

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

Commissioners

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

Alternates

Adam Artzer
Kathleen Haff
Suzanne Cruz

Executive Officer

Quincy Yaley, AICP

AGENDA

TUOLUMNE COUNTY LAFCO

March 11, 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 January 8, 2024 and February 12, 2024
- C. Reports

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

PUBLIC COMMENT: 15 Minutes

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

PUBLIC HEARING:

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

OLD BUSINESS:

- 2. Results of Request for Proposals for Executive Officer and Legal Services

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

NEW BUSINESS:

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

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

March 1, 2024

TO: LAFCO Commissioners

FROM: Quincy Yaley, AICP, Executive Officer

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

Commissioners

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1. LAFCo approved this proposal on January 8, 2024 via Resolution 304, initiating the protest process and set March 11, 2024, as the hearing date for Conducting Authority proceedings.
2. Government Code §57000 et. seq. indicates a protest hearing must be conducted after the Commission approves a Change of Organization of a public agency without 100% consent from the landowners and/or registered voters.
3. Tuolumne County LAFCO is the Conducting Authority for the protest process as specified by Government Code Section 57050(b). This hearing allows landowners and registered voters to submit official written or oral protest to the Reorganization if they desire. LAFCo has no discretion over the outcome of the protest proceedings. Its role is to provide a forum to receive protest, determine the results, and act accordingly.
4. Government Code Section 57091 states as follows: (a) For purposes of Section 57075, relating to annexations, detachments, and latent powers ... in the case of inhabited territory, the commission shall take one of the following actions:

(A) Terminate proceedings if a majority protest exists in accordance with Section 57078 (i.e. 50% or more registered voter protest).

(B) Order the change of organization or reorganization subject to confirmation by the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either of the following: (i) At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory. (ii) At least 25 percent

of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory.

(C) Order the change of organization or reorganization without an election if subparagraphs (A) and (B) of this paragraph do not apply.

5. Two protests for three legal parcels have been submitted to LAFCO, both for Jupiter Subdivision Unit 1 County Service Area (CSA) No. 4:

APN	ASSESSED VALUE	REGISTERED VOTERS
028-460-001 (BEATO)	\$48,446	NONE
028-460-002 (BEATO)	\$27,329	NONE
028-540-004 (HANKO)	\$13,003	NONE

6. The total assessed value of the protest is \$88,778.00. According to the County Assessor's office, the total assessment value of property and improvements within Jupiter Subdivision Unit 1 County Service Area (CSA) No. 4. is as follows:

	<u>TOTAL ASSEMENT</u>	<u>25 PERCENT</u>
Jupiter Subdivision Unit 1 CSA No. 4	\$1,902,074	\$475,518.50

The certification of a valid property owner protest will be verified first by LAFCO staff by comparing the name of the person who signed the protest to the property owner mailing list. If on the list, the protest will be relayed to the County Assessor's office. The property assessment of an individual protestor will be provided by the County Assessor's office. The Chairman may recess the LAFCO meeting for the time needed for staff to confer with the Assessor's office, based upon the number of protests received. The County Assessor's office has been informed of this process.

7. None of the protest properties have registered voters. According to the information provided by the County Elections office, the approximate number of registered voters within each CSA is as follows:

	<u>TOTAL VOTERS</u>	<u>25 PERCENT</u>
Jupiter Subdivision Unit 1 CSA No. 4	1	N/A

The certification of a valid registered voter protest will be verified first by LAFCO staff by comparing the name of the person who signed the protest to the registered voter mailing list. If on the list, the protest will be taken to the Elections office. The Chairman may recess the LAFCO

meeting for the needed to confer with the Elections office, based upon the number of protests received.

8. The current submitted protests do not meet the threshold required to move the reorganization to an election. No opposition has been received to date for the remaining CSAs, therefore staff presumes the proceedings will result in LAFCo, acting as the Conducting Authority, ordering the Reorganization without an election per (C) above. However, if a larger protest is received than anticipated, LAFCo will need to amend Resolution per (A) or (B).

RECOMMENDATION

Consideration of adopting Resolution 304-1 to certify the value and number of written protests requesting an election, regarding LAFCo Resolution No. 304 which approved the Dissolution of Jupiter Subdivision Unit 1 County Service Area (CSA) No. 4, Lake Don Pedro Units 4 and 5 CSA No. 8, Curtis Creek Ranch Unit 2 CSA No. 31, Sunny Hill Subdivision CSA No. 40, Buena Oaks Estates CSA No. 45, Mountain Ridge Estates CSA No. 46, Yosemite Estates CSA No. 50, Gina Avenue CSA No. 52, Vilas Lane CSA No. 55, and Granite Ridge Subdivision CSA No. 61 and their respective Spheres of Influence; and affirm the dissolution or submit to the electorate for confirmation by the voters.

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Valoran P. Hanko
14055 Palomino Rd.
Saratoga, CA 95070-5301
1-650-269-5367
v.hanko@att.net
January 29, 2024

Tuolumne County LAFCO
2 South Green Street
Sonora, CA 95370

Subject: LANDOWNER PROTEST OF DISSOLUTION OF JUPITER SUBDIVISION UNIT 1 COUNTY SERVICE AREA (CSA) NO . 4

We are landowners of the property at the corner of Italian Bar Road and Jupiter Road. These properties are identified as ASMT 028-570-009-000 and ASMT 028-540-004-000. Jupiter Road, runs along the property boundary of one of these parcels, probably ASMT 028-540-004-000, and inside the sphere of influence boundary described in Exhibit A. CSA #4 receives \$600 ad valorem funding annually, a minimal amount required to maintain Jupiter Road. The December 9, 2013 Tuolumne County LAFCO study (Resolution 277) results failed to study inter-departmental consequences of termination of services maintaining this road. Specifically, CalFire uses our property to fight fires in this region. The Knight Fire was the most recent example, but by far not the only one over our ownership for over 50 years. CalFire and other agencies have used this geographically level and clear area as a staging area, providing supplies helicopter landing sites, camps for those fighting fires. This use of Jupiter Road to access our property is "as needed use", subject to unpredicted forest fires in the area, not a routine use that any LAFCO study would reveal. For that reason, the LAFCO study did not report to the commission members this fact. We have generously provided access for the entire community and beyond to mitigate the threat of fires capable of influencing vast expanses of Tuolumne County. As property owners, we do our part providing for a staging area fighting fires, but in return we ask the county to retain CSA #4, and continue to maintain the road needed for access by fire fighting crews and helicopter landings. I HEREBY PROTEST THE DISSOLUTION

Please read out loud this protest at the Public Hearing on March 11, 2024 on our behalf.

On another point, our neighbors living along Jupiter Road pay taxes to support their local community. They deserve to have some services to their roads providing access to their homes. Maintaining these roads was part of their expectations when they purchased their property and built their homes. It is unethical and immoral to decrease their provisions they have expected, and have paid for. For this reason, as well as the one I described above, I hereby protest the dissolution for that reason too.

Sincerely,

Valoran P. Hanko



Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

Commissioners

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Suzanne Cruz

Executive Officer
Quincy Yaley, AICP

LANDOWNER PROTEST FORM

In accordance with Part 3, Division 3, Title 5 of the California Government Code (Section 56000 et seq.), the undersigned hereby protests the following change of organization or reorganization:

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



I am a LANDOWNER at the following property within the boundary of the proposed dissolution area:

ANTHONY BEATO
(Printed Name)

17217 PHILADELPHIA RD.
(Street Address)

TWAIN HART, CA. 95383
(City, State, and Zip Code)

Anthony Beato
(Signature)

2-15-2024
(Date)



I am a REGISTERED VOTER who is registered to vote within the proposed dissolution area:

(Printed Name)

(Street Address)

(City, State, and Zip Code)

(Signature)

(Date)

Please list all the Assessor's Parcel Numbers (APNs) owned in the affected territory:

028-460-001-000

028-460-002-000

"I HEREBY PROTEST THE DISSOLUTION"

WRITTEN PROTEST INSTRUCTIONS

Only signatures dated and submitted between the date of publication of the hearing notice (January 27, 2024) and prior to the conclusion of the protest hearing (March 11, 2024) will be considered in ascertaining the value of protests (GC §57051). After the conclusion of the protest hearing, LAFCO will determine the value of all written protests and the next steps for the proposal, which may be termination, approval, or approval contingent on an election. If you are a registered voter and a landowner, you may submit protests under both categories (however please submit separate protest forms for each).

The written protest must be signed and dated during the official protest period, which begins on January 27, 2024, and ends on March 11, 2024. Any protest submitted without a date, bearing a date prior to January 27, 2024, received in-person after the conclusion of the Protest Hearing, or postmarked after March 11, 2024 and not received by LAFCO within four (4) days of a March 11, 2024 postmark, shall be disregarded for purposes of determining the value of any written protests. Protest cannot be accepted by fax or email.

Written protests may be mailed (2 South Green Street, Sonoma CA 95370) or hand-delivered in advance of the hearing to the LAFCO office (48 Yaney Avenue, 4th Floor, Sonoma, CA 95370) no later than 3:00 p.m. on the last business day preceding the protest hearing. Written protests may also be hand delivered on the day of the protest hearing only at the LAFCO hearing room (Check hearing notice or contact Tuolumne County CDD LAFCO for hearing location) prior to the close of the protest hearing. If you have any questions, please call LAFCO during business hours prior to the protest hearing date (209) 533-5961.

Use of this Written Protest Form for a protest to LAFCO is voluntary. Any written protest that states opposition, valid name and address, and original signature with date may be submitted for consideration.

S:\Commissions\LAFCO\CSA Dissolutions\2023 CSA dissolution projects\2024 protest notices\LAFCO Landowner Protest CSA.docx

RECEIVED

FEB 26 2024

Community Development
Department

RESOLUTION NO. 304-1
OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF TUOLUMNE, STATE OF CALIFORNIA
TO DISSOLVE THE

JUPITER SUBDIVISION UNIT 1 COUNTY SERVICE AREA (CSA) NO. 4, LAKE DON PEDRO UNITS 4 AND 5 CSA NO. 8, CURTIS CREEK RANCH UNIT 2 CSA NO. 31, SUNNY HILL SUBDIVISION CSA NO. 40, BUENA OAKS ESTATES CSA NO. 45, MOUNRAIN RIDGE ESTATES CSA NO. 46, YOSEMITE ESTATES CSA NO. 50, GINA AVENUE CSA NO. 52, VILAS LANE CSA NO. 55 AND GRANITE RIDGE SUBDIVISION CSA NO. 61 AND ASSOCIATED SPHERES OF INFLUENCE

WHEREAS, dissolving the Jupiter Subdivision Unit 1 County Service Area (CSA) No. 4, Lake Don Pedro Units 4 and 5 CSA No. 8, Curtis Creek Ranch Unit 2 CSA No. 31, Sunny Hill Subdivision CSA No. 40, Buena Oaks Estates CSA No. 45, Mountain Ridge Estates CSA No. 46, Yosemite Estates CSA No. 50, Gina Avenue CSA No. 52, Vilas Lane CSA No. 55, and Granite Ridge Subdivision CSA No. 61 and their respective Spheres of Influence is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15320 of the State CEQA Guidelines because that the proposal consists of changes in the organization of local governmental agencies where the changes do not alter the geographical area in which previously existing powers are exercised; and

WHEREAS, this resolution is a proposal for change of organization pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 of Title 3 of the Government Code of California (commencing with Section 56000), and

WHEREAS, On July 19, 2005, LAFCo adopted Resolution No. 100-05, approving the 2004/2005 Annual Report for Yosemite Estates CSA No. 50, confirming the report's determination that CSA No. 50 was inactive, and authorized the Director of Public Works to expend the remaining budget of the CSA for emergency and scheduled work as needed; and

WHEREAS, On December 9, 2013, the Local Agency Formation Commission (LAFCo) adopted Resolution No. 277, approving the 2013 Municipal Service Review (MSR) study of numerous CSAs, including CSA 4, CSA 8, CSA 31, CSA 40, CSA 45, CSA 46, CSA 52, CSA 55, and CSA 61, and determined that these districts should be considered for dissolution pursuant to Government Code Section 56375; and

WHEREAS, the territory herein referred to and shown as the attached "Exhibits," include:

- Jupiter Subdivision Unit 1 CSA No. 4, shown as Exhibit A.
- Lake Don Pedro Units 4 and 5 CSA No. 8, shown as Exhibit B.
- Curtis Creek Ranch Unit 2 CSA No. 31, shown as Exhibit C.
- Sunny Hill Subdivision CSA No. 40, shown as Exhibit D.
- Buena Oaks CSA No. 45, shown as Exhibit E.
- Mountain Ridge Estates CSA No. 46, shown as Exhibit F.
- Yosemite Estates CSA No. 50, shown as Exhibit G.
- Gina Avenue CSA No. 52, shown as Exhibit H.
- Vilas Lane CSA No. 55, shown as Exhibit I.
- Granite Ridge Subdivision CSA No. 61, shown as Exhibit J.

WHEREAS, pursuant to Government Code Section 56375, LAFCO has the authority to dissolve these county service areas, finding that these county service areas are non-functioning; and

WHEREAS, the purpose of dissolution is to remove entities that have been inactive for many years; and

WHEREAS, the sphere of influence of each of the aforementioned districts is the same as the district; and

WHEREAS, an insufficient number of written protests signed by property owners and registered voters was submitted prior to the closing of the hearing to require an election or to terminate the dissolution process; and

WHEREAS, the commission considered all for the factors pursuant to Government Code Section 56668; and

NOW, THEREFORE, BE IT RESOLVED that the County of Tuolumne Local Agency Formation Commission does hereby resolve, determine and order as follows:

County Service Area Nos. 4, 8, 31, 40, 45, 46, 50, 52, 55, 61, and their associated spheres of influence are hereby dissolved, pursuant to Government Code Section 56375.

* * * * *

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission at the County of Tuolumne, State of California, at a regular meeting held on March 11, 2024, by the following vote:

AYES: Commissioners _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

ATTEST: _____
Quincy Yaley, AICP, Executive Officer John Feriani, Chairperson

Exhibit A

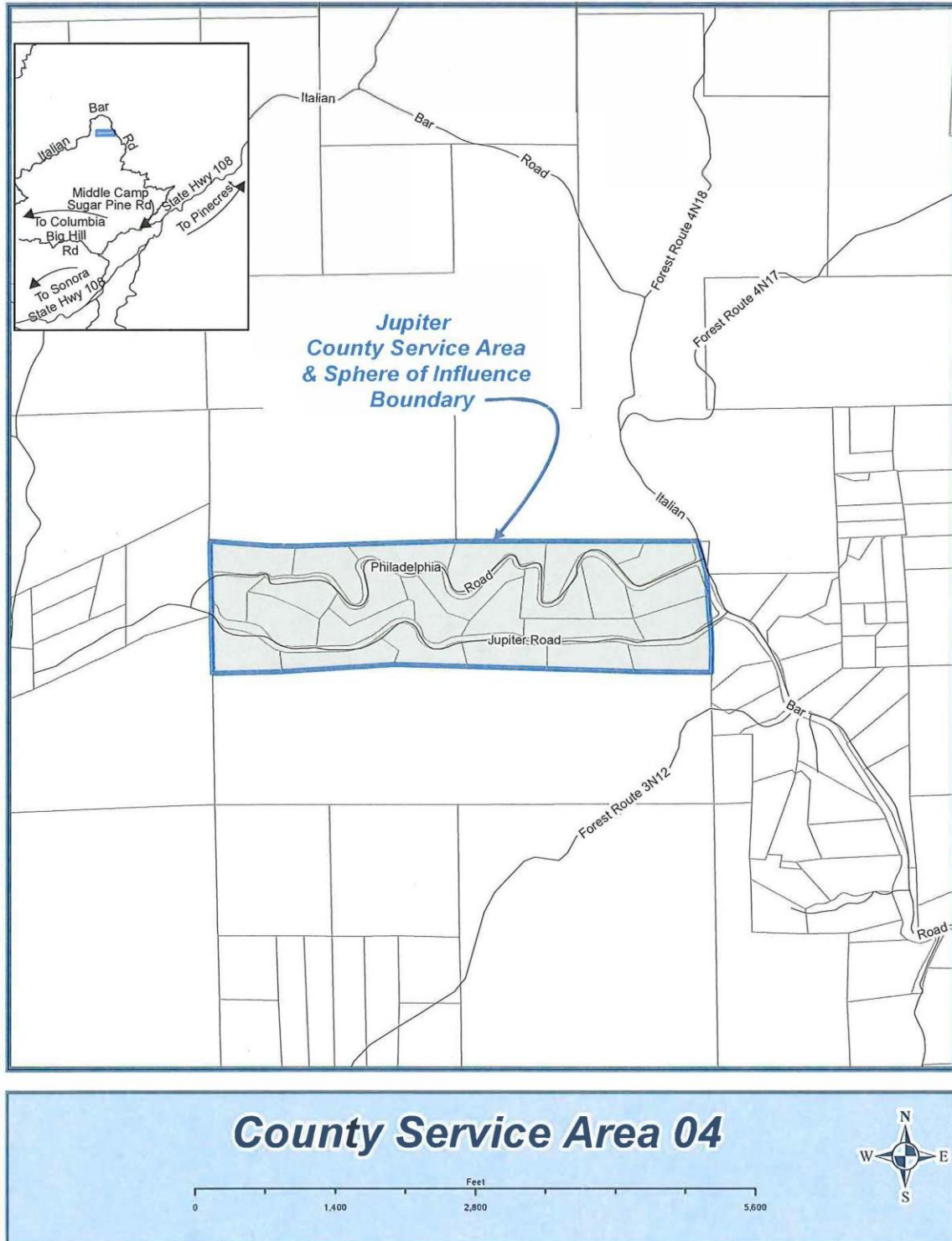


Exhibit B

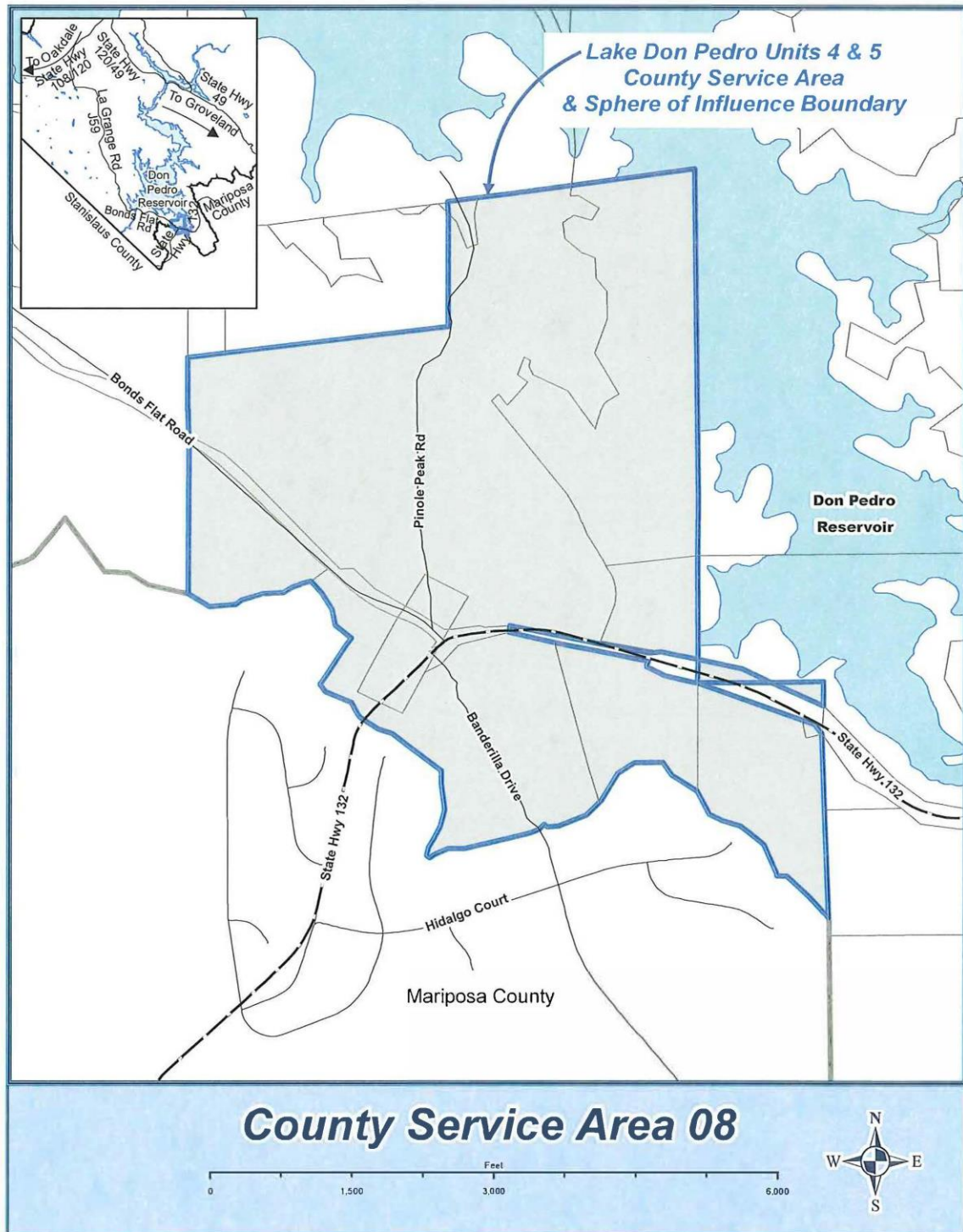


Exhibit C

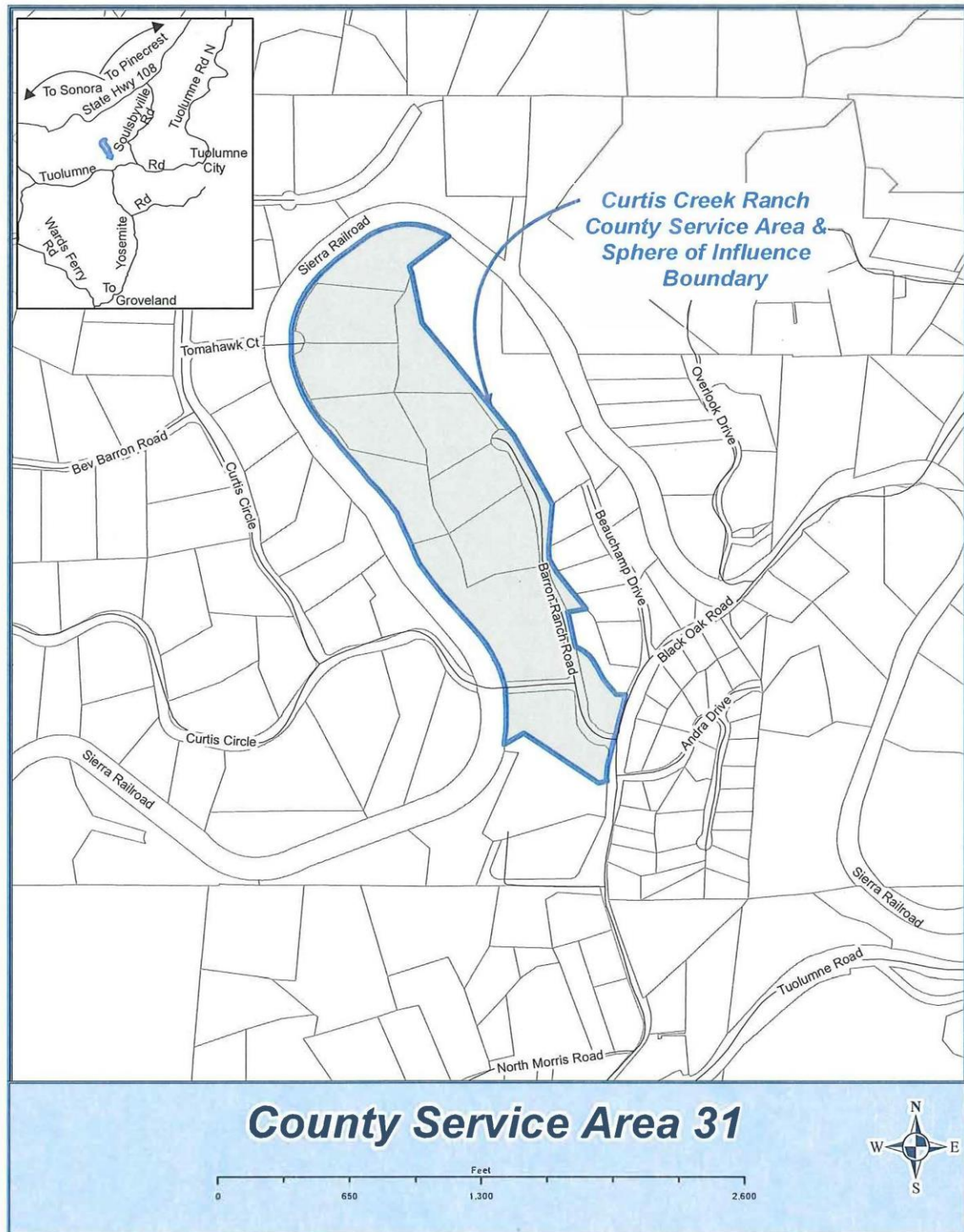


Exhibit D



Exhibit E

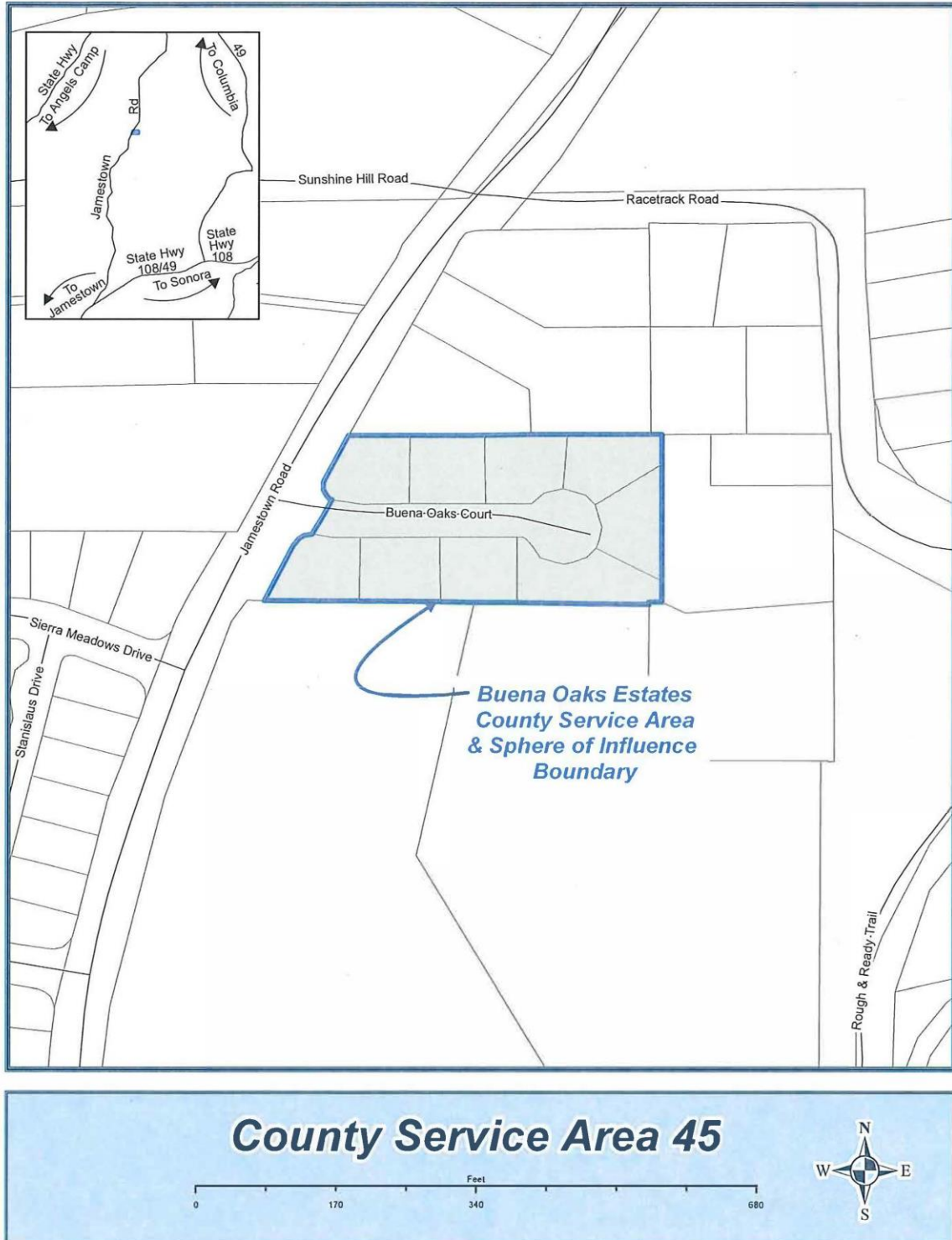


Exhibit F

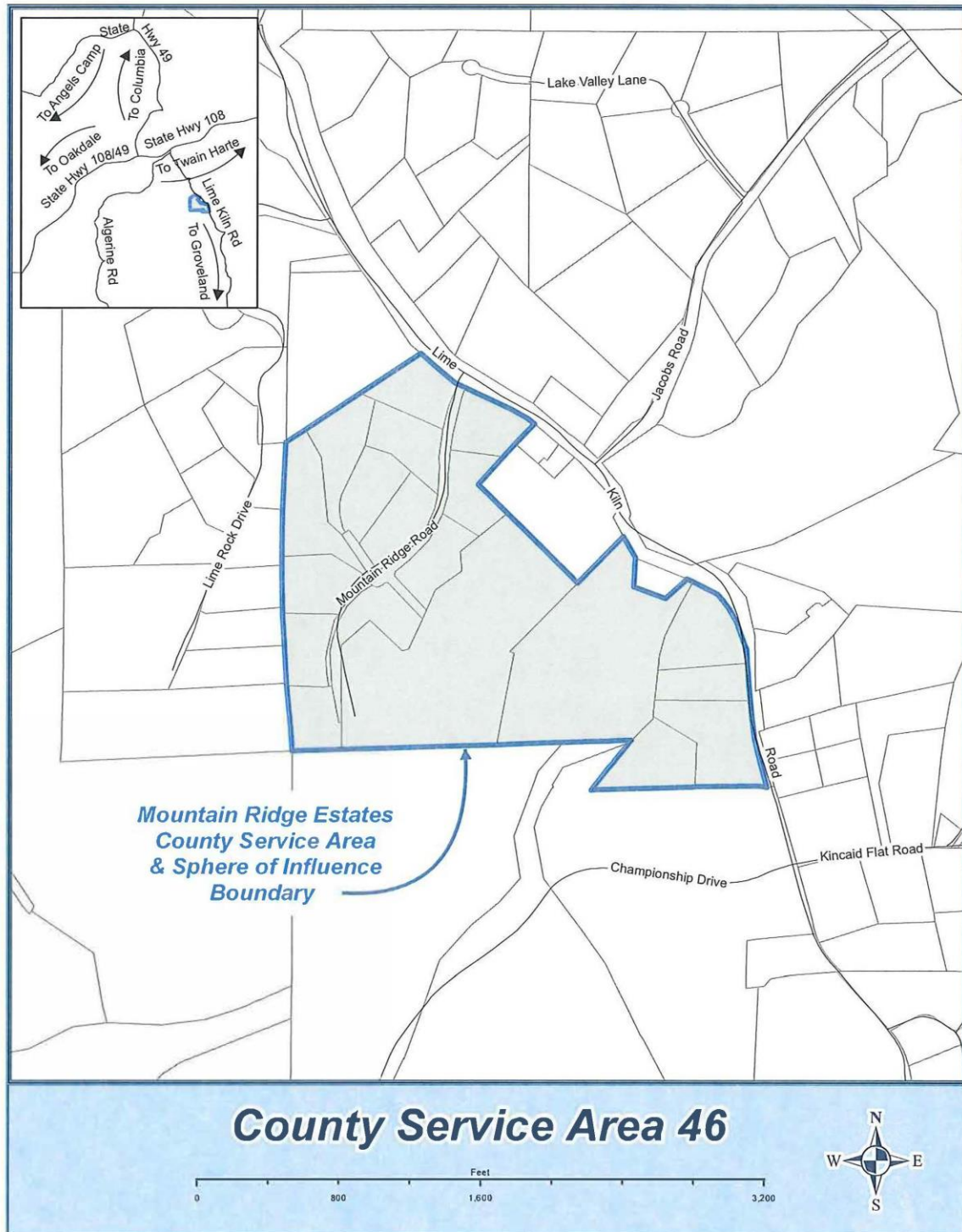


Exhibit G

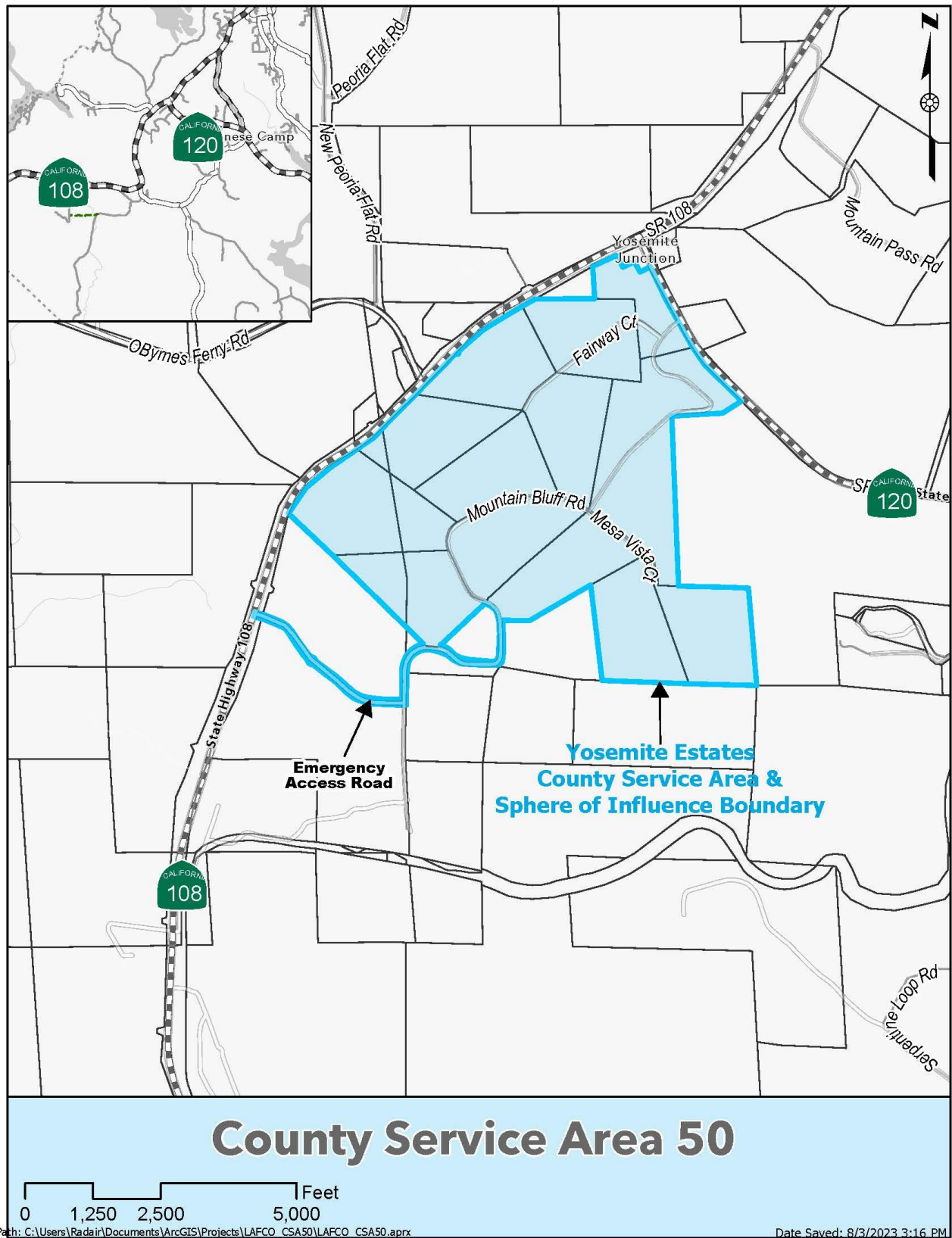


Exhibit H

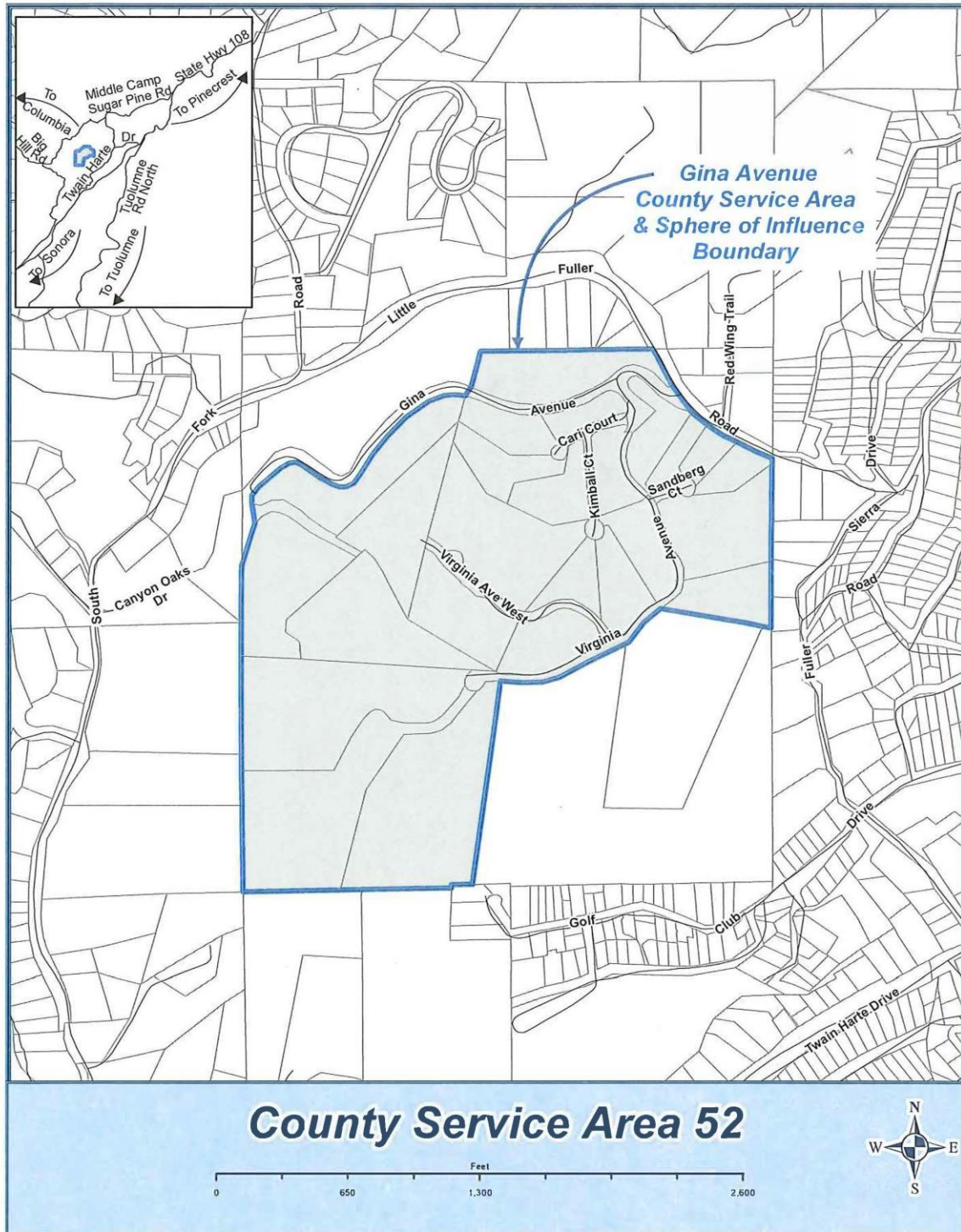


Exhibit I

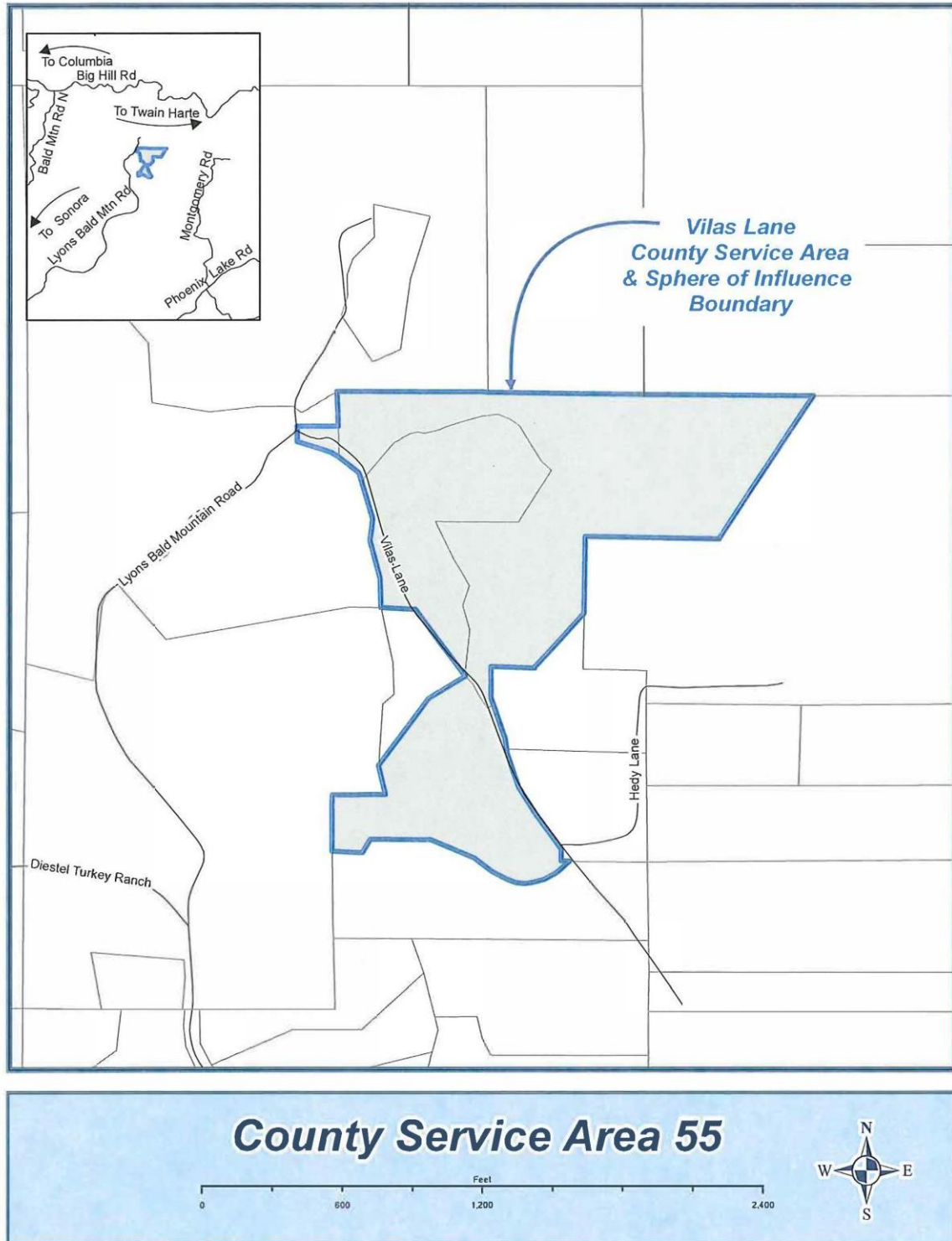
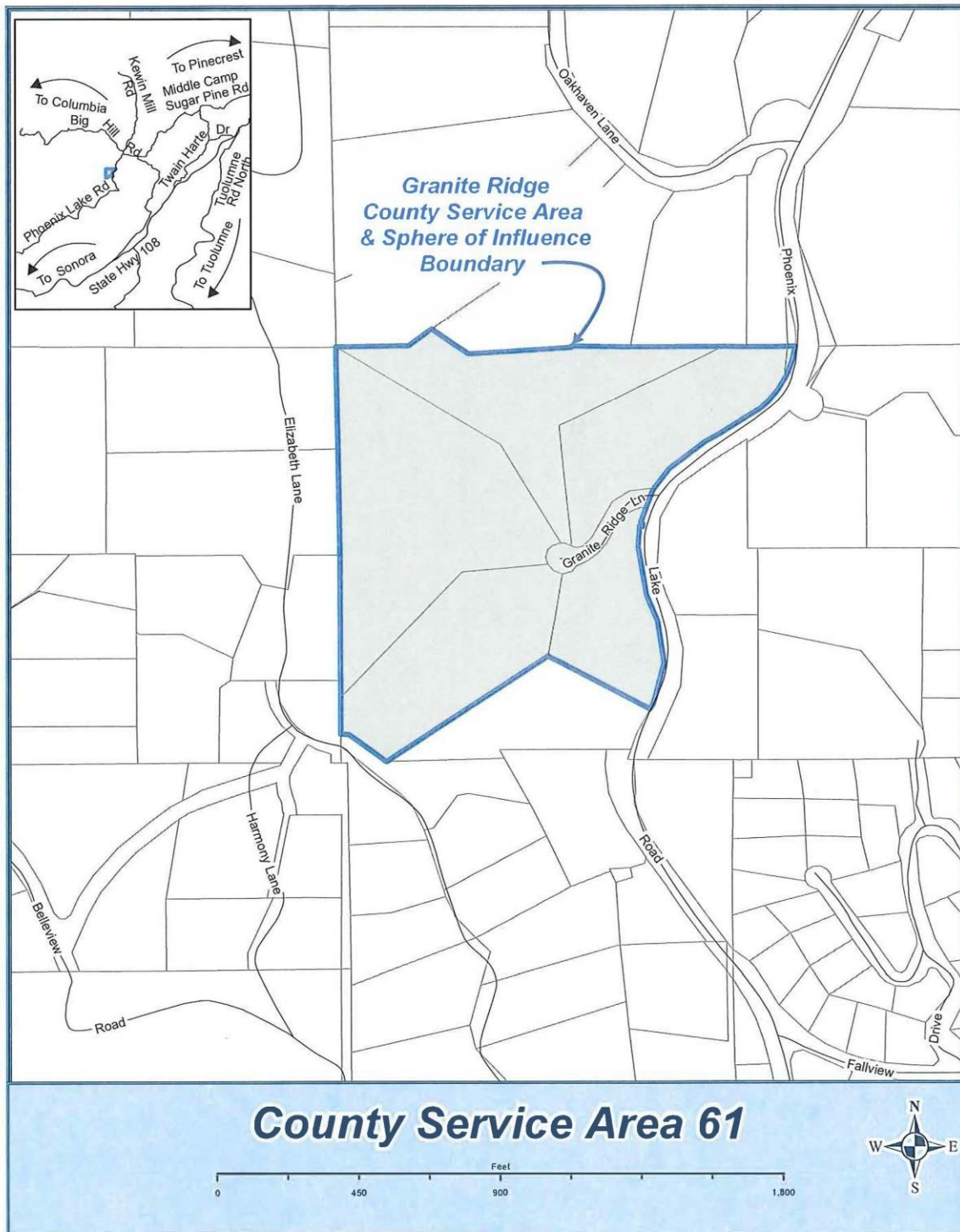


Exhibit J



Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

June 20, 2023

TO: LAFCO Commissioners

FROM: Quincy Yaley, AICP, Executive Officer

RE: Results of Request for Qualifications for Executive Officer and Legal Services

REQUESTED ACTION

Tuolumne County LAFCO Commissioners may provide feedback and direction regarding the Request for Proposals.

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. On January 8, 2024, LAFCO Commissioners voted to direct the Executive Officer to prepare and release a Request for Proposals (RFP) for an Executive Officer and Legal Counsel for Tuolumne County LAFCO.
2. The RFQ was released on January 26, 2024 and was posted on the County's Bid/RFQ/RFP availability page. Anyone who has requested notifications when bids are posted would have received the RFP. Additionally, the Executive Officer directly sent the link to the consulting firms who are members of CALAFCO, including RSG, Plan West Partners, Helix Environmental, Uma Hinman, Elliot Mulberg, EPS, Swale Inc, South Fork Consulting, Terranomics, Griffith, Masuda, and Hobbs Law Firm, CyStrat Services, Sloan Sakati Law Firm, and Coluntuno Highsmith and Whatley Law Firm.
3. After being available to the public till February 19, 2024, no responses to the RFQ were submitted to LAFCO for review.

NEXT STEPS

4. Tuolumne County LAFCO can provide further direction to the Executive Officer regarding this RFP.

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Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

March 3, 2024

TO: LAFCO Commissioners

FROM: Quincy Yaley, AICP, Executive Officer

RE: Fee Waiver for Out of Agency Service Agreement – GCSD and Airport Estates

REQUESTED ACTION

LAFCO Commissioners may make a finding of “detrimental to the public interest” and waiver future Out of Agency Agreement fees for serving the Airport Estates Project

Commissioners

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

Alternates

Adam Artzer
Ryan Campbell
Suzanne Cruz

Executive Officer

Quincy Yaley, AICP

1. At the February 12, 2024 meeting, the Out of Agency Agreement between the Airport Estates Project and Groveland Community Services District was discussed. The Executive Officer relayed that the approval granted in 2020 had expired because the annexation of the project site had not been completed. GCSD expressed concern regarding paying additional application fees for another out of agency agreement.
2. Commissioners asked if future fees could be waived in the event that GCSD were to re-apply for an out of agency agreement. Staff indicated they would research the matter and report back to the Commission. Current fees for an out of agency agreement are \$1,938.00 when the agreement is not for health and safety issues.
3. Government Code section 56383(d) allows for a reduction or a waiver of a fee, service charge, or deposit if the Commission finds that the payment would be “detrimental to the public interest”. The reduction or waiver of any fee, service charge, or deposit is limited to the costs incurred by the commission in the proceedings of an application.

RECOMMENDATION

4. LAFCO Commissioners may consider whether to make a determination that GCSD paying a future application fee of \$1,938.00 for an out of agency agreement would be detrimental to the public interest.

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Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

March 3, 2024

TO: LAFCO Commissioners
FROM: Quincy Yaley, AICP, Executive Officer
RE: LAFCO Chair Requests

Commissioners
Steve Arreguin
John Feriani
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Executive Officer
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REQUESTED ACTION

LAFCO Commissioners provide direction on requests from LAFCO Chair

1. On March 1, 2024, the LAFCO Executive Officer received a request from the LAFCO Chair, attached to this report. The LAFCO Executive Officer asks that the Commission provide direction on how the Executive Officer move forward for each item, as necessary.
 - a. The budget approved by the LAFCO Commissioners limits the hours of the Executive Officer and all LAFCO staff to \$58,000 per year, including \$20,000 for consultants, \$8,000 for legal counsel, and \$30,000 for the Executive Officer and other LAFCO staff. In the past, LAFCO has met less frequently and typically for less than one hour. The LAFCO budget, approved by the Commission in July of 2023, did not anticipate monthly LAFCO meetings beyond one hour or monthly meetings with the Chair to review agendas. Increased expectations such as monthly pre-meetings, enhanced notifications, or meeting minutes for the increased frequency and duration of meetings will result in the need for a modified budget to reflect additional staff time.
 - b. The current process for notification regarding agenda items complies with applicable laws including notice to applicants and the public. If the current process is unsatisfactory, the Commission may provide direction to LAFCO staff. A modification of the current budget may be necessary if the preferred notification process requires additional staff time and resources in excess of the budgeted amount.
 - c. LAFCO staff cannot consistently meet the expectations of the Chair for meeting minutes due to the limited budget and increasing demands. Meeting recordings are available to interested parties. The standards and expectations for meeting

minutes will need to be revisited within the budget for administrative staff in light of increased demands. Alternatively, a less time-intensive meeting-minute process and format could be adopted. The results of the RFP have been placed on the agenda for the March 2024 meeting. Given that no responses were received to the RFP, the Executive Officer is seeking direction from the Commission on how to proceed.

- d. The LAFCO Commissioners approved the contract with Helix Environmental for staff support services and authorized the Executive Officer to execute task orders for future work. This contract was on the December 2023 agenda and was approved by the LAFCO Commissioners. The task orders are attached to this staff report.

RECOMMENDATION

LAFCO Commissioners provide direction on the items requested by the Chair.

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March 1, 2024

Hi Quincy,

As the LAFCO Chair, I would like to request the following:

- Agenda items to be backed up with information that would allow the commissioners to make an informed decision on each item.
- If a special district, CSA, city, county agency, etc., is to be the topic of an agenda item, LAFCO staff shall notify the entity under discussion.
- On the next agenda, I would like to be sure that the minutes of both the January and February (2024) meetings be included and from now on, the minutes of the previous meeting be included with the current month's agenda.
- On the next agenda, I would like, under Od Business, to be sure that we have an action item regarding revising the RFP for the Tuolumne County LAFCO Executive Officer and Staff Services. After consulting with several professionals, I understand that the time line was unrealistic for any applicant to prepare a proposal. I know the time line was the commissioners' request, not yours.
- Please provide detailed information on the contracts that you entered into regarding MSRs for TUD and JSD.
- From now on, I would like to request that we meet (the LAFCO chair and the LAFCO executive officer) to discuss any agenda before it is finalized and sent out.

Thank you,
John Feriani
LAFCO Chair

February 8, 2024

02706.00014.000

Quincy Yaley
Executive Officer
Tuolumne County LAFCo
2 S. Green Street
Sonora, CA 95370
Qyaley@co.tuolumne.ca.us

Subject: Task Order Proposal to Provide LAFCo Consulting Services for the Jamestown Sanitary District MSR Project

Dear Director Yaley:

HELIX Environmental Planning, Inc. (HELIX) is submitting this proposed Task Order #1 (Proposal) to the Tuolumne County Local Agency Formation Commission (Tuolumne LAFCo) to provide consulting services for an update to the Jamestown Sanitary District (JSD) Municipal Services Review (MSR; Project) located in the community of Jamestown, Tuolumne County (County), California. This Proposal provides a Scope of Services under our existing Professional Services Agreement, No. RFQ-2023-0093 (PSA) dated January 11, 2024.

SCOPE OF SERVICES

Task 1 – Data Collection and Review

Task 1.1: Team Conference Call

To kick off the MSR update project, HELIX will host a conference call with Tuolumne County LAFCo staff and consultant team members (i.e., Hinman & Associates). The primary focus of the conference call will include review of the scope of work, schedule and budget. It will also provide an opportunity for early discussion of data sources and potential issues for the team to address in the MSR. HELIX will provide an initial draft list of resources for review during the call.

Deliverables: Participation in conference call. Initial list of information sources.

Task 1.2: Data Management

HELIX/Hinman & Associates will work closely with Tuolumne LAFCo to create a team atmosphere among the members of the consulting team and LAFCo and will utilize a collaborative online folder as a means to share information and work drafts. Work products will be delivered according to the project schedule which will be developed collaboratively between HELIX/Hinman & Associates and Tuolumne County LAFCo.

Deliverables: Data posted to designated online collaborative folder.

Task 1.3 – Information Collection

Upon initial review, it appears that the JSD has a fairly comprehensive website, which will be reviewed in detail to collect existing information. Other sources of information include online State and local databases available on-line, the Tuolumne County General Plan and Zoning Codes, the Tuolumne County Transportation Council, CA Department of Finance, and US Census Bureau will be primary sources of information.

Using the initial gathering of information from readily available sources, HELIX/Hinman & Associates will develop a Request for Information (RFI) that will be provided to the district along with a cover letter explaining the intent and process for the MSR update. The JSD's response to the RFI and the follow up interview in Task 1.4 will form the basis of the Task 1 Data Collection and Review.

Deliverables: Request for Information and cover letter. Data applicable to the MSR/SOI for the JSD posted to the online collaborative folder.

Task 1.4. – Interview with the JSD

HELIX will host an interview with the JSD and ensure that data and information requested on the RFI is discussed during the interview and eventually obtained for use in the MSR. The interview will be an opportunity to hear directly from the JSD on issues with service provision, potential consolidation with Tuolumne Utilities District (TUD), or other concerns. HELIX will coordinate scheduling the interview with the JSD and Tuolumne County LAFCo. Notes will be taken during the interview and will become part of the data collection effort for the MSR. The scope of work assumes the interview will be conducted remotely; however, the team is available to meet in-person with appropriate budget adjustment.

Assumptions: The interview with the JSD will be held virtually.

Deliverables: Coordinate with Tuolumne County LAFCo to schedule an interview with the JSD. Attendance, facilitation, and leadership at a virtual interview. Notes, including action items, resulting from the interview.

Task 1.5. – Confirmation of Compiled Data by Agencies

Confirm the data provided by the JSD and collect data from other resources for the MSR update. Post all data to the online shared folder.

Deliverables: Confirmed data from the JSD. Data is posted to shared folder.

Task 2 – Administrative Draft Municipal Service Review

Task 2.1. – Administrative Draft MSR

HELIX/Hinman & Associates will assume responsibility for coordinating and authoring an administrative draft report that provides background information and makes required determinations per the Cortese-Knox-Hertzberg Act. This task includes consultation with the JSD and related agencies and coordination with Tuolumne County LAFCo staff. A draft MSR report outline will be provided to Tuolumne County LAFCo for initial approval.

HELIX/Hinman & Associates shall prepare an analysis for the JSD consistent with a specific outline including: agency overview; accountability and governance; management and staffing; land-use and planning; population and growth; disadvantaged unincorporated communities (DUC); financial analysis;

infrastructure capacity and analysis; municipal services; and MSR determinations. Specific attention to citations and water quality violations the District has experienced with Regional Water Quality Control Board (RWQCB) and other agencies.

It is our understanding that there may be interest in consolidating with TUD, which would warrant some in-depth analysis and discussion within the MSR.

Assumptions: HELIX/Hinman & Associates will collect and utilize existing information; however, no new data development (i.e., field studies) is required. Use of analytical techniques standard to the LAFCo and MSR consulting profession are sufficient. HELIX will prepare all maps and figures for the Administrative Draft MSR update.

Task 2.2. – Respond to Comments on Administrative Draft MSR

HELIX/Hinman & Associates will submit the Administrative Draft MSR to Tuolumne County LAFCo for review and will update the report to reflect suggestions and direction from LAFCo. Additionally, in the interest of collaboration, it is recommended that HELIX/Hinman & Associates share the administrative draft with JSD staff, to allow the District to communicate any concerns directly with HELIX/Hinman & Associates and/or Tuolumne County LAFCo prior to the public review draft.

Deliverables: MSR report outline. Administrative Draft MSR for Tuolumne County LAFCo and JSD review.

Task 2.3. – GIS Analysis and Maps

HELIX will provide geographic information systems (GIS) analyses to support the development of the study and will prepare figures and maps needed for the report.

Assumptions: Tuolumne County LAFCo will provide the most recent GIS layers and metadata.

Deliverables: GIS maps and figures for the report.

Task 3 –Preparation and Presentation of the Public Draft Report

Task 3.1. Prepare Draft MSR

Based on the feedback received from Task 2.2, HELIX/Hinman & Associates will revise the Administrative Draft MSR to address and/or reflect the items identified by JSD staff and prepare a public review Draft MSR.

Deliverables: Review and edits of administrative draft to complete a formal public review draft MSR.

Task 3.2. Presentation of Draft MSR at Commission Meeting (Optional)

Upon request, HELIX/Hinman & Associates will prepare a draft staff report and PowerPoint Presentation and will present the information related to the JSD to the Commission. HELIX/Hinman & Associates will respond to questions from the Commission as requested.

Deliverable: Assist with drafting a staff report for the public hearing and PowerPoint presentation to the Commission for use during a public meeting. Attend and present at the public meeting.

Task 4 –Preparation of the Final Report

Task 4.1. Prepare Final MSR

Based on the feedback received from Task 3.2, HELIX/Hinman & Associates will revise the Draft MSR as directed by the Commission during the public hearing to prepare the Final MSR.

Deliverable: Final MSR document.

Task 5 – Coordination Meetings with the Agency(ies)

HELIX/Hinman & Associates will support Tuolumne County LAFCo staff in facilitating a coordination meeting with the JSD and the TUD to discuss opportunities for consolidation, service and cost efficiencies, and collaboration. We have assumed a total of 24 hours of support time for this task. Additional hours may be added, as needed, with separate authorization by Tuolumne County LAFCo.

Assumptions: The coordination meetings will be held virtually.

Deliverables: Coordination meetings facilitation with Tuolumne County LAFCo staff, the JSD, and/or the TUD.

SCHEDULE

HELIX will continue to work with the Tuolumne County LAFCo in a timely and professional manner in accordance with the original Contract. Commencement of schedule is dependent on task order authorization.

COST ESTIMATE AND PAYMENT PROCEDURES

HELIX submits this cost estimate not to exceed \$49,000 (a breakdown of which is provided below). All work shall be invoiced on a time-and-materials basis and payment terms are pursuant to the PSA.

<u>Task Number</u>	<u>Task Name</u>	<u>Cost</u>
1	Data Collection and Review	\$7,500
2	Administrative Draft Municipal Services Review	\$21,000
3	Draft Municipal Services Review	\$8,500
4	Final Municipal Services Review	\$6,000
5	Coordination Meetings with Agencies	<u>\$6,000</u>
TOTAL		\$49,000

ASSUMPTIONS AND ADDITIONAL LIMITATIONS

The following assumptions and limitations are a material component of this Scope of Services.

- County will provide HELIX with current available digital baseline data and project plans for producing all maps and graphics, which should be submitted in one of the following formats: .dxf, .dwg (AutoCAD), .dgn (Microstation), .shp (ArcView shapefiles), .gdb (ArcGIS geodatabase) or .kmz (Google Earth). In some cases, .pdf files will be acceptable.

- Costs associated with public meetings, biological surveys not specifically described above, and/or permit preparation and processing (“additional work”) are not included within the scope of services required of HELIX under this Agreement.
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- As an optional task, HELIX may develop sphere options to aid discussion with the agencies and Commission and to support a future Sphere of Influence (SOI) update. Note that a SOI Update may be prepared at additional scope and budget; however, SOI Updates require CEQA review and adoption.
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- HELIX is committed to meeting accessibility requirements for the ADA and Section 508 of the Rehabilitation Act for public-facing digital document deliverables. Information presented from third-party sources (e.g., California Emissions Estimator Model outputs) and documents prepared using the strike-out underline feature, a standard for annotation of final CEQA documents, may not achieve the full level of accessibility.

EXECUTION OF TASK ORDER

This quote is good for 30 days from the date of this letter. This Scope of Services will become Task Order #1 under the Contract upon HELIX’s receipt of approval/notice to proceed signed by an authorized representative.

We look forward to continuing our work with you. If you have any questions concerning this Task Order, please call me at (916) 435-1205.

Sincerely,



Robert Edgerton, AICP CEP
Principal Planner

February 8, 2024

02706.00014.000

Quincy Yaley
Executive Officer
Tuolumne County LAFCo
2 S. Green Street
Sonora, CA 95370
Qyaley@co.tuolumne.ca.us

Subject: Task Order Proposal to Provide LAFCo Consulting Services for the Tuolumne Utilities District MSR Project

Dear Director Yaley:

HELIX Environmental Planning, Inc. (HELIX) is submitting this proposed Task Order #2 (Proposal) to the Tuolumne County Local Agency Formation Commission (Tuolumne LAFCo) to provide consulting services for an update to the Tuolumne Utilities District (TUD) Municipal Services Review (MSR; Project) located in Tuolumne County (County), California. This Proposal provides a Scope of Services under our existing Professional Services Agreement, No. RFQ-2023-0093 (PSA) dated January 11, 2024.

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EXECUTION OF TASK ORDER

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We look forward to continuing our work with you. If you have any questions concerning this Task Order, please call me at (916) 435-1205.

Sincerely,



Robert Edgerton, AICP CEP
Principal Planner

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

Unapproved

TUOLUMNE COUNTY LOCAL AGENCY FORMATION COMMISSION

MINUTES

January 8, 2024

Commissioners

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

Alternates

Adam Artzer
Kathleen Haff
Suzanne Cruz

Executive Officer

Quincy Yaley, AICP

PRESENT: Chair Steve Arreguin, Vice Chair Mark Plummer, Commissioners Ryan Campbell, David Goldemberg, John Feriani, Glen Jacobs, Matt Hawkins

ABSENT: None

STAFF: Quincy Yaley, LAFCO Executive Officer and Taryn Vanderpan, Administrative Technician II, Denise Zitnik, Public Works Department

CALL TO ORDER: The meeting began at 4:06 p.m.

Chair Arreguin opened the Local Agency Formation Commission meeting.

COMMISSION BUSINESS:

A. Chair Arreguin led the Commission and audience in the Pledge of Allegiance.

B. Minutes of December 11, 2024 meeting.

It was moved by Commissioner Hawkins and seconded by Commissioner Jacobs to approve the minutes of December 11, 2023.

Chair Arreguin called for the vote:

Chair Arreguin: Aye

Vice Chair Plummer: Aye

Supervisor Campbell: Aye

Supervisor Goldemberg: Aye

Commissioner Hawkins: Aye

Commissioner Jacobs: Aye

Commissioner Feriani: Aye

Motion carried: 7-0-0 with 7 Ayes, 0 Nays and 0 abstains.

C. Election of Officers

- **Chair**
- **Vice-Chair**

Chair Arreguin asked for Chair Nominations with Commissioner Plummer and Commissioner Hawkins nominating Commissioner Feriani.

Staff clarified nomination process and Chair Arreguin calls for public comment. Seeing no one, Chair Arreguin closes the public comment period.

Chair Arreguin asked for Vice Chair Nominations with Supervisor Campbell and Commissioner Jacobs nominating Chair Arreguin.

Chair Arreguin calls for public comment. Seeing no one, Chair Arreguin closes the public comment period.

Chair Arreguin calls for the vote on the nominations, all Commissioners respond with ayes and motion carried.

Chair Arreguin: Aye
Vice Chair Plummer: Aye
Supervisor Campbell: Aye
Supervisor Goldemberg: Aye
Commissioner Hawkins: Aye
Commissioner Jacobs: Aye
Commissioner Feriani: Aye

Motion carried: 7-0-0 with 7 Ayes, 0 Nays and 0 Abstains.

D. 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, Executive Officer, introduces herself and explains the purpose of the LAFCO commission. Further explaining the following reports will be presented at the February 12, 2024 meeting.

-
1. Consideration of providing direction on the expired Out of District Service Agreement for the Groveland Community Services District and the Airport Estates project.
 2. Consideration of providing direction on creating a LAFCO Organizational Committee, and other ad hoc committees as needed.

PUBLIC COMMENT

Chair Feriani 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. Seeing no one, he closed the public comment period.

PUBLIC HEARING:

Consideration of adopting Resolution 303 to dissolve Jupiter Subdivision Unit 1 County Service Area (CSA) No. 4, Lake Don Pedro Units 4 and 5 CSA No. 8, Curtis Creek Ranch Unit 2 CSA No. 31, Sunny Hill Subdivision CSA No. 40, Bueno Oaks Estates CSA No. 45, Mountain Ridge Estates CSA No. 46, Yosemite Estates CSA No. 50, Gina Avenue CSA No. 52, Vilas Lane CSA No. 55, and Granite Ridge Subdivision CSA No. 61 and their respective Spheres of Influence.

Ms. Yaley explains the definition of a County Service Area and Denise Zitnik of Public Works, explains the history of how and why the request to dissolve the listed County Service Areas first came about.

Commissioner Plummer asked Ms. Zitnik questions on the current funds of the County Service Areas in question and if the balances would roll over to the general fund if Commission approved the dissolution.

Ms. Zitnik confirms that if the County Service Areas had a balance it would roll over to the general fund if the Resolution was approved. Ms. Yaley further explains the LAFCO Commission would receive application funds if there was enough balance in the accounts.

Supervisor Goldemberg asked Ms. Zitnik who initiated the dissolution process. Ms. Zitnik responded based off the remaining funds, with no new assessment in place, the Tuolumne Ordinance Code states LAFCO is the deciding body on dissolving County Service Areas.

Supervisor Goldemberg follows up with notification process and asked if the current homeowners notified. Ms. Yaley responds and explains the option of a Protest Hearing, for the current homeowners, within the listed County Service Areas, if dissolution is approved by the Commission.

Supervisor Campbell asked staff if dissolved would it change legal easements and Ms. Yaley responds with no, it is only limited to maintenance.

Chair Feriani asked if current subdivisions not subject to dissolutions and Ms. Zitnik confirms yes.

Chair Feriani opens the discussion for public comment and Ms. Yaley explains the rules and procedures for public comment.

A gentleman comes to the podium and states confusion of what the dissolution is, never notified when he purchased the property and confused why it is even an issue.

A gentleman comes to the podium and states was not aware of agreement about the County Service Area. He does not mind paying taxes and has experience of knowing how hard it is to have neighbors agree on paying or forming an HOA. He feels cheated and slighted and what does it all mean.

Chair Feriani comments with they will get clarification from staff.

A gentleman comes to the podium states that he is another homeowner, and it affects property values.

A gentleman comes to the podium to state he owns property within the County Service Area No. 4. Additionally he was never notified to vote on an assessment and does not know why if it is because there is no house on the property. He also asks if the remaining funds be left for emergency and not be put in the general fund.

A lady comes to the podium with statements regarding notifications.

A gentleman comes to the podium to state no notification and would like to start the process over.

A gentleman states he resides in County Service Area No. 31 and echo's what previous people of stated. He bought the property in 2019 with no disclosure in the Title Report about the County Service Area.

Chair Feriani asked the public who else was not notified and Staff informs the Chair if he takes public comment from someone who has already spoken, he has to open to all who have already spoken.

Chair Feriani asked Ms. Yaley to clarify on how homeowners were notified of today's hearing. Ms. Yaley responds the homeowners were mailed information on what a County Service Area is and how it works. The application to dissolve was generated by Tuolumne County. Ms. Zitnik clarifies the type of county roads, Barron Ranch Road location in question and addresses the assessment that was denied by previous homeowners and that is why it was not disclosed in a Title Report. Staff further explains that in 1989 a resolution was passed by the Board of Supervisors, that all new roads maintained by other entities like an Homeowners Association or a County Service Agreement and other maintenance.

Chair Feriani asked to clarify the area of Curtis Creek Ranch and Ms. Zitnik responds that area with Tomahawk Road and Barron Court. Also, that a PRD is like a CSA but is not decided by LAFCO because it is not a special district. Additionally, that there is always a vote for a special tax.

Chair Feriani opens up the hearing again for public comment.

A gentleman addresses the Commission by stating the current homeowners should be able to decide on a new assessment and not the homeowners from 2009. Asked Ms. Yaley when the original request was to dissolve the County Service Areas. Staff clarifies the LAFCO process and original request started 10 years prior in 2013. No timeframe required to approve or disapprove but a timeline required for the protest

hearing.

Ms. Yaley informs the commission they can send the project back to staff but need additional clarification on how to proceed or a protest hearing can decide it in a different way.

Commissioner Hawkins states he was on the original LAFCO from 2013 when the CSA dissolution was first initiated and was surprised because he thought the issue was resolved. He agrees in restarting the process and timeline should be included.

Supervisor Campbell states they should clarify who wants to keep the County Service Areas.

Commissioner Jacobs asked Ms. Yaley has she received any written protests.

Ms. Yaley responds they have received lots of questions, but the Protest Notice will be sent to residents and posted on website.

Commissioner Plummer wants to confirm that the County Service Areas are not receiving maintenance now and no assessment is being collected.

Ms. Zitnik confirms no and the last time the CSA dissolution was brought up before the Board of Supervisors to decide on an assessment resolution for funds to be spent down and brought to the LAFCO to approve the dissolution.

Commissioner Plummer states he agrees with Supervisor Campbell that they should clarify who wants to keep the County Service Area.

Ms. Yaley informs the Commission if it does not approve to dissolve, then it would go back to the Board of Supervisors as a resolution to undo dissolution from 2013 and sent back to Public Works where it starts the process over again.

Commissioner Plummer wants clarification on the steps if protest goes forward.

Ms. Yaley states if the election does not dissolve the County Service Areas, it goes back to the County and Public Works and out of LAFCO hands.

Ms. Zitnik states if the protest goes through than a special tax or assessment of the property value will be created based off a 20 year study and put in ballot form for homeowners to vote on.

Ms. Yaley clarifies protest percentages of assessed values and registered voters that can dissolve or rescind the resolution.

Chair Feriani wants to clarify that each County Service Area can decide to dissolve or rescind.

Supervisor Campbell requests to get order of the meeting and make a decision to vote.

Supervisor Goldemberg asks staff how County Service Areas are formed.

Ms. Zitnik responds with County Service Areas are formed through the LAFCO process out of the subdivision and needs a majority.

Ms. Yaley follows up with response on how it is LAFCO's job to decide on County Service Areas.

Commissioner Jacobs asked staff if they vote to rescind the former dissolution from 2013, would it be like a restart.

Ms. Yaley responds the protest hearing would do the same function.

Chair Feriani makes the comment that not all County Service Areas want to be kept.

Commissioner Plummer wants to clarify with staff that no county maintained roads affected.

Ms. Zitnik responds with yes, no county maintained roads will be affected.

Chair Feriani closes the discussion for public comment.

Commissioner Plummer agrees with Supervisor Campbell that passing the resolution would move the protest process forward, giving power back to the residents.

Supervisor Campbell states there are other options for homeowners, County Service Areas are expensive and recommends privatization would be less expensive.

Supervisor Goldemberg states he was not in favor of protest hearing but after listening to options, sounds like it is the most expedient choice.

Commissioner Hawkins asks staff when does the protest hearing start and can they extend the protest date.

Ms. Yaley states the protest begins when the notice is published in the newspaper and lasts up to the next LAFCO scheduled meeting date. The rules states that it has to be within the next meeting, 21 days to 60 days the protest is scheduled.

Commissioner Hawkins wants to make sure the neighbors had time to discuss amongst each other and respond.

Commissioner Jacobs ask staff if they have received any comments from County Service Area 55.

Ms. Zitnik responds Public Works has received one comment regarding the process if dissolution passes and if the bridge was included. The bridge is included in the County Service Area.

Commissioner Hawkins, Supervisor Campbell and Commissioner Plummer asked if they could schedule a special meeting to extend the protest response period.

Ms. Yaley request recess of ten minutes to find available meeting time and place for a special meeting.

After a ten minute recess, the meeting resumes.

Commissioner Plummer suggests postponing protest hearing to extend the timeline to the March LAFCO meeting.

Commissioner Jacobs motions to approve Resolution 304 with Vice Chair Arreguin seconding the motion.

Chair Feriani calls for the vote, all Commissioners respond with ayes and motion carried.

Chair Feriani: Aye

Vice Chair Arreguin: Aye

Supervisor Campbell: Absent

Supervisor Goldemberg: Aye

Commissioner Plummer: Aye

Commissioner Hawkins: Aye

Commissioner Jacobs: Aye

Motion carried: 6-0-0, 6 Ayes, Zero Nays and 0 Abstains with Supervisor Campbell absent.

Chair Feriani asks the Commission to introduce themselves to the audience in attendance.

OLD BUSINESS:

Consideration of entering into a Multi-LAFCO Share Resources Agreement with Santa Cruz LAFCO and Marin LAFCO and authorizing the Executive Officer to sign the agreement.

Ms. Yaley states she has no further updates on consideration on Multi-LAFCO other than Santa Barbara has now signed on and explains what the Multi- LAFCO agreement is for people in attendance.

Supervisor Goldemberg asks staff if the agreement would not exceed the budget amount.

Ms. Yaley responds it is in the LAFCO budget regarding the consulting.

Chair Feriani opens the discussion for public comment.

One member of the public states the Commission had voted it down and then tabled the issue and wants to know why.

Chair Feriani closes the public comment period.

Commissioner Hawkins is not clear on why they tabled the issue and asks for clarification. He proposes holding off until they decide on RFPs for an Executive Officer/LAFCO staff.

Commissioner Jacobs proposes workshop with person who has LAFCO experience that can better help them of what their role is.

Ms. Yaley states it would be cost effective with agreement because it was offered to them. It has no downside or additional cost.

Commissioner Jacobs proposes discussing staffing models before they generate RFPs for consideration. The commission has to figure out where they are going with it before they make a decision.

Chair Feriani calls for the motion with Vice Chair Arreguin making the motion and Commissioner Supervisor Goldemberg seconding to the request to table the Multi-LAFCO shared resource agreement until they received more information on RFPs for an Executive Officer.

Chair Feriani calls for the vote, all Commissioners respond with ayes and motion carried.

Chair Feriani: Aye
Vice Chair Arreguin: Aye
Supervisor Campbell: Absent
Supervisor Goldemberg: Aye
Commissioner Plummer: Aye
Commissioner Hawkins: Aye
Commissioner Jacobs: Aye

Motion carried: 6-0-0 , 6 Ayes, 0 Nays and 0 Abstains with Supervisor Campbell absent.

NEW BUISNESS:

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

Chair Feriani states the new business of consideration of modifications to the adopted Fiscal Year 2023-24 annual workplan.

Ms. Yaley states the Commission asked this issue to be included on the agenda for discussion and glad that they did because since the last meeting there has been a significant change. Jamestown Sanitary District announced before Christmas via memo of moratorium on new connections. In the world of land use and special districts it is a huge issue because the General Plan puts a lot of new housing in the Jamestown area and growth is expected in the area with the new casino opening. Ms yaley states that there are three municipal service reviews in the LAFCO workplan and strongly recommends staying on the Tuolumne Utilities District but recommends changing workplan to Jamestown Sanitary District regarding moratorium and hold on Tuolumne Parks and Recreation and Tuolumne Sanitary District. Further explains what a Municipal Review is and that it makes recommendations and not decisions.

Chair Feriani comments that it is interesting and opens it up to the Commission for discussion.

Commissioner Hawkins states that it is good information, and the Commission will have to change the workplan and see what decision the Commission with make with item number two under new business and incorporate that into it.

Commissioner Plummer states building is really important, and it is a shock actually. Further states as far as housing needs, he thinks probably changing per the staff's recommendation is probably well served.

Supervisor Goldemberg wants to follow up on the time commitment to the Jamestown Sanitary District.

Ms. Yaley states that it can depend on the commitment to the Municipal Service Review, which she recommends a robust dive into the Jamestown Sanitary District. She would allocate the consultant dollars in the budget with the contracts that were executed at the last meeting to bring on a consultant, an outside person to come in and look both and to complete both municipal service reviews. If it did exceed, the consultants would be come to the next meeting to prioritize certain assessments. A ballpark figure would be several hundred hours for a thorough Municipal Service Review.

Chair Feriani asks who pays for the Municipal Service Review.

Ms. Yaley states that Municipal Service Reviews are routine responsibility of LAFCO, and that LAFCO pays for it through dues paid by members. She further explains the budget and workplan process the Executive Officer provides the Commission to approve. As their Executive Officer, she tries to keep the budget within the previous years cost, so the districts do not experience an increase in their fees.

Chair Feriani asks for comments.

Commissioner Jacobs states that the change in workplan may cause an increase in the budget which would cause the districts fees to increase. Asks staff is that a one way assessment.

Ms. Yaley states LAFCO decides on the budget. She would draft the budget and the Commission would vote to approve it. The districts would have input on an increase, but LAFCO would have final say on a budget increase.

Commissioner Jacobs asks staff if the workshop goes forward would it be beneficial if they decide then, if it should be put on the workplan and reflect in the budget, rather than bringing it forth multiple times.

Ms. Yaley states it is a factor of timing and information. Depending on the direction she receives tonight from the Commission on whether to add the Jamestown Sanitary District to the workplan and with the result she receives from the consultant, if it is already within the existing budget they would move forward. Internal factors may come in that cannot be completed within the budget and then would augment the time for workshops but really depends on content and length that it could be accomplished in the year's budget. The workplan is really important, staff follows the workplan and needs clear direction on what work needs to be included.

Chair Feriani agrees the Commission should review all three Municipal Service Reviews.

Commissioner Hawkins agrees with Chair Feriani.

Chair Feriani reaffirms his comment and ask the Commission for further comments.

Supervisor Goldemberg asked staff if Jamestown Sanitary District were to be reviewed in place of Tuolumne Utilities District, would it be finished by the end of the fiscal year.

Ms. Yaley clarifies that the report may not be done but using the allotted funds now, to use towards the Jamestown Sanitary District Municipal Service Review.

Supervisor Goldemberg clarifies his point that they may pick up Tuolumne Utility District Municipal Service Review in the next fiscal year if Jamestown Sanitary District Municipal Service Review is reviewed but does not believe all three reviews possible by the end of the fiscal year.

Commissioner Hawkins states time cannot be replaced but they could sequester the funds if they had too.

Ms. Yaley states the workplan and budget go hand-in-hand. She aligns the numbers with hours and brings them to review. When out of sync, she can not affirmatively say there will not be a budget increase. She presents a few options if the Commission is not ready to decide on changing direction for the current workplan.

Commissioner Hawkins states he agrees with the Chair and that the decision on item number two may change what they decide on item one.

Commissioner Jacobs states Supervisor Brandon mentioned something in the works for Jamestown Sanitary District.

Ms. Yaley states she is unaware of a CSD application from Jamestown, that it could be just a discussion item in the community.

Chair Feriani asks staff if they need a motion to decide.

Ms. Yaley responds no; a consensus would be fine, and she can bring some additional costs for the item next scheduled meeting.

Chair Feriani opens the discussion for public comment.

Pete Kampa, General Manager of Groveland Community Services District, states that there are enough agenda items to have regular meetings and as long as it is within the workplan and budget. Also, would like to see some status updates occurring as they go forward with projects. Mr. Kampa cites issues like the CSA resolution previously discussed so that they do not fall off the agenda. That it is marked off as old business, so it shows staff and the public the Commission has full accountability. Secondly, setting a deadline or timeline on completion of Municipal Service Reviews. The time spent back and forth would increase the cost, the more time they spend with consultant. Mr. Kampa requests direct assistance to an applicant from staff or consultant and because some districts unfamiliar with LAFCO process. Also, would like to see the Commission review past

Municipal Service Reviews and to be proactive on those recommendations and to make sure they are moving forward. Lastly, the issue of terms dialed in on the Council and Board of Supervisors to be consistent with the district.

Eileen Mannix, Vice President of Twain Harte Community Services District, states for the current LAFCO workplan, there are three minor Municipal Service Reviews, and none have been completed within a year. Some have been worked on for three to four years and has no confidence you would be able to take on Jamestown, especially with a budget of \$58,000 and backlog of projects that are not as controversial as Jamestown, and urges Commission not to include Jamestown Sanitary District Municipal Service Review at this time.

Chair Feriani asked for further public comment, seeing no one he closes the public comment period and brings the issue back for further discussion.

Commissioner Plummer states if staff returns with more information and concrete numbers that the commission could make a decision then to add Jamestown Sanitary Municipal Service Review to the workplan.

Chair Feriani asks the consensus and all commissioners present, nod yes.

2. Consideration of releasing a Request for Proposals for an Executive Officer and LAFCO staff.

Chair Feriani reads item number two from New Business on agenda and asks staff to present item.

Ms. Yaley states the Commission did not ask her to work on this item and is seeking clarity on what is needed from your current LAFCO staff in order to proceed.

Commissioner Hawkins states that with changes in the County and government in general in the state, that for bigger workloads he suggests consulting out to other agencies to handle LAFCO issues. Also, states that Ms. Yaley has done a great job but with the changes it is time to move in this direction and hire someone completely independent. With that direction they may be able to take on more and it would cost more but LAFCO is a very important part of government that gets overlooked. He further states he has suggested this for ten years and it is finally coming to fruition and has examples of Request For Proposals the Commission can take a look at. He concluded that the more independent the Commission is the better outcome and progress for the Commission.

Commissioners discuss the examples of the Request For Proposals.

Chair Feriani opens the discussion for public comment.

Eileen Mannix, Vice President of Twain Harte Community Services District highly recommends hiring dedicated staff for the LAFCO Commission. She further states it is crucial the Commission meet once a month because there is work to be done. To prioritize having a voice for Community Service Districts on LAFCO and the Twain Harte Community Service District is willing to contribute to the budget towards hiring dedicated staff.

Pete Kampa, General Manager of Groveland Community Services District, states the scope of work will play a vital role in the Request For Proposals that they find the right consultant, for the right price is what will drive the Commission in the right direction.

Chief New, Sonora Fire Department, agrees with previous two speakers. The last Municipal Service Review for the Sonora Fire Department was 2015 or 2016 and the goal is to have the review every five years. She thinks from the last meeting there were 12 Community Service Districts that were behind by more than five years for a municipal review. The workload for LAFCO is increasing and have a dedicated staff would be the best approach.

Chair Feriani asks for any further public comment, seeing none he brings it back to the Commission for discussion.

Commissioner Plummer is in agreement with the proposal. He believes it is relieving the county staff of this sort of almost unfair responsibility, is probably in the best interest of LAFCO.

Ms. Yaley clarifies the process of the Request For Proposal, that she would need the scope and it would have to go through the county bid process and vetted by legal counsel.

Vice Chair Arreguin states that having an Executive Committee and also a Committee Treasurer but need to direct staff on a clear direction. Whether it is a CEO or an Executive Officer but thinks they need to be better organized in terms of the committee or having ad hoc committee within LAFCO, would be helpful. It is something to consider.

Supervisor Goldemberg states the Commission needs to pay attention to the cost. He cites the percentages of the County contribution verse the special districts contribution and it seems to be off balance. He is for the Request For Proposal process, to collect information and compare the numbers to be most cost effective.

Commissioner Jacobs states it is not prudent for the Commission to make an either/or decision this evening but it is prudent is to look at all options. At the last meeting, the CDD Director presented great points about the benefits of having an Executive Officer be part of the County. Obviously, there are pros and cons, it is a complex issue. His recommendation is, the Commission should receive outside expertise to come up with a staffing model, that could be a both/and but not an either/or, so he reserves judgement until the Commission obtains a broader perspective that what is presented in the room.

Ms. Yaley states there are questions that need to be asked: how much work is there, what levels of work need to be done, what level of work needs to be done by an Executive Officer, what level of work needs to be done by a planner level staff member, how many hours a year is that, and what are we getting for those hours a year. What else does the Commission want to do to fill the extra time, that may be left over in an annual year? What could we accomplish for that, what costs are included in the hourly rates that we get right now and what cost would be have to bear alone? Those would be questions she would encourage the Commission to ask.

Chair Feriani states he is still unsure of how LAFCO is funded, that he wants to be a proactive LAFCO member and find the best available and cost effective way to do so. If the Commission could

obtain an comparison model of whether to keep within the county or hire an outside consultant.

Ms. Yaley states she could provide the funding information any back up materials to better inform the Commission at the next scheduled meeting. She takes no issue with the Commission exploring other staffing options and she is happy to research and provide the comparison models to the Commission.

Commissioner Plummer and Chair Feriani exchange about how LAFCO is funded and appreciate the Executive Officer's offer of furthering researching and providing the information.

Vice Chair Arreguin states that if the Commission is not reviewing agenda items in a timely matter, that the Commission review the performance metrics by which they measure. He agrees on having a target date to review and decide agenda items. He also agrees with obtaining Request For Proposals for the Commission to review, even if they do not decide to go with any candidate.

Chair Feriani agrees with the point Vice Chair Arreguin made.

Commissioner Hawkins states he would like to obtain Request For Proposals on the current workload the Commission has and that the Commission should make a decision tonight to move forward with that option. The Commission has the option to add addendums to the Request For Proposals.

Chair Feriani asks what the scope of work would be, unsure on how to give staff direction.

Commissioner Hawkins cites examples of what current needs are now.

Ms. Yaley states if the Commission would like to hire full time independent staff, free of the county involvement, then the current workplan would not matter if that is the end goal. It is important to have a clear scope of work to help estimate costs. The Commission should assess what level involvement of the County do you want involved in LAFCO, the books, Human Resources, legal support, computers, office space and all other costs that are added into the hourly rate. Do you want LAFCO, the County or the potential firm to carry the cost? This will help identify the true cost estimate for the Commission.

Supervisor Goldemberg states the current examples of the Request For Proposals are a wide range and believes that it should be based on the potential workload and that the Commission should be able to keep up with the work. He furthers states, he agrees with the Ms. Yaley, that legal opinions are needed regarding the Request For Proposals.

Commissioner Plummer makes the motion to put out Request For Proposals for an executive officer and legal counsel. Part of the motion that it would go out with the next 10 days, based on the current workload.

Commissioner Hawkins seconds the motion.

Ms. Yaley wants to confirm that it would include the Jamestown Sanitary District Municipal Service Review in the Request For Proposal because that work is typically done by consultants. She would

like confirmation if Request For Proposal would include administration staff, accounting and Human Resource insurance, and clarification on financial support for LAFCO.

Commissioner Plummer clarifies the motion to include the additional workload but not possible for the Commission to make a decision on the Request For Proposal example they received five minutes ago from Commissioner Hawkins.

Supervisor Goldemberg states he would not like to rush into any decision without having the proper information.

Commissioner Jacobs states he agrees with Supervisor Goldemberg and would like to obtain more information on staffing models from the Executive Officer.

Ms. Yaley states needs clarification on what the Request For Proposal scope would be. She suggests altering the scope of work for each Request For Proposal, citing zero county involvement or some county involvement and the Commission can compare the costs in the responses.

Commissioner Plummer states the Request For Proposal should be two extremes with one in the middle as far as scope and his original point was to keep the Request For Proposal general as to not add to the current Executive Officer's workload. He cites it as an addendum to his original motion.

Chair Feriani seconds the motion and reopens the public comment period to address the hand raised in the audience.

Janice Kwiatkowski, Board Director at Groveland Community Services District states it is a shame the Commission did not request information from the Executive Officer at last month's meeting because they could have made an informed decision at tonight's meeting. Now, that staff has been asked to research and provide what the county's involvement is for LAFCO, how can the Commission vote on an outside service, if they have not obtained all the information. Suggests adding it to next month's agenda would be appropriate.

Gary Sipperley, President of the Twain Harte Community Service District, states it was mentioned earlier regarding the Ad Hoc Committee option being available to the Commission. That three Commissioners could meet and work out the details with Executive Officer and present the information at the next committee meeting.

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

Chair Feriani calls for the vote,

Chair Feriani: Aye

Vice Chair Arreguin: Nay

Supervisor Campbell: Absent

Supervisor Goldemberg: Nay

Commissioner Plummer: Aye

Commissioner Hawkins: Aye

Commissioner Jacobs: Aye

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

Unapproved

TUOLUMNE COUNTY LOCAL AGENCY FORMATION COMMISSION

MINUTES

February 12, 2024

Commissioners

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

Alternates

Adam Artzer
Kathleen Haff
Suzanne Cruz

Executive Officer

Quincy Yaley, AICP

PRESENT: Chair John Feriani, Vice Chair Steve Arreguin, Commissioners Ryan Campbell- Supervisor, David Goldemberg- Supervisor, Mark Plummer, Glen Jacobs, Matt Hawkins

ABSENT: None

STAFF: Quincy Yaley, LAFCO Executive Officer, and Maria Sullivan, LAFCO council

CALL TO ORDER: The meeting began at 4:04 p.m.

Chair Feriani opened the Local Agency Formation Commission meeting.

COMMISSION BUSINESS:

A. Chair Feriani led the Commission and audience in the Pledge of Allegiance.

B. Minutes of January 8, 2024 meeting.

Chair Feriani asks staff about January Meeting minutes.

Quincy Yaley, CDD Director, states the minutes will be provided at next month's meeting.

C. Reports

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.

Ms. Yaley introduces an intern and LAFCO council Maria Sullivan. Also, the Groveland Community Service District that is on the agenda, the City of Sonora Fire Department to be on next month's agenda.

PUBLIC COMMENT:

Chair Feriani 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.

Eileen Mannix of Twain Harte Community Service District, recommends the Commission revisit the multi-share agreement that LAFCO of Santa Cruz and Marin County, host a training for Tuolumne County LAFCO because of the current backlog, citing Municipal Service Reviews that are behind schedule. Further suggests, the commission not spend money on conference but bring Santa Cruz and Marin LAFCO to the commission for training.

Pete Kampa of Groveland Community Service District will have an agenda item soon for the commission to review. Continued preparation of the CEQA document of new development projects specifically of the 108/120 corridor. Currently, there is no permanent fire station, and the district cannot commit resources outside the district. Tuolumne County is the leading agency to do it. Relying on mutual aid agreement to get the services agreement out there, which is the wrong approach.

Chair Feriani asks about the new project, Firefall ranch, if they are aware.

Pete Kampa responds I am sure with amount of money being spent on the investment and insurance. It is consistent with zoning and the county general plan.

PUBLIC HEARING:

No item on Agenda on Public Hearing.

A member of public stated confusion on why Public Hearing on agenda if no item listed. Staff replied, stating it is a standard placeholder on agenda. The member of the public remains confused.

OLD BUSINESS:

Chair Feriani asks staff if he needs to do a roll call before reading the old business on agenda.

Staff replies no because the meeting is not being held remotely.

Chair Feriani reads the Old Business item of Consideration modifying the 2023-24 LAFCO Workplan.

Ms. Yaley states LAFCO approved of an on-call consultant from the October-November 2023 meetings and two proposals were received at \$49,000 each regarding Municipal Service Reviews. The personal overall budget of LAFCO is \$58,000. The consultant exceeds the budget and wants direction on budget item to match the current workplan. Further states the pressing item is Jamestown Sanitary District but Groveland Community Service District is equally important.

Supervisor Haff asks staff what the plot of money is now, and what is in the current budget.

Ms. Yaley responds with \$75,000 not spent in equal amount for the fiscal year and no money spent to date on consultants.

Supervisor Haff had follow-up question on how much in the current to budget to do one or two or both recommended Municipal Service Reviews .

Ms. Yaley recommends both Municipal Service Reviews be reviewed because they tie into each other. If consultant hired, the budget can be amended if needed.

Chair Feriani opens up questions to the commission.

Commissioner Hawkins states curious to see what Request for Proposals come back with as direction on a workplan.

Vice Chair Arreguin confirming statement from staff made about these Municipal Service Reviews go hand-in-hand.

Ms. Yaley states yes, because of the way the wastewater was tied. For past Municipal Service Reviews were reviewed by LAFCO.

Supervisor Campbell asked about the process of increasing the LAFCO budget- what are the steps.

Ms. Yaley responded the executive officer would put an item to amend the budget. It is a two-step process, the draft goes to all LAFCO members and entities for comment, then the final budget is approved by LAFCO.

Commissioner Jacobs asks if approved to increase the budget, what is the timeframe to hire consultant.

Ms. Yaley states the current budget can hire a consultant with a project of their choosing. The Executive Officer anticipates with the hiring a consultant and the process of increasing the budget, the work will not pause.

Commissioner Jacobs wants to confirm the timeline for increasing the budget.

Ms. Yaley responds that a draft budget in March and final budget in April. The auditor will be invoicing your agencies for cost late April, early May.

Commissioner Jacobs asks staff if the fiscal year ends in July.

Ms. Yaley responds that is correct, the draft budget in June and the final budget in July.

Commissioner Hawkins asks what the law , role, or ordinance is if Jamestown Sanitary District pays for the MSR.

Ms. Yaley responds that Jamestown Sanitary District did not initiate, no application. Per ordinance, there is no line item for Municipal Service Review and take on as operating budget.

Supervisor Haff suggests using current funds now and increase budget at end of fiscal year in July. No point, in revising budget in April because so close to end of fiscal year.

Chair Feriani states the consultant quotes seem excessive for Municipal Service Reviews. LAFCO is behind 20 to 30 Municipal Service Reviews and how to fund that with the current budget. He is frustrated and does not understand. His thought it could be billed to each special district.

Commissioner Plummer states he wants to focus on reorganization first.

Commissioner Arreguin asks staff is \$50,000 unreasonable for a consultant.

Ms. Yaley responds no, LAFCO paid \$32,000 for tech review for consolidation project.

Commissioner Arreguin asks staff if LAFCO has to initiate Municipal Service Reviews.

Ms. Yaley responds yes, the law language states every 5 years or as needed. In the situation of moratorium, it is LAFCO's job to investigate whether or not a district can stand or continue and the way to do that is an Municipal Service Review. LAFCO can wait or choose not to do it, but it is her recommendation the commission does review it.

Commissioner Hawkins cannot disagree but wants to see the response on Request for Proposal.

Supervisor Campbell is there a time element to making a decision on whether to budget the two Municipal Service Reviews, Jamestown Sanitary District and Tuolumne Utility District now. How high of priority is it.

Ms. Yaley thanks the supervisor for the question. When a district is not able to function. That would be a high priority for the LAFCO commission. Also, an issue of treatment level of treatment that the district has to what they have currently and are required to have in order to spill into a cold course reservoir. She sees this as a pressing issue, the Groveland Community Service District is equally pressing but worrisome that a moratorium without a plan on how to come out of it and how to fund additional treatment.

Chair Feriani comments on his experience sitting on boards and has interacted with Jamestown Sanitary District. He is unsure why they are not merging with Tuolumne Utility District.

Supervisor Haff states she would like to get to the matter at hand, modifying the workplan and would like

to hear from the public. Discuss what they want to do and make a decision.

Ms. Yaley informs the Chair; the consultant is on standby via zoom if he has specific questions for them.

Chair Feriani appreciates Supervisor Haff's comment but thinks what they are talking about is important. With no background information, you cannot make an informed decision.

Supervisor Campbell agrees with Supervisor Haff and wants to hear from the public.

Chair Feriani opens the discussion for public comment.

Pete Kampa, Groveland Community Services District states in his experience, past Municipal Service Reviews have been completed through LAFCO but cost picked up directly by the district. The way it is structured now that everyone is paying for it. If the Municipal Service Review fee is way up, all districts are paying for that Municipal Service Review. Something to think about. Different models, flexibility to amending the workplan because they need thorough Municipal Service Reviews.

A member of the public comments on LAFCO agenda. Why agenda lists Public Hearing but left blank.

Ms. Sullivan, LAFCO council responds that there is no item for Public Hearing, it is just a placeholder.

The member of the public remains confused.

Chair Feriani states his confusion too and thanks the member of the public for pointing that out.

A member of the public believes there is always a budget for Municipal Service Review and that there will always be a lack of budget. It does not sound right that the commission thinks they will be out of money at the end of the fiscal year and no new money to start new Municipal Service Reviews. Thought LAFCO was a government agency and all rules need to follow. Roll call should be taken, to know who is showing up or not. Provide an agenda to everyone on list and did not receive one, had to look it up. No packet does not know what is included today, it looks like just thoughts of an executive officer. No information on agenda for what was supposed to bring back to this meeting. It does not list the information about the people having their roads shut off in the 60 days it started or something for public notification. They had notes from last meeting but a little lost as this meeting.

A member of the public had comment on modification of workplan, feels the commission with comments did not receive all information. A recommendation would be to have Tuolumne Utility District and Jamestown Sanitary District actually attend a meeting to give some background information and history for commissioners. Also, the response to the Request for Proposal, to potentially have the change of staff in that direction of what the workplan should be for LAFCO.

Chair Feriani states they are still on Old Business and any other public comment or Board comments.

Supervisor Campbell asks staff what they need to do today to come out of this. Relates to my question about timelines, if we do focus on this one implication the problem exists now and will persist until they do something about it. He agrees with public comment that having someone from Jamestown and Tuolumne Utility District because he does not know where they stand. Also, would look into the possibility

of cost sharing of Municipal Service Review. His question is it required and can it be revised. Can it be a component of doing the study that is be there some level of cost share there. It seems reasonable to me according to the precedent for that. Where is Jamestown Sanitary District on this and is it a cost-share.

Ms. Yaley responds that LAFCO paid for Groveland Community Service Districts Municipal Service Review and it was about \$25,000, by the same consultant firm. Groveland Community Service District did not pay for it. She is only asking to modify the workplan and that is it.

Chair Jacobs asks staff for clarification if Groveland Community Service District incurred some expenses for their Municipal Service Review.

Ms. Yaley responds they spend staff time. She worked very closely with Pete Kampa on Municipal Service Review. Groveland Community Service District revised the draft. Submitted the changes and made sure all comments incorporated whatever time and materials they spent on it, their agency incurred but the consultant prepared the Municipal Service Review and LAFCO paid for it.

Commissioner Jacobs asks staff to confirm that it would be the same if they moved forward with these Municipal Service Reviews.

Ms. Yaley states yes, with the consultant or with LAFCO staff. She is inclined with the current climate of the commission to farm everything out rather than do it herself.

Ms. Sullivan states from a legal perspective, LAFCO does pay for Municipal Service Reviews but can look into whether he districts can cost share. As far as percentages go, recommends they do modify the workplan to include Jamestown Sanitary District because of the risk to allow situation to persist as is.

Commissioner Plummer clarifying what Supervisor Campbell said that other LAFCO's cost share with the districts.

Chair Feriani confirms yes but this LAFCO pays for it.

Supervisor Campbell recommends they do modify the workplan and direct counsel to look into cost sharing.

Supervisor Haff seconds the motion.

Commissioner Hawkins states he would like to wait to modify the workplan, should add Jamestown Sanitary District but wants to wait until the Request for Proposals come back to the commission.

Supervisor Haff asks Commissioner Hawkins why.

Commissioner Hawkins replies that things may change with Jamestown Sanitary District and the commission may look at it differently.

Chair Feriani just wants to confirm that they are just adding it to the workplan.

Ms. Yaley states LAFCO has approved a Public Service Agreement with consultant firm and authorize

executive officer to do task quarters under that. So, she takes direction from you all under to complete the workplan using the LAFCO staff and/or consultants within budgetary lanes she has. So, if the Chair is stating anything else other than that, then she needs more direction. But not necessary under this item because it is just modifying the workplan. Now, if the commission does not want her to proceed with executing the workplan, as the executive officer sees fit, than she is not sure what you need her for. Further states, she does not want it to be a consequence for her to move forward with consultant on current workplan based on what the Chair just said. She will keep going and within the budget that has been given. She is cautious now in saying that because she does not want it to come back on her for having executed and spent LAFCO money on a consultant, seeing nods, people do not want to spend money on. So in context of specific agenda item modifying workplan, she heard a first and second motion and will wait for a vote on that but the Chair's comment gives her great pause.

Chair Feriani does not want to see it move forward, personally. He is used to staff providing policies and procedures on doing things but have motion of floor to respond too.

Supervisor Campbell clarifies he did not make a motion but offers to do so and asks why the commission does not wait until the next meeting when more information will be provided.

Chair Feriani states he would like to either vote or get it off the agenda.

Commissioner Plummer states the commission needs to make a clear decision because it is not fair to the executive officer on how she should proceed. He is for changing the workplan until they settle the structure.

Chair thanks Commissioner Plummer because that is another good point.

Commissioner Jacobs asks regarding the public comment for the Groveland Community Services District, with their Municipal Service Review need to be modified.

Ms. Yaley responds that no, a study commissioned by LAFCO in certain geographic areas. One power of LAFCO is to make sure agencies and boundaries go in the right direction.

Supervisor Kathleen Haff states she would like to get to a yes vote, with modifying workplan with motion on the table with adding priority list for staff.

Supervisor Campbell makes the motion to modifying the workplan and allow director to prioritize what order those plans suffice and report back next meeting along with cost-share plan for Municipal Service Reviews.

Supervisor Haff seconds the motion.

Commissioner Plummer asks the executive officer if she is comfortable with that.

Ms. Yaley restates the motion Supervisor Campbell made.

Commissioner Jacobs asks clarification on the motion that it does modify the workplan. Chair Feriani does confirm and calls for the vote. 4 to 3, motion carries.

*Commission to clarify who voted at 3-11-24 meeting, audio recording unclear.

NEW BUSINESS:

1. Consideration of providing direction on the expired Out of District Service Agreement for the Groveland Community Services District and the Airport Estates project.

Ms. Yaley gives presentation on item, and states it is informational for LAFCO.

Commissioner Arreguin or Goldemberg? Asks staff if they have heard from Groveland Community Service District on the issue.

Ms. Yaley responds with not recently and she does expect the annexation to be presented to the LAFCO board.

Commissioner Plummer asks staff if wells could be drilled.

Ms. Yaley responds yes, but the right thing to do is to connect.

Chair Feriani opens the discussion to the public.

Pete Kampa felt blindsided by staff's presentation. Presented a timeline of information to date. Two main points, that Groveland Community Service District should not have to pay another fee because of delayed Municipal Service Review through LAFCO and lack of communication from the county. Also, LAFCO to direct the staff to update Out-of-Area agreement that allows the building permits to be issued.

Chair Feriani asks for further public comment.

A member of the public repeats the Request for Proposals and will give the LAFCO independence from items like this. Fair Tax Share Agreement that comes from commission and staff its transparency. Allows a person to have notification ahead of time of meeting when something about their jurisdiction for agenda. Hopefully develops better workplan for commissioners and agencies that they are going to be reviewing.

Chair Feriani brings the discussion back to the board for discussion.

Commissioner Hawkins reaffirms the Request for Proposal is the right direction. Agrees with the assessment.

Supervisor Campbell asks response from staff regarding comments from Groveland Community Service District.

Commissioner Plummer agrees with Supervisor Campbell that staff should have the opportunity to respond.

Chair Feriani states similar experience and agrees to hear from staff.

Ms. Yaley states the LAFCO has asked to adhere to timelines, so that is the why the application expired. LAFCO asked for increased transparency on what LAFCO staff doing and at November meeting informed the commission of items on the agenda, to let you know of what staff has been working on. Further states she has full faith the project will annex but LAFCO expressed things not happening, the reason item on agenda. No one has said spend more time or less time on LAFCO. Tax Revenue Sharing Agreements are outside her purview.

Commissioner Arreguin follows up with staff, clarifying the Board of Supervisors had previously disapproved the tax sharing agreement.

Ms. Yaley responds the Board of Supervisors did not take action on the Tuolumne Sanitary District tax revenue sharing agreement. The Board of Supervisors is the body to decide annexation, consolidation and moving district boundaries.

Chair Feriani comments on example of a lighting district transferring to community service district per the Board of Supervisors, they wanted three districts in a community service district.

Ms. Yaley thanks the Chair for clarifying and she was using the Tuolumne Sanitary District to illustrate what the Board of Supervisors role is when it comes to tax share agreements.

Chair Feriani states he is curious about the 5 percent verse the 16.5 percent and is an interesting situation. Any further comments from the Board.

Chair Arreguin asks staff if she has any comments on the percentages.

Ms. Yaley states she does not.

Chair Feriani asks staff who determines the percentages.

Ms. Sullivan responds that the County Auditor/Controller decides the percentages and the agreement goes to the Board of Supervisors.

Chair Feriani further states it should be that because it has been the standard.

The commission further discusses whose job it is.

Commissioner Plummer asks staff if COVID was a cause of the application expiring.

Ms. Yaley responds that the application never got off the ground. The fee is the easy part but generating the tax sharing agreement is the heavy lift. The Groveland Community Service District Municipal Service Review was muddled by COVID and not disagreeing with Mr. Kampa. You want a complete Municipal Service Review to see if annexation is possible.

Chair Feriani asks the commission if the Groveland Community Service District Municipal Service Review was held up by COVID. Does LAFCO want more money for something already that is paid for.

Ms. Yaley informs the commission of fee breakdown for Out-of-Service Agreement and if the commission wanted to waive the fee it would be part of next agenda. It is currently not in fee schedule now.

Chair Feriani believes this an important to decide on because people are waiting and gives the example of building a house.

Ms. Yaley responds that a tax revenue sharing agreement is needed and that is what is in the application. It is not the filing fee but project needs a tax revenue sharing agreement.

Chair Feriani asks staff if could provide an example.

Ms. Yaley responds, yes, she would be happy to provide an example at the next scheduled meeting.

Commissioner Jacobs wants clarification from staff if the agreement can be renewed and the fee waived.

Ms. Yaley responds with yes; the item can be put on the next agenda and have LAFCO council provide information on LAFCO's legal ability to do that but it is the tax revenue share agreement you need for the annexation. An out-of-service boundary agreement would help get it through as the tax revenue service agreement is discussed. She furthers describes the process.

Commissioner Jacobs asks staff is there anything to facilitate the process on tax revenue service agreement.

Ms. Yaley responds it is the applicants or Board of Supervisors acting body, not LAFCO.

Supervisor Campbell clarifying what the commission is talking about because they are way off topic. Staff is clear on what they are doing and can they proceed to get to a resolution.

Commissioner Plummer suggests temporary allowance why negotiating tax revenue sharing agreement and asking the timeline of tax revenue sharing agreement.

Ms. Yaley confirms it is a year and there is a timeline for annexation as well. When a tax revenue service agreement goes to Board of Supervisors and if the timelines not met, they do expire.

2. Consideration of providing direction on creating a LAFCO Organizational Committee, and other ad hoc committees as needed.

Ms. Yaley presents examples of committees and directs commissioners to refer to their agenda packets to review them. The idea of subcommittee to reorganize the interest of LAFCO but recommends a Brown Act Committee and how LAFCO staff could support full transparency from city and the county.

Chair Feriani opens the discussion for the board.

Commissioner Plummer thanks staff for looking into this for LAFCO.

A member of the public has a concern with subcommittees how much it would delay current process. Not against the subcommittee idea, just how much time commission will spend on deciding on the type of subcommittee cites Calaveras County LAFCO process.

Pete Kampa if it is recommended by staff to help LAFCO get to next level, then that is what they should do. Would like to help, review anything needed with his experience and asks staff if he could help.

A member of the public states the Ad Hoc Committee good idea and cautious bringing on someone without LAFCO experience.

Chair Feriani closes the public comment and opens discussion to the board.

Supervisor Haff has a recommendation of one Special District representative, one City Representative, and one County Representative for Ad Hoc Committee.

Commissioner Plummer states he is for Ad Hoc committee in review of Request for Proposals, that when received back can make a faster decision and can bring recommendation back to LAFCO.

Ms. Sullivan informs the committee what is allowed for Ad Hoc Committee verse what is a Brown Act Committee is. An Ad Hoc is limited in size/scope, less than a quorum, only commissioners and serve less than a year, one sole purpose for meeting, no regular schedule meeting reports to commission and public meeting. A Brown Act Committee appoints members and have regular scheduled meetings.

Commissioner Plummer asks staff for Brown Act Committee, but request unclear per audio recording.

Supervisor Campbell states he is not clear why commission is fixated on going independent. Is it because the special districts unhappy with the speed of the current LAFCO process. He believes it is premature and for the workshop idea. That Santa Cruz and Marin County has offered their help and should take it. No baseline for understanding and looking for clarity on LAFCO's role.

Commissioner Jacobs states he echoes and reinforces what Supervisor Campbell has to say. The commission needs a fundamental understanding of what they need to accomplish then they can move forward.

Commissioner Hawkins states he is waiting on response from Request for Proposals and workshop not a bad idea.

Commissioner Plummer states however the commission wants to proceed they need to do it in a timely manner.

Ms. Yaley states why she first suggested this is that an Ad Hoc Committee can review score of proposals and bring recommendations to board or full Brown Act committee but the purpose was driven by the Request for Proposal.

Chair Feriani asks staff if the commission decides on ad hoc committee option it will be in timing with receiving Request for Proposals back.

Ms. Sullivan responds it is more involved in LAFCO law about how Request for Proposals are accepted and received.

Ms. Yaley further clarifies that staff would review Request for Proposals to make sure they meet legal requirements before a committee would look at them. Currently, she has heard from the commission an ad hoc committee, staff reviewing them and bringing recommendations, and a Brown Act Committee.

Commissioner Plummer asks the commission how quickly they want to move the process along. Form something that would be quickest in a reasonable time period.

Supervisor Campbell responds to Commissioner Plummer point, that the way to achieve that is to keep things the way they are. Changing the process that is existing which takes time and will further delay, if that is the goal to make things go faster for immediate issues.

Ms. Yaley responds it is an evaluation on commission, what does it not include, what are the costs associated with that, how will you fund the consultant. Even if the commission stayed the course and brought it back to the next meeting, there would still be a lot of missing information. Further states, another consideration for the sensitivity of the issue, how do you want the executive officer spending their time, do you want the executive officer reorganizing LAFCO for you, do you want the executive officer working on the workplan, so questions for the commission to give her direction on.

Supervisor Campbell states it is a good point. For the workshop, that would be for the laundry list of items.

Commissioner Plummer states that is why the commission needs to give direction now.

Supervisor Haff states her original suggestion of the Ad Hoc committee. That the purpose is to get the grunt work done and commission can take action on it and it would save time at the future meeting.

Ms. Sullivan repeats what an Ad Hoc committee is and how the commission takes action on it today. No vote, just agreement of three people from the commission.

The LAFCO discusses ad hoc committee and agrees on single item of reviewing proposals and who specifically should be on the committee.

Commissioner Jacobs follows up with workshop idea and if they need to formally make a motion on it.

Supervisor Haff states it is not on current agenda.

Ms. Sullivan states the commission can direct staff to put on the next agenda.

Ms. Yaley clarifies what commission wants from the workshop. Presents a few ideas on what to put on the agenda.

Commission agrees that workshop should focus on developmental priorities and operational goals.

ADJOURNMENT

Chair Feriani adjourned the meeting.

Respectfully submitted,

Quincy Yaley
Executive Officer

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LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT the Local Agency Formation Commission (LAFCO) of Tuolumne County, California will consider the following item at the public hearing referenced below:

LAFCO will consider all verbal and written comments received for the recommended dissolutions of Jupiter Subdivision Unit 1 County Service Area (CSA) No. 4, Lake Don Pedro Units 4 and 5 CSA No. 8, Curtis Creek Ranch Unit 2 CSA No. 31, Sunny Hill Subdivision CSA No. 40, Bueno Oaks Estates CSA No. 45, Mountain Ridge Estates CSA No. 46, Yosemite Estates CSA No. 50, Gina Avenue CSA No. 52, Vilas Lane CSA No. 55, and Granite Ridge Subdivision CSA No. 61 and their respective Spheres of Influence.

**LOCAL AGENCY FORMATION COMMISSION
Monday, March 11, 2024, at 4:00 p.m.
Tuolumne County Administration Center
4th Floor, 2 South Green Street, Sonora, California**

Information on the above proposal is available in the LAFCO Office, Fourth Floor, A.N. Francisco Building, 48 Yaney Avenue, Sonora, (209) 533-5633, Monday through Thursday 8:00 am to 3:00 pm.

Interested persons are invited to be heard. Court challenges to any decisions on the above proposals may be limited to issues raised at the public hearing described herein or in correspondence submitted at, or prior to, said hearing.

s/Quincy Yaley
LAFCO Executive Officer

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To Be Published

Saturday, February 17, 2024

Contact Person:

Submitted to the Union Democrat on Thursday, February 15, 2024, by Rachel Gummerson, 533-5635, 533-5571, 533-5633

Bill To:

Tuolumne County Community Development Department