



County of Tuolumne Local Agency Formation Commission

Quincy Yaley, AICP
Executive Officer

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48 Yaney Avenue
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TUOLUMNE COUNTY LAFCO IN PERSON ONLY JAMESTOWN COMMUNITY HALL 18250 MAIN STREET JAMESTOWN, CA 95327 February 13, 2023 4:00 p.m.

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

COMMISSION BUSINESS:

- A. Salute the Flag.
- B. Minutes of October 10, 2022
- C. Reports.

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

PUBLIC COMMENT: 15 Minutes

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

PUBLIC HEARING:

None

NEW BUSINESS:

Consideration of providing direction on determining the term lengths and the process for filling mid-term vacancies for the Special District Member seats.

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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County of Tuolumne Local Agency Formation Commission

Quincy Yaley, CBO
Executive Officer

January 31, 2023

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EXECUTIVE OFFICER'S REPORT

PROPOSED ACTION

Consideration of providing direction on determining the term lengths and the process for filling mid-term vacancies for the Special District Member seats.

BACKGROUND INFORMATION

1. LAFCO is currently comprised of two County Supervisors, two City Council Members, two Special District Members and one Public Member. Special District Members joined the Commission in May of 2020. At that time, Mr. Ron Kopf was voted to represent Tuolumne Utilities District in the Focused Special District seat, Mr. John Feriani was voted into the At Large Special District seat, and Mr. Adam Artzner was voted in as the alternate At Large Special District seat. When Mr. Kopf was not re-elected to the TUD Board in 2021, TUD selected Mr. David Boatright to represent their district.
2. When the special districts were added to LAFCO in 2020, the term limits were determined to function as follows, which was specified in Resolution 297:

Upon enlargement of the commission to include independent special districts, the term for one new special district member, selected from any independent special district in Tuolumne County, shall coincide with the term of the existing commission member who holds the office represented by the original two-year term on the commission. The term of the second special district member coincides with the term of the existing commission member who holds the office represented by the original four-year term of the commission. This second special district member shall be from the Tuolumne Utilities District, Groveland Community Services District, or Twain Harte Community Services District, and this commission position shall then rotate consecutively to the next agency in the above listed order following each term.

3. As the term lengths were tied to the original term lengths of commissioners in LAFCO, in order to determine each special district term length, records back to the beginning of the inception of LAFCO in Tuolumne County must be reviewed to track the two year and four year term lengths. The Cortese Knox Hertzberg Act, Section 56334, states "The term of office of each member shall be four years and until the appointment and qualification of his or her successor", making it more difficult to determine the intended term lengths of each special district member, as all current members serve a four year term.
4. It is the recommendation of LAFCO Staff to modify the term lengths previously approved in Resolution 297 and establish a clear process to fill mid-term vacancies. Therefore, staff is requesting that the LAFCO Commissioners consider and provide direction on the following proposals:

A. TERM LENGTHS

- The Special District At Large seat, currently occupied by Mr. John Feriani of Tuolumne City Sanitary District, have a four-year term length. As Mr. Feriani took his commissioner seat in April of 2020, it is Staff's recommendation to specify that this Special District At Large seat have a term length of four years, that is tied to the first Monday in May in the year in which the term of the member expires. If approved, the Independent Special District Commission would vote for the next Special District At large member in 2024, with the term to begin on or after the first Monday in May, in 2024.
- For the Special District Focused seat which rotates sequentially from Tuolumne Utilities District, then to Groveland Community Services District, and then to Twain Harte Community Services District pursuant to Resolution 297, a rotation plan is not clear due to the issues identified with the 2 and 4 year terms. Therefore, Staff is recommending assigning this seat a two-year term length. In this situation, this seat should have rotated to GCSD in 2022, however, as this matter is just being considered by LAFCO, it is Staff's recommendation that the seat be rotated to GCSD on the first Monday in May of 2023. The GCSD member would then serve the remainder of their term till 2024. Future rotations would be tied to the first Monday in May in the year in which the term of the member expires.

B. FILLING VACANCIES

- If the Special District Focused seat becomes vacant during the two-year term of the specific special district, the district that currently holds the seat will, as a result, of their own internal process, provide a new LAFCO member. Upon rotation to a new district, the district assuming the seat will select a commissioner of their own internal process.
- If the Special District At Large seat is vacated prior to the end of the term length, the Independent Special District Selection Committee will vote to elect a new At Large commissioner, and LAFCO will then vote to accept the individual with the highest number of votes as the At Large commissioner.
- If the Special District Alternate seat is vacated prior to the end of the term length, the Independent Special District Selection Committee will vote to elect a new commissioner, and LAFCO will then vote to accept the individual with the highest number of votes as the At Large member.

RECOMMENDATION

It is recommended that the Commissioners provide feedback and direction on the following Special District seat proposed modifications:

Type of Commissioner Seat	Term Length	Next Term Begins	How to Fill Vacancy Mid-Term
Special District At Large	Two Years	May 6, 2024	Vote by members of Independent Special District Committee
Special District Focused (TUD, GCSD, THCS)	Four Years	First Monday following LAFCO decision on term length	District currently holding seat selects new or replacement member from elected or appointed Board member of the legislative body
Special District At Large Alternate	Two Years	May 6, 2024	Vote by members of Independent Special District Committee

Unapproved

TUOLUMNE COUNTY LOCAL AGENCY FORMATION COMMISSION

MINUTES

October 10, 2022

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

ABSENT: Commissioner Matt Hawkins and David Boatright

STAFF: Quincy Yaley, LAFCO Executive Officer; Cody Nesper, County Counsel; Debi Bautista, Auditor-Controller; Tracie Riggs, County Administrator

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

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

Chair Arreguin asked staff to roll call the Commission members.

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

Staff indicated that there was a quorum.

COMMISSION BUSINESS:

- A. Chair Arreguin led the Commission and audience in the Pledge of Allegiance.
- B. Adopting Resolution LAFCO2022-004 authorizing remote teleconference meetings of LAFCO for the period of October 10, 2022 to November 9, 2022.

Discussion ensued on LAFCO possibly moving to an in-person or hybrid meeting.

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

Janice Kwiatkowski, a member of the public, stated that she lives in Groveland and would have no problem coming to Sonora for an in-person meeting.

It was moved by Supervisor Brandon and seconded by Supervisor Campbell to adopt Resolution LAFCO2022-004 authorizing remote teleconference meetings of LAFCO for the period of October 10, 2022 to November 9, 2022.

Chair Arreguin asked staff to roll call the vote.

Chair Arreguin: Aye
Vice-Chair Plummer: Aye
Supervisor Campbell: Aye
Supervisor Brandon: Aye

Commissioner Feriani: Aye
Commissioner Hawkins: Absent
Commissioner Boatright: Absent

Chair Arreguin called for the vote. 5, Ayes; 0, Noes; 0, Abstain

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

C. Reappointment of Steve Arreguin as the General Public Representative for LAFCo with a term set to expire May 2026.

It was moved by Commissioner Plummer and seconded by Supervisor Brandon to approve the reappointment of Steve Arreguin as the General Public Representative for LAFCO with a term set to expire May 2026.

Chair Arreguin asked staff to roll call the vote.

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

Chair Arreguin called for the vote. 5, Ayes; 0, Noes; 0, Abstain

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

D. Minutes of July 11, 2022

It was moved by Supervisor Brandon and seconded by Commissioner Feriani to approve the minutes of the July 11, 2022, LAFCO meeting as presented.

Chair Arreguin asked staff to roll call the vote.

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

Chair Arreguin called for the vote. 5, Ayes; 0, Noes; 0, Abstain

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

E. 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.

None.

PUBLIC COMMENT

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

PUBLIC HEARING:

None

NEW BUSINESS:

1. Presentation and discussion on LAFCO procedures, roles and responsibilities by Michael G. Colantuono, Colantuono, Highsmith & Whatley, PC.

Michael G. Colantuono, gave a PowerPoint presentation on LAFCO procedures, roles, and responsibilities. He noted that LAFCO is a public agency with county-wide jurisdiction, which oversees changes to local government boundaries involving the formation and expansion of cities and special districts. He explained that LAFCO is to be neutral, independent, and provide well-balance representation to prevent urban sprawl and ensure orderly extensions of governmental services. He noted that the LAFCO Commissioners make final decisions that cannot be appealed to other administrative bodies; but noted that any decision could be litigated. He stated that LAFCO must act in accordance with state law and locally adopted policies, comply with California Environmental Quality Act (CEQA), and must adopt findings to support any decision. He explained that the balance of resource preservation with pressure for housing, regional land and transportation planning and regulations, water; infrastructure availability, and urbanizations outside of cities are potential issues on the horizon for LAFCO.

A discussion ensued on the pros and cons of having a consulting firm run LAFCO and LAFCO organization and operations.

2. Update on the proposed Tuolumne Community Services District project.

Quincy Yaley, Community Development Director, gave an update on the proposed Tuolumne Community Services District project. She explained that the application is from the Tuolumne Sanitary District and the Tuolumne Parks and Recreation District requesting that their two special districts, along with the County-managed Tuolumne Lighting District, be consolidated into on special district to be called Tuolumne Community Services District. She noted that consolidations require a protest hearing after LAFCo's decision. She explained that since Tuolumne Lighting District was not party to the application, that District has the right to protest the consolidation, along with other districts, such as the County. She gave an overview of the next steps in the processing of the proposed application.

Chair Arreguin set a time limit of three minutes and opened the public comment period and asked if there was anyone who wished to speak on the item.

Aaron Rasmussen, a member of the public, asked if anytime during the process, can another special district board submit a resolution to withdraw from the consolidation process.

Ms. Yaley stated she would need to confirm with the legal consultant.

Dave Andres, project proponent, noted that they have been discussing this consolidation since 2020 and have focused the application to help move the process forward. He revealed that during the 2010 MSR update, it was recommended that all five districts consolidate into a

community services district. He explained that the community currently has five boards with around twenty-five different board members for a community that has less than 1,800 people.

A discussion ensued on the required budget associated with the proposed consolidation. Ms. Yaley indicated that once the tax revenue sharing agreements are complete and if approved by the Board of Supervisors, the project will be able to move forward to public hearings.

Supervisor Campbell asked where the Tuolumne Parks and Recreation derive their funding from.

Mr. Rasmussen responded that it is funding through taxes and the remainder is fundings from the County for all the services they help provide.

A discussion ensued on the tax sharing agreement.

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

Ms. Yaley noted that she would be working with Debi Bautista, Tuolumne County Auditor-Controller, to ensure that the revenue indicated in the application is coming from a tax revenue sharing agreement or an existing revenue source.

ADJOURNMENT

Chair Arreguin adjourned the meeting at 6:34 p.m.

Respectfully submitted,

Quincy Yaley
Executive Officer

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