

April 21, 2005

To: Local Agency Formation Commission

LAFCO #04-06: Tierra Buena Area 2 Reorganization No. 322 - A reorganization proposing to annex 19± acres to Yuba City and detach the property from County Service Area G. The affected territory is located between Tierra Buena and Hooper Roads.

I. STAFF'S RECOMMENDED ACTION

Adopt the attached resolution 2005-04 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 protest.

II. APPLICATION

On February 24, 2005, your Commission approved a proposal to annex 19± acres to Yuba City and detach the property from County Service Area G. The affected territory is generally located south of Butte House Road between Tierra Buena and Hooper Roads. A map of the reorganization area is included as Attachment "A".

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 change of organization subject to an election by the voters. If sufficient written protests are not submitted, then the conducting authority is required to approve the proposal.

On August 26, 2004, LAFCO adopted Resolution No. 2004-22, implementing Policy No. 22 of your Rules of Procedure which directed staff to conduct protest hearings on the Commission's behalf and return the results of the protest hearing to the Commission at the next available meeting.

Staff will conduct a public hearing on this matter at 2pm prior to the Commission's regular meeting. During the protest hearing, staff will receive any protests, written or oral. It is important to note that 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, staff will determine whether the level of protest received meets the statutory requirement for a valid protest and report the results to the Commission at the regular meeting.

A valid protest is established under Government Code section 57075 when either of the following occurs:

1. At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory have submitted written protest.
2. 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 have submitted written protest.

If a valid protest is established, then an election is required to be conducted within the area proposed for reorganization.

If either 50 percent or greater of the landowners owning 50 percent or more of the assessed value of land within the territory have filed protest or if 50 percent or greater of the registered voters living within the territory have filed protest, then the proceedings are required to be terminated.

Staff has prepared a resolution for your use which assumes a sufficient number of valid protests will not be filed.

Respectfully submitted,

LARRY T. COMBS
EXECUTIVE OFFICER

Doug Libby, AICP
Senior Planner

DL:dh

Attachments: A – Map of the Reorganization Boundaries
B – Resolution of approval adopted February 24, 2005
C – Proposed Resolution of the Conducting Authority

Attachment A
Map of the Reorganization Boundaries

Attachment B
Resolution of Approval Adopted February 24, 2005

Attachment C
Proposed Resolution of the Conducting Authority