

# SUTTER LAFCO

## LOCAL AGENCY FORMATION COMMISSION

P.O. Box 2694

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

### REGULAR MEETING AGENDA

#### Meeting will begin at 2:00 PM

**ZOOM MEETING ONLY:** Pursuant to Assembly Bill 361 (Gov. Code, § 54953, subd. (e)), signed by Governor Newsom on September 16, 2021, the regular meeting of Sutter LAFCO for January 13, 2022 will be conducted telephonically at 2:00 pm through Zoom only. No physical location will be available for this meeting. You may participate in the Commission proceedings and Public Comment by using the "raise hand" function in Zoom. Members of the public are encouraged to observe and participate in the teleconference.

**Thursday, January 13, 2022 - 2:00 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

The complete agenda and related items are available on the Sutter LAFCO website at [www.sutterlafco.org](http://www.sutterlafco.org) subject to staff's ability to post the documents before the meeting.

The Zoom link is as follows:

Sutter LAFCo January 13<sup>th</sup>, 2022 2:00 PM

<https://us02web.zoom.us/j/85667809130?pwd=M0lpY2FHhWNzNl02NTZEdDdFN2JFQT09>

Or join by phone: 1-408 638 0968 (toll free)

Meeting ID: 856 6780 9130

Passcode: 141450

**1. Call to Order:**

- a. *Roll Call.*
- b. *Pledge of Allegiance.*
- c. *Approval of the Agenda*

**2. Election of Chair and Vice-Chair for 2022**

- a. *Election of Chair*
- b. *Election of Vice-Chair*

**3. Approval of Minutes from the November 18, 2021 LAFCo meeting:**

*Action: Approval of Minutes from the September 9, 2021, meeting*

**4. Consent Agenda:**

*Action:*

- a. *Consider Resolution 2022-0004 regarding remote teleconferencing meetings as mandated by (Gov. Code, § 54953, subd. (e)).*
- b. *Payment of Claims for November and December 2021*

**5. Sutter Ranch Annexation of 81.07 acres to the Sutter Community Services District (LAFCo project 2021-0004) on property located on the north and south sides of Butte House Road between Oak Street and Mallott Road, Sutter, CA**

- a) *Review Executive Officer's Report for the Sutter Ranch annexation of 81.07 acres for water services for a proposed residential subdivision.*
- b) *Consider Resolution 2022-0003 approving the Sutter Ranch annexation to the Sutter CSD subject to the terms and conditions included.*

**6. Bains Annexation of 256-acres to the City of Yuba City (LAFCo project 2021-0003 generally located east of George Washington Blvd, north of Bogue Road, south of Lincoln Road and west of Sanborn Road,**

- a) *Review Executive Officer's Report for the Bains annexation of 256.18 acres more or less for municipal services for a proposed residential subdivision in the Lincoln East Specific Planning area for Yuba City.*
- b) *Consider Resolution 2022-0002 approving the Bains annexation to the City of Yuba City subject to the terms and conditions included.*

**7. Kells Annexation of 107.84-acres to the City of Yuba City (LAFCo project 2021-0005 generally located south of Bogue Road, north of Stewart Road, west of State Route 99, within Sutter County and within the Bogue-Stewart Master Plan Area (BSMP)**

- i. *Review Executive Officer's Report for the Kells annexation of 107.84 acres more or less for municipal services for a proposed residential subdivision in the Bogue Stewart Specific Plan Planning area for Yuba City.*

ii. Consider Resolution 2022-0001 approving the Kells annexation to the City of Yuba City subject to the terms and conditions included.

**8. WORKSHOP TO BE CONTINUED: Review and Discuss the upcoming 2021 FIRE and EMS Municipal Service Review and Sphere of Influence Update for Fire and EMS service providers in Sutter County**

a. Continue to Special meeting on February 10, 2021

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

a. Gilsizer County Drainage District Annexation for Bains, Kells and upcoming Basrai projects

b. 700 forms due April 1<sup>st</sup>

**10. 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.

**11. 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.

**12. Adjournment:**

Adjourn to the special meeting at Yuba City Hall and (or) via Teleconference at **2:00 pm February 10, 2022**

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 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 (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)

**RESOLUTION NO. 2022-0004**

**A RESOLUTION OF THE SUTTER LAFCO OF THE AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE COMMISSION PURSUANT TO GOVERNMENT CODE SECTION 54953(e)**

WHEREAS, Government Code section 54953(e), as amended by Assembly Bill No. 361, allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined, by majority vote, pursuant to option 2, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the Governor of California proclaimed a state of emergency pursuant to Government Code section 8625 on March 4, 2020; and

WHEREAS, the SUTTER LAFCO desires to hold its public meetings by teleconference consistent with Government Code section 54953(e).

NOW, THEREFORE, THE SUTTER LAFCO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Conditions are Met. The SUTTER LAFCO hereby finds and declares the following, as required by Government Code section 54953(e)(3):

1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect.
2. The reasons for adopting this resolution are one or more of the following:
  - a. State or local officials have imposed or recommended measures to promote social distancing.

- b. The legislative body is holding the meeting for the purpose of determining whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- c. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

PASSED AND ADOPTED by the Sutter LAFCo, this 13<sup>th</sup> day of January 2022 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Don Cochran Chair  
Sutter Local Agency Formation Commission

ATTEST:

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John Benoit, Executive Officer

SUTTER LOCAL AGENCY FORMATION COMMISSION,

# Sutter Local Agency Formation Commission

Item #3

## CLAIMS

November and December 2021

2021-2022 Expenses

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
Dec 1, 2021	Staff Services November 2021	\$ 6,845.06
10.15, 2021	Legal Counsel 10.16.21-11.15.21	\$ 1,500.00
Nov 18, 2021	Commission Stipend 11.18.21	\$ 500.00
Nov 1, 2021	Staff Services Dec 2021	\$ 4,792.56
Dec 15, 2021	Legal Counsel 11.16.21-12.15.21	\$ 1,500.00
	TOTAL:	\$ 16,371.39

Project revenue: Kells, Newkom, Bains and Sutter Ranch \$ 26,300.00

DATED: January 13, 2021

APPROVED: January 13, 2021

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Chair or Vice-Chair  
Sutter Local Agency Formation Commission

Attest:

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John Benoit  
Executive Officer

FUND: SUTTER LAFCO  
 DEPT: Expenditures and Revenue  
 FY 2021-2022

Item	Insurance	Memberships	copies	postage	ommunication	Offices Exp.	Counsel	staff Svcs	Comm Stipend	Notices and	stafco	Trains & Travel
Account Number	64301	63101	62601	62301	62201	62501	67730	62701	61210	Public	62401	62801
<b>Total Budgeted 2021-2022</b>	\$ 2,600.00	\$ 2,410.00	\$ 1,000.00	\$ 600.00	\$ 750.00	\$ 350.00	\$ 15,000.00	\$ 48,000.00	\$ 6,600.00	\$ 1,500.00	\$ 2,500.00	\$ 1,500.00
Calaico Dues 2021-2022		\$ (2,410.00)										
GSRMA Insurance 2021-2022	\$ (2,527.00)											
Staff Svcs July 2021			\$ (15.00)		\$ (54.76)	\$ (24.98)		\$ (5,057.50)				\$ (52.64)
Browne ending 7.15.21 #942			\$ (15.00)		\$ (102.69)		\$ (1,500.00)	\$ (4,143.75)				
Staff Svcs Aug 2021							\$ (1,500.00)					
Browne ending 8.15.21									\$ (500.00)			
July 8, 2021 Comm Stipend									\$ (700.00)			
Comm payroll Sept 9, 2021												
REVENUE BAINS REORG -YC and Gilsizer 2021-0003												
Staff Svcs Sept 2021 (0073)					\$ (59.99)		\$ (1,500.00)	\$ (3,740.00)			\$ (52.64)	
Browne ending 9.14.21							\$ (1,500.00)					
Browne ending 10.15.21							\$ (1,500.00)					
Staff Svcs Oct 2021			\$ (15.00)		\$ (60.06)			\$ (4,717.50)				
Revenue Kells annex2021-0005- Revenue												
Revenue Sutter Ranch 21-04												
Staff Svcs Nov 2021			\$ (16.30)		\$ (61.12)		\$ (1,500.00)	\$ (6,715.00)				\$ (52.64)
Browne ending 11.15.2021			\$ (10.00)		\$ (66.33)		\$ (1,500.00)	\$ (5,950.00)				
Staff Svcs December 2021							\$ (1,500.00)		\$ (500.00)			
Browne ending 12.15.21												
Comm Payroll November 18, 2021												

\$ 185.00

<b>Total Expenditures to date</b>	\$ (2,342.00)	\$ (2,410.00)	\$ (71.30)	\$ (404.95)	\$ (24.98)	\$ (24.98)	\$ (9,000.00)	#####	\$ (1,700.00)	\$ (52.64)	\$ (105.28)	
<b>Total Budget Remaining</b>	\$ -	\$ -	\$ 928.70	\$ 600.00	\$ 345.05	\$ 325.02	\$ 6,000.00	\$ 17,676.25	\$ 4,900.00	\$ 1,500.00	\$ 2,447.36	\$ 1,394.72

unaudited

July 1, 2021 Fund Carryover

\$ 185,768.11

Revenue Received to date:  
 21-22 Contribs Received City-Dist-County \$ 78,787.84 \$ 78,691.00  
 REVENUE FOR PROJECTS \$ 26,300.00  
 Interest  
 Reserve  
 Less Expenditures  
**Actual Cash Balance** \$ 244,236.05



