and Commission Members

FROM: Quincy Yaley, AICP Community Development Department Director

RE: COVID-19 Meeting Procedures

48 Yaley Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

In response to increasing risks of exposure to the coronavirus (COVID-19), all the Committee and Commission meetings will be conducted and participated via Zoom. Video conferencing via Zoom will allow the Commission/Committees and County to adhere to social distancing requirements of the Brown Act and provide a way for the public to provide public comment live during the meeting.

Due to the modified meeting format and tele-conferencing meeting procedures, the Chair may choose to allow public comment on the project in an alternative fashion, rather than calling for those in favor, those in opposition, those neutral, and then any rebuttals or surrebuttals. The Chair may take public comment on the project in any order in lieu of the calling for those in favor, opposition, neutral, rebuttals, and then surrebuttals.

The Committee and Commission may elect to allow the applicant or applicant representative a specific time to speak on the project prior to taking public comments on the item. This opportunity could have a specific time length allotted, such as five or ten minutes.

As a reminder, those who wish to provide information during the public comment are not required to provide their name. County staff will notify the Chair of any individuals who wish to provide testimony and will limit the testimony to the time limit identified by the Chair.

If an item on the agenda is not identified as a “public hearing”, public comment is still required and can be conducted in a similar format to the modified procedures above.

All votes require a roll call with each Committee and Commission member to be named by County Staff prior to stating their vote. The Chair shall also identify by name the commissioner who initiated the motion and the name of the commissioner who seconds the motion. After a second is named, the Chair must allow County staff to complete a roll call vote.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the zoom meeting. It is recommended that the Chair pause for 60-90 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 90 seconds has elapsed County staff will notify the Chair that there is no further public comment.

Staff may need to respond to emails or phone calls from members of the public during the meeting to provide assistance to the public if they encounter problems using the Zoom platform. Staff requests that the Chair allow additional time as needed to ensure that members of the public can engage in the meeting.

Zoom Instructions

Zoom links can be found in the agenda for each meeting. The public can view the meeting from their smartphone, on their computer browser, or listen on their telephone. Zoom does not require an account to attend the meeting, but if the public wishes to create one, their basic accounts are free.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the Zoom meeting. The Chair will pause for 60 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 60 seconds has elapsed county staff will notify the Chair that there is no public comment.

Members of the public can also choose to watch the meeting and do not have to comment during the meeting. If a member of the public does not want to provide public comment live, they can provide public comment prior to the meeting via email to the Community Development Department Planning manager at OYaley@co.tuolumne.ca.us. If you would like your comments to be included in the record, please send comments to the above email address by 9:00 a.m. of the day of the noticed meeting.

If anyone is having technical difficulties with Zoom, they can visit Zoom's support page for helpful tips: <https://support.zoom.us/hc/en-us/categories/201146643>.

Below are step by step instructions on how to join and interact as an attendee via Zoom.

JOINING A WEBINAR BY LINK

- To join the webinar, click the link that we provided in the agenda.
- If you are signed in, change your name if you do not want your default name to appear.
- If you are not signed in, enter a display name.

MANUALLY JOINING A WEBINAR

- Use the 9-digit meeting ID/webinar ID provided in the agenda.
- Sign in to the Zoom Desktop or Mobile App
- Click or tap **Join a Meeting**
- Enter the 9-digit webinar ID, and click **Join** or tap **Join Meeting**
- If prompted, enter your name and email, then click **Join Webinar** or tap **Join**.
- You may change your name if you do not want your default name to appear, as you are not required to state your name.

WAITING FOR HOST TO START THE WEBINAR

- If the host has not started broadcasting the webinar, you'll receive a message letting you know to "Please wait for the host to start the meeting".

PUBLIC COMMENT

- During the public comment period you will have the option to "raise your hand" if you would like to comment on a proposed project or during the public comment portion of the meeting.
- Once you have clicked the "raise your hand" option, please wait until a staff unmutes your microphone.
- Once staff has unmuted you will have three minutes to speak.

- A staff member will verbally communicate to you and the Commissioners when you have 30 seconds remaining and then when your time is up.
- Once your allotted time is up, a staff member will mute and “lower your hand”.
- If you are participating from your smartphone, you will also have a “raise their hand” feature.
- When you are unmuted a prompt will appear to confirm you would like to be unmuted.
- Once you confirm you will be able to provide public comment.
- If you are participating via telephone call, you will need to press *9 (star 9) to “raise their hand”, and when you are unmuted you will hear “you are unmuted” allowing you to provide public comment.

END OF MEETING

- If you would like to leave the meeting before it ends, click **Leave meeting**. If you leave, you can rejoin if the webinar is still in progress, as long as the host has not locked the webinar.

Hi there,

You are invited to a Zoom webinar.

When: Oct 10, 2022 04:00 PM Pacific Time (US and Canada)

Topic: LAFCO 10-10-2022

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84944356434>

Or One tap mobile :

US: +16694449171,,84944356434# or +16699006833,,84944356434#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 444 9171 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 719 359 4580 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217 2000 or +1 646 931 3860 or +1 929 205 6099

Webinar ID: 849 4435 6434

International numbers available: <https://us02web.zoom.us/j/84944356434>

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1 **Local Agency Formation Commission (LAFCO)**

2 **County of Tuolumne**

3

4 **FINDINGS OF THE TUOLUMNE COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO)**

5 **AUTHORIZING REMOTE TELECONFERENCE MEETINGS**

6 **OF THE TUOLUMNE COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO)**

7 **FOR THE PERIOD OCTOBER 10, 2022 TO NOVEMBER 9, 2022**

8 **PURSUANT TO THE RALPH M. BROWN ACT.**

9

10 **WHEREAS**, all meetings of Tuolumne County Local Agency Formation Commission (LAFCO)

11 and its legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§

12 54950 – 54963), so that any member of the public may attend, participate, and view the legislative bodies

13 conduct their business; and

14 **WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote

15 teleconferencing participation in meetings by members of a legislative body, without compliance with the

16 requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and

17 requirements; and

18 **WHEREAS**, a required condition of Government Code section 54953(e) is that a state of emergency

19 is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of

20 conditions of disaster or of extreme peril to the safety of persons and property within the state caused by

21 conditions as described in Government Code section 8558(b); and

22 **WHEREAS**, a further required condition of Government Code section 54953(e) is that state or local

23 officials have imposed or recommended measures to promote social distancing, or, the legislative body

24 holds a meeting to determine or has determined by a majority vote that meeting in person would present

25 imminent risks to the health and safety of attendees; and

26 **WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency

27 declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California

28 Emergency Services Act (Government Code section 8625); and,

1 **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which
2 formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a
3 gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did
4 not rescind the proclaimed state of emergency; and,

5 **WHEREAS**, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set
6 expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020 and
7 other Executive Orders but did not rescind the proclaimed state of emergency; and,

8 **WHEREAS**, as of the date of this Findings, neither the Governor nor the state Legislature have
9 exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency
10 either by proclamation or by concurrent Findings the state Legislature; and,

11 **WHEREAS**, the California Department of Industrial Relations has issued regulations related to
12 COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of
13 Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the
14 measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel
15 more than six feet, especially indoors; and,

16 **WHEREAS**, the Tuolumne County Local Agency Formation Commission (LAFCO) finds that state
17 or local officials have imposed or recommended measures to promote social distancing, based on the
18 California Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention
19 through Title 8 of the California Code of Regulations, Section 3205(5)(D); and,

20 **WHEREAS**, as a consequence, the Tuolumne County Local Agency Formation Commission
21 (LAFCO) does hereby find that it shall conduct its meetings by teleconferencing without compliance with
22 Government Code section 54953 (b)(3), pursuant to Section 54953(e), and that such legislative bodies shall
23 comply with the requirements to provide the public with access to the meetings as prescribed by
24 Government Code section 54953(e)(2).

25 ///

26 ///

27 ///

28 ///

1 **NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED** by the Tuolumne County
2 Local Agency Formation Commission (LAFCO) , County of Tuolumne, State of California, in regular
3 session assembled on October 10, 2022 does hereby resolve as follows:

4 Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this
5 Findings by this reference.

6 Section 2. State or Local Officials Have Imposed or Recommended Measures to Promote Social
7 Distancing. The Tuolumne County Local Agency Formation Commission (LAFCO) hereby proclaims that
8 state officials have imposed or recommended measures to promote social (physical) distancing based on
9 the California Department of Industrial Relations' issuance of regulations related to COVID-19 Prevention
10 through Title 8 of the California Code of Regulations, Section 3205(5)(D).

11 Section 3. Remote Teleconference Meetings. The Tuolumne County Local Agency Formation
12 Commission (LAFCO) is hereby authorized and directed to take all actions necessary to carry out the intent
13 and purpose of these Findings including, conducting open and public meetings in accordance with
14 Government Code section 54953(e) and other applicable provisions of the Brown Act.

15 Section 4. Effective Date. These Findings shall take effect immediately upon its adoption and
16 shall be effective until the earlier of (i) November 9, 2022, or (ii) such time the Tuolumne County Local
17 Agency Formation Commission (LAFCO) adopts a subsequent Findings in accordance with Government
18 Code section 54953(e)(3) to extend the time during which its legislative bodies may continue to
19 teleconference without compliance with Section 54953(b)(3).

20 ADOPTED this 10th day of October, 2022 by Tuolumne County Local Agency Formation
21 Commission (LAFCO), by the following vote:

22
23 YES:

24 NO:

25 ABSENT:

26 ABSTAIN:



County of Tuolumne, CA

07/14/2022

BOS-22-10

Committee and Commission Application

Status: Active**Date Created:** Jun 3, 2022**Applicant**

Esteban Arreguin
esteban.j.arreguin@gmail.com

**Internal Details****Member Role**

--

Member Type

--

Board Meeting Date

--

Board Meeting Results

--

Application Information**Vacancy Applied For**

Local Agency Formation Commission

Applying for Reappointment**Mailing Address****City**

Columbia

Zip Code

95310

Residential Phone**Business Phone**

--

Cell Phone**How long have you lived in Tuolumne County? (years)**

11

How long have you lived in Tuolumne County? (months)

7

Which Supervisorial District do you reside?

5

Name of present employer

For Supervisorial Districts, refer here

IPSC

(https://tuolumne.maps.arcgis.com/apps/webappviewer/index.html?

id=fe14d4f71bf849e29e2afdaa42ca056c&extent=-124.715890078%2C4519241.3068%2C-13233869.939%2C4649490.003%2C102100).

~~Employer Address~~

85 Enterprise Drive

Employer City

Aliso Viejo

Employer State

CA

Employer Zip Code

92656

Occupation

Director of Compliance - NERC/Env

Briefly describe the qualifications you possess which you feel would be an asset to the Commission/Committee/ Group for which you are applying.

Active Tuolumne Community leaders, excellent facilitator, focused on community policy improvements and economic development for TuCO.

List the community organization(s) and describe participation in which you have been involved.

Current LAFCO Chair

Mother Lode Fair Board Member (Board of Directors, Treasure, President)

Gold Springs Firewise Community group (Founding member)

Foothill Pregnancy Center Board Member (Secretary, Treasurer, and President)

Tuolumne County Toastmasters Club

Past Plant Manager at Pacific Ultrapower Chinese Station (Biomass Power Plant in Jamestown)

Signature

I confirm that I have sufficient time to devote to this responsibility and plan to attend the required meetings if I am appointed to fill a vacancy. I understand that if I am appointed to a commission where a Disclosure of Assets Statement is required by State Law or Board Policy, I shall do so within ten (10) days of assuming office.

Esteban J. Arreguin

05/13/2022

Applications not acted upon will expire after two years from the date submitted unless renewed by applicant.

I hereby consent that this document is considered a public record and will be available to the public.

Attachments



What is LAFCO?

LAFCO is a public agency with county-wide jurisdiction established by a State law known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Act")

LAFCO oversees changes to local government boundaries involving the formation and expansion of cities and special districts.

9/30/2022

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Tuolumne LAFCO

- An Overview of LAFCOs
- Michael G. Colantuono, Esq.
- Colantuono, Highsmith & Whatley, PC
- Grass Valley, CA
- (530) 432-7357

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State Policy to:

- **Encourage orderly growth**
- **Promote the logical formation and determination of local agency boundaries**
- **Discourage urban sprawl**
- **Preserve open space and prime agriculture lands**

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Why LAFCO was created

- Post World War II population and housing boom in California
- Local governments scramble to finance and extend services to new suburbs
- City annexation "wars"
- Proliferation of limited-purpose, special districts

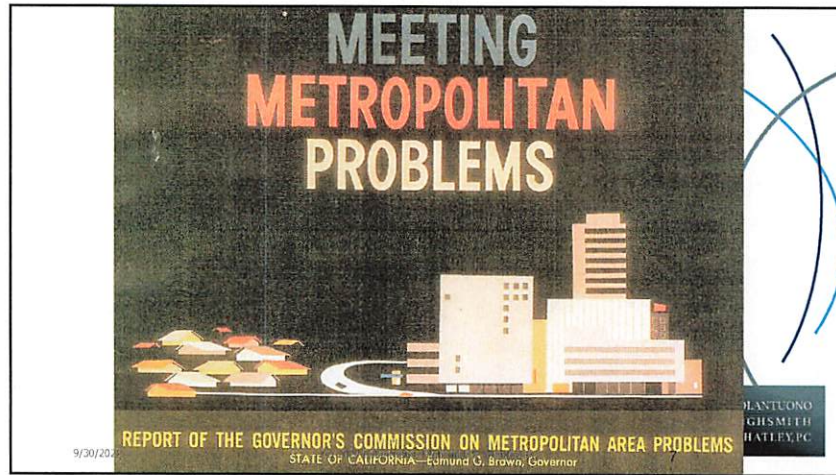
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Legislative Compromise

- No Statewide Commission or agency
- Every County has a LAFCO
- LAFCO Commissioners are local (not State) appointees
- State law gives broad discretion to LAFCOs to apply the law in light of local circumstances
- Each LAFCO has authority over boundary decisions within its County, and each LAFCO is independent of other LAFCOs
- Commissioners make final decisions that cannot be appealed to other administrative bodies

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Legislative History



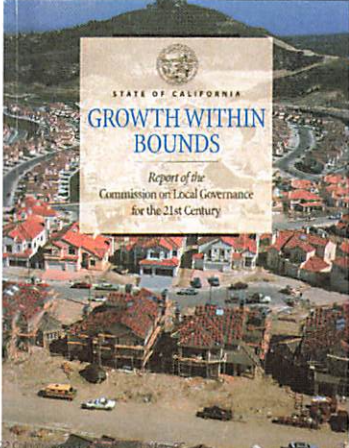
- 1963 - Knox-Nesbitt Act – Creates LAFCOs to regulate boundaries
- 1971 - Requires LAFCOs to adopt Spheres of Influence
- 1972 - Allow special district members
- 1983 - Establishes deadlines to prepare Spheres
- 1993 - AB 1335 (Gotch) – Improve procedures

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Recommendations:

- ❖ LAFCOs are to be neutral, independent, and provide well-balanced representation.
- ❖ Strengthens LAFCO's powers to prevent urban sprawl and ensure orderly extensions of governmental services.
- ❖ Prepare Municipal Service Reviews to inform the SOI Updates.
- ❖ Strengthen policies to protect agricultural and open space.



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Legislative History cont'd.

Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 AB 2838 (Hertzberg)

Major reforms:

- Broadens LAFCO funding formula
- Makes LAFCO the conducting authority
- Requires Municipal Service Reviews and periodic Sphere of Influence updates
- Adds new factors – water supply and regional housing

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LAFCO Composition

Minimum:

- 2 County Supervisors 1 Alternate
- 2 City Council members 1 Alternate
- 1 public member 1 Alternate

30 LAFCOs also include:

- 2 Special District members 1 Alternate

Some LAFCOs also include:

- 1 or more "Special seat(s)" 1 Alternate

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10

Commissions a Unique Mix



30 LAFCOs with
Special District
Members

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Within LAFCO's Jurisdiction

LAFCOs regulate the boundaries of:

- Cities
- Special Districts
 - Cemetery districts
 - Community Service Districts (CSDs)
 - County Service Areas (CSAs)
 - Fire Protection Districts
 - Hospital and Healthcare Districts
 - Library Districts
 - Municipal Utility Districts
 - Reclamation Districts
 - Recreation and Parks Districts
 - Resource Conservation Districts
 - Sanitation Districts
 - Water Districts (County Water Districts, County Waterworks Districts, Irrigation Districts, and Municipal Water Districts)

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Not Within LAFCO's Jurisdiction

State law prohibits LAFCOs from imposing terms and conditions which "directly regulate land use, property development, or subdivision requirements"

County boundaries

Boundaries of:

- Air pollution/quality control districts
- Bridge and highway districts
- Community college districts
- Community facilities or Mello-Roos districts
- Improvement districts
- School districts
- Transit or rapid transit districts
- Water companies (mutuals and privates)

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What can LAFCO do?

- Create new cities (Incorporations) or eliminate existing cities (Disincorporations)
- Create new special districts (Formations) or eliminate existing special districts (Dissolutions)
- Unite two or more cities or two or more special districts (Consolidations)
- Eliminate an existing special district and assign its duties and functions to an existing city (Merger)

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What can LAFCO do? (continued)

- Add territory to existing cities or special districts (Annexations) or remove territory from existing cities or special districts (Detachments)
- Allow service outside of existing city or special district boundaries (Out-of-Agency Service Extensions)
- Adopt and amend Spheres of Influence
- Prepare Municipal Service Reviews
- Change authorized services of special districts (Exercise of New or Different Functions or Classes of Services)

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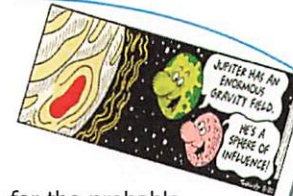
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Spheres of Influence

- Unique to California
- § 56076 defines as a plan for the probable physical boundaries and service area of a local agency (i.e., a planning area)
- SOIs Determined by the Commission



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Spheres of Influence

- § 56425(a)
- "... the commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere."



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Typical SOT Map



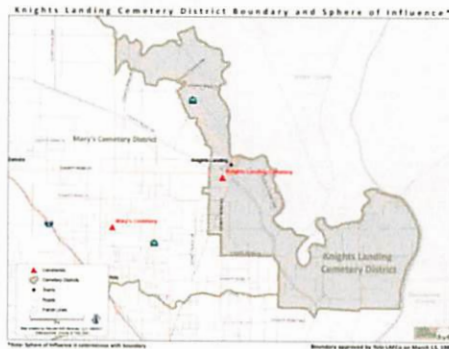
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"Coterminous" SOI



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Spheres of Influence

- § 56425: in determining an SOI, Commission considers:
 - Present and planned land uses, including ag and open-space
 - Present and probable need for public facilities and services
 - Present capacity of public facilities and adequacy of public services
 - Existence of any social or economic communities of interest

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Spheres of Influence

- § 56425
- *"The commission may recommend governmental reorganizations to particular agencies in the county, using the spheres of influence as the basis for those recommendations."*



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Municipal Service Reviews

- § 56430
- *"In order to prepare and to update spheres of influence ... the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission."*

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MSR Determinations

- Contains information needed to support the SOI Update (§56430):
 - Growth projections
 - Present and planned capacity
 - Financial ability of agency
 - Shared facilities
 - Accountability
 - Other Issues



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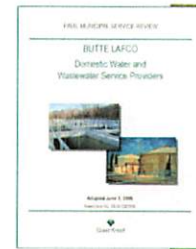
9/30/2022

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LAFCO Approaches to Conducting MSRs

- Individual MSR per agency
- Grouped by type of district (e.g., fire district, water districts, etc.)
- Grouped by type of service (e.g., levee maintenance)
- Grouped by region or area



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When are SOI/MSRs Done?

- Law required all spheres to have been updated by January 1, 2008
- Subsequent sphere reviews every five years, as necessary
 - Leaves "as necessary" to local policy
- MSR required for SOI update
 - LAFCOs vary in how this MSR requirement is applied

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Statutory Requirements

- Municipal Service Review
- ↓
- Sphere of Influence
- ↓
- Boundary change decisions must be consistent with the spheres of influence of affected agencies

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LAFCOs are Independent

- Provides own office, equipment, personnel
- Appoints an Executive Officer
- Appoints a Legal Counsel
- Can contract for staff services
- Administrative authority as an independent public agency

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Commissioners are Independent, too

- Exercise independent judgment on behalf of public, not appointing agency
- Based on CKH and local LAFCO policies — not solely on interests of appointing agency
- "LAFCO Hat" involves a broader perspective representing "public as a whole"

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LAFCO is Funded Locally

- Must adopt a budget for each fiscal year by June 15
- Funded by the county, cities, and special districts (usually in equal shares)
- Local funding formulas are allowed
- Processing fees help offset expenses



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LAFCOs' Legal Role

- LAFCO is the Legislature's "watchdog" over local governments
- While powers are broad, LAFCO jurisdiction is limited to actions and powers granted by statute
- Must consider land use issues, but cannot directly regulate land use



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Subject to State Laws

- Cortese-Knox-Hertzberg Act
- Brown Act / Public Records Act
- CEQA
- Revenue & Tax Code
- Political Reform Act / Other Conflict of Interest Laws
- Principal Acts



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Limited Legal Challenge

- LAFCO decisions are quasi-legislative
 - Determinations vs. findings
- Not appealable to any other body except the courts
- Short period to file suit
- Limited legal challenge to decisions
- Upheld as long as decision is not "arbitrary and capricious"



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LAFCOs' Key Legal Concerns

- Must act in accordance with state law and locally adopted policies
- Comply w/ CEQA as lead or responsible agency
- Must adopt findings to support decision (*McBail*)

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Litigation

- Any decision can be litigated, so it is a good idea to do thorough reports and make good findings supported by record evidence as a routine practice
- Still, the riskier projects tend to identify themselves
- Talk to your counsel early and often about those
- Make a good record

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Litigation

- What Claims are Most Common?
 - CEQA
 - Cortese-Knox-Hertzberg Act
 - Civil Rights Claims
 - Public Records Act
 - Brown Act
 - Political Reform Act and Other Conflict Laws

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Litigation

- Most common claims seek a writ of mandate
- Such cases are reviewed on your administrative record
- The standard of review is more deferential under CKH and CEQA than on civil rights claims, the Political Reform Act or Brown Act

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Avoiding Litigation

- Thus, preventing litigation can be summarized as
 - Avoid procedural error
 - Ensure there is substantial evidence to support every required finding
- Common procedural errors
 - Notice
 - Making all the findings and tying findings to evidence
 - Allowing a fair hearing, avoiding bias and conflicts of interest

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Current Challenges

- Sphere of Influence updates and Municipal Service Reviews (56425(g))
- Disadvantaged Unincorporated Communities (56375(a)(8))
- Viability of smaller local agencies
- Water, water, water (SGMA implementation, water systems, etc.)

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Issues on the Horizon

- Balance resource preservation with pressure for housing
- Infill vs sprawl
- Regional land and transportation planning and regulations
- Water; infrastructure availability
- Urbanization outside of cities – no funding for future incorporations or inhabited annexations
- Viable local agencies and services – shared services

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Questions?

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County of Tuolumne Local Agency Formation Commission

Quincy Yaley, AICP
Executive Officer

September 28, 2022

A.N. Francisco Building
48 Yanez Avenue
Mailing: 2 S. Green Street
Sonora, CA 95370
209 533-5633
209 533-5616 (fax)
www.tuolumnecounty.ca.gov

TO: Tuolumne County Local Agency Formation Commission

FROM: Quincy Yaley, AICP, Executive Director

RE: LAF20-002 - Formation of the Tuolumne Community Services District – Public Workshop

GENERAL INFORMATION

1. This is the third public workshop that LAFCO has held regarding the above project. The goal of this public workshop is to review work done to date on the above project, and solicit public and Commissioner feedback on the proposal. No staff recommendations are included in this presentation, and no decisions are being asked from the Commission at this time. Staff will return at a future meeting with a recommendation for a determination by the Tuolumne Local Agency Formation Commission.
2. The Tuolumne Local Agency Formation Commission (LAFCo) has received an application (Attachment 1) from the Tuolumne Sanitary District and the Tuolumne Parks and Recreation District requesting that their two special districts, along with the County-managed Tuolumne Lighting District, be consolidated into one special district to be called the Tuolumne Community Services District.
3. Tuolumne LAFCo is the oversight agency for special districts and cities within Tuolumne County. The role of LAFCo under the Cortese-Knox-Hertzberg Reorganization Act of 2000 is to oversee local agency boundary changes and adopt spheres of influence for local agencies. Among the purposes of LAFCos are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies. As such, LAFCo is solely empowered with adjusting the boundaries of special districts. Therefore, LAFCo's responsibility is to review the information available regarding services provided by agencies within geographic boundaries, and make appropriate decisions regarding proposed boundary and/or service changes.

PROPOSED PROJECT

4. The proposal for the consolidation of three special districts in the Tuolumne City area was made jointly by the Tuolumne Sanitary District and the Tuolumne Parks and Recreation District, with each district adopting a Resolution outlining their joint proposal.
 - A. Consolidate three special districts into one new Community Services District. The three districts to be consolidated are the Tuolumne City Sanitary District (TCSD), the Tuolumne Parks and Recreation District (TPRD), and the Tuolumne Lighting District (TLD).
 - B. The consolidated district would be organized under the Community Services District Law found in Government Code Section 61000 et seq.
 - C. The consolidated district would be named the Tuolumne Community Services District.
 - D. The boundaries of the consolidated Tuolumne Community Services District would be the boundaries of the current Tuolumne Parks and Recreation District (Attachment 1 and 2).

- E. All tax revenue, adopted services rates, and other revenue now allocated to each of the three existing agencies would be allocated to the consolidated Community Services District.
 - F. In addition to the currently authorized services (sewer, parks and recreation, facilities maintenance, and lighting), the application proposed that the consolidated district be authorized by LAFCo to provide the following additional services: library services, graffiti abatement, weed and rubbish abatement, maintenance and operation of community facilities, snow removal, funding for area planning commissions, funding for municipal advisory councils, cemetery operation, fire protection, solid waste handling services, and undergrounding of overhead electrical and communication facilities.
 - G. The proposed initial Board of Directors of the consolidated district would consist of seven members with a minimum of three directors each from TCSD and TPRD. New directors to fill expiring terms would be elected at large from within the entire new district.
 - H. All assets and liabilities of each of the three existing agencies would be transferred to the consolidated Tuolumne Community Services District.
 - I. The consolidated district would take over responsibility from the County for the Tuolumne Township Underground Utility District, a district formed for the purpose of undergrounding overhead utility lines using PG&E's Rule 20A undergrounding program.
 - J. Any properties not in the new district currently receiving service by one of the three consolidating districts in the consolidated territory would be added to the district.
5. The Tuolumne Lighting District (TLD) was formed by the Board of Supervisors in 1947 under the State's Highway Lighting District Act of 1941. The TLD is a dependent special district. Currently, the Board of Supervisors act as its Board of Directors. The TLD maintains existing street lighting, pays for electricity use, and installs new lights when needed. While the TLD is included in the consolidation request made by the TCSD and the TPRD, the County Board of Supervisors did not participate in the application for consolidation. Because of this, for the purposes of following consolidation procedures in the Cortese-Knox-Hertzberg Act, the TLD is considered an affected agency.
 6. The application request included the Tuolumne Underground Utilities District (TUUD) in the consolidation request. However, this District is not considered a special district that would be under LAFCo's jurisdiction. It was formed by the Board of Supervisors to facilitate County participation in the Pacific Gas & Electric Company Rule 20A program to relocate overhead powerlines to underground locations in the community. Therefore, Tuolumne LAFCo does not have the power to include the TUUD in an approval of consolidation of districts. Furthermore, the Rule 20A credits set aside by PG&E for the County to eventually enact a program of undergrounding projects are not transferrable to another agency, even if a new District establishment has occurred.
 7. A timeline of project milestones is attached to this report (Attachment 3). This does not include the dates of all correspondence related to the project; it only includes significant events. All previous staff reports for public workshops can be found at the following links:

<https://www.tuolumnecounty.ca.gov/AgendaCenter/ViewFile/Agenda/03142022-1870>
<https://www.tuolumnecounty.ca.gov/AgendaCenter/ViewFile/Agenda/05092022-1904>

TYPES OF POWERS

8. The services that State law allows each special district to provide vary by district type, and can be described as the following:

- a. “Provides” - means that the district is authorized (1) both by LAFCo and State law to provide the service and (2) that the service is currently being provided. These services may continue to be provided by the district.
- b. “Authorized” - means that the district is authorized by LAFCo and State law to provide the service, but this service is not currently provided by the district. The district has the authorization it needs from the State and LAFCo to begin providing these services at their discretion.
- c. “Latent” - means that the district is authorized by State law to provide the service but must first gain LAFCo approval before it may begin providing the service.

PROJECT REVISIONS

9. In January of 2022, the applicant revised the project to include the transfer of the Tuolumne Lighting District to the new CSD after the completion of a planned Rule 20A project.
10. In July of 2022, the applicant revised the project to include the following active powers (Attachment 4):
 - sewer collection and disposal
 - operate parks and recreation facilities
 - street lighting and landscaping
 - graffiti abatement
 - operate community recreation programs
 - operate community facilities such as libraries and library services
 - snow removal
 - municipal advisory council
 - area planning commission

No request for underground district was included in the July 2022 correspondence.

CURRENT AND PROPOSED ORGANIZATION

11. Recently, the applicant considered if the project should be deemed a reorganization, or a consolidation.

In a **consolidation** (GOV 56030), all agencies are dissolved, and a new agency is created in their place, with a service area that encompasses the previous districts’ service areas. All the agencies involved must file for consolidation, and the new agency becomes the successor entity. In a consolidation, there is a new district and new board, and the filing fee with the State Board of Equalization is zero.

In a **reorganization** (GOV 56073), one or more districts are dissolved and one agency annexes all or a portion of their former service areas. An existing agency is the successor entity. The application is initiated when one or more districts apply to dissolve. Then, another applies to annex the service area of the dissolved district(s). All involved agencies file simultaneously, and all assets/liabilities/revenues/expenses are transferred to the successor agency. A reorganization allows the application/extension of special (parcel) taxes over the annexed area without a Proposition 218 vote.

12. Current and proposed services provided by each entity currently, what was in the original application, and what is being considered under the current application are listed in Table 1:

Table 1 – Current Organization and Applicant Originally Proposed Organization			
Service	Existing Service Provider	Original Proposed Active/Latent Powers	July 2022 Proposed Active Powers
Water supply and distribution	Tuolumne Utility District	Tuolumne Utility District	Tuolumne Utility District
Sewer collection and disposal	Tuolumne City Sanitary District	Tuolumne Community Services District	Tuolumne Community Services District
Storm drainage	County	County	County
Street maintenance	County & County Service Area 47	County & County Service Area 47	County & County Service Area 47
Street lighting	Tuolumne Lighting District	TCSD	TCSD (active)
Street construction	County	County	County
Flood control	County	County	County
Solid waste collection	County (three franchise haulers)	TCSD (latent)	County (three franchise haulers)
Solid water transfer/disposal	County	County	County
Fire protection	Tuolumne Fire District	TCSD (latent)	Tuolumne Fire District
Police protection	County	County	County
Ambulance service	CSA 21	CSA 21	CSA 21
Undergrounding of communication facilities	County (Rule 20A)	TCSD (assume Rule 20A)	County (Rule 20A)
Parks and recreation	Tuolumne Parks and Recreation District	TCSD	TCSD (active)
Community facilities	Tuolumne Parks and Recreation District	TCSD	TCSD (active)
Financing for area planning commission	County	TCSD	TCSD (active)
Municipal advisory council	None	TCSD	TCSD (active)
Libraries	County (Tuolumne Branch Library)	TCSD (latent)	TCSD (active)
Graffiti abatement	County	TCSD (latent)	TCSD (active)
Weed/rubbish abatement	County	TCSD (latent)	unclear
Snow removal	County	TCSD (latent)	TCSD (active)
Soil conservation	Resource Conservation District	Resource Conservation District	Resource Conservation District
Animal control	County	County	County
Public transportation	TC Transit Authority	TC Transit Authority	TC Transit Authority
Cemeteries	Carters Cemetery District	TCSD (latent)	Carters Cemetery District

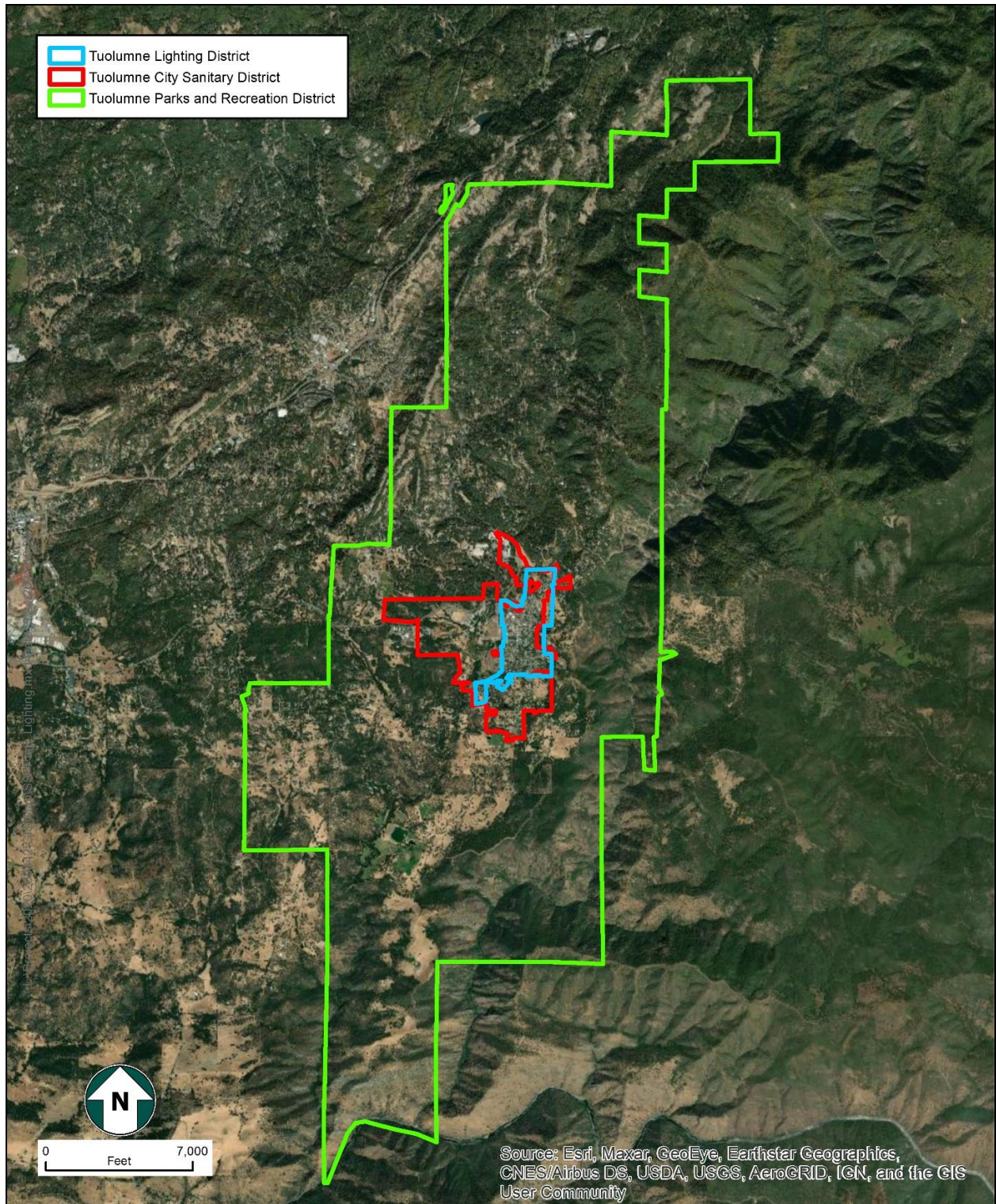
REQUIRED FINDINGS AND PROTEST HEARINGS

13. A proposal for the consolidation of two or more special districts not formed pursuant to the same principal act shall only be approved by the commission if both the following conditions are met:
- (1) The commission is able to designate a successor or successors, or form a new district or districts, authorized by their respective principal acts, to deliver all of the services provided by the consolidating districts at the time of consolidation.
 - (2) The commission makes the following determinations:
 - (a) That a study has been prepared pursuant to Section 56378 or the written statement of determinations specified in Section 56430(a).
 - (b) Each of the services provided by the districts subject to the proposal will be provided by a successor district.
 - (c) The public services costs of the proposal that the commission is authorizing are likely to be less than or substantially similar to the costs of alternative means of providing the service.
 - (d) The proposal that the commission is approving promotes public access and accountability for community services needs and financial resources.
14. Consolidations require a protest hearing after LAFCo's decision, just like other changes of organization. Section 57077.2 states that the commission can order a consolidation without confirmation by the voters only if protest thresholds are not met. Because Tuolumne Lighting District was not a party to the application, that District has the right to protest the consolidation, along with other districts, such as the County, who currently provides snowplow services but was not party to the application.

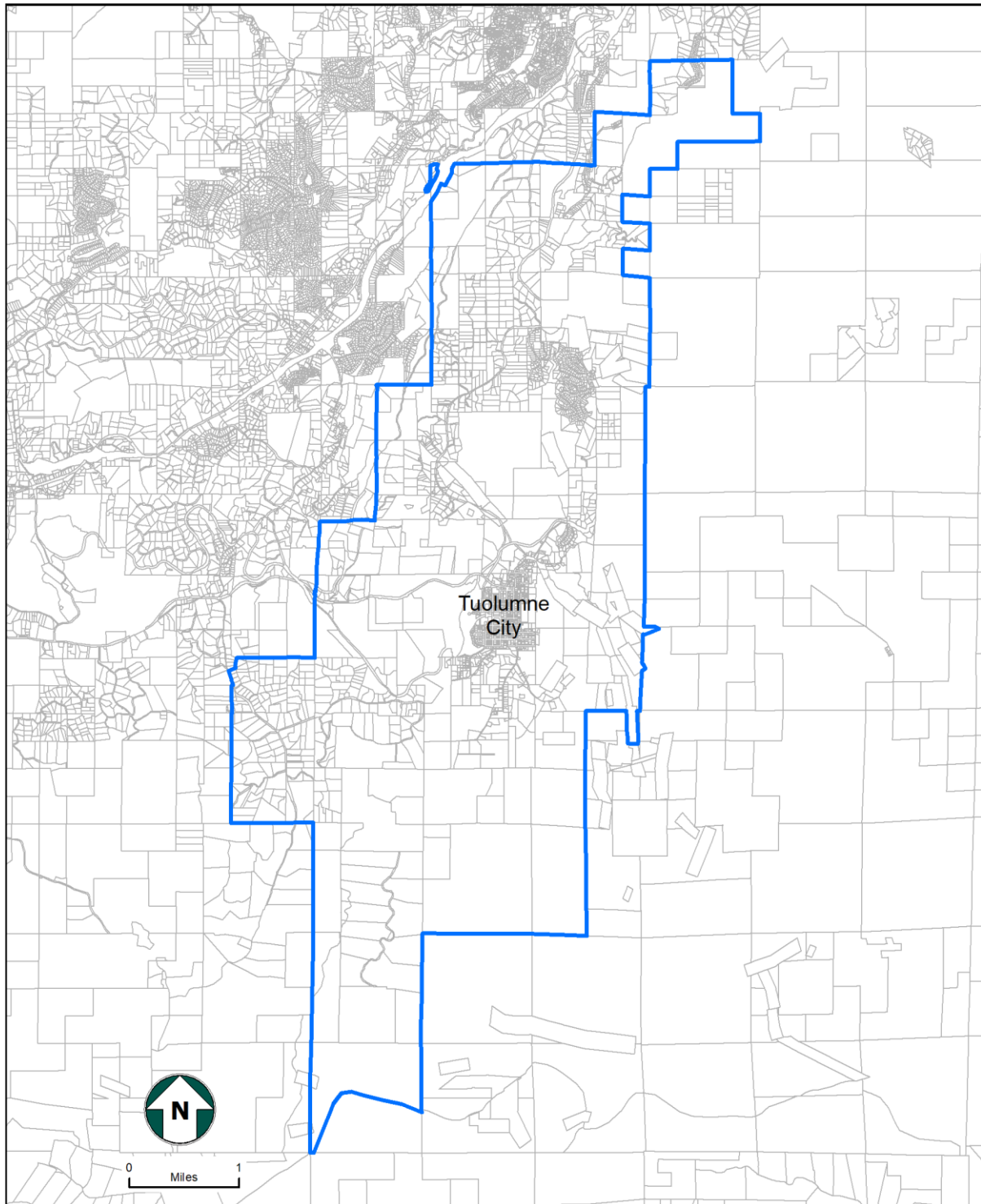
NEXT STEPS

15. It is recommended that any public hearings on this project are held in person in the Tuolumne Community. Additionally, the next steps for processing this application include:
- LAFCo receives a stable project description from the applicant.
 - Is the lighting district still included in the application, despite the Tuolumne Lighting District indicating concerns about consolidation? What are the other requested active powers in the project? Is the project a consolidation or a reorganization?
 - Upon approval of the tax revenue sharing agreements by the BOS, LAFCo finalizes the staff recommendation regarding the proposal. Once the application is complete, a public hearing will be held within 90 days.
 - Hold a public hearing on the proposal, which requires a 21-day public notice prior to the hearing.
 - After the public hearing, adopt a Resolution of Intent, directing the Executive Officer to provide notice to the affected districts of the Commission's intended decision.
 - After at least 30 days, hold another public hearing, if it is requested by one of the affected districts.
 - Make the final decision, adopting a Resolution, subject to the protest procedure.
 - Facilitate the protest process, and if not enough protests are received to require an election, order the consolidation, subject to the Commission's conditions.

Attachment 1 – Existing District Boundaries



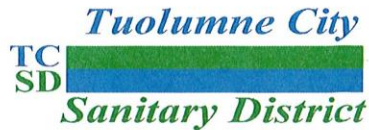
Attachment 2 - Proposed Tuolumne Community Service District Boundaries



Attachment 3 - PROJECT TIMELINE

Date	Action	Notes
March 6, 2020	County receives proposal from consultant for project	LAFCo had an on-call list of firms that were pre-selected by LAFCo.
March 19, 2020	Proposal transmitted from LAFCo to Dave Andres	Application fees are paid by applicant – time and materials.
September 3, 2022	Application Submittal to LAFCo	Original Project Description: Merge TCSD, TPRD, Tuolumne Lighting District (TLD) and Tuolumne Underground Utility District to form Tuolumne Community Services District, and to request the following latent powers: library services, graffiti abatement, community facilities, weed and rubbish abatement, snow removal, finance area planning commission, finance municipal advisory council. LATENT POWERS: cemeteries, fire protection services, solid waste handling services.
November-December 2020	LAFCo initiates contact with special districts to obtain information for the project	This is required for data for the proposed consolidation.
June 2, 2021	Admin Draft report circulated to TCSD, TPRD, and TLD from LAFCo	Consultant provided an admin draft to the County, County provided to affected agencies.
June 21, 2021	TCSD and TLD comments on Admin draft report from consultant	A conference call was held with PW, applicant and LAFCo after receipt of these comments to discuss them and the lighting district.
August 2021	Revised Admin Draft Report circulated from LAFCo to TCSD, TPRD, and TLD	QK provides revised draft in response to initial comments from applicant and TLD
October 8, 2021	Memo from TLD to LAFCo re proposed project on Aug 2021 Draft	TLD not supportive of new CSD taking over underground district or lighting district
November 4, 2021	Email from TLD to TCSD and LAFCo	Explaining that Rule 20A credits can't go to proposed CSD
January 10, 2022	Hearing Demand letter from TCSD to LAFCo	<u>Project change submitted to LAFCo:</u> request lighting district be transferred to CSD after completion of Rule 20A project.
March 14, 2022	LAFCo Meeting – Public Workshop	Commission asked staff to bring back specific information at next meeting.
April 15, 2022	Email on status of project from LAFCo to applicant	LAFCo requests additional documents including financing plan, RT 99 agreement.
May 9, 2022	LAFCo Meeting – Public Workshop	Follow-up to questions asked at March 2022 meeting.
May 17, 2022	Incomplete Application letter from LAFCo to applicant	LAFCo requests additional documents including financing plan, RT 99 agreement

July 14, 2022	Letter from TCSD to LAFCo	<u>Project change submitted to LAFCo:</u> to request active powers, in addition to sanitary, recreation, lighting, to include graffiti abatement and construct and operate community facilities, provide library services, snow removal, finance municipal advisory council, and finance area planning commission.
August 30, 2022	Meeting with Quincy Yaley, John Feriani, and Dave Andres	Meeting to discuss project. Applicants discuss consolidation or reorganization (<u>potential project change</u>) and request conditional active powers to allow negotiations in the future between the CSD and service provider/district as a condition of approval w/o tax sharing agreement or plan for services, and would be able to assume a service without having to go back to LAFCo.
September 6, 2022	Meeting follow-up letter from Aug 30 meeting with Quincy Yaley, John Feriani, and Dave Andres	Letter requesting clarification on project description based on counsel feedback post Aug 30 meeting – a conditional active power is not allowed under LAFCo law and requesting the applicant to indicate if application is a reorganization or a consolidation.
September 26, 2022	Letter from LAFCo to TCSD	Follow up letter, including information in response to TPRD meeting on Sept 15, 2022



July 14, 2022

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

RE.: Tuolumne Community Services District Application (LAFCo File No. LAF20-002)

Dear Ms. Yaley,

In response to your correspondence dated May 17th, 2022, I have provided the information you requested. The attached *Exhibit 1* provides a summary of this information. The actual documents can be found by using the following Dropbox link:

https://www.dropbox.com/sh/6qovat7vb1l059n/AAAJlibniWv7MPISzrmh_T7oa?dl=0

The District is requesting that the Tuolumne Local Agency Formation Commission (LAFCo) approve the new Community Services District with the following powers to be actively provided pursuant to Government Code §61100: 1.) Collect, treat, or dispose of sewage, wastewater, recycled water, and storm water in the same manner as a sanitary district, formed pursuant to the *Sanitary District Act of 1923, Division 6* (commencing with Section 6400) of the Health and Safety Code. 2.) Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the *Recreation and Park District Law, Chapter 4* (commencing with §5780) of Division 5 of the Public Resources Code. 3.) Organize, promote, conduct, and advertise programs of community recreation, in the same manner as a recreation and park district formed pursuant to the *Recreation and Park District Law, Chapter 4* (commencing with § 5780) of Division 5 of the Public Resources Code. 4.) Acquire, construct, improve, maintain, and operate street lighting and landscaping on public property, public rights-of-way, and public easements. 5.) Abate graffiti. 6.) Acquire, construct, improve, maintain, and operate community facilities, including, but not limited to, community centers, libraries, theaters, museums, cultural facilities, and childcare facilities.

In addition, the District is requesting that the Tuolumne Community Service District be authorized by LAFCo to provide additional services not currently being provided by any local district. Actual implementation would be by agreement with the appropriate public agency which would primarily be Tuolumne County. These services include the following: 1.) Provide library services, in the same manner as a library district formed pursuant to either *Chapter 8* (commencing with § 19400) or *Chapter 9* (commencing with § 19600 of Part 11 of the Education Code. 2.) Remove snow from public streets, roads, easements, and rights-of-ways. A district may remove snow from public streets, roads, and rights-of-ways owned by another

Page | 1

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public agency, only with the written consent of that public agency (i.e., Tuolumne County). 3.) Finance the operations of area planning commissions formed pursuant § 65101 of the Government Code. 4.) Finance the operations of municipal advisory councils formed pursuant to § 31010 of the Government Code. Item numbers 3 & 4 above require approval by the Board of Supervisors for their creation but would allow the community services district to assist in founding these activities.

In respect to issues associated with RTC § 99(b), our district is pursuing a tax sharing agreement with the Tuolumne Utilities District for approximately ninety parcels within our service area and/or currently receiving sewer services, but our district is not currently receiving property taxes from these parcels. However, this issue only effects the sanitary district and should be completed within the next four months. Also, the transfer of the district's waste discharge order requires the succeeding owner or operator apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, the name and address and telephone number of the persons responsible for contact with the Central Valley Water Board, and a statement. The statement shall comply with the signatory paragraph of Standard Provision B.3 and state that the new owner or operator assumes full responsibility for compliance with the Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the Water Code. If approved by the Executive Officer, the transfer request will be submitted to the Central Valley Water Board for its consideration of transferring the ownership of this Order at one of its regularly scheduled meetings.

I would appreciate the development and distribution of a proposed schedule for the completion of the formation of the Tuolumne Community Services District application. If you need any additional information, or have any questions, please contact me.

Sincerely,



General Manager

cc: TCSD Board of Directors
TPRD Board of Directors
Anaiah Kirk, Chair of the Board of Supervisors

Exhibit 1
Summary Response to Quincy Yaley
Letter Dated May 17, 2022.

1. Attached are the Community Services District is not requesting a Tax Exchange Agreement (TEA) with the County under Revenue & Taxation Code (RTC) §99(b). However, the Tuolumne City Sanitary District (TCSD) is requesting a TEA with the Tuolumne Utilities District (TUD) for properties currently within the TCSD service area. See attached list of parcels and map.
2. Attached is the TCSD Permit entitled "*CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD CENTRAL VALLEY REGION ORDER R5-2019-0058 WASTE DISCHARGE REQUIREMENTS FOR JOHN BAKER, LAURA BAKER, DENNIS BAKER AND ETHEL BAKER, BAKER RANCH TUOLUMNE CITY SANITARY DISTRICT WASTEWATER TREATMENT PLANT TUOLUMNE COUNTY.*" The TCSD will notify the Central Valley Region of the California Regional Water Quality Control Board (RWQCB) of the change in organization in writing and the RWQCB will address this change administratively.
3. Attached is the "May 2022 Monthly Monitoring Report" for the Tuolumne City Sanitary District Wastewater Treatment Plant (WWTP) to the RWQCB.
4. Attached are the parcels list and map to be added to the Tuolumne City Sanitary District Service area.
5. Attached are estimated CSD three-year budget for the Tuolumne City Sanitary District (TCSD), Tuolumne Park & Recreation District (TPRD), Tuolumne Lighting District (TLD), Tuolumne Community Facilities (TCF), Tuolumne Graffiti Abatement (TGA), Tuolumne Library Services (TLS), Tuolumne Municipal Advisory & Planning Commission (TMAPC), and Tuolumne Snow Removal (TSR).
6. Attached are maps and legal descriptions of Tuolumne City Sanitary District and Tuolumne Park & Recreation District.
7. Attached is the Tuolumne Park & Recreation District Organization Chart.

NOTE: THESE ATTACHMENTS ARE LOCATED AT THE PROJECT WEBSITE:

<https://www.tuolumnecounty.ca.gov/143/Local-Agency-Formation-Commission>

Unapproved

TUOLUMNE COUNTY LOCAL AGENCY FORMATION COMMISSION

MINUTES

July 11, 2022

PRESENT: Chair Steve Arreguin, Vice-Chair Mark Plummer, Supervisor Ryan Campbell, Supervisor Jaron Brandon, and John Feriani

ABSENT: Commissioner Matt Hawkins and David Boatright

STAFF: Quincy Yaley, LAFCO Executive Officer

CALL TO ORDER: The meeting began at 4:00 p.m.

Chair Arreguin opened the Local Agency Formation Committee meeting and gave an overview of the meeting procedures and Zoom instructions.

Chair Arreguin asked staff to roll call the Commission members.

Chair Arreguin: Present
Vice-Chair Plummer: Present
Supervisor Campbell: Present
Supervisor Brandon: Present
Commissioner Feriani: Present
Commissioner Hawkins: Absent
Commissioner Boatright: Absent

Staff indicated that there was a quorum.

COMMISSION BUSINESS:

- A. Chair Arreguin led the Commission and audience in the Pledge of Allegiance.
- B. Adopting Resolution LAFCO2022-003 authorizing remote teleconference meetings of LAFCO for the period of July 11, 2022 to August 11, 2022.

It was moved by Supervisor Brandon and seconded by Vice-Chair Plummer to adopt Resolution LAFCO2022-003 authorizing remote teleconference meetings of LAFCO for the period of July 11, 2022 to August 11, 2022.

Chair Arreguin asked staff to roll call the vote.

Chair Arreguin: Aye
Vice-Chair Plummer: Aye
Supervisor Campbell: Aye
Supervisor Brandon: Aye
Commissioner Feriani: Aye
Commissioner Hawkins: Absent
Commissioner Boatright: Absent

Vice-Chair Plummer called for the vote. 5, Ayes; 0, Noes; 0, Abstain

Motion carried: 5 – 0 – 0 with Commissioners Hawkins and Boatright being absent.

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

Quincy Yaley, Community Development Department Director, stated that all projects will be posted to the LAFCO homepage once made available to the Commission for better public access. She noted modifications had been made to the LAFCO procedures and would come before the Commission for consideration once vetted by County Counsel.

PUBLIC COMMENT

Chair Arreguin opened the public comment period and asked for those who would like to address the Commission on any item that was not on the agenda. The public may speak on any item not on the printed agenda. Seeing no one, he closed the public comment period.

NEW BUISNESS:

- A. Consideration of adopting the Final Budget for the Local Agency Formation Commission (LAFCO) for Fiscal Year (FY) 2022-2023.

Ms. Yaley gave a brief overview of the budget indicating that the Commission approved the draft budget at the last LAFCO meeting of May 9, 2022. She indicated that staff had received no feedback from the Special Districts. She noted that the LAFCO budget rolled over from year to year and that all special districts required to pay dues are current.

Chair Arreguin asked if there were any questions of staff, seeing no one, he opened the public comment period and asked if there was anyone who wished to speak on the Final Budget. Seeing no one, he closed the public comment period and referred the item back to the Commission.

It was moved by Supervisor Campbell and seconded by Vice-Chair Plummer to approve the LAFCO budget for Fiscal Year (FY) 2022-2023.

Chair Arreguin asked staff to roll call the vote.

Chair Arreguin: Aye
Vice-Chair Plummer: Aye
Supervisor Ryan Campbell: Aye
Supervisor Jaron Brandon: Aye
Commissioner Feriani: Aye
Commissioner Hawkins: Absent
Commissioner David Boatright: Absent

Vice-Chair Plummer called for the vote. 5, Ayes; 0, Noes; 0, Abstain

Motion carried: 5 – 0 – 0 with Commissioner Hawkins and Boatright being absent.

- B. Consideration of adopting Resolution No. 300 approving the 2022 Municipal Service Review and making determinations for the Groveland Community Services District.

Ms. Yaley gave an overview of the Groveland Community Services District (GCSD) MSR. She noted that there have been some updates to the infrastructure information and the operational information. She conveyed that the MSR and Sphere of Influence has had considerable public

outreach and has been brought before the Commissioner several times throughout the update process.

Chair Arreguin asked if there were any questions for staff. Seeing no one, he opened the public comment period and asked if there was anyone who wished to speak on the proposed project.

Pete Kampa, GCSD Manager, noted the seriousness of the process as the MSR and SOI are long term documents that outline the scope of services being provided. He expressed appreciation to LAFCO and staff for creating a well-written and easily understood MSR.

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

It was moved by Commissioner Feriani and seconded by Supervisor Campbell to approve adoption of Resolution No. 300, approving the 2022 Municipal Service Review and making determinations for the Groveland Community Services District; with the changes to diagram Figures three and four and text change in the MSR to 2013.

Chair Arreguin asked staff to roll call the vote.

Chair Arreguin: Aye
Vice-Chair Plummer: Aye
Supervisor Campbell: Aye
Supervisor Brandon: Aye
Commissioner Feriani: Aye
Commissioner Hawkins: Absent
Commissioner Boatright: Absent

Vice-Chair Plummer called for the vote. 5, Ayes; 0, Noes; 0, Abstain

Motion carried: 5 – 0 – 0 with Commissioners Hawkins and Boatright being absent.

C. Consideration of adopting Resolution No. 301 approving the 2022 Update of the Sphere of Influence of the Groveland Services District.

It was moved by Commissioner Feriani and seconded by Supervisor Campbell to approve adoption of Resolution No. 301, approving the 2022 Update of the Sphere of Influence of the Groveland Services District.

Chair Arreguin asked staff to roll call the vote.

Chair Arreguin: Aye
Vice-Chair Plummer: Aye
Supervisor Campbell: Aye
Supervisor Brandon: Aye
Commissioner Feriani: Aye
Commissioner Hawkins: Absent
Commissioner Boatright: Absent

Vice-Chair Plummer called for the vote. 5, Ayes; 0, Noes; 0, Abstain

Motion carried: 5 – 0 – 0 with Commissioner Hawkins and Boatright being absent.

ADJOURNMENT

Vice-Chair Plummer adjourned the meeting at 5:25 p.m.

Respectfully submitted,

Quincy Yaley
Executive Officer

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