

# SUTTER COUNTY



## LOCAL AGENCY FORMATION COMMISSION

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### SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION MINUTES

Date: May 27, 2010  
Yuba City Council Chambers  
1201 Civic Center Blvd., Yuba City

#### 1. CALL TO ORDER

Chairperson Maan called the meeting to order at 4:04 p.m.

##### a. **Roll Call**

Members Present: Commissioners Maan, Montna, White, Pardesi, and  
Gallagher (arrived at 4:12)

Members Absent: Commissioners Klotz and Islip

Staff Present: Executive Officer Stephanie Larsen, LAFCO Counsel Janet  
Bender, Assistant Executive Officer Doug Libby, LAFCO Clerk  
Virginia Perry

##### b. **Pledge of Allegiance**

Chairperson Maan asked Commissioner Montna to lead the Pledge of Allegiance.

##### c. **Approval of Minutes**

**Consideration to approve the minutes for the April 22, 2010, meeting.**

Commissioner White made a motion to approve the minutes of the April 22, 2010, meeting which was seconded by Commissioner Montna and unanimously approved by those present.

## 2. PUBLIC HEARINGS

### a. **Consideration to approve a final budget for fiscal year 2010/2011.**

Assistant Executive Officer Libby summarized the previously circulated staff report and noted the Commission approved a preliminary 2010-2011 budget during the meeting of April 22, 2010. Mr. Libby reminded the Commissioners that the final budget is required to be adopted by June 15, 2010.

Chairperson Maan opened the public hearing. Due to no response the public hearing was closed.

The Commissioners discussed the budget reserve. Chairperson Maan suggested the Commission consider either reducing or suspending fees for the fiscal year 2011-2012 budget. Assistant Executive Officer Libby confirmed the pending municipal service reviews and sphere of influence updates can be completed in-house thereby reducing costs by not having to retain consultant services. Commissioner White made a motion to adopt the staff recommendation and approve a final budget for 2010-2011. Commissioner Montna seconded the motion.

The final budget for fiscal year 2010-2011 was approved by a unanimous voice vote.

### b. **LAFCO-08-05: Consideration and possible action to approve a municipal service review and sphere of influence update for the Fairview Cemetery District.**

Assistant Executive Officer Libby summarized the previously circulated staff report. Mr. Libby stated there were no significant changes from the previous municipal service review. However, Mr. Libby noted the audit conducted in 2003-2004 discussed that the district did not maintain a complete listing of all property and plant. Mr. Libby noted that the current audit does not identify this issue, which means it has been corrected.

Commissioner White, who sits as a trustee for the Fairview Cemetery District, clarified that the District consists of three trustees instead of five as referenced in the staff report.

Chairperson Maan opened the public hearing. Due to no response the public hearing was closed.

It was noted that Commissioner Gallagher had arrived.

After a brief discussion it was moved by Commissioner Montna and seconded by Commissioner Gallagher to adopt the staff recommendation and findings contained in the staff report. Commissioner White stated that he is the manager of the Fairview Cemetery District in addition to serving as a LAFCO Commissioner. Commissioner White elected to abstain from this vote citing a possible conflict of interest.

The resolution was adopted with aye votes from Commissioners Montna, Gallagher, Maan, and Pardesi. Commissioner White abstained.

3. **OTHER BUSINESS**

- a. **Consideration to initiate municipal service reviews and sphere of influence updates for County Service Areas C, D, F, G and the Rio Ramaza and Sutter Community Service Districts.**

Assistant Executive Officer Libby summarized the previously circulated staff report. Mr. Libby indicated that the necessary reports and updates can be achieved in-house; therefore no outside consultant services will be required.

After a brief discussion it was moved by Commissioner White and seconded by Commissioner Gallagher to adopt the staff recommendation. Resolution No. 2010-02 was adopted by a unanimous vote of those present.

- b. **Consideration to amend Rule No. 1 of the Commission's Rules of Procedures.**

Assistant Executive Officer Libby summarized the previously circulated staff report and reminded the Commissioners they requested staff look into the availability of the Yuba City Council Chambers as the Commission wanted to consider the possibility of changing the start time for LAFCO meetings. Mr. Libby reported that staff contacted the City Manager's Office and learned the Council Chambers are available. However, Mr. Libby noted that it was expressed to staff the City of Yuba City's General Services Manager indicated a desire to maintain the meeting at 4:00 p.m. due to service reductions of the janitorial staff at the City. In addition, if the meeting time extends beyond 5:00 p.m. any overtime cost for the Clerk position would have to be paid for by LAFCO.

The Commissioners discussed several options and agreed to maintain the current meeting time and no action was taken.

- c. **Consideration of waiver of a potential conflict of interest to allow Sutter County Counsel to prepare and negotiate a contract for services.**

Assistant Executive Officer Libby summarized the previously circulated staff report. Commissioner Gallagher suggested that County Counsel draft an agreement and have it reviewed by the legal counsel for the City of Yuba City and/or the Special Districts. Commissioners Maan and White said their agencies do not have permanent, full-time legal counsel. Commissioner White noted that a contract will come before the Commission for review prior to being approved and signed. LAFCO Counsel Janet Bender indicated that County Counsel will be seeking a similar waiver from the Board of Supervisors.

After a lengthy discussion Commissioner White made a motion to proceed with the waiver and authorize the Chairperson to sign and return the letter to County Counsel. Commissioner Montna seconded the motion.

The motion passed with a unanimous vote.

**d. Consideration of vote on mail ballot for proposed CALAFCO bylaw change.**

Assistant Executive Officer Libby summarized the previously circulated staff report. LAFCO Counsel Janet Bender noted the ballots do not need to be returned until July 9, 2010. Mr. Libby indicated the LAFCO Commission will meet on June 24, 2010 and this item could be continued until that time, which would give the Commissioners more time to consider this matter. Commissioner Gallagher stated that he would like an opportunity to speak to other LAFCOs and individuals who are currently involved in CALAFCO to get their thoughts on the matter. Commissioner Gallagher made a motion to continue this item and place it on the agenda for the June 24, 2010 LAFCO meeting. Commissioner White seconded the motion.

The motion passed with a unanimous voice vote.

**4. COMMENTS FROM THE PUBLIC**

None

**5. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 4:42 p.m.

Respectfully submitted,



Doug Libby, AICP  
Assistant Executive Officer

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