

SUTTER LAFCO

LOCAL AGENCY FORMATION COMMISSION

P.O. Box 2694

GRANITE BAY, CA 95746 (707) 592-7528 FAX (530) 749-5468

REGULAR MEETING AGENDA

Yuba City Council Chambers
1201 Civic Center Boulevard – Yuba City, California

Thursday, March 11, 2021 - 3:00 p.m.

COMMISSION MEMBERS

Regular Members

County Member – Mat Conant
County Member – Mike Ziegenmeyer
City Member – Marc Boomgaarden
City Member – Bob Woten
District Member – Larry Munger
District Member - Don Cochran, **Chair**
Public Member - Rupinder Jawanda, **Vice Chair**

Commissioner Alternates:

County Alternate – Karm Bains
City Alternate – Grace Espindola
District Alternate – Vacant
Public Alternate – Enita Elphick

LAFCo Staff:

John Benoit, Executive Officer
Jennifer Stephenson, Deputy Exec. Officer
Paige Hensley, Clerk-Analyst
P. Scott Browne, LAFCo Counsel

1. **Call to Order:**
 - a. **Roll Call.**
 - b. **Pledge of Allegiance.**
 - c. **Approval of the Agenda**
2. **Approval of Minutes from the January 14th , 2021 LAFCo meeting:**

Action: Approval of Minutes from the January 14, 2021, 2020 meeting
3. **Consent Agenda:**

Action: Payment of Claims for January and February 2021

Public Hearing

4. Proposed Budget for FY 2021-2022

- a. *Hold Public Hearing and Consider Proposed Budget for 2021-2022 and Adopt Resolution 2021-0001 Adopting the Sutter LAFCo proposed budget for Fiscal Year 2021-2022.*

Other Business:

5. Executive Officer's Report:

- a. **Update Newkom Ranch Annexation**
b. **Update Gilsizer Drainage District Sphere and Annexation**
c. **Update Sutter Point project LAFCo Process**
d. **700 Forms due April 1, 2021**

6. Commissioner Reports:

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters.

7. Public Comment:

Members of the public are invited to address the Commission on any matter of interest to the public that is not on the agenda for a period of time not exceeding 5 minutes. Pursuant to the Brown Act, the Commission cannot take any action on items not listed on the posted agenda but may add to a future agenda matters brought up under public comments for appropriate action at a future meeting.

8. Adjournment:

Adjourn to the regular meeting at Yuba City Hall or via Teleconference at **3:00 pm May 13th, 2021**

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.

Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1

Commissioners - Please contact your alternate member if you are either unable to attend this meeting or unable to vote on a specific agenda item.

Pursuant to Government Code Section 54954.2, Commission members may make a brief announcement or report on activities. Commission members may also provide a reference to staff or other resources for factual information, request staff to report back to the Commission at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction.

- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).
- The total amount of time allotted for receiving public comment may be limited to 15 minutes.
- Any individual's testimony may be limited to 5 minutes. Time to address the Commission will be allocated on the basis of the number of requests received.

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to 5 minutes. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

Agenda Materials

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda are available for review for public inspection in the Sutter County Development Services office located at 1130 Civic Center Blvd, Yuba City, CA. [such documents are also available on the Sutter LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting].

Accessibility

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting. The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Pursuant to Government Code Sections 56100.1, 56300(b), 56700.1, and 81000 et seq., Disclosure of Contributions and Expenditures in Support of and Opposition to Proposals, any person or combination of persons who directly or indirectly contribute \$1000 or more or expend \$1000 or more in support of or opposition to a change of organization or reorganization that has been submitted to Sutter LAFCO must comply with the disclosure requirements approved by Sutter LAFCO

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 the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff LAFCO staff may be contacted at (707) 592-7528 or (530) 218-0886, by mail at Sutter LAFCO P.O. Box 2694, Granite Bay CA 95746 or by email j.benoit4@icloud.com

Webpage Reports, agendas, minutes and general information about LAFCO are available on the LAFCO Webpage at www.sutterlafco.org

Sutter Local Agency Formation Commission

Item #3

CLAIMS

January and February 2021

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
Feb 1, 2021	Staff Services Jan 2021	\$ 3,478.77
Jan 15, 2021	Legal Counsel 12.16.20-1.15.21	\$ 1,500.00
Jan 15, 2021	Commission Stipend 1.15.21	\$ 800.00
Mar 1, 2021	Staff Services Feb 2021	\$ 3,830.02
Feb 15, 2021	Legal Counsel 1.16.21-2.15.21	\$ 500.00

TOTAL: \$ 9,108.79

DATED: Jan 14, 2021

APPROVED: Jan 14, 2021

Don Cochran, Chair or Rupinder Jawanda, Vice-Chair
Sutter Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

FUND: SUTTER LAFCO
 DEPT: Expenditures and Revenue
 FY 2020-2021

Account Number	Insurance	Memberships	Copies	Postage	Communications	Office Exp	Journal	Staff Svcs	Comm Stipend	Notes and Public
64301	62301	62301	62301	62301	62301	62301	62301	62301	62301	62401
Total Budgeted 2018-2019	\$ 2,600.00	\$ 2,400.00	\$ 1,000.00	\$ 600.00	\$ 750.00	\$ 350.00	\$ 15,000.00	\$ 48,000.00	\$ 6,600.00	\$ 1,500.00
Calafco Dues 2020-2021	\$ (2,536.71)	\$ (2,400.00)								
GSRMA Insurance 2020-2021										
Payroll July 9, 2020			\$ (10.00)		\$ (41.77)		\$ (1,500.00)	\$ (2,000.00)	\$ (600.00)	
Staff Svcs July 2020 #0064					\$ (41.96)		\$ (1,500.00)	\$ (2,000.00)		
Browne Ending 7.15.2020										
Staff Svcs Aug 2020										
Browne Ending 8.15.2020										
Comm Stipend Sept 10, 2020										
Browne ending 9.15.2020 #624										
Staff Svcs September 2020			\$ (15.00)		\$ (41.32)		\$ (500.00)	\$ (3,612.50)	\$ (700.00)	
Staff Svcs October 2020					\$ (41.96)			\$ (4,356.25)		
Appeal Democrat YC MSR and SOI Legal										
Payroll November 12, 2020 meeting										
Staff Svcs November 2020			\$ (15.00)		\$ (48.99)	\$ (71.80)	\$ (1,500.00)	\$ (2,462.50)	\$ (700.00)	\$ (376.18)
Browne ending 11.15.2020										
Staff Svcs December 2020			\$ (10.00)		\$ (44.57)	\$ (64.00)	\$ (500.00)	\$ (3,506.25)		
Browne Ending 12.15.2020										
Staff Svcs Jan 2021			\$ (10.00)		\$ (68.77)			\$ (3,400.00)		
Staff Svcs Feb 2021			\$ (5.00)		\$ (63.77)			\$ (3,761.25)		
Payroll Jan 15, 2021										
Browne ending 1.15.2021							\$ (1,500.00)	\$ (800.00)		
Browne ending 2.15.21							\$ (500.00)			

Total Expenditures to date	\$ (1,536.71)	\$ (2,400.00)	\$ (65.00)	\$ 935.00	\$ 356.89	\$ 214.20	\$ 7,500.00	\$ 22,901.25	\$ 3,800.00	\$ 1,123.82
Total Budget Remaining										

unaudited	July 1, 2020 Fund Carryover	\$ 173,073.90
Revenue Received to date:		
20-21 Contribs Received City-Dist-County	\$ 83,339.33	\$ 82,680.00
REVENUE FOR PROJECTS		
Interest		
Reserve		
Less Expenditures	\$ (46,609.48)	
Actual Cash Balance	\$ 209,803.75	

FUND: SUTTER LAFCO
 DEPT: Expenditures and Revenue
 FY 2020-2021

Category	Trans. & Travel	File Scan and Reproduction	Software	TOTAL
\$ 2,500.00	\$ 1,500.00	\$ 6,000.00	\$ 20,000.00	\$ 108,800.00
				\$ (2,400.00)
				\$ (2,536.71)
				\$ (600.00)
				\$ (4,259.27)
				\$ (1,500.00)
				\$ (4,206.96)
				\$ (1,500.00)
				\$ (700.00)
				\$ (500.00)
				\$ (3,668.82)
				\$ (4,427.54)
				\$ (376.18)
				\$ (700.00)
				\$ (4,652.34)
				\$ (1,500.00)
				\$ (3,972.87)
				\$ (500.00)
				\$ (3,478.77)
				\$ (800.00)
				\$ (500.00)

\$ 2,500.00	\$ 1,408.57	\$ 5,660.00	\$ 13,627.50	\$ 67,190.52
				\$ (46,808.48)
				\$ (6,372.50)

Sutter Local Agency Formation Commission

DATE: March 11, 2021

TO: Local Agency Formation Commission

FROM: John Benoit, Executive Officer

RE: Proposed Budget for FY 2021-2022

Budget Justification

While LAFCO is mindful of the budget constraints of the Cities, Districts and the County, the following proposed activity report reflects significant limitations in LAFCO funding for the upcoming fiscal year.

The overall goal of this budget is to conduct LAFCO business in a proactive manner involving the Community and to meet the overall requirements of the Cortese-Knox-Hertzberg Act at a reasonable cost.

Since the passage of AB-2838, based on the recommendations of the Commission for Local Governance for the 21st Century, LAFCO has finally become an independent agency. Many of the start-up activities have not yet been completed while maintenance activities continue and the mandated Service Reviews and Sphere of Influence updates continuously need updating due to changes in the law and circumstances. Sutter LAFCo had recently become independent from the County. This is significant since approximately more than 50 of the 58 counties have already done so. In the past, several costs have been paid by the County albeit the county has developed an extensive cost recovery program in recent years. Before the Cortese-Knox-Hertzberg Act (CKH), the County paid the entire costs of LAFCo. Notwithstanding the CKH, as an independent agency LAFCo must comply with numerous state laws such as the Public Records Act, the Brown Act, CEQA, etc.

Financial services are now provided by Yuba City.

I have provided a "Proposed" budget based on the costs to maintain LAFCo.

The number of meetings is 6 per year.

Summary of the Proposed Budget:

Insurance At this time, the estimated cost for LAFCO insurance through the GSRMA remains at \$2,600.00, the same as last year.

Office Expense This covers miscellaneous office expenses needed for the operation of LAFCo. The amount requested is the same as this year at \$350.00.

Copy/Printing This category covers copy and printing needed to reproduce agendas and packets, copies for specific projects MSR's and SOI's. The amount requested is the same as this year at \$1,000.

Postage This category includes mailing of agendas and packets and public notices. The amount requested is the same as last year at \$600.

Memberships Dues for Calafco for rural LAFCO's are increased as voted upon by the Calafco Board of Directors. Therefore the proposed budget for this category has been increased from \$2,400 to \$2,410 this upcoming year.

Staff Services This includes the Clerk-Analyst and Deputy Executive Officer and Executive Officer into one budget category. Notwithstanding a very complex reorganization (application), controversial service review or sphere of influence or CEQA review for Sutter LAFCO, this amount should remain the same. However, there are complex projects that will be coming in the next fiscal year such as LAFCo entitlements for the Bogue Stewart Master Plan Annexations and the entitlements for the Lakeside at Sutter Point projects. This budget category covers LAFCO administration and clerking costs as currently provided and will include work on these complex projects. This amount is recommended to be the same \$48,000 for the next fiscal year.

Note: most project related cost overruns relating to an application are fee supported if an augmentation is needed in this category. A project proponent will pay all project related costs including legal costs.

Legal Notices/Publications I am recommending \$1,500.00 for this item again this year. Legal notices are required by state law and must be prepared for Municipal Service Reviews and Sphere of Influence Updates, all public hearings before the commission and protest hearings, and notices of commissioner openings. Public hearing notices are required for many LAFCO actions.

Transportation/Training I am recommending \$ 2,500.00 for training and \$1,500.00 for travel expense. This amount will provide for a portion of the Executive Officer's attendance at Calafco activities to represent Sutter LAFCO as well as for one Commissioner to attend the Calafco conference in Newport Beach, California on October 6-8th. If the Commission wishes to send 2 Commissioners to the CALAFCo conference, this amount needs to be increased since the cost to attend is about \$1,700 per person.

LAFCO Counsel The Commission has appointed a LAFCO Counsel and has budgeted \$15,000 for this purpose. Notwithstanding a controversial project, this amount should cover the costs of LAFCo Counsel.

Communications LAFCO incurs communications costs (costs for phone and internet). This budget is proposed to remain the same as this year at \$750.00.

Service Reviews and Sphere of Influence Updates: I am recommending continuing the effort of \$20,000 for Service Reviews and Sphere updates in accordance with the Cortese-Knox Act. A request from the City of Yuba City to amend its Sphere of Influence may occur this year. Next year LAFCo will prepare a fire service review and Sphere Update. The city would be required to reasonably contribute funds for the City

MSR and Sphere update effort with a LAFCo application fee. Many of the districts could be looked at in a future year as priorities arise.

A-87 /Finance Costs As with this year no funds are recommended in this category.

Contingency A normal contingency fund is approximately 10% more or less of its general operational budget, which is proposed to be \$ 10,881.00 for this year.

General Reserve For FY 2021-2022 the General Reserve is estimated to be \$100,000.00, this has been the standard amount for Sutter LAFCo

Anticipated re-budgeting of funds - Notwithstanding unexpected expenses for the remainder of this fiscal year; at current expenditure rates the Commission will be able to re-budget approximately \$130,000 from this fiscal year which includes the \$100,000.00 for the reserve fund.

Costs to Cities, the Independent Special Districts and County – This year, the amount of city/county/district funding is proposed to total \$78,691.00, a reduction of \$3,989.00 from the \$82,680.00 or 26,230.33 for the cities, county and independent special districts, a decrease of \$1,329.67 for each category.

Recommendation:

Review, and conduct a public hearing, and consider Resolution 2021-0001 approving a proposed budget for FY 2021-2022.

Resolution 2021-0001

Sutter Local Agency Formation Commission

*Resolution of the Sutter Local Agency Formation Commission
Adopting a Proposed Budget for 2021-2022*

WHEREAS, Sutter LAFCO is required by Government Code Section 56381(a) to adopt annually, following a noticed public hearing, a proposed budget by May 1st and a final budget by June 15th; and,

WHEREAS, the Commission has prepared a proposed budget for public review; and,

WHEREAS, the Executive Officer has given notice of hearing in the form and manner specified by law for adoption of the proposed budget and upon the date, time and place specified in said notice of hearing, the Commission heard, discussed and considered all oral and written testimony submitted including, but not limited to, the approved budget priorities for Fiscal Year 2021-2022 and the Executive Officer's report and recommendations; and

WHEREAS, the Commission has considered the attached budget in light of the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the Commission's adopted work program.

NOW THEREFORE, the Sutter Local Agency Formation Commission does hereby determine, resolve, and order the following:

1. That Sutter LAFCO hereby adopts the attached proposed 2021-2022 proposed budget.
2. Directs the Executive Officer to transmit the proposed budget to the Auditor and all parties specified in Government Code Section 56381 (a) as promptly as possible.

PASSED AND ADOPTED by the Sutter Local Agency Formation Commission at a regular meeting of said Commission held on March 11, 2021 by the following roll call vote:

AYES: -

NOES: -

ABSTAINS: -

ABSENT: -

Signed and approved by me after its passage this 11th day of March 2021.

Don Cochran, Chair Sutter LAFCO or Rupinder Jawanda, Vice Chair

Attest:

John Benoit, Executive Officer
Sutter LAFCO

**Sutter LAFCo
PROPOSED LAFCo BUDGET
2021-2022**

Financing Uses Classification	FINAL FY 2018-19 Budget	FINAL FY 2019-2020 Budget	Final Sutter LAFCo 2020-2021 Budget	Proposed Sutter LAFCo 2021-2022 Budget
Services and Supplies				
Commissioner Stipends	\$6,600.00	\$6,600.00	\$6,600.00	\$6,600.00
Insurance	\$2,600.00	\$2,600.00	\$2,600.00	\$2,600.00
Office Expenses	\$350.00	\$350.00	\$350.00	\$350.00
Copy/Printing	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
Postage	\$600.00	\$600.00	\$600.00	\$600.00
Memberships	\$926.00	\$1,077.00	\$2,400.00	\$2,410.00
Exec Officer and Clerk Services	\$42,000.00	\$42,000.00	\$48,000.00	\$48,000.00
Publication Legal Notice	\$2,000.00	\$2,000.00	\$1,500.00	\$1,500.00
Training - Calafco	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00
Transportation and Travel	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00
Legal Services	\$10,000.00	\$15,000.00	\$15,000.00	\$15,000.00
Communications	\$750.00	\$750.00	\$750.00	\$750.00
MSR-SOI Updates	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
Mapping & File Scanning	\$1,000.00	\$6,000.00	\$6,000.00	\$6,000.00
Subtotal	\$89,826.00	\$99,977.00	\$108,800.00	\$108,810.00
	\$0.00	\$0.00	\$0.00	\$0.00
Contingency/Reserves				
Appropriation for Contingency	\$8,982.60	\$9,997.70	\$10,880.00	\$10,881.00
Reserve Fund		\$100,000.00	\$100,000.00	\$100,000.00
TOTAL BUDGET	\$98,808.60	\$209,974.70	\$219,680.00	\$219,691.00
Revenues				
Interest	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
LAFCo Fees	\$12,000.00	\$5,000.00	\$10,000.00	\$10,000.00
Contribution made by Sutter Co.	\$27,731.64	\$27,540.70	\$27,560.00	\$26,230.33
Contribution made by Cities	\$27,731.64	\$27,540.70	\$27,560.00	\$26,230.33
Contribution made by Districts	\$27,731.64	\$27,540.70	\$27,560.00	\$26,230.33
Carryover	\$2,614.00	\$121,500.00	\$126,000.00	\$130,000.00
TOTAL REVENUES	\$98,808.92	\$210,122.10	\$219,680.00	\$219,691.00