

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

SPECIAL AGENDA TUOLUMNE COUNTY LAFCO

December 20, 2024

COMMITTEE/COMMISSION ROOM, ANF - 3D
48 YANEY, SONORA, CA, 3rd FLOOR

2:00 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.

- Link to join meeting via Zoom: <https://us02web.zoom.us/j/83140552940>
- Phone in to join meeting viz Zoom: +16694449171,,83140552940# US
- Join via audio: +1 669 444 9171 US, Webinar ID 831 4055 2940

COMMISSION BUSINESS:

- A. Consideration and approval of Janice Kwiatkowski's request to appear remotely for "emergency circumstances" under Government Code Section 24953.
- B. Salute the Flag
- C. Reports

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

PUBLIC COMMENT: 15 Minutes

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

NEW BUSINESS:

1. Consideration of execution of Memorandum of Understanding between Tuolumne County LAFCO and City of Sonora for the City of Sonora to provide interim administrative support and staffing services for Tuolumne County LAFCO from January 1, 2025 until independent staffing support is implemented.
2. Clarification and consideration of scope of services with Regional Government Services (RGS) for Executive Officer and Support Services.

Commissioners
Steve Arreguin
Jaron Brandon
Janice Kwiatkowski
John Feriani
Rvan Camobell
Alternates
Adam Artzer
Kathleen Haff
Andy Merrill
Executive Officer
Quincy Yaley, AICP

OLD BUSINESS: None

PUBLIC HEARING: None

ADJOURNMENT

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

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

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

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Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

December 18, 2024

TO: Tuolumne County LAFCO Commissioners

FROM: Quincy Yaley, AICP, Executive Officer

RE: Memorandum of Understanding for Administrative Support Services for Tuolumne County LAFCO

Commissioners

Steve Arreguin
Jaron Brandon
Ryan Campbell
Suzanne Cruz
John Feriani
Janice Kwiatkowski
Ann Segerstrom

Alternates

Adam Artzer
Andy Merrill
Kathleen Haff

Executive Officer

Quincy Yaley, AICP

1. Government Code section 56384 requires that a Commission appoint an executive officer and legal counsel. Government Code Section 56380 allows the Commission to contract any public agency or private party for personnel and facilities.
2. Currently, Tuolumne County LAFCO is staffed and supported by Tuolumne County employees. Staff for LAFCO include, but is not limited to, an Executive Director, LAFCO Counsel, Clerk, and support from other County business and fiscal departments. LAFCO pays a flat hourly rate for each staff member's reported time to the County on a quarterly basis for these services. This rate includes all staff benefits and insurance. The County also provides broader overall administrative support including risk management, human resources, payroll, office space and supplies, vehicles and fuel, and other costs incurred in the duties of performing work for Tuolumne County LAFCO. In 2024-25 Fiscal Year budget, the total estimated staffing cost was \$103,248, which includes approximately \$74,000 in costs for County staff and legal counsel and the remainder allocated to consultants for completing Municipal Service Reviews. This cost is divided among the City of Sonora, the County of Tuolumne, and the Special Districts.
3. On August 27, 2024, the County Administrative Officer notified the Commission Chair, that as of January 1, 2025, the County would no longer provide support or services for the Commission.
4. The Commission intends to hire independent services for an executive officer, administrative services, and legal counsel. The Commission has authorized a contract with RGS for transitional services, including Executive Officer services, but there is an immediate need for assistance in carrying out the administrative duties of LAFCO. The Commission has not yet contracted with an independent service provider and will not be able to contract for independent services before January 1, 2025. Therefore, the Commission desires to procure interim assistance to complete the administrative functions, including clerk duties and fiscal services, of the Commission until independent services have been secured. These duties and activities will be directed by the Commission, in conjunction with the Executive Officer.
5. A Memorandum of Understanding between the City of Sonora and LAFCO for administrative support was recommended by the Ad-Hoc Committee and the

Commission. The City has offered its resources to the Commission to allow the Commission to continue operations for the interim period starting January 1, 2025, until such time as the Commission secures an independent administrative staff, with the agreement automatically terminating on December 31, 2026. These services include interim administrative and fiscal staff, office space, website management, equipment, supplies, and functions required by law. The MOU is still being finalized at the time of agenda publication, therefore it will be presented to the Commission at the December 20 meeting.

6. It is recommended that the City pay their allotted share of the annual LAFCO budget under Gov. Code §56381, and then bill the Commission for their services through its authority to contract for services (by way of the executed agreement) under Gov. Code §56380. If LAFCO desires to credit the City of Sonora for the services required, it will require an adjustment to the annual budget to apply a credit for their services, that will require majority votes by the County's Board of Supervisors, the City Council and the Special Districts, as required by Gov. Code §56381(b)(4).

RECOMMENDATION

It is recommended that the Commission approve and enter into the Memorandum of Understanding between the City of Sonora and Tuolumne County LAFCo for administrative support services.

Tuolumne County LAFCO

LOCAL AGENCY FORMATION COMMISSION OF TUOLUMNE COUNTY

December 19, 2024

TO: Tuolumne County LAFCO Commissioners

FROM: Quincy Yaley, AICP, Executive Officer

RE: Clarification of Scope of Services with Regional Government Services (RGS) for Executive Officer and Support Services

Commissioners

Steve Arreguin
Jaron Brandon
Ryan Campbell
Suzanne Cruz
John Feriani
Janice Kwiatkowski
Ann Segerstrom

Alternates

Adam Artzer
Andy Merrill
Kathleen Haff

Executive Officer

Quincy Yaley, AICP

1. At its December 9, 2024, meeting, the Tuolumne County LAFCo Commission approved a contract with Regional Government Services (RGS) to provide Executive Officer (EO) and support services from January 1 to June 30, 2025. The Commission also directed the City of Sonora to prepare a Memorandum of Understanding (MOU) to provide administrative and clerical functions, IT support, physical office space, and fiscal support. The City's involvement was identified as a cost-effective solution, particularly for administrative duties.
2. The City of Sonora subsequently provided a draft MOU, which LAFCo staff reviewed and returned with comments for clarification and revisions. These comments were also forwarded to RGS for their information.
3. LAFCo staff requested clarifications in the draft MOU, including the inclusion of hourly rates for employees that would support LAFCO, the specification of room rental costs, changing proposed payment structure to an invoice-based system, and other minor adjustments to improve transparency. These revisions aim to clearly delineate the services provided by the City and ensure proper cost documentation.
4. After RGS reviewed the draft MOU and comments, they requested clarification to prevent a potential overlap in services. For instance, the inclusion of the an Administrative Services Director in the MOU created ambiguity, leading to a question from RGS if the Executive Officer responsibilities might be assumed by the City. RGS and LAFCO staff agree upon the importance of defining the roles of all involved parties to avoid duplication of services and to ensure that LAFCo funds are used appropriately. The Commission's stated goal of maintaining an independent Executive Officer role remains a priority.
5. To address these concerns, the current Executive Officer is recommending that the Commission clarify the scope of services to be provided by the City of Sonora and RGS. The roles and responsibilities of all parties during this transitional period must be clearly defined to ensure the smooth operation of LAFCo.

RECOMMENDATION

Staff recommends that the Commission provide clarification to RGS regarding the services needed for Executive Officer and other support staffing services.

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REGIONAL GOVERNMENT SERVICES

SERVING PUBLIC AGENCIES SINCE 2002

AMENDMENT NO. 1 TO AGREEMENT FOR PROFESSIONAL SERVICES FOR “ASSESSMENT OF ADMINISTRATIVE NEEDS AND RECOMMENDATIONS FOR TRANSITION FROM COUNTY SERVICES”

This first amendment to the AGREEMENT FOR PROFESSIONAL SERVICES between the **Tuolumne County Local Agency Commission** (“Agency”) and Regional Government Services Authority, hereinafter called “RGS” is made and entered into this 19th day of December 2024.

RECITALS

The Agency and RGS entered into an Agreement for services dated December 20, 2024. This Amendment is entered into with reference to the following facts and circumstances:

- A. **Title of Agreement**, is amended to “ASSESSMENT OF ADMINISTRATIVE NEEDS AND RECOMMENDATIONS FOR TRANSITION FROM COUNTY SERVICES, AND PROVISION OF EXECUTIVE OFFICER FUNCTIONS AND SUPPORTIVE SERVICES”
- B. **Section 1, Term of Agreement and Termination**, in subsection 2.1, is amended to extend the anticipated completion of service to June 30, 2025.
- C. **Section 2, Services** is Amended to include the following, to be provided on a time and materials basis:
 - Provision of the Services of an Executive Officer and required supportive services.
 - The RGS Project Lead, in Collaboration with the Chair of the will manage the work of the Agency to the extent services can be provided within the not to exceed amount and of this agreement and within the resources of the Commission.
 - Executive Officer Duties will be performed per agency guidelines. The RGS Project Lead will have the Authority vested in the Executive Officer, per the TUOLUMNE COUNTY LAFCO POLICY AND PROCEDURE MANUAL. RGS may also confer with the Chair of the Commission in any matter.
 - RGS will seek to manage the work of the Agency to the extent services can be provided within the not to exceed amount and of this agreement and within the resources of the Commission.
 - RGS does not and will not provide legal advice. The Commission will employ or contract for legal counsel, and the Executive Officer will have access to such, as necessary.

- D. Section 3, Compensation is amended to increase the Not To Exceed (NTE) amount by \$40,000, to a revised total of \$58,600. The retainer remains unchanged at the original agreement amount of \$18.600.
- E. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Additional Services Amendment to be executed on the date first above written by their respective officers duly authorized in that behalf.

Dated: _____

Dated: _____

Agency

RGS