

# 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 Blvd, Yuba City, California

Thursday, March 9, 2023 - 2:00 p.m.

### COMMISSION MEMBERS

#### Regular Members

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

#### Commissioner Alternates:

County Alternate – Karm Bains  
City Alternate – Jeremy Chapdelaine  
District Alternate – Vacant  
Public Alternate – Manny Cardoza

#### Lafco Staff:

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

### Meeting will begin at 2:00 PM

The Council Chambers will be open for public attendance and participation. The meeting will also be live streamed for public viewing, but not participation, at the following link:

[https://us06web.zoom.us/webinar/register/WN\\_rt-qr0CORbaloQ7pASKyUQ](https://us06web.zoom.us/webinar/register/WN_rt-qr0CORbaloQ7pASKyUQ)

#### Call to Order: Roll Call and Pledge of Allegiance.

1. **Approval of the Agenda**
2. **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.

**3. Approval of Minutes from the January 12, 2023, LAFCo meeting:**

*Action: Approval of Minutes from the January 12, 2023 meeting*

**4. Consent Agenda:**

*Action:*

*A. Payment of Claims for January and February 2023*

**PUBLIC HEARING:**

**5. Public Hearing re: 2023-2024 LAFCo Annual Budget**

A. Review proposed budget with staff, conduct public hearing and consider LAFCo Resolution 2023-0001 adopting a proposed budget for FY 2023-2024

**6. Request for Proposals for the Sutter LAFCo Executive Officer**

*a. Approve flyer and begin recruitment for a new Sutter LAFCo Executive Officer*

**7. Executive Officer's Report:**

*A. Tierra Buena Yuba City Subsidiary District  
B. Levee District #1 annexation  
C. 700 forms due April 1<sup>st</sup>*

**8. 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.

**9. Adjournment:**

Adjourn to the next regular meeting at Yuba City Hall at 2:00 pm May 11, 2023

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.

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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 area 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 (530) 619-5128 or (530) 218-0886, by mail at Sutter LAFCO P.O. Box 2694, Granite Bay CA 95746 or by email [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com)

Webpage Reports, agendas, minutes and general information about LAFCO are available on the LAFCO Webpage at [www.sutterlafco.org](http://www.sutterlafco.org)

# SUTTER COUNTY



## LOCAL AGENCY FORMATION COMMISSION

P.O. Box 2694  
Granite Bay, CA 95746 (707) 592-7528 Fax (530) 749-5468

### **REGULAR MEETING SUTTER COUNTY LOCAL AGENCY FORMATION COMMISSION SUMMARY MINUTES**

Date: January 12th, 2023  
Yuba City Council Chambers  
1201 Civic Center Blvd., Yuba City

**1. Call to Order:**

Chair Commissioner Cochran called the meeting to order at 2:00 p.m.

**a. Roll Call**

Commissioner Cochran requested the Clerk call the roll of the Commission and attendance is shown below

Members Present: Commissioners Boomgaarden, Conant, Woten, Ziegenmeyer (**via teleconference**), Cochran, Munger, and Elphick, were present.

Members Absent: Alternate Commissioner Bains and Chapdelaine were absent.

Staff Present: Executive Officer John Benoit, LAFCO, LAFCO Clerk-Analyst Paige Hensley and LAFCo Counsel Scott Browne were present.

**b. Pledge of Allegiance**

Commissioner Cochran led the Commission and the audience in the Pledge of Allegiance.

**\*\*Commissioner Ziegenmeyer announced he was joining in via teleconference during the meeting due to lack of childcare for his son\*\***

**2. Approval of the Agenda**

Upon motion from Commissioner Conant and seconded by Commissioner Boomgaarden, the Commission unanimously voted to approve the agenda, carried by the following vote: **AYES:** Commissioners Boomgaarden, Cochran, Conant, Elphick, Munger, Woten and Ziegenmeyer **NOES:** None; **ABSTAIN:** None; **ABSENT:** None

**3. Public Comment:**

Pursuant to the **Public Communications:**

Members of the public were 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. Brown Act, the Commission cannot take any action on items not listed on the posted agenda but may add to future agenda matters brought up under public comments for appropriate action at a future meeting.

**There were no public comments.**

**4. Selection of a Public Member for LAFCo**

**a.** Review public notice and information submitted by applicants:

John Benoit, Executive Officer, gave a brief review of the 3 public member applicants and explained one letter of interest came in after the submittal deadline.

**b.** Having received Harjiwan Chatha’s letter of interest after the due date of December 16th, 2022, make a determination of eligibility:

Commissioner Conant suggested each applicant have two minutes to introduce themselves.

Commissioner Woten suggested only considering the two applicants that submitted on time, as to not set a future precedent for not requiring compliance with deadlines.

Commissioner Conant agreed with Commissioner Woten

Commissioner Ziegenmeyer suggested the Commission allow all three applicants to be heard due to some confusion on how it was noticed.

After some discussion amongst the Commission members the Commission asked Harjiwan Chatha to explain why he submitted his application late.

Harjiwan Chatha stated he did not become aware of the public member recruitment until after the deadline.

John Benoit, Executive Officer explained he has seen other LAFCO’s accept late applicants for consideration sometimes, so there is really no precedent either way, however he stated this Commission has to determine how they would like to proceed.

Commissioner Woten explained after further consideration he was agreeable to hearing from all three applicants.

**Action:** Upon motion from Commissioner Woten and seconded by Commissioner Boomgaarden, the Commission unanimously voted to allow all three applicants be considered for the Public Member and Public Member Alternate, carried by the following vote: **AYES:** Commissioners Boomgaarden, Cochran, Conant, Munger, Woten and Ziegenmeyer **NOES:** None; **ABSTAIN:** Commissioner Elphick; **ABSENT:** None

c. Interview the applicants for the public member and public member alternate position:

Manny Cardoza introduced himself and explained why he is qualified to serve as the Public Member.

Harjiwan Chatha introduced himself and explained why he is qualified to serve as the Public Member.

Enita Elphick introduced herself and explained why she is qualified to serve as the public member.

d. Appoint a public member and a public member alternate for terms ending in May 2027:

**Action:**

**Public Member Nomination:**

**Motion Failed** - Upon motion from Commissioner Ziegenmeyer and seconded by Commissioner Munger, the Commission voted to nominate Harjiwan Chatha as the Public Member, not carried by the following vote: **AYES:** Munger and Ziegenmeyer **NOES:** Commissioners Boomgaarden, Cochran, Conant and Woten **ABSTAIN:** Commissioner Elphick; **ABSENT:** None

**Motioned Carried** - Upon motion from Commissioner Conant and seconded by Commissioner Boomgaarden, the Commission voted to nominate Enita Elphick as the Public Member, carried by the following vote: **AYES:** Commissioners Boomgaarden, Cochran, Conant and Woten **NOES:** Munger and Ziegenmeyer **ABSTAIN:** Commissioner Elphick; **ABSENT:** None

**Public Member Alternate Nomination:**

Commissioner Ziegenmeyer made a motion to nominate Harjiwan Chatha as Public Member Alternate, however the motion was not seconded.

**Action:** Upon motion from Commissioner Woten, and seconded by Commissioner Boomgaarden, the Commission voted to nominate Manny Cardoza as the Public Member Alternate, carried by the following vote: **AYES:** Commissioners Boomgaarden, Cochran, Conant, Munger, Woten and Ziegenmeyer **NOES:** None; **ABSTAIN:** Commissioner Elphick; **ABSENT:** None

5. **Elect Chair and Vice-Chair for 2023**

a. **Elect Chair**

**Action:** Upon motion from Commissioner Boomgaarden, and seconded by Commissioner Woten, the Commission voted to elect Mat Conant as the Chair, carried by the following vote: **AYES:** Commissioners Boomgaarden, Cochran, Conant, Elphick, Munger, Woten and Ziegenmeyer **NOES:** None; **ABSTAIN:** None; **ABSENT:** None

b. **Elect Vice-Chair**

**Action:** Upon motion from Commissioner Conant, and seconded by Commissioner Munger, the Commission voted to elect Marc Boomgaarden as the Vice-Chair, carried by the following vote: **AYES:** Commissioners Boomgaarden, Cochran, Conant, Elphick, Munger, Woten and Ziegenmeyer **NOES:** None; **ABSTAIN:** None ; **ABSENT:** None

6. **Approval of Minutes from the November 10, 2022, LAFCo Meeting.**

**Action:** Upon motion from Commissioner Munger and seconded by Commissioner Boomgaarden, the Commission unanimously approved the minutes from the November 10th, 2022, LAFCo Meeting, carried by the following vote: **AYES:** Commissioners Boomgaarden, Cochran, Conant, Elphick, Munger, Woten and Ziegenmeyer **NOES:** None; **ABSTAIN:** None; **ABSENT:** None

7. **Consent Agenda:**

- a. Payment of Claims for November and December 2022.

**Action:** Upon motion from Commissioner Woten and seconded by Commissioner Elphick, the Commission unanimously approved all items on the consent agenda, carried by the following vote: **AYES:** Commissioners Boomgaarden, Cochran, Conant, Elphick, Munger, Wooten and Ziegenmeyer **NOES:** None; **ABSTAIN:** None; **ABSENT:** None

8. **Status of the Fire and EMS Municipal Service Review and Sphere of Influence Update for Fire and EMS service providers in Sutter County**

John Benoit explained he has taken over the MSR and the report is moving forward.

Commissioner Boomgaarden asked if there is a pre-hospital emergency care component in this report.

John Benoit stated, "Yes, there has to be." He confirmed he will be contacting the EMS providers and will be making some recommendations in the MSR report.

Steve Smith, Sutter County Administrator Officer, raised the idea of LAFCO to consider doing another RFP for someone who has a lot of expertise in the EMS area.

John Benoit, Executive Officer, discussed his experience with doing FIRE/EMS in other County LAFCOs.

Scott Browne, Sutter LAFCO Counsel, offered an example of Nevada County LAFCO recently approving a contract for a professional consultant to do a FIRE/EMS MSR and the cost of that was over \$120,000.

Commissioner Elphick explained she has worked with John Benoit in the past and feels confident in his abilities in completing the FIRE/EMS MSR.

Commissioner Boomgaarden explained if John Benoit is able to use the information obtained by the previous consultant, then he thinks LAFCO should go forward with the current arrangements, but stated he will be making a motion in the next item to form an Ad-Hoc Committee to discuss the expectation of the deliverable with the report.

## 9. Request for Proposals for the Sutter LAFCo Executive Officer

### a. Approve flyer and recruitment for a new Sutter LAFCo Executive Officer

Commissioner Boomgaarden recommended continuing this item to the next meeting to give the Ad-hoc Committee (Boomgaarden and Conant) a chance to meet and discuss before putting out an RFP.

**Action:** Upon motion from Commissioner Boomgaarden and seconded by Commissioner Conant, the Commission unanimously voted to continue item number 9 until the next meeting, to allow the Ad-hoc Committee (Boomgaarden and Conant) to discuss some options to bring back to the Commission for consideration, carried by the following vote: **AYES:** Commissioners Boomgaarden, Cochran, Conant, Elphick, Munger and Wooten **NOES:** None; **ABSTAIN:** None; **ABSENT:** Ziegenmeyer

## 10. Executive Officer's Report:

- A. John Benoit explained the City of Yuba City is proposing a dissolution of the Tierra Buena Yuba City Subsidiary District.
- B. Explained there is a new annexation application for Levee District 1 for 5000 acres.
- C. John Benoit explained the TRA letters for the Gilsizer County Drainage District (five annexations) and to the City of Yuba City (four annexations) have been completed and have been accepted by the Board of Equalization (BOE).
- D. John Benoit reminded the Commission to submit their 700 forms by April 1<sup>st</sup>.

\*\*John Benoit stated he would give further explanation of AB2449 at the next meeting\*\*



**11. Commissioner Reports:**

Commissioner Conant thanked Commissioner Cochran for his years of service as the Chair for Sutter LAFCo

Commissioner Conant discussed the atmospheric river issues that have been affecting the area lately with flooding, road closures, and sluffing at the Auburn Ravine.

Steven Smith, Sutter County Administrator, explained he met with the County Emergency Officer, who had recently met with DWR and stated they have a plan to fill in the problem areas at the Auburn Ravine.

**12. Adjournment:**

The meeting was adjourned at 2:38 p.m. until the next meeting at Yuba City Hall and via teleconference at **2:00 pm on March 9, 2023.**

Respectfully submitted,

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John Benoit  
Executive Officer

# Sutter Local Agency Formation Commission

Item # 4A

## CLAIMS

January and February 2023

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
2022-2023 Expenses		
Feb 1, 2023	Staff Services January 2023	\$ 7,369.77
Jan 15, 2023	Legal Counsel 12.16.22-1.15.23	\$ 1,500.00
March 1, 2023	Staff Services Feb 2022	\$ 4,101.25
Feb 15, 2023	Legal Counsel 1.16.23-2.15.23	\$ 1,500.00
Feb 1, 2023	Calafco Staff workshop	\$ 420.00
Nov 10, 2022	Commission stipend Jan 12, 2023	\$ 800.00
	TOTAL:	\$ 15,769.32

DATED: March 9, 2023

APPROVED: March 9, 2023

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Mat Conant, Chair or Marc Boomgaarden  
Sutter Local Agency Formation Commission

Attest:

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John Benoit  
Executive Officer

FUND:  
DEPT:

SUTTER LAFCO  
Expenditures and Revenue  
FY 2022-2023

Item Account Number	Insurance 64301	Memberships 63101	copies 62601	postage 62301	ommunication 62201	Office Exp. 62501	Counsel 62730
<b>Total Budgeted 2021-2022</b>	<b>\$ 2,600.00</b>	<b>\$ 2,528.00</b>	<b>\$ 1,000.00</b>	<b>\$ 600.00</b>	<b>\$ 750.00</b>	<b>\$ 350.00</b>	<b>\$ 15,000.00</b>
Calafco Dues 2022-2023		\$ (2,528.00)					
GSRMA Insurance 2022-2023	\$ (2,501.00)						
Staff Svcs July 2022			\$ (15.00)		\$ (67.19)	\$ (33.35)	
Browne ending 7.15.22						\$	(1,500.00)
Calafco Conf Bains, Zieg, boom & Espindola						\$	(1,500.00)
Browne ending 8.15.2022						\$	(1,500.00)
Staff Svcs August 2022					\$ (80.64)	\$ (13.99)	
<b>Staff SVCS September</b>					<b>\$ (80.61)</b>		
Browne ending 9.15.22						\$	(1,500.00)
<b>Staff Svcs October 2022</b>			<b>\$ (79.00)</b>	<b>\$ (13.20)</b>	<b>\$ (107.80)</b>	<b>\$ (11.94)</b>	
Browne ending 10.15.22						\$	(1,500.00)
Com Stipend Sept 8, 2022							
Mike Ziegenmeyer 22 Conf. Reimg							
Karm Bains 22 Calafco Conf. Reimg							
<b>Comm Stipend Nov 10, 2022</b>							
<b>Calafco Reimb M Boomgaarden Conf.</b>							
Staff Svcs Nov 2022			\$ (5.00)	\$ (5.00)	\$ (74.49)		
Browne end 11.15.22						\$	(1,500.00)
Staff Svs Dec 2022 23-22			\$ (5.00)	\$ (2.40)	\$ (74.49)	\$ (19.95)	
Browne end 12.15.22 #1198						\$	(1,500.00)
Appeal dem Pub memb alt.							
<b>REVENUE 2022-0007 Levee Dist #1</b>							
<b>Payroll Jan 12, 2023</b>							
Calafco Staff Wkshop Reg benoit							
Staff Svcs January 2023					\$ (104.45)		
Browne ending Jan 15, 2023						\$	(1,500.00)
Browne ending Feb 15, 2023						\$	(1,500.00)
Staff Svcs Feb 2023				\$ (10.00)	\$ (68.30)		
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<b>Total Expenditures to date</b>	<b>\$ (2,501.00)</b>	<b>\$ (2,528.00)</b>	<b>\$ (104.00)</b>	<b>\$ (30.60)</b>	<b>\$ (657.97)</b>	<b>\$ (79.23)</b>	<b>\$ (12,000.00)</b>
<b>Total Budget Remaining</b>		<b>\$ -</b>	<b>\$ 896.00</b>	<b>\$ 569.40</b>	<b>\$ 92.03</b>	<b>\$ 270.77</b>	<b>\$ 3,000.00</b>



**Sutter Local Agency Formation Commission**

**DATE:** March 9, 2023  
**TO:** Local Agency Formation Commission  
**FROM:** John Benoit, Executive Officer  
**RE:** Proposed Budget for FY 2023-2024

**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 21<sup>st</sup> 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 55 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. This could change as insurance rates are increasing.

**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 \$2,410 to \$2,528 last year and up 8.27% to \$2,738 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 and other Yuba City 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 Monterey, California on October 18th-21st. If the Commission wishes to additional Commissioners to the CALAFCo conference, this amount needs to be increased since the cost to attend is about \$1,750 per person. Calafco registration fees are going up to \$610 per registration, a 8.27% increase. It was previously discussed having several Commissioners attend the Calafco Annual Conference. A final decision needs to be made before the final budget is adopted. For that reason I am recommending \$9,000 for the conference. This is enough to send 5 Commissioners to the CALAFCo Annual Conference.

**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.

**Mapping and File Scanning** - I am recommending \$6,000 to cover the cost of updating LAFCo maps as needed and the costs of continuing to scan and backup the original archived Sutter LAFCo files.

**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 \$ 11,663.80 for this year.

**General Reserve For FY 2023-2024** 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 \$130,000.00 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 \$87,301.80, The cities, county and independent special districts will pay \$29,100.60 each.

**Recommendation:**

Review, and conduct a public hearing, and consider Resolution 2023-0001 approving a proposed budget for FY 2023-2024.

**Resolution 2023-0001**

**Sutter Local Agency Formation Commission**

*Resolution of the Sutter Local Agency Formation Commission  
Adopting a Proposed Budget for 2023-2024*

WHEREAS, Sutter LAFCO is required by Government Code Section 56381(a) to adopt annually, following a noticed public hearing, a proposed budget by May 1<sup>st</sup> and a final budget by June 15<sup>th</sup>; 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 2023-2024 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 2023-2024 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 9, 2023 by the following roll call vote:

AYES: -

NOES: -

ABSTAINS: -

ABSENT: -

Signed and approved by me after its passage this 9th day of March 2023.

\_\_\_\_\_  
Mat Conant, Chair Sutter LAFCO

Attest:

\_\_\_\_\_  
John Benoit, Executive Officer  
Sutter LAFCO



**Sutter LAFCo  
PROPOSED 2023-2024 LAFCO BUDGET**

<b>Financing Uses Classification</b>	<i>Final Sutter LAFCo 2020-2021 Budget</i>	<i>FINAL Sutter LAFCo 2021-2022 Budget</i>	<b>FINAL Sutter LAFCo 2022-2023 Budget</b>	<i>2022-2023 Exp to 3/1/2023</i>	<b>Proposed Sutter LAFCo 2023-2024 Budget</b>	
<b><u>Services and Supplies</u></b>						
Commissioner Stipends	\$6,600.00	\$6,600.00	\$6,600.00	\$2,000.00	\$6,600.00	
Insurance	\$2,600.00	\$2,600.00	\$2,600.00	\$2,501.00	\$2,600.00	unknown increase
Office Expenses	\$350.00	\$350.00	\$350.00	\$79.23	\$350.00	
Copy/Printing	\$1,000.00	\$1,000.00	\$1,000.00	\$104.00	\$1,000.00	
Postage	\$600.00	\$600.00	\$600.00	\$20.60	\$600.00	
Memberships	\$2,400.00	\$2,410.00	\$2,528.00	\$2,528.00	\$2,738.00	8.27 increase
Exec Officer and Clerk Services	\$48,000.00	\$48,000.00	\$48,000.00	\$33,390.00	\$48,000.00	
Publication Legal Notice	\$1,500.00	\$1,500.00	\$1,500.00	\$378.50	\$1,500.00	
Training - Calafco	\$2,500.00	\$2,500.00	\$2,500.00	\$2,569.95	\$2,500.00	
Transportation and Travel	\$1,500.00	\$1,500.00	\$1,500.00	\$3,035.40	\$9,000.00	Conf in Mry 5 persons
Legal Services	\$15,000.00	\$15,000.00	\$15,000.00	\$10,500.00	\$15,000.00	
Communications	\$750.00	\$750.00	\$750.00	\$589.67	\$750.00	
MSR-SOI Updates	\$20,000.00	\$20,000.00	\$20,000.00	\$1,162.50	\$20,000.00	
Mapping & File Scanning	\$6,000.00	\$6,000.00	\$6,000.00	\$1,105.00	\$6,000.00	
Subtotal	\$108,800.00	\$108,810.00	\$108,928.00	\$59,963.85	\$116,638.00	
	\$0.00	\$0.00	\$0.00	\$119,927.70		
<b><u>Contingency/Reserves</u></b>						
Appropriation for Contingency	\$10,880.00	\$10,881.00	\$10,892.80	\$59,963.85	\$11,663.80	
Reserve Fund	\$100,000.00	\$100,000.00	\$100,000.00	-\$59,165.06	\$100,000.00	
				\$798.79		
<b>TOTAL BUDGET</b>	<b>\$219,680.00</b>	<b>\$219,691.00</b>	<b>\$219,820.80</b>		<b>\$228,301.80</b>	
<b><u>Revenues</u></b>						
Interest	\$1,000.00	\$1,000.00	\$1,000.00		\$1,000.00	
LAFCO Fees	\$10,000.00	\$10,000.00	\$10,000.00		\$10,000.00	
Contribution made by Sutter Co.	\$27,560.00	\$26,230.33	\$26,273.60		\$29,100.60	
Contribution made by Cities	\$27,560.00	\$26,230.33	\$26,273.60		\$29,100.60	
Contribution made by Districts	\$27,560.00	\$26,230.33	\$26,273.60		\$29,100.60	
Carryover	\$126,000.00	\$130,000.00	\$130,000.00		\$130,000.00	
<b>TOTAL REVENUES</b>	<b>\$219,680.00</b>	<b>\$219,690.99</b>	<b>\$219,820.80</b>		<b>\$228,301.80</b>	
<b>GENERAL RESERVES</b>	<b>\$100,000.00</b>	<b>\$100,000.00</b>	<b>\$100,000.00</b>		<b>\$100,000.00</b>	

# SUTTER LAFCO

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P.O. BOX 2694 ♦ GRANITE BAY, CA 95746  
[j.benoit4@icloud.com](mailto:j.benoit4@icloud.com) (530) 619-5128

## REQUEST FOR PROPOSALS FOR LAFCO EXECUTIVE OFFICER SERVICES

Sutter LAFCO desires to retain the services of a qualified professional to serve as the Executive Officer of the Commission. The Executive Officer is appointed by, reports to, and serves at the will of the Commission. This position, as authorized by §56384 of the California Government Code, has responsibility for overall policy development, program planning, fiscal and personnel management, general administration, contract administration, and operation of the Local Agency Formation Commission. The Executive Officer is responsible for developing and accomplishing administrative goals and objectives, in addition to implementing the applicable provisions of the Government Code and the policies and procedures of the Commission. The Executive Officer will also be responsible to conduct the day-to-day business and administration of the Commission, and to make reports and recommendations to the Commission on matters that require the Commission's consideration and action. Position details are included in the attached additional information.

The position is approximately .25 of a full-time equivalent position. More hours may be necessary from time-to-time depending on the workload. This position will serve as an independent contractor to the Commission.

This Request for Proposals may not be the exclusive manner for Sutter LAFCO to enter into a contract for Executive Officer services. An independent contractor currently provides services of Clerk to the Commission outside of this Request for Proposal (RFP) process. Sutter LAFCO also reserves the right to reject any or all proposals received by this request. Sutter LAFCO is under no obligation to award any contract.

The incumbent contractor intends to provide orientation and transition assistance to the new contractor. The Commission is interested in measures to maintain adequate administrative and technical support while minimizing cost.

**The recruitment will remain open until the position is filled. The commission will consider all proposals received at its meeting of May 11, 2023. The closing date for receiving proposals in this initial recruitment is 5:00 pm Wednesday May 3<sup>rd</sup>, 2023.**

## **INFORMATION TO BE SUBMITTED**

The nature and form of response are at the responder's discretion, but must not exceed ten (10) pages (exclusive of the optional writing sample). The following minimum information must be provided:

1. Name of individual who will act as Executive Officer. Consultant firms are invited to apply, but the lead consultant must be acceptable for appointment as Executive Officer by the Commission.
2. Contact information including address, telephone, e-mail of individual who will act as Executive Officer.
3. Resumes or Curriculum Vitas of personnel who propose to perform work under the proposal.
4. Statement of experience in providing services to a Local Agency Formation Commission.
5. Statement of services to be provided as Sutter LAFCO's Executive Officer.
6. Statement of fees and charges, including hourly rates of personnel, reimbursement schedule for direct expenses (including mark-up, if any), and a statement of how travel and travel time will be charged.
7. Names and addresses of at least three current professional references.

Proposals should be addressed to John Benoit, Executive Officer and may be submitted electronically to [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com) or by mail to P.O. Box 2694 Granite Bay, CA 95746.

Questions may be directed to: John Benoit, Executive Officer  
Email: [j.benoit4@icloud.com](mailto:j.benoit4@icloud.com) Telephone: (530) 619-5128

## **SELECTION PROCEDURE**

All proposals submitted by the deadline will be reviewed. Depending on the number of proposals received, the Commission may designate a committee to review the proposals and make recommendations. The written proposals and any oral interviews will be evaluated based upon the following criteria:

1. Demonstrated knowledge of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the California Environmental Quality Act, and California land use and planning law.
2. Demonstrated knowledge of the laws relating to the jurisdictional and services relationship between counties, cities, and special districts.
3. The relevancy and quality of recent work, including pertinent references.
4. The capacity to perform quality work within established deadlines and within budget.
5. The proposed hourly rate and any other charges.

A final selection will be made by the Commission. All applicants will be advised of the selection. Sutter LAFCO will prepare an appropriate contract for professional services for acceptance and execution by the successful candidate and the Commission.

Each applicant shall bear all its proposal costs. All submitted proposals shall remain the property of Sutter LAFCO.

**The recruitment will remain open until the position is filled. The commission will consider all proposals received at its meeting of May 11, 2023. The closing date for receiving proposals in this initial recruitment is Wednesday May 3<sup>rd</sup>, 2023**

## **ADDITIONAL POSITION INFORMATION**

### **DUTIES AND RESPONSIBILITIES**

Duties and responsibilities assigned to the Executive Officer will include, but are not limited to:

- Administrative duties as needed, including development, oversight, and review of an annual work plan; assignment of work activities, projects and programs; monitoring work flow and the day to day business of the Commission; personnel management, including supervision of employees/contractors, records management, preparation and management of contracts, subject to the review of the Commission.
- Scheduling and preparing for regular and special meetings of the Commission, including preparation and timely transmittal of the meeting agenda and related reports and recommendations, and presentation of the reports at the meetings.
- Maintaining and updating Policies and Procedures, Spheres of Influence, Municipal Service Reviews, etc.
- Processing applications for all changes of organization, including city and district formation, annexation, reorganization, consolidation, detachments, extension of services by contract, etc.
- Preparing necessary notices, filings, and reports consistent with the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
- Preparing special reports and studies to the Commission, such as sphere studies, municipal services reviews and spheres of influence reports.
- Preparation and implementation of the LAFCO budget, forecasting revenue and expenses, and identifying and recommending alternatives for implementation of the budget subject to the review of the Commission; scheduling and noticing all budget hearings and communication. Administration of the adopted LAFCO budget by maintaining budget controls, records, files, and making timely payments of claims and deposits of revenues.
- Planning, assigning, and supervising the work of support staff/contractors.

- Outreach and liaison duties, including representing the Commission before public and private policy-making agencies and community groups; coordinating the LAFCO processes with discretionary actions of other agencies; facilitating workshops and attending meetings as directed by the Commission to understand community concerns so LAFCO policies, municipal service reviews, and spheres of influence reflect the needs and desires of the community.
- Preparing necessary California Environmental Quality Act (CEQA) documents (e.g. Notices of Exemption, Initial Studies, Negative Declarations, and Mitigation Monitoring Plans, etc.) for those actions in which Sutter LAFCO is the lead agency; reviewing and preparing comments on CEQA documents prepared by other agencies which affect the responsibilities of the Commission.
- Monitoring new and proposed state and local legislation that pertains to LAFCO, and preparing reports to the Commission that include a recommendation of support or opposition to proposed legislation; actively participating in related organizations, such as the California Association of LAFCOs and professional associations.
- Coordinating with LAFCO Counsel on legal issues and other matters that may require an oral or written interpretation or opinion from legal counsel.

### **QUALIFICATIONS, EXPERIENCE, EDUCATION, TRAINING**

The successful proposal will be one that presents a combination of experience, education, and training that demonstrates knowledge of:

- The organization, structure, and functions of a Local Agency Formation Commission, with specific expertise in the statutory procedures and requirements associated with changes of organization and reorganization;
- The organization, structure, and functions of local governmental agencies, and demonstrated knowledge of the laws, codes, guidelines, and principles that apply to local governmental agencies;
- Management and administration principles and practices that are typically applied to a Local Agency Formation Commission and other local governmental agencies;
- Research methodologies, group and organization dynamics, and communication skills and techniques necessary for gathering, evaluating, and transmitting information to the Commission, other agencies, community organizations, and the general public.
- Respondents are encouraged to include in their proposal a writing sample of their own choosing that demonstrates clear writing and written analytical skill.

The required knowledge and skills are typically attained through college work equivalent to a Bachelor's Degree in public administration, planning, or a related field. Experience with a Local Agency Formation Commission is desired, such as Executive Officer, LAFCO project manager, policy analyst or contract staff. Consideration will be given to experience obtained through work with other local governmental/public agencies such as a county, a city, or a special district. Consideration will also be given to unique individual qualifications.

Knowledge of:

- Pertinent State, Federal and local laws.
- Statutory purposes of the Local Agency Formation Commission.
- Local government organization, structure, services, programs, and functions.
- The California Environmental Quality Act and its application to LAFCO actions.
- Principles and practice of public administration, organizational analysis, leadership, team building and conflict resolution.
- Office procedures and technology equipment; knowledge of the use of Geographic Information Systems and maintenance of Internet web sites is desirable.
- Effective budget management principles.
- Effective personnel management principles.

Ability to:

- Organize and direct administrative and analytical support activities for LAFCO.
- Analyze, interpret and evaluate technical and budget reports and extensively maintain budget controls.
- Comply with all applicable Federal, State and local personnel related laws, regulations and policies.
- Gain cooperation through discussion and persuasion.
- Establish and maintain effective working relationships with individuals and groups representing diverse cultures, educational backgrounds and interests.
- Interpret and apply LAFCO policies, decisions, rules and regulations.
- Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Communicate clearly, both orally and in writing.
- Drive to meetings and conduct field visits throughout the County.