

April 14, 2004

To: Local Agency Formation Commission

Re: LAFCO-03-06: Conducting Authority (Protest Hearing) proceedings for the Tierra Buena Reorganization No. 318 - A reorganization of territory annexing 518± acres to Yuba City and detachment of the property from County Service Area G and the Consolidated Street Lighting District and the establishment of the Tierra Buena Community Services District as a subsidiary district of the city of Yuba City. The affected territory is generally located west of Tierra Buena Road and Harter Road on the north side of State Highway 20 and generally includes those properties served by the city's ground water well system which was the former Hillcrest Water Company.

**I. STAFF'S RECOMMENDED ACTION**

Conduct a public hearing, receive written protest, close the hearing, and adopt the attached resolution if:

- A. Less than 25 percent of the registered voters in the territory have filed valid protests; and
- B. If less than 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 have filed valid protests.

**II. APPLICATION**

On January 22, 2004, LAFCO approved the above reorganization for annexation of 518± acres of land to the city of Yuba City, and to detachment of the territory from County Service Area (CSA) "G" and the Consolidated Street Lighting District as well as the dissolution of the Tierra Buena Community Services District (CSD).

On February 19, 2004, the City of Yuba City filed a request for reconsideration of Resolution No. 2004-03 adopted on January 22, 2004, asking LAFCO to reconsider dissolving the Tierra Buena CSD. In lieu of dissolving the CSD the City requested that the district be established as a subsidiary district where the City Council would be the district's ex officio Board of Directors. The Commission approved of the City's request at its March 25, 2004, meeting.

### **III. CONDUCTING AUTHORITY PROCEEDINGS**

Government Code section 57000(b) requires your commission to act as the conducting authority for this reorganization. The conducting authority must determine whether sufficient written protests have been filed that would require the proceedings to be terminated or to approve the reorganization subject to an election by the voters. If sufficient written protests are not submitted, then the conducting authority is required to approve the reorganization.

Your commission should conduct a public hearing to receive any protests, written or oral. In order to count as a valid protest, an oral protest must also be made in writing and filed before the end of the hearing. At the close of the hearing, your commission should render a decision based on the number of written protests received.

If at least 25 percent but less than 50 percent of the registered voters residing in the territory have filed valid protest, or if 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 have filed valid protest, then the reorganization must be approved subject to confirmation by the voters.

If at least 50 percent of the registered voters residing in the territory file written protests to the reorganization, then the reorganization proceedings must be terminated.

Staff has prepared a resolution for your use which assumes a sufficient number of valid protests have not been filed by the conclusion of the hearing.

Respectfully submitted,

LARRY T. COMBS  
EXECUTIVE OFFICER

Doug Libby, AICP  
Senior Planner

DL:kla

Attachments: Exhibit A – Map of the Reorganization Area  
Exhibit B – Copy of Resolution No. 2004-08 Adopted March 25, 2004  
Exhibit C – Proposed Resolution of Approval of the Conducting Authority

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**EXHIBIT A**  
**Map of the Reorganization Area**

**EXHIBIT B**  
**Copy of Resolution No. 2004-08 Adopted March 25, 2004**

**EXHIBIT C**  
**Proposed Resolution of Approval of the Conducting Authority**