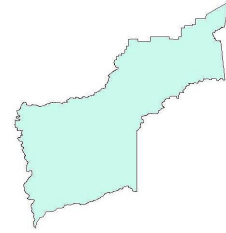


# YUBA LOCAL AGENCY FORMATION COMMISSION

John Benoit, Executive Officer  
Paige Hensley, Deputy Executive Officer  
David Ruderman, LAFCO Counsel  
417 4<sup>th</sup> Street  
P.O. Box 2305      Phone (530) 749-5467  
Marysville, CA 95901      Fax (530) 749-5468



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## YUBA LOCAL AGENCY FORMATION COMMISSION AGENDA

### REGULAR MEETING

Wednesday, March 1, 2023, at 6:00 P.M.  
Board of Supervisors Chambers  
915 8<sup>th</sup> Street – Marysville, California 95901

**In person meeting:** The Yuba LAFCO meeting will be open to in-person attendance. To remain in compliance with the state’s public health guidance and CalOSHA COVID-19 Emergency Temporary Regulations [8 CCR §3205], masks are allowed for individuals who choose to wear them.

**Zoom meeting:** The Yuba LAFCO meeting will be available via Zoom, and you may participate in Public Comment by using the “raise hand” function. Pursuant to Government Code section 54953(e), local legislative bodies may hold public meetings via teleconference. Additionally, even when members of the local legislative body are attending meetings in person the local legislative body may make public meetings accessible telephonically or otherwise electronically to all members of the public. Members of the public are encouraged to observe and participate in the teleconference.

**To join the Zoom meeting by video, click on the link below and follow the instructions:**

<https://us02web.zoom.us/j/83406049213?pwd=VnpDT25xczZpU0JjenZH0WkxZkh5QT09>

**Or you may join by telephone by dialing the following:**

+1 669 900 6833 US

**Meeting ID: 834 0604 9213**

**There is no participant ID- Just press # when prompted**

**Passcode: 624714**

Public comment will also be accepted by email to [phensley@co.yuba.ca.us](mailto:phensley@co.yuba.ca.us). Please list the item number you wish to comment on and submit your written comments 24 hours prior to the start of the meeting. Written comments will be distributed to the Commission prior to the meeting but not read at the meeting and are limited to 500 words

Oral public comments will be subject to a three-minute time limitation indicated below.

#### **1. Call To Order:**

##### **A. Roll Call:**

## **Commissioners**

Kuldip Atwal, Public Member  
Gary Bradford, County Member  
Brad Hudson, City Member **Vice-Chair**  
Andy Vasquez, County Member **Chair**  
Rick West, City Member

## **Alternates:**

Jon Messick, County Member Alternate  
Dominique Belza, City Member Alternate  
Dennis Pinney, Public Member Alternate

### **2. Pledge of Allegiance:**

### **3. Consent Agenda:**

All matters listed under Consent Agenda are considered to be routine and can be enacted in one motion.

A. Approval of meeting minutes from November 2, 2022.

### **4. 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 3 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.

### **5. Public Hearings:**

A. **LAFCO 2022-0010/RD2103/RD817:** A request from Reclamation District 2103 and Reclamation District 817 for a Sphere of Influence Amendment for both districts and an annexation of approximately 2719 acres into RD817, with concurrent detachment of approximately 2719 acres from RD2103, in which 613.27 acres are located in Sutter County, and 2106.47 acres are located within Yuba County

**Action:** *Receive Executive Officer's Report and:*

- 1. Adopt Resolution No. 2023-01 approving the Sphere of Influence Amendment, consisting of 2,719.74 Acres being removed from the Reclamation District 2103 Sphere of Influence and annexed into Reclamation District 817s Sphere of Influence, and;*
- 2. Adopt Resolution No. 2023-02 approving the detachment of approximately 2,719 acres from Reclamation District 2103 and the annexation of approximately 2,719 acres into Reclamation District 817.*

***(A reversal of LAFCO Commission decision for LAFCO 2020-0005)***

**B. Proposed Budget for Fiscal Year 2023-2024:**

***Action:** Receive proposed budget report and adopt Resolution 2023-03 approving the Proposed Budget for Fiscal Year 2023-2024.*

**6. Action Items:**

**A. Office Space Rental Contract Renewal**

***Action:** Approve and authorize the Executive Officer to sign amended office space rental contract.*

**7. Other Items:**

A. Workshop - Review and discuss proposed updated Yuba LAFCo Bylaws.

B. Alexandra Jack (Yuba LAFCo Counsel) to review AB 2449 requirements

**8. Executive Officers and Commissioners Reports:**

A. Update on pending projects.

B. 700 form Reminder.

C. New Yuba LAFCo website update.

**9. Adjourn to the next meeting on Wednesday, May 3, 2023.**

Commissioners – Please contact your alternate if you are unable to attend this meeting.  
Alternates are:

City - Dominique Belza  
County - Jon Messick  
Public - Dennis Pinney

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**

*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 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 3 minutes. Time to address the Commission will be allocated on the basis of the number of requests received. If you would like an item placed on a future agenda, you may do so by contacting the Commission at (530) 749-5467.

#### Procedure for Public Hearing:

The public may address the Commission on each agenda item during the Commission's consideration of the item. When doing so, and when commenting on non-agenda items, we ask that the public kindly be recognized by the Chair before speaking, and to please keep their remarks brief. If several persons wish to address the Commission on the same item, or if any person's comments are excessive, the Chair may limit any person's input to 3 minutes. Written statements may be submitted in lieu of or addition to supplement oral statements made during a public hearing.

#### Accessibility

The telephonic/video meeting location is accessible to people with disabilities. Every reasonable effort will be made to accommodate participation of the disabled in all of the Commission's public meetings. If particular accommodations for the disabled are needed or a reasonable modification of the teleconference procedures are necessary (i.e., disability-related aids or other services), please contact the Clerk at (530) 749-5467 at least 24 hours in advance of the meeting. An interpreter for the hearing-impaired may be made available upon request to the Clerk 72 hours before a meeting.

#### Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Yuba LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.

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.

Late-Distributed Materials. Any material submitted to the Commission after this agenda is posted will be made available for public inspection as soon as possible in the LAFCO office, as indicated below.

Contact LAFCO Staff: LAFCO staff may be contacted at 530-749-5467 or by mail at Yuba LAFCo c/o John Benoit, Executive Officer, 417 4<sup>th</sup> Street, Marysville, CA 95901 or by email at [phensley@co.yuba.ca.us](mailto:phensley@co.yuba.ca.us) or by fax at (530) 749-5468.



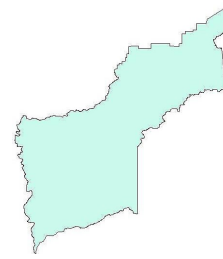
AGENDA ITEM NO. 3A

CONSENT AGENDA - NOVEMBER 2ND, 2022 MEETING MINUTES

# **YUBA COUNTY LOCAL AGENCY FORMATION COMMISSION**

John Benoit, Executive Officer  
Paige Hensley, Clerk-Analyst  
David Ruderman, LAFCo Counsel  
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**ACTION MINUTES**  
**YUBA LOCAL AGENCY FORMATION COMMISSION**  
**REGULAR MEETING**  
November 2, 2022

**1. CALL TO ORDER:**

At 6:00 p.m. the Yuba County Local Agency Formation Commission (LAFCO) was called to order by the Chair, Commissioner Vasquez, along with Commissioners Fletcher, Hudson and West present. County Alternate Bradford and Public Alternate Pinney were present. Commissioner Atwal and City Alternate Pendergraph were absent. Also present were Executive Officer-John Benoit, Legal Counsel-David Ruderman and LAFCo Clerk-Analyst Paige Hensley.

**2. PLEDGE OF ALLEGIANCE:**

Commissioner Vasquez led the commission in the Pledge of Allegiance.

**3. CONSENT AGENDA:**

*All matters listed under Consent Agenda are considered to be routine and can be enacted in one motion.*

- A. Consider Resolution 2022-21 regarding remote teleconferencing meetings as mandated by (Gov. Code, § 54953, subd. (e)).
- B. Approval of meeting minutes from September 7th, 2022

**Action:** Upon motion by Commissioner Fletcher and seconded by Commissioner Hudson, the commission voted unanimously to approve the consent agenda with the following 5 to 0 vote: AYES: Fletcher, Hudson, Vasquez, West and Alternate Pinney; NOES: None; ABSTAIN: None; ABSENT: Commissioner Atwal

**4. PUBLIC COMMUNICATIONS:**

There were no public comments.

**PUBLIC HEARINGS:**

**5. ACTION ITEMS:**

- A. Reclassify Paige Hensley from Clerk-Analyst to the position of Deputy Executive Officer.

**Staff Report:**

John Benoit presented the Executive Officers Report regarding reclassifying Paige Hensley to the position of Deputy Executive Officer, at a 5-step pay range of \$43.51 to 52.89 per hour with Yuba Water Agency benefits

**Action:** Upon motion by Commissioner Fletcher and seconded by Commissioner West, the commission voted unanimously to approved reclassifying Paige Hensley to the position of Deputy Executive Officer, at a 5-step pay range of \$43.51 to 52.89 per hour with Yuba Water Agency benefits with the following 5 to 0 vote: AYES: Fletcher, Hudson, Vasquez, West and Alternate Pinney; NOES: None; ABSTAIN: None; ABSENT: Commissioner Atwal

**B.** Approve Yuba LAFCO's meeting schedule for the upcoming year of 2023.

**Action:** Upon motion by Commissioner Fletcher and seconded by Commissioner Hudson, the commission voted unanimously to approve the meeting schedule for the upcoming year of 2023, with the following 5 to 0 vote: AYES: Fletcher, Hudson, Vasquez, West and Alternate Pinney; NOES: None; ABSTAIN: None; ABSENT: Commissioner Atwal

**6. Executive Officers and Commissioners Reports:**

**A.** Summary report of the CALAFCO Annual Conference in Newport Beach – Yuba Attendees: Andy Vasquez, Gary Bradford and John Benoit.

Executive Officer John Benoit, Commissioner Vasquez and Commissioner Bradford summarized their experience attending the CALAFCO Conference.

**B.** Update on pending projects.

John Benoit gave a brief update regarding pending projects.

**7. ADJOURN:**

There being no further business, the meeting was adjourned at 6:25 p.m. to the next meeting on November 2, 2022, at 6:00 p.m. in the Board of Supervisors Chamber, 915 8th Street, Marysville, and via a Zoom meeting.

Approved,

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Andy Vasquez, Chair

ATTEST: JOHN BENOIT  
EXECUTIVE OFFICER

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By: Paige Hensley, Yuba LAFCO Clerk-Analyst

## **Agenda Item No. 5A**

LAFCO 2022-0010/RD2103/RD817

Yuba LAFCO

Executive Officer's Report

MARCH 1, 2023

TO: Yuba Local Agency Formation Commission  
From: John Benoit, Executive Officer  
RE: LAFCo File 2022-0010 Reversal of an annexation and Sphere of Influence amendment involving RD 817 and RD 2103

BACKGROUND

This application is a reversal of previous LAFCo actions related to LAFCo file 2020-0005. This new application reverses the recently annexed portion from RD 2103 and annexes it back to RD 817 and also to reverse the previously adopted Sphere of Influence Amendment.

These actions are being taken due to a settlement agreement from a lawsuit filed by Michael E. Rue; Patricia M. Rue v. Yuba Local Agency Formation Commission; Does 1-50. This settlement agreement requires the RD 817 area annexed to RD 2103 be detached from RD 2103 and annexed back to RD 817.

On November 2, 2020, LAFCo received an application from Reclamation District 2103 (RD 2103) and RD-817 requesting a reorganization consisting of an annexation of approximately 2,719.74 acres of territory more or less into RD 2103 and a detachment of 2,719.74 acres of land more or less from Reclamation District 817 of which 613.27 acres more or less is located in the Sutter County portion of RD 817 and 2106.47 acres more or less in the Yuba County portion of RD 817. RD 817 will have a remainder (land remaining in RD 817) of 507.3 acres more or less of territory located in the Horseshoe Basin area of Yuba County. This reorganization significantly decreased the land area within the RD 817. The project area is located in the southwestern area of Yuba County, west of the City of Wheatland, and located in the southeastern area of Sutter County. The purpose of this reorganization was to allow each district to provide the most efficient levee maintenance services, based on the recommendations in the Feather River Regional Flood Management Plan (FRRFMP) Operation and Maintenance Governance Study. The project area is located in the southwestern area of Yuba County, west of the City of Wheatland, and in the southeastern area of Sutter County.

On August 1, 2022 LAFCo received an application from Reclamation District 2103 (RD 2103) and Reclamation District 817 requesting a reorganization and Sphere of Influence Amendment removing 2,719.74 acres of territory more or less from RD 2103 and adding it back to RD 817 and a concurrent detachment of 2,719.74 acres of land more or less from Reclamation District 2103, of which 613.27 acres more or less are located in the Sutter County and 2106.47 acres more or less in the Yuba County and annexing it into the remainder portion of RD 817. RD 817 had a remainder (land remaining in RD 817) of 507.3 acres more or less of territory located in

the Horseshoe Basin area of Yuba County. This previous reorganization significantly decreased the land area within the RD 817.

Originally both Reclamation Districts had adopted substantially similar resolutions requesting the original reorganization. The action before LAFCo at this time is to reverse its final approvals dated December 5, 2021.

**EXECUTIVE OFFICER'S RECOMMENDATIONS:** Adopt Resolution 2023–0001 (see Attachment #1) removing 2,719.74 acres more or less from the Reclamation District 2103's Sphere of Influence and adding 2,719.74 acres more or less to the Reclamation District 817's Sphere of Influence. And adopt Resolution 2023 – 0002 (Attachment #2) approving a detachment of 2,719.74 acres more or less from Reclamation District 2103 and adding 2,719.74 acres more or less and annexing it to Reclamation District 817 for territory located in southern Yuba and eastern Sutter Counties

Suggested Motions:

1. Adopt Resolution 2023-0001 approving a Sphere of Influence Amendment consisting of 2,719.74 acres being removed from the Reclamation District 2103 and placed into the Reclamation District 817's Sphere of Influence.
2. Adopt Resolution 2023-0002 approving an annexation consisting of 2,719.74 acres more or less to the Reclamation District 817 and removing 2,719.74 acres from the Reclamation District 2103.

**RD 2103**

Reclamation District (RD) 2103 was formed on April 20, 1964 as an independent special district, and was originally called the Wheatland Reclamation District.<sup>1</sup> The district was formed to maintain five miles of the northern Bear River levee and 4.75 miles of the southern Dry Creek levee in the Wheatland area.<sup>2</sup> The Central Valley Flood Protection Board (formerly State Reclamation Board) had notified local agencies in the area in 1954 of the need for a local agency to assume responsibility for the levees. "Out of that developed Reclamation District 817's effort to maintain these levees, but that has not worked out. The situation finally reached a point where the State Reclamation Board has in effect said that unless a local agency is formed to maintain these levees, the State will form a maintenance area."<sup>3</sup> The proponents formed the district due to the lower cost of a locally operated district compared with a state maintenance area.

The principal act that governs the District is the Reclamation District Act.<sup>4</sup> The principal act empowers RDs to 1) construct, maintain and operate levees, pumping

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<sup>1</sup> LAFCO Resolution 64-3 became effective April 20, 1964.

<sup>2</sup> Correspondence from Daniel Gallery of McDonough, Schwartz, Allen & Wahrhaftig to Yuba LAFCO, "Formation of Reclamation District in vicinity of Wheatland, California," dated March 20, 1964. LAFCO approved formation as proposed without modifications or conditions.

<sup>3</sup> Correspondence from Daniel Gallery of McDonough, Schwartz, Allen & Wahrhaftig to Yuba LAFCO, "Justification of Proposal for review by Local Agency Formation Commission," dated March 20, 1964.

<sup>4</sup> California Water Code, Division 15, §50000-53903.

plants, canals, and other diversion and irrigation infrastructure,<sup>5</sup> 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,<sup>6</sup> 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,<sup>7</sup> and 4) retain an agricultural expert to advise landowners.<sup>8</sup> Districts must apply and obtain LAFCO approval to exercise latent powers or, in other words, those services authorized by the principal act but not provided by the district at the end of 2000.<sup>9</sup>

The District's boundary is primarily within Yuba County, but also within Placer and Sutter counties. Yuba is the principal county and Yuba LAFCO has jurisdiction. The City of Wheatland and much of the City's SOI area are within the bounds. The boundary area extends north to the Dry Creek southern levee, west to Oakley Lane (with the southwest corner extending about 0.7 miles west of Oakley Lane), south to the Bear River northern levee, and east to the vicinity of the historic Johnson's Ranch, as shown on Map B-0. The District has a boundary area of 7.1 square miles.

The District's SOI is coterminous with its boundary.

### **RD 817**

Reclamation District (RD) 817 was formed on November 4, 1910, as an independent special district.<sup>10</sup> The district was formed to maintain the westernmost part of the Dry Creek southern levee and the Bear River northern levee (between the Dry Creek confluence and RD 2103 boundary).

The principal act that governs the District is the Reclamation District Act.<sup>11</sup> The principal act empowers RDs to 1) construct, maintain and operate levees, pumping plants, canals, and other diversion and irrigation infrastructure,<sup>12</sup> 2) acquire, maintain and operate irrigation systems (dams, diversion works, canals, pumps) and supply irrigation water to lands within and contiguous to district bounds,<sup>13</sup> 3) construct, maintain, and operate transportation (i.e., roads, bridges, and ferry boats) for access to district facilities and land in the district bounds,<sup>14</sup> and 4) retain an agricultural expert to advise landowners.<sup>15</sup> Districts must apply and obtain LAFCO approval to exercise latent powers or, in other words, those services authorized by the principal act but not provided by the district at the end of 2000.<sup>16</sup>

The District's boundary is primarily within Yuba County, but also within Sutter County. Yuba is the principal county and Yuba LAFCO has jurisdiction. The boundary area extends north to the Dry Creek southern levee, west to the Bear River and Dry

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<sup>5</sup> California Water Code §50932.

<sup>6</sup> California Water Code §50910.

<sup>7</sup> California Water Code §50933.

<sup>8</sup> California Water Code §50952.

<sup>9</sup> Government Code §56824.10.

<sup>10</sup> The Yuba County Board of Supervisors approved the formation on November 4, 1910.

<sup>11</sup> California Water Code, Division 15, §50000-53903.

<sup>12</sup> California Water Code §50932.

<sup>13</sup> California Water Code §50910.

<sup>14</sup> California Water Code §50933.

<sup>15</sup> California Water Code §50952.

<sup>16</sup> Government Code §56824.10.

Creek confluence, south to the Bear River northern levee, and east to the Oakley Lane vicinity. The eastern boundary along the Bear River Levee is about 0.7 miles west of Oakley Lane, and along the Dry Creek Levee is about .65 miles west of Oakley Lane, as shown on Map B-0. Some territory north of Dry Creek is included within the bounds, although only portions of that territory lie within the 100-year flood area. A portion of the Dry Creek levee just west of Oakley Lane is not within District bounds, according to map archives.<sup>17</sup>

The District has a boundary area of approximately 6.6 square miles.

The District's SOI is coterminous with its boundary.

### **Boundary History**

The boundary was originally established in 1910 upon formation. The RD's southern boundary may have been changed in 1922 and 1939 prior to the creation of LAFCO.<sup>18</sup> The boundary has not been changed since the 1940s when the Board of Equalization began recording boundaries in its archives.

LAFCO adopted the SOI on April 13, 1988, as coterminous with the district boundary.<sup>19</sup> There have been no subsequent boundary or SOI changes.

### **B. Proposal and Justification**

The justification is based on the settlement agreement entered into by the Reclamation District 2103, Yuba LAFCo and Michael and Patricia Rue.

### **C. Location**

Southern Yuba County west of Wheatland and southeastern Sutter County (Wheatland Basin Area).

### **D. Purpose**

The purpose of this reorganization is to comply with the settlement agreement.

### **E. Environmental Review**

The Reclamation Districts find this action to be exempt from CEQA based on Article 19, CEQA exemption 15320 "Changes in organization of local agencies". This action is exempt from CEQA since this action will not result in any service changes. The land is

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<sup>17</sup> A 1936 deed transferred that land along the Dry Creek Levee to the Sacramento and San Joaquin Drainage District; a title record stated that the property was within said district. There is no record indicating that levee segment was officially annexed to RD 817.

<sup>18</sup> Historic boundary changes are inferred from the RD 817 SOI map in the LAFCO archives that shows a 1922, a 1939 and the current boundary. No boundary changes were recorded in the LAFCO (1964-present) or BOE (1940s-present) archives. The BOE archives include the 1922 boundary map and the formation resolution approved by the Yuba County Board of Supervisors.

<sup>19</sup> LAFCO resolution 1988-5.



currently in agriculture, which will not be changed. (See Attachment #3 Notice of Exemption)

## II. ANALYSIS

A. Accepted for filing: February 14, 2023

B. Publication and Posting: Feb 7, 2023

C. Compliance with CEQA:

Lead Agency:	RD 2103 and 817
Responsible Agency:	Yuba LAFCo
Environmental Finding:	Exempt
Date of Finding:	Feb 1, 2023

D. Compliance with applicable Plans:

The proposed reorganization/sphere of influence amendment conforms to the Yuba County, Sutter County and Wheatland General Plans.

E. Existing Land Use and Zoning:

- LAND USE DESIGNATION:	Agriculture
- ZONING:	Agriculture
- DWELLINGS:	96
- POPULATION:	Inhabited (more than 12 registered voters).
- REGISTERED VOTERS:	More than 12.

G. LANDOWNER (S): Several

H. Existing Land Use and Zoning for Surrounding Territory:

The current land use for the annexation area is agriculture.

- North: Agriculture
- South: Agriculture
- East: Agriculture
- West: Agriculture

I. Proposed Development: None.

J. Fiscal Data: According to Resolution No. 2023-0008 of the Yuba County Board of Supervisors and Resolution No. 23-008 the Sutter County Board of

Supervisors Pertaining to Tax Revenue Exchange for this reorganization there will not be an exchange of base and incremental property tax transferring from RD 817 back to RD 2103 for the detachment/annexation territory.

K. Existing and Proposed Service Agencies:

Service:	Existing Provider:	Proposed Provider:
School Districts	Wheatland Elementary School, Bear River Middle School and Wheatland Union High School	Same
Fire Protection	Plumas Brophy Fire, Placer Co. Fire Dept. Station 38	Same
General Government	Yuba and Sutter Counties	Yuba County
Police Protection	Yuba and Sutter County Sheriff	Yuba County Sheriff
Off-site Drainage and Flood Control	2103	RD 2103 and RD 817
Water and Wastewater	n/a	n/a
Street Lighting	n/a	n/a
Roads	Yuba and Sutter County	Yuba County
Emergency Services	Plumas Brophy Fire, PC station 38 in Sheridan	Same

**III. CRITERIA FOR REVIEW OF SPHERE OF INFLUENCE AMENDMENTS**

A component of this reversal is a Sphere of Influence amendment is required to remove 2,719.74-acre more or less from the Sphere of Influence for RD 2103 and add it back into the Sphere of Influence for the RD 817.

In determining the sphere of influence for each local agency, the Commission shall prepare a written statement of determinations with respect to each of the following:

- a. The present and the planned land uses in the area, including agricultural and open-space lands.
- b. The present and probable need for public facilities and services in the area.
- c. The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide.

*Note: N/A*

g. A review of a municipal services pertaining to a subject SOI will be prepared prior to, or in conjunction with, each SOI update (§56430) or substantial amendment unless the Commission determines that a prior service review remains adequate.

*Note: The review of Municipal Services has been completed.*

h. When determining which local agency should provide services, considerable weight will be given to an agency's ability and willingness to provide services. When more than one agency can serve an area, LAFCO shall also consider the conclusion of service reviews, each agency's service capacity, financial capabilities and costs to provide service. Social and economic interdependencies, topographic, historic and environmental factors, input from affected communities and agencies, and pertinent LAFCO policies shall also be considered (§56668, §56430).

*Note: Both Reclamation Districts 2103 and 817 are requesting this territory (2,719.74 acres) be removed from the RD 2103 Sphere and placed back into the RD 817 Sphere.*

i. LAFCO shall prioritize pending or anticipated SOI actions and related services review, and consider preliminary work plans as part of its annual work plan and budget hearing processes, although the Commission may consider SOI proposals whether or not they are reflected in the budget. The Commission may also initiate related service reviews. The Commission may also need to review or approve final SOI work plans and other processing recommendations.

*Note: This policy is not applicable to this proposal*

j. Agencies will be asked to participate in an SOI scoping session and complete SOI/service review questionnaires relating to their services and plans. Agencies will be required to complete and submit questionnaires within 90 days. Failure to respond within 90 days will be regarded as concurrence with Executive Officer recommendations.

*Note: This has been completed as part of the MSR/SOI process*

k. LAFCO shall hear and consider the SOI, and related service reviews if any, at a noticed public hearing.

*Note: A public hearing is scheduled for March 1, 2023*

## OTHER RELATED POLICIES

a. LAFCO will make every attempt to establish Spheres of Influence acceptable to affected agencies, property owners, and other stakeholders but ultimately, LAFCO is the final determinant of a Sphere of Influence.

i.) Inclusion within an agency's sphere of influence does not ensure annexation to that agency.

*Note: Establishment of a Sphere Amendment for the Reclamation Districts 2103 and 817 will not ensure any additional annexations other than this proposal.*

- ii.) In order to encourage orderly growth of urban areas, the Commission promotes infill development of incorporated vacant lands located adjacent to already developed areas.

*Note: N/A*

- iii.) Developed lands, which benefit from municipal services and are contiguous to a city boundary should be annexed to the city that provides service.

*Note: N/A*

- iv.) Spheres of influence for cities and districts should respect the long-term preservation and protection of the County's agricultural and open space resources when not in conflict with Policy 4.5.3.

*Note: N/A*

- v.) When an application for a new sphere of influence involves a City, the City and County are required to meet prior to submitting the application to LAFCO, to attempt to reach a mutual agreement regarding the boundaries, development standards, and zoning requirements for the proposed sphere. These agreements are required to carry great weight in any LAFCO decision (§56425).

*Note: N/A*

Pursuant to Government Code Section 56425, LAFCO must consider four specific issues prior to making written determinations to support its action in amending the Sphere of Influence for Reclamation District 2103. These are discussed in the following paragraphs:

- 1. The present and planned land uses in the area, including agricultural and open space lands.

Present and planned land uses in the area include agricultural land type uses. The existing land uses surrounding the subject lands consist of small agricultural and residential parcels with active agriculture or grazing.

- 2. The present and probable need for public facilities and services in the area.

The current property within the territory requires reclamation services. RD 2103 and 817 provide reclamation services. Since a portion of the territory is planned and zoned for the existing uses and additional urban uses would not be allowed, the need for reclamation services will not be increased to serve more than is contemplated.

- 3. The present capacity of public facilities and adequacy of services that the agency is authorized to provide.

J. RD 2103 and 817 will continue to provide reclamation services.

4. The existence of any social or economic land communities of interest in the area if the Commission determines that they are relevant to the community.

The subject territory is located contiguous to each other

5. A determination regarding Disadvantaged Unincorporated Communities is required for Sphere amendments involving Domestic Water, Wastewater and Fire protection.

This determination is not applicable to this proposal

Conclusion:

The above policy considerations and determinations are the basis to support the removal of territory from the Sphere of Influence for the RD 2103 and include the territory back into the Sphere of Influence for RD 817. Recommended actions are presented in accordance with the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 as they apply to the Sphere of Influence Studies.

#### **IV. POLICY ANALYSIS - Annexation**

##### **1. GOVERNING LAW**

LAFCO is charged with applying the policies and provisions of the Cortese-Knox-Hertzberg Act to its decisions regarding annexations, incorporations, reorganizations, and other changes of government. Section 56668 of the Government Code states the following:

Factors to be considered in the review of a proposal shall include, but not be limited to, all of the following:

- (a) Population, and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- (b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation; formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services, which would be provided by local agencies subject to this division, and

includes the public facilities necessary to provide those services.

- (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.
- (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns, of urban development, and the policies and priorities set forth in Section 56377.
- (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.
- (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- (g) Consistency with city or county general and specific plans.
- (h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
- (i) The comments of any affected local agency.
- (j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.
- (k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5
- (l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with section 65580) of Chapter 3 of Division 1 of Title 7.
- (m) Any information or comments from the landowner or owners.
- (n) Any information relating to existing land use designations.
- (o) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

These factors will be reviewed with regard to the reorganization of RD 2103 and RD 817

- (a) Population, and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins;

*The proposed annexation is consistent with the Sutter and Yuba County General Plan and Zoning Ordinances.*

- (h) The sphere of influence of any local agency, which may be applicable to the proposal being reviewed.

*Once Amended this reorganization does not conflict with the Sphere of Influence of any other district, as amended.*

- (i) The comments of any affected local agency.

*None to report*

- (j) The ability of the newly formed or receiving entity to provide the services which area the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

*The RD 817 has the ability to provide the reorganized area with adequate services contingent upon passage of a special assessment.*

- (k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5

*N/A*

- (l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with section 65580) of Chapter 3 of Division 1 of Title 7.

*It is unknown how this proposal will affect regional fair shares of regional housing needs.*

- (m) Any information or comments from the landowner or owners.

*n/a.*

- (n) Any information relating to existing land use designations.

*The proposed project conforms to the Sutter and Yuba County General Plan and Zoning Ordinance The land use designation is Agriculture*

- (o) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

*There are no issues associated with environmental justice with this proposal.*

Yuba LAFCO General Policies

Policy		Comment
Communication between local agencies is encouraged.	N/A	N/A
Urban development proposals shall include annexation to a city where possible.	N/A	The Territory is not planned or zoned for urban development.
LAFCO will normally deny proposals that result in urban sprawl.	N/A	This project is not planned or zoned for urban development
Environmental consequences (CEQA) shall be considered.	Consistent	See NOE
LAFCO will consider the impact of a proposal on the regional supply of housing for all income levels.	N/A	
LAFCO will favor proposals that promote compact urban form and infill development.	N/A	
Government structure should be simple, accessible, and accountable.	Consistent	There is no indication of unnecessary complexity or lack of accessibility or accountability.
Agencies must provide documentation that they can provide service within a reasonable period of time.	Consistent	RD 2103 and RD 817 support this reorganization and will have the capacity to serve.
Efficient services are obtained when proposals: Utilize existing public agencies. Consolidate activities and services. Restructure agency boundaries to provide more logical, effective, and efficient services.	N/A	
Adverse impacts on adjacent areas, social and economic interests and the local government structure must be mitigated.	N/A	
Conformance with general & specific plans required.	Consistent	
Boundaries: Definite boundaries are required. Boundaries that are favored: Create logical boundaries & eliminate islands or illogical boundaries. Follow natural or man-made features and	Consistent	



<p>include logical service areas.</p> <p>Boundaries that are disfavored:  Split neighborhoods or communities.  Result in islands, corridors, or peninsulas.  Drawn for the primary purpose of encompassing revenue-producing territories.  Create areas where it is difficult to provide services.</p>		
Revenue neutrality required for all proposals.	Consistent	
<p>Agricultural and Open Space Land Conservation Standards:</p> <p>Must lead to planned, orderly &amp; efficient development.  Approved Sphere of Influence Plan required.  Findings with respect to alternative sites required.  Impact on adjacent agricultural/open space lands assessed.</p> <p>Agricultural Buffers</p>	Consistent	
<p>Need for services exists when:  Public health and safety threat exists.  The residents have requested extension of non-growth-inducing community services.  Subject area is likely to be developed for urban use within 5 years.</p>	Consistent	
<p>Exceptions are justified on the following grounds:  Unique.  Standards Conflicts.  Quality/Cost.  No Alternative.</p>	Consistent	No policy exceptions are needed

Annexation and Detachment Policies—Yuba LAFCO General

Policy		Comment
Proposals must be consistent with LAFCO general policies.	Consistent	This reorganization is contiguous with the district boundaries
A proposal must be consistent with the agency's Sphere Plan.	Consistent	The proposal is consistent, as amended.
Plan for Services required.	Consistent	
Subject territory must be contiguous to the agency's boundaries if required by law, or if necessary for efficient service delivery.	Yes	This territory is contiguous with the existing district boundary.
The detachment is necessary to ensure delivery of services essential to Health and Safety.	N/A	

The Successor provider will be the most efficient service provider	N/A	
The service plans for districts, which lie within a City's Sphere of Influence should provide for orderly detachment of territory from the district or merger of the district as district territory is annexed to the City.	N/A	
Detachment from a City or Special District shall not relieve the landowners within the detaching territory from existing obligations for bonded indebtedness or other indebtedness previously incurred.	N/A	
Adverse impact of detachment on other agencies or service recipients is cause for denial.	N/A	
Action options include: Approval. Conditional approval to require only a portion of the area to be detached. Denial.		

**V. Comments from the public and public agencies.**

The Yuba County Auditor provided a response with agency property tax estimates.

**VI. Staff Recommendations**

Staff recommends approving the Sphere of Influence amendment removing territory from the RD 2103 and placing the territory back into the RD 817 Sphere of Influence by adopting Resolution 2023-0001, and

Staff recommends the Commission approve the 2719.74 -acre annexation back to the RD 817 and detaching 2,719.74-acre territory from the RD - 2103 by adopting Resolution 2023-0002 including terms and conditions.

Respectfully Submitted,

John Benoit,  
Executive Officer

**Attachments:**

Attachment #1 LAFCo Resolution 2023-0001 approving a Sphere of Influence Amendment consisting of 2,719.74 acres being removed from the Reclamation District 2103 and placed into the Reclamation District 817's Sphere of Influence.

Attachment #2 LAFCo Resolution 2023-0002 - approving an annexation consisting of 2,719.74 acres more or less to the Reclamation District 817 and removing 2,719.74 acres from the Reclamation District 2103.

Attachment #3 Notice of Exemption

# Attachment 1

**BEFORE THE YUBA LOCAL AGENCY FORMATION  
IN THE COUNTY OF YUBA  
STATE OF CALIFORNIA**

**IN RE:**

**A RESOLUTION AMENDING AND REVERSING A )  
PREVIOUS LAFCO ACTION RE: THE )  
SPHERE OF INFLUENCE )  
FOR THE RECLAMATION DISTRICT 817 )  
AND THE RECLAMATION DISTRICT 2103 )  
YUBA COUNTY, CALIFORNIA )  
LAFCO No. 2022-0010 )**

**RESOLUTION NO. 2023-0001**

**WHEREAS**, Government Code Section 56425 requires each Local Agency Formation Commission to adopt and periodically review and update a sphere of influence for each local governmental agency within its jurisdiction; and

**WHEREAS**, the Yuba and Sutter Local Agency Formation Commissions, in compliance with the aforementioned requirement, provided a "plan for the probable physical boundaries and service area" for the Reclamation District 2103 (RD 2103) and Reclamation District 817 (RD 817) and adopted Sphere of Influence updates; and

**WHEREAS**, the Commission has set an initial hearing date of March 1, 2023, for the Reorganization of RD 2103 and RD 817 regarding a sphere of influence for the two reclamation districts and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56150, *et seq.*; and

**WHEREAS**, the Commission in Yuba and Sutter Counties previously heard and adopted a Municipal Services Review of services provided by the RD 2103 and RD 817 in accordance with Gov. Code section 56430; and

**WHEREAS**, After LAFCo filing a Certificate of Completion and receiving acknowledgement from the Board of Equalization, LAFCo received a complaint for a reverse validation requesting reversal of a LAFCo Action regarding a Sphere of Influence amendment and a detachment of 2,719.45 acres from RD 817 and annexation of 2,719.74 acres to RD 2103; and

**WHEREAS**, A settlement agreement was entered into by Michael E. Rue and Patricia M. Rue, Yuba LAFCo and Reclamation Districts 2103 and 817 on June 1, 2022 which all parties agreed that RD 2103 file an application with Yuba LAFCo to detach the most recently annexed area (comprising 2,719.74 acres) from RD 2103's jurisdictional boundaries and re-annex it to Reclamation District (RD) 817.

**WHEREAS**, it is the desired by both the RD 2103 and the RD 817 to reverse a LAFCO previous action and remove 2,719.45-acres more or less from the Sphere of Influence of the

RD 2103 and to place an additional 2,719.74-acres into the RD 817 as was the case prior to LAFCo's approval on September 1, 2021, when LAFCo approved a reorganization between these two agencies.

**WHEREAS**, the Commission has reviewed and considered the proposed Sphere of Influence amendment report and the proposed Sphere of Influence amendment map, which are attached hereto and incorporated herein for its reversal of its September 1, 2021 actions; and

**WHEREAS**, The RD 2103 and RD 817 have prepared and adopted a Notice of Exemption for this reorganization of the RD 2103 and RD-817 and Sphere amendment for the 2719.74-acre reorganization thereby reversing a previous action approved by LAFCo on September 1, 2021; and

**WHEREAS**, the Commission has considered those factors determined by it to be relevant to the proposed sphere of influence amendment, including, but not limited to, those factors specified in Government Code Section 56425, et seq., and has heard from interested parties and considered requests for amendment and/or revision of the proposed amended sphere boundary, if any;

**NOW, THEREFORE, BE IT RESOLVED** that the Yuba Local Agency Formation Commission does hereby find and determine as follows:

1. That the previous sphere of influence amendment adopted on September 1, 2021, with respect to the reorganization of the RD 2103 and RD 817 to add 2,719.74-acres more or less to the RD 2103 and remove 2,719.74-acres more or less from the RD 817 is hereby rescinded.
2. That no significant protests have been received regarding this sphere of influence amendment.
3. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Amendment Study included in the Executive Officer's report dated March 1, 2023, attached hereto and incorporated herein.
4. The Commission has reviewed and affirms the Notice of Exemption prepared for this reorganization and concurs with the findings that this sphere amendment will not have any significant impact upon the environment and no unusual circumstances exist.
5. Pursuant to Government Code Section 56425 (i) the RD 2103 and RD 817 are authorized provide reclamation services for territory within their respective Spheres of Influence as authorized by the Reclamation District Act of the California Water Code.
6. That the Sphere of Influence Amendment Report included as part of the Executive Officer's report, Notice of Exemption for this Sphere of Influence Amendment for this reorganization and map for the amended Sphere are hereby adopted and approved as set forth in Attachment "A" showing territory being removed from RD-2103 and added to RD 817 and Attachment B showing the new sphere of Influence boundary for RD-2103.

**PASSED AND ADOPTED** at a regular meeting of the Yuba Local Agency Formation Commission, County of Yuba, State of California, on the 1st day of March 2023 by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

---

Andy Vasquez, CHAIR  
YUBA LOCAL AGENCY  
FORMATION COMMISSION

ATTEST: JOHN BENOIT  
EXECUTIVE OFFICER

---

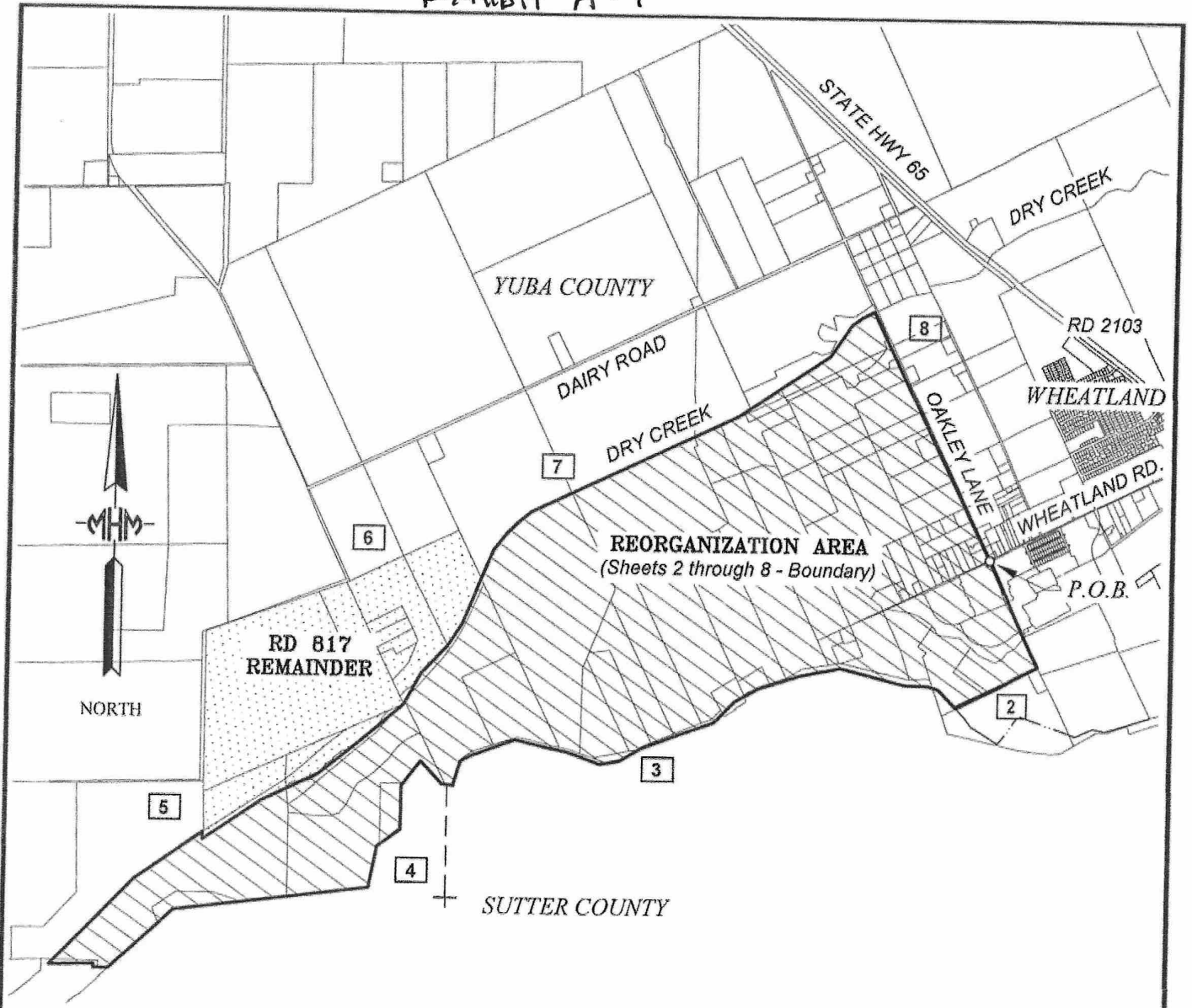
APPROVED AS TO FORM:

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

DAVID RUDERMAN  
LAFCO COUNSEL

**See ATTACHED the OLD SOI maps prepared by LAFCO here since we are reverting back to these old SOI Maps adopted a few years ago Prior to approval of LAFCo project 2020-0005.**

# Exhibit A-1

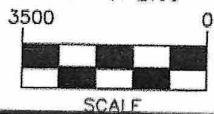


## LEGEND

- (12) COURSE NUMBER
- CALCULATED POINT - NOTHING FOUND OR SET
- P.O.B. POINT OF BEGINNING
-  PORTION OF RD NO. 817 DE-ANNEXATION
-  RECLAMATION DISTRICT NO. 817 REMAINDER
- 5** SHEET NUMBER

## NOTES:

1. DEANNEXATION & ANNEXATION AREA: 2,106± ACRES
2. FROM RD NO. 817 SUTTER CO. INTO RD NO. 2103



## GEOREFERENCE

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTY OF YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAP.

## KEY MAP EXHIBIT B

LAFCO FILE 2022-000\_

### RD 817 REORGANIZATION: ANNEX TO RD 817 & DETACH FROM RD 2103

BEING A PORTION OF THE JOHNSON RANCHO. AS SHOWN ON THAT CERTAIN MAP ENTITLED "PLAT OF THE JOHNSON RANCHO" FILED IN BOOK 1 OF MAPS AT PAGE 35, YUBA COUNTY RECORDS.

YUBA COUNTY  
CALIFORNIA

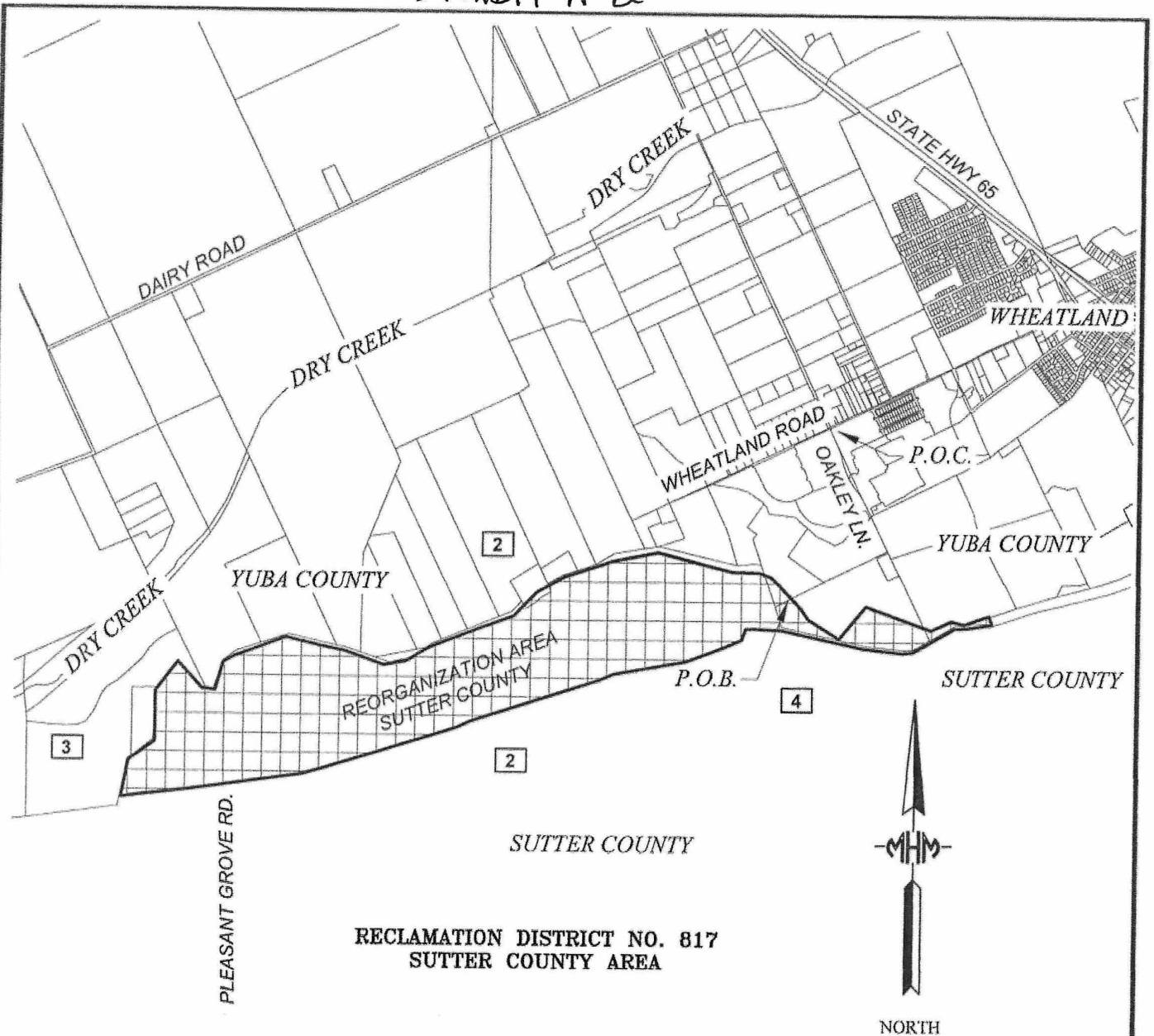
AUGUST 2022

PREPARED BY: MHM INC., 1204 E STREET, MARYSVILLE, CA 95901

20-628 LAFCO DE-ANNEXATION

SHEET 1 OF 8





RECLAMATION DISTRICT NO. 817  
SUTTER COUNTY AREA

**GEOREFERENCE**

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTIES OF SUTTER & YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAPS.

**NOTES:**

- 1. ANNEXATION AREA:  
613± ACRES



**VICINITY MAP**  
**LAFCO FILE 2022-000**  
**RD 817 REORGANIZATION:**  
**Annex to RD 817 &**  
**Detach from RD 2103**

BEING A PORTION OF SECTIONS 11 AND 12, TOWNSHIP 13 NORTH, RANGE 4 EAST AND SECTIONS 7 AND 8, TOWNSHIP 13 NORTH, RANGE 5 EAST, MOUNT DIABLO MERIDIAN, SUTTER COUNTY, CALIFORNIA.

**SUTTER COUNTY**  
**CALIFORNIA**

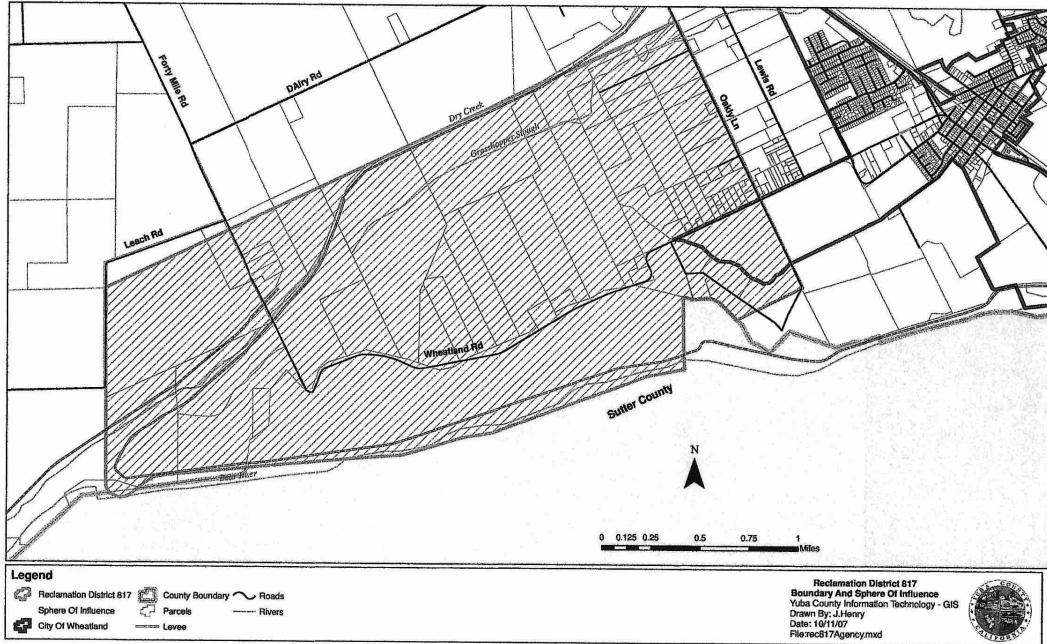
**AUGUST 2022**



# Exhibit B-1

Map B-28

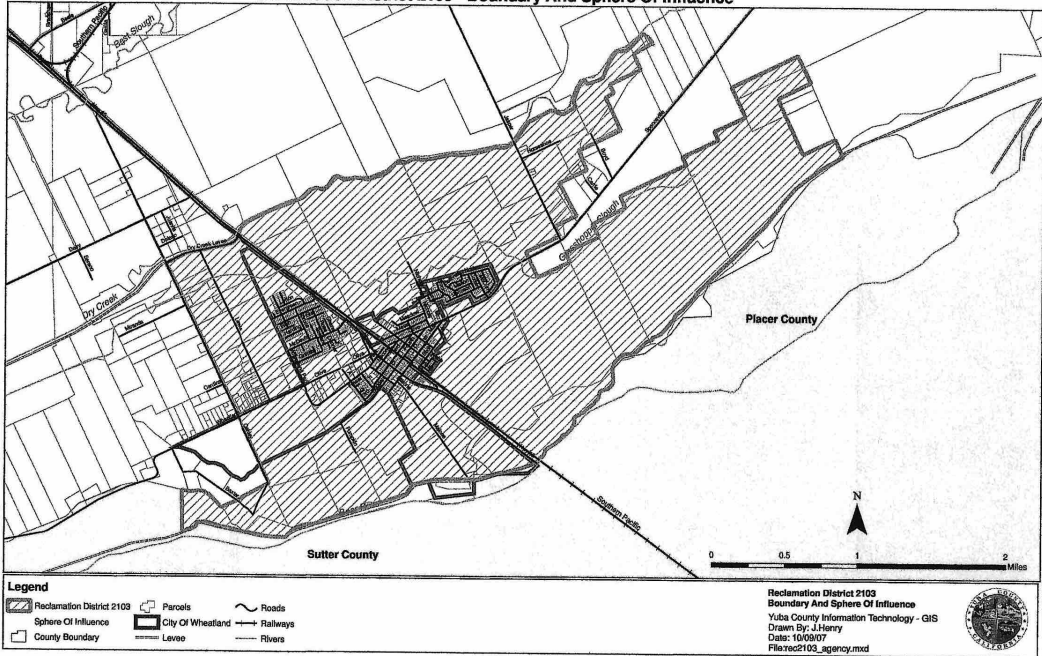
Reclamation District 817 - Boundary And Sphere Of Influence



# Exhibit B-2

Map B-29

Reclamation District 2103 - Boundary And Sphere Of Influence



**Attachment #2**

**Yuba Local Agency Formation Commission**

**Resolution 2023-0002**

*A Resolution Making Determinations and Approving the Annexation of 2,719.74 acres more or less into the Reclamation District 817 and concurrent detachment of 2,719.74 acres more or less from Reclamation District 2103*

WHEREAS, a Resolution of Application initiated by Reclamation Districts 2103 and 817 (RD 2103 and Rd 817) for the detachment of 2,719.74 acres from RD 2103 and annexation of 2,719.74 acres to the RD 817 has been filed with the Executive Officer of the Yuba Local Agency Formation Commission; and said application complied with all the requirements of law and the Commission; and

**WHEREAS**, After LAFCo filing a Certificate of Completion and receiving acknowledgement from the Board of Equalization LAFCo received a complaint for a reverse validation requesting reversal of a LAFCo Action regarding a Sphere of Influence amendment and a detachment of 2,719.45 acres from RD 817 and annexation of 2,719.74 acres to RD 2103; and

**WHEREAS**, A settlement agreement was entered into by Michael E. Rue and Patricia M. Rue, Yuba LAFCo and Reclamation Districts 2103 and 817 on June 1, 2022, which all parties agreed that RD 2103 file an application with Yuba LAFCo to detach the most recently annexed area (comprising 2,719.74 acres) from RD 2103's jurisdictional boundaries and re-annex it to Reclamation District (RD) 817.

**WHEREAS**, it is the desired by both the RD 2103 and the RD 817 to reverse a LAFCO previous action and remove 2,719.45-acres more or less from the Sphere of Influence of the RD 2103 and to place an additional 2,719.74-acres into the RD 817, as was the case prior to LAFCo's approval on September 1, 2021.

**WHEREAS**, the proceedings for this annexation are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act, Section 56000 *et seq.* of the Government Code; and

**WHEREAS**, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission upon said application; and

**WHEREAS**, the Executive Officer has reviewed the application and has prepared a report including staff recommendations thereon within the time required by law and has furnished copies of said report to the Commission and to all other persons required by law to receive it; and

**WHEREAS**, at a hearing on March 1, 2023, the Commission considered the proposal and the report of the Executive Officer; the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56668; and all other relevant evidence and information presented at said hearing, including the comments of all interested parties desiring to be heard;

**NOW THEREFORE**, the Yuba Local Agency Formation Commission does hereby resolve and order the following:

1. The foregoing recitals are true and correct.
2. The territory comprises approximately 2,719.74 acres more or less to be detached from RD 2103 and 2,719.74 acres more or less and to be annexed to RD 817 thereby reversing a prior LAFCo decision from September 1, 2021.
3. The change of organization is assigned the following distinctive short-term designation:  
*LAFCO File 2022-0010 RD 2103 and RD 817 Reversal Reorganization.*
4. The proposal is consistent with the sphere of influence of RD 2103 and RD 817, as amended. The Commission has considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, Sphere of Influence and General Plan consistency, and other factors specified in Government Code Section 56668 and as described in the staff report dated March 1, 2023
5. The Commission adopts the determinations regarding consistency with LAFCO Policies contained in the staff report for this annexation and incorporates them by reference herein.
6. Further protest proceedings may not be waived and the Commission orders the reorganization of 2,719.74 acres more or less including an annexation to RD 817 and detachment from RD 2103 pursuant to Part 4 commencing with Section 57000 subject to a Conducting Authority Proceeding .
7. In reviewing this application, the Commission finds that reclamation services currently provided by the RD 2103 and RD 817 are necessary and no services are needed to be provided by any other special district.
8. In reviewing this application, this Commission has considered each of the factors required by Government Code Section 56668 and LAFCO's adopted policies.
9. The LAFCO Executive Officer's Staff Report including attachments and recommendations for approval of the proposal are hereby incorporated by reference and hereby adopted.
10. An electronic copy (PDF) of the Wet-Stamped Map and Boundary Description, and five 8 1/2 x five copies of all Maps and three copies of the large 24" x 36" map and three copies of the approved boundary description meeting the State Board of Equalization Requirements shall be submitted to LAFCo prior to recordation of the Certificate of Completion.
11. The boundaries, as set forth in the proposal and amended by action of the Commission, are hereby approved as submitted and are as described in Exhibits "A-1" Boundary Description describing 613.27 acres in Sutter County and A-2 Boundary Description describing 2,106.47 acres of territory in Yuba County to be detached from RD 2103 and "B-1" Map showing 613.27 acres of Territory in Sutter County and "B-2" Map showing 2,106.47 acres of Territory in Yuba County to be annexed back to RD 817 attached hereto and by this reference incorporated herein subject to the terms and conditions and corrections included.

12. Notwithstanding the effective date, the boundary description and map, if rejected by the State Board of Equalization or amended by LAFCO, will be revised at the expense of the applicant. The applicants shall be responsible for any associated costs.
13. Base and incremental property tax within the reorganization territory shall be exchanged to transfer base and incremental property tax allocations for reclamation services from RD 2103 to RD 817. For other agencies, Property tax revenue including base tax revenue and annual tax increment belonging to the County or any taxing agency within the subject territory shall not be changed per Yuba County Board of Supervisor's Resolution 2023-008 adopted on January 24, 2023, and Sutter County Board of Supervisor's Resolution 23-008 and attached as Exhibits "C-1" and "C-2".
14. Said Detachment territory is found to be inhabited (more than 12 registered voters).
15. All Yuba County, Yuba LAFCO, and State of California fees must be paid in full prior to filing the Certificate of Completion. LAFCO will forward invoices and (or) a list of required fees prior to filing the Certificate of Completion for direct payment to the agency by project proponent.
16. The Commission hereby affirms the Notice of Exemption prepared by the RD 2103 and RD 817 that this annexation reversal is exempt from CEQA and there is no possibility this action will have any environmental impacts and affirms there has been no changes in environmental circumstances or any unusual circumstances exist to provide reclamation services. Prior to recordation, the title of the map and geographic description shall include the following: "LAFCO File 2022-0010 RD 2103 and RD 817 Reversal Reorganization"
17. Approval of this change of organization is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Yuba Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this Annexation to RD 817. The Yuba Local Agency Formation Commission shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.
18. The Executive Officer of this Commission is instructed to mail a certified copy of this resolution to those persons so indicated on the application and as required by Government Code Section 56882.
19. The Executive Officer is directed to record a Certificate of Completion for this proposal upon completion of all proceedings.

20. The Effective Date of this Annexation shall be the date of recordation of the Certificate of Completion.
21. All RD 817 previously authorized assessments; taxes, fees and charges shall apply to the annexed territory upon recordation of the Certificate of Completion.
22. The Board of Trustees for the RD 2103 and 817 shall be elected (appointed) consistent with State Laws regarding the elections and (or) appointments for reclamation Districts as required by the Yuba County Elections Department.
23. Completion of proceedings shall be concluded within one year after adoption of this resolution. If the proceedings are not concluded within one year after passage of this resolution, all proceedings shall be deemed abandoned unless prior to the expiration of that year the Commission authorizes an extension of time for that completion.

PASSED AND ADOPTED by this Yuba Local Agency Formation Commission, on the 1st day of March 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

Signed and approved by me after its passage this 1st day of March 2023.

---

Andy Vasquez, Chair – Yuba Local Agency  
Formation Commission

Attest:

---

John Benoit, Executive Officer  
Yuba Local Agency Formation Commission

---

David Ruderman, Counsel  
Yuba Local Agency Formation Commission

EXHIBIT "A" - 1

LAFCO FILE 2022-000  
RECLAMATION DISTRICT NO. 817 REORGANIZATION

SUTTER COUNTY  
ANNEX TO RD NO. 817 & DETACH FROM RD NO. 2103

All that certain real property situate in the County of Sutter, State of California, being a portion of Sections 11 and 12, Township 13 North, Range 4 East and Sections 7 and 8, Township 13 North, Range 5 East, Mount Diablo Meridian, more particularly described as follows:

Commencing at a point marking the centerline intersection of Wheatland Road and Oakley Lane from which the one quarter corner common to Sections 9 and 10 of said Johnson Rancho bears South 26°07'00" East, 2645.30 feet;

1. Thence from said point of commencement and along the centerline of said Oakley Lane, South 26°07'00" East, 2645.30 feet to the intersection of the Baxter Avenue centerline;
2. Thence leaving said Oakley Lane and along the centerline of said Baxter Avenue and its southwesterly projection, South 64°23'00" West, 2116.57 feet to the County line between Yuba County and Sutter County, California and the **TRUE POINT OF BEGINNING** of the herein described parcel of land;
3. Thence along said county line, North 43°50'00" West, 521.79 feet;
4. Thence North 70°20'00" West, 251.00 feet;
5. Thence North 88°35'00" West, 527.00 feet;
6. Thence North 76°20'00" West, 205.00 feet;
7. Thence from said point of beginning and continuing along said County line, North 76°01'50" West, 1301.54 feet;
8. Thence South 78°44'50" West, 925.30 feet;
9. Thence South 71°37'20" West, 974.27 feet;
10. Thence South 60°57'20" West, 617.99 feet;
11. Thence South 44°02'50" West, 650.79 feet;
12. Thence South 69°57'40" West, 774.51 feet;
13. Thence South 68°57'10" West, 993.96 feet;
14. Thence South 58°30'50" West, 529.14 feet;
15. Thence South 80°36'30" West, 450.13 feet;
16. Thence North 70°42'40" West, 794.33 feet;
17. Thence North 78°32'50" West, 493.68 feet;
18. Thence North 76°42'25" West, 691.78 feet;
19. Thence South 70°09'50" West, 283.24 feet;
20. Thence South 69°24'50" West, 799.71 feet;
21. Thence South 60°01'10" West, 245.08 feet;
22. Thence South 15°52'10" West, 570.02 feet;
23. Thence North 81°50'00" West, 142.03 feet to a point that bears North 00°13'30" West, 2504.99 feet from the southwest corner of Section 12, Township 13 North, Range 4 East, Mount Diablo Meridian;
24. Thence North 81°50'00" West, 118.00 feet;
25. Thence North 42°50'00" West, 692.00 feet;
26. Thence South 37°17'00" West, 715.00 feet;
27. Thence South 00°04'00" West, 971.00 feet;



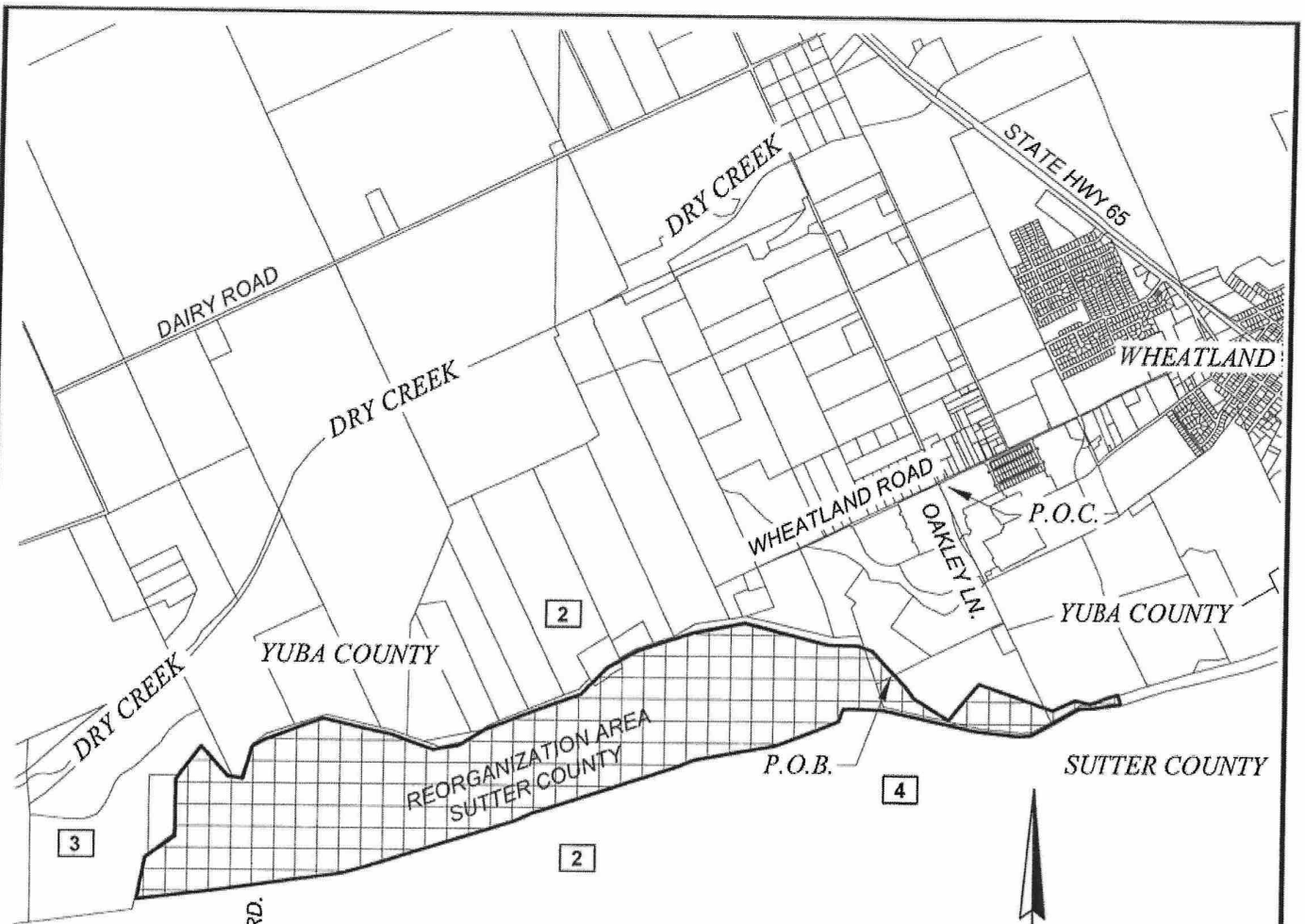
28. Thence South 54°20'00" West, 641.00 feet;
29. Thence South 10°52'00" West, 740.12 feet to the toe of the northerly levee of the Bear River;
30. Thence, leaving said County line and along said levee toe, North 83°09'30" East, 1432.89 feet;
31. Thence, North 81°42'00" East, 2143.43 feet;
32. Thence, North 73°58'00" East, 483.10 feet;
33. Thence North 72°30'00" East, 566.90 feet;
34. Thence North 72°30'00" East, 850.00 feet;
35. Thence North 72°30'00" East, 783.30 feet;
36. Thence North 72°30'00" East, 500.00 feet;
37. Thence North 65°00'00" East, 288.00 feet;
38. Thence North 72°00'00" East, 2645.28 feet;
39. Thence North 67°45'00" East, 293.50 feet;
40. Thence North 79°33'00" East, 1450.00 feet;
41. Thence North 69°00'00" East, 737.03 feet;
42. Thence North 67°37'52" East, 431.06 feet;
43. Thence North 19°45'00" East, 225.60 feet;
44. Thence North 87°55'00" East, 183.00 feet;
45. Thence South 87°45'00" East, 518.00 feet;
46. Thence South 77°50'21" East, 1642.38 feet;
47. Thence South 84°05'00" East, 764.52 feet;
48. Thence North 85°05'00" East, 225.00 feet;
49. Thence North 60°27'00" East, 950.25 feet;
50. Thence North 88°23'46" East, 252.52 feet;
51. Thence North 82°49'26" East, 519.52 feet;
52. Thence North 17°09'56" West, 180.00 feet to the Yuba – Sutter County line;
53. Thence along said County line, South 72°50'04" West, 555.45 feet;
54. Thence North 77°20'00" West, 270.00 feet;
55. Thence South 65°40'00" West, 435.00 feet;
56. Thence North 70°50'00" West, 1365.00 feet;
57. Thence South 39°25'35" West, 816.45 feet;
58. Thence North 58°20'00" West, 718.68 feet;
59. Thence North 35°05'00" West, 224.00 feet;
60. Thence North 43°50'00" West, 345.21 feet to the point of beginning. Contains 613.27 acres, more or less.

END OF DESCRIPTION

*For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*









PLEASANT GROVE RD.

**RECLAMATION DISTRICT NO. 817  
SUTTER COUNTY AREA**  
(Sheets 2 through 4 - Boundary)



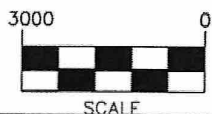
NORTH

**LEGEND**

- 12 COURSE NUMBER
- O CALCULATED POINT - NOTHING FOUND OR SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
-  SUTTER COUNTY PORTION OF RD NO. 817
-  SHEET NUMBER

**NOTES:**

1. ANNEXATION AREA:  
613± ACRES
2. RD NO. 2103 SUTTER COUNTY



SCALE



**GEOREFERENCE**

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTIES OF SUTTER & YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAPS.

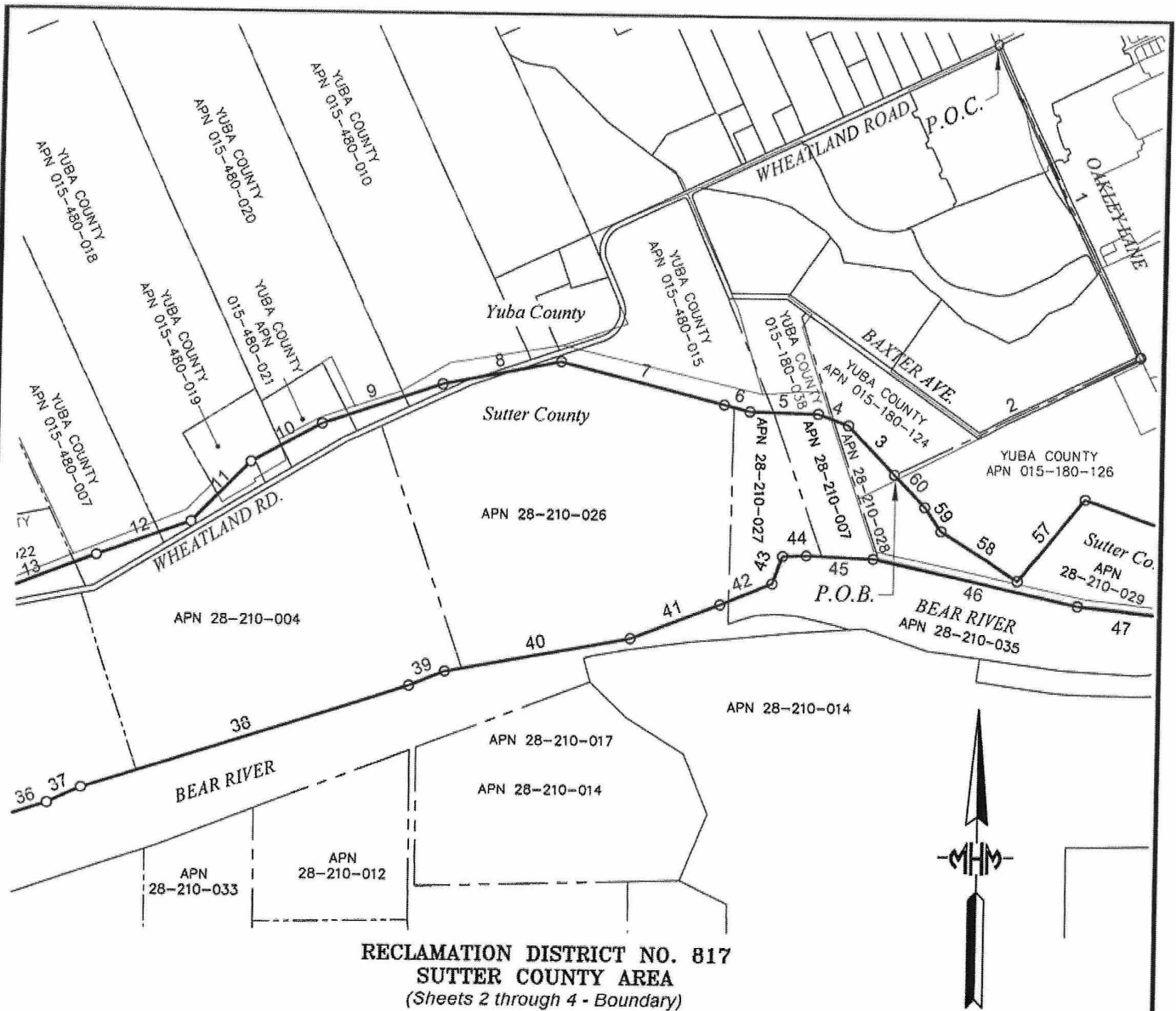
**KEY MAP EXHIBIT B-1**

**LAFCO FILE 2022-000 -  
RD 817 REORGANIZATION:  
Annex to RD 817 &  
Detach from RD 2103**

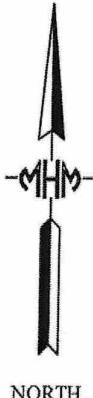
BEING A PORTION OF SECTIONS 11 AND 12, TOWNSHIP 13 NORTH, RANGE 4 EAST AND SECTIONS 7 AND 8, TOWNSHIP 13 NORTH, RANGE 5 EAST, MOUNT DIABLO MERIDIAN, SUTTER COUNTY, CALIFORNIA.

**SUTTER COUNTY  
CALIFORNIA**



**AUGUST 2022**



**RECLAMATION DISTRICT NO. 817  
SUTTER COUNTY AREA  
(Sheets 2 through 4 - Boundary)**



**LEGEND**

- 12 COURSE NUMBER
- CALCULATED POINT - NOTHING FOUND OR SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
-  SUTTER COUNTY PORTION OF RD NO. 817
-  SHEET NUMBER

**NOTES:**

**GEOREFERENCE**

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTIES OF SUTTER & YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAPS.

**EXHIBIT B - 1**

**LAFCO FILE 2022-000 -  
RD 817 REORGANIZATION:  
Annex to RD 817 &  
Detach from RD 2103**

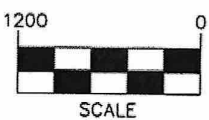
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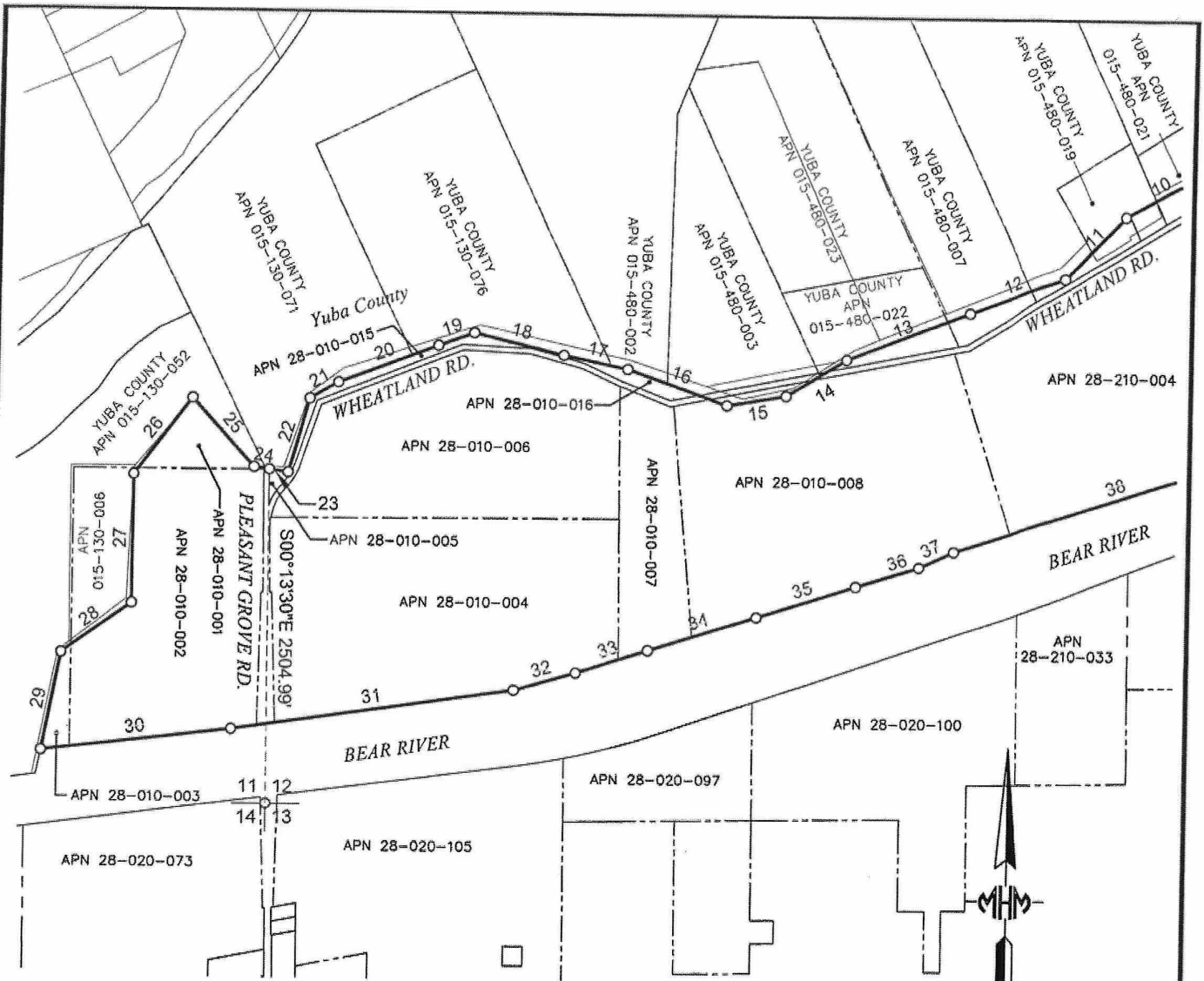
**SUTTER COUNTY  
CALIFORNIA**

**AUGUST 2022**

PREPARED BY: MHM INC., 1204 E STREET, MARYSVILLE, CA 95901  
20-629 LAFCO ANNEXATION

SHEET 2 OF 5







**RECLAMATION DISTRICT NO. 817  
SUTTER COUNTY AREA**  
(Sheets 2 through 19 - Boundary)

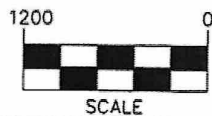
NORTH

**LEGEND**

- 12 COURSE NUMBER
- CALCULATED POINT - NOTHING FOUND OR SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
-  SUTTER COUNTY PORTION OF RD NO. 817
-  SHEET NUMBER

**NOTES:**

1. ANNEXATION AREA:  
613± ACRES
2. RD NO. 2103 SUTTER COUNTY



**GEOREFERENCE**

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTIES OF SUTTER & YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAPS.

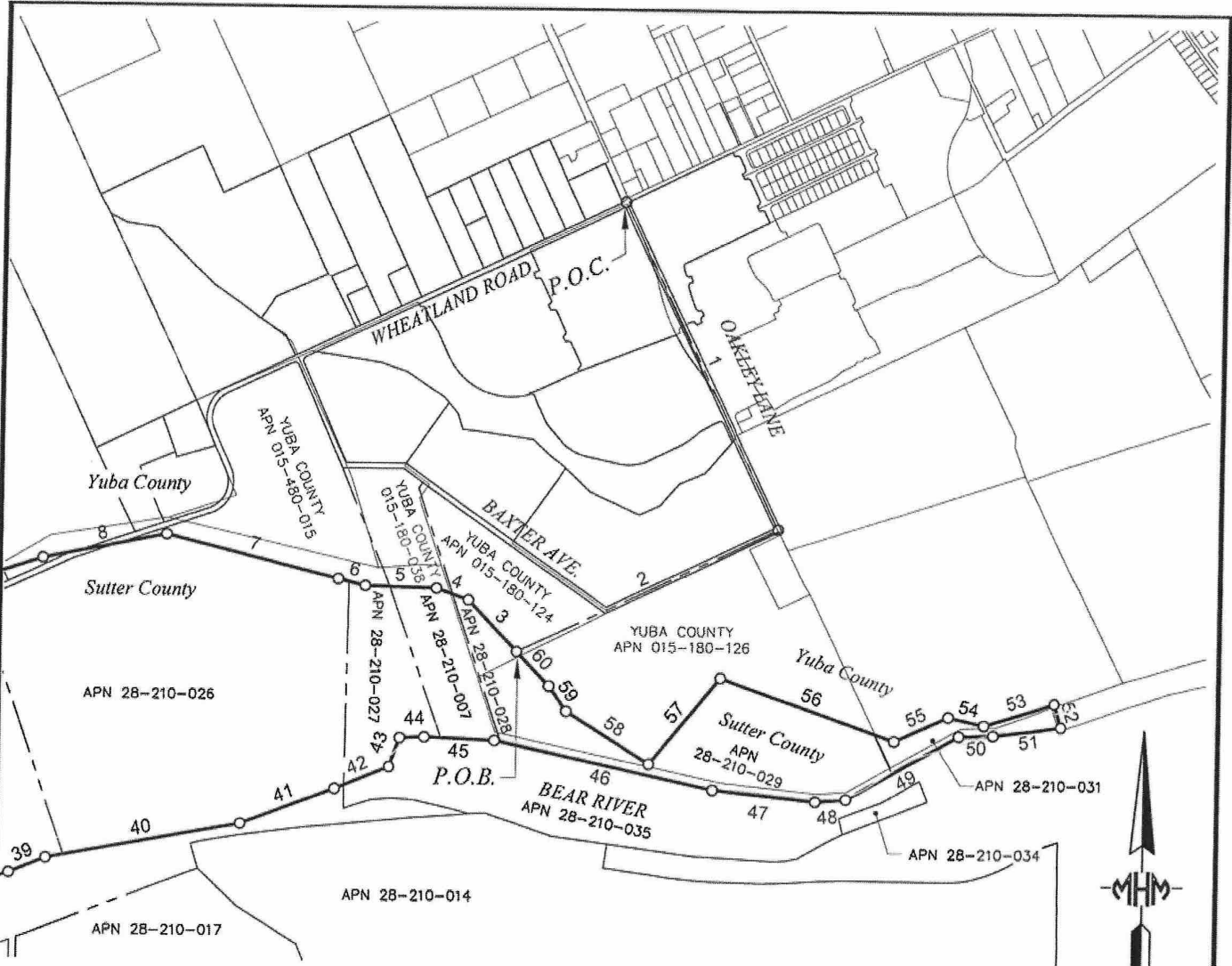
**EXHIBIT B - 1**

**LAFCO FILE 2022-000 -  
RD 817 REORGANIZATION:  
Annex to RD 817 &  
Detach from RD 2103**

BEING A PORTION OF SECTIONS 11 AND 12, TOWNSHIP 13 NORTH, RANGE 4 EAST AND SECTIONS 7 AND 8, TOWNSHIP 13 NORTH, RANGE 5 EAST, MOUNT DIABLO MERIDIAN, SUTTER COUNTY, CALIFORNIA.

**SUTTER COUNTY  
CALIFORNIA**



**AUGUST 2022**



**RECLAMATION DISTRICT NO. 817  
SUTTER COUNTY AREA**

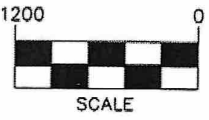


**LEGEND**

- 12 COURSE NUMBER
- CALCULATED POINT - NOTHING FOUND OR SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
-  SUTTER COUNTY PORTION OF RD NO. 817
-  SHEET NUMBER

**NOTES:**

1. ANNEXATION AREA:  
613± ACRES
2. RD NO. 2103 SUTTER COUNTY



**GEOREFERENCE**

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTIES OF SUTTER & YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAPS.

**EXHIBIT B - 1**

**LAFCO FILE 2022-000 -  
RD 817 REORGANIZATION:  
Annex to RD 817 &  
Detach from RD 2103**

BEING A PORTION OF SECTIONS 11 AND 12, TOWNSHIP 13 NORTH, RANGE 4 EAST AND SECTIONS 7 AND 8, TOWNSHIP 13 NORTH, RANGE 5 EAST, MOUNT DIABLO MERIDIAN, SUTTER COUNTY, CALIFORNIA.



**SUTTER COUNTY  
CALIFORNIA**

**AUGUST 2022**

LINE TABLE		
LINE	BEARING	LENGTH
1	S26°07'00"E	2645.30'
2	S64°23'00"W	2116.57'
3	S43°50'00"E	521.79'
4	S70°20'00"E	251.00'
5	S88°35'00"E	527.00'
6	S76°20'00"E	205.00'
7	S76°01'50"W	1301.54'
8	N78°44'50"E	925.30'
9	N71°37'20"E	974.27'
10	N60°57'20"E	617.99'
11	S44°02'50"W	650.79'
12	S69°57'40"W	774.51'
13	S68°57'10"W	993.96'
14	S58°30'50"W	529.14'
15	S80°36'30"W	450.13'
16	N70°42'40"W	794.33'
17	N78°32'50"W	493.68'
18	N76°42'25"W	691.78'
19	S70°09'50"W	283.24'
20	S69°24'50"W	799.71'
21	S60°01'10"W	245.08'
22	S15°52'10"W	570.02'
23	N81°50'00"W	142.03'
24	N81°50'00"W	118.00'
25	N42°50'00"W	692.00'
26	S37°17'00"W	715.00'
27	S00°04'00"W	971.00'
28	S54°20'00"W	641.00'
29	S10°52'00"W	740.12'
30	N83°09'30"E	1432.89'

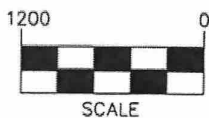
LINE TABLE		
LINE	BEARING	LENGTH
31	N81°42'00"E	2143.43'
32	N73°58'00"E	483.10'
33	N72°30'00"E	566.90'
34	N72°30'00"E	850.00'
35	N72°30'00"E	783.30'
36	N72°30'00"E	500.00'
37	N65°00'00"E	288.00'
38	N72°00'00"E	2645.28'
39	N67°45'00"E	293.50'
40	N79°33'00"E	1450.00'
41	N69°00'00"E	737.03'
42	N67°37'52"E	421.06'
43	N19°45'00"E	225.60'
44	N87°55'00"E	183.00'
45	S87°45'00"E	518.00'
46	S77°50'21"E	1642.38'
47	S84°05'00"E	764.52'
48	N85°05'00"E	225.00'
49	N60°27'00"E	950.25'
50	N88°23'46"E	252.52'
51	N82°49'26"E	519.52'
52	N17°09'56"W	180.00'
53	S72°50'04"W	555.45'
54	N77°20'00"W	270.00'
55	S65°40'00"W	435.00'
56	N70°50'00"W	1365.00'
57	S39°25'35"W	816.45'
58	N58°20'00"W	718.68'
59	N35°05'00"W	224.00'
60	N43°50'00"W	345.21'

### LEGEND

- 12 COURSE NUMBER
- CALCULATED POINT - NOTHING FOUND OR SET
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
-  SUTTER COUNTY PORTION OF RD NO. 817
-  SHEET NUMBER

### NOTES:

1. ANNEXATION AREA:  
613± ACRES
2. RD NO. 2103 SUTTER COUNTY



### GEOREFERENCE

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTIES OF SUTTER & YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAPS.

## EXHIBIT B-1

### LAFCO FILE 2022-000 \_ RD 817 REORGANIZATION: Annex to RD 817 & Detach from RD 2103

BEING A PORTION OF SECTIONS 11 AND 12, TOWNSHIP 13 NORTH, RANGE 4 EAST AND SECTIONS 7 AND 8, TOWNSHIP 13 NORTH, RANGE 5 EAST, MOUNT DIABLO MERIDIAN, SUTTER COUNTY, CALIFORNIA.

SUTTER COUNTY  
CALIFORNIA

AUGUST 2022



EXHIBIT "A" - 2

LAFCO FILE 2022-000  
RECLAMATION DISTRICT NO. 817 REORGANIZATION

ANNEX TO RD NO. 817 & DETACH FROM RD NO. 2103

All that certain real property situate in the County of Yuba, State of California, being a portion of the Johnson Rancho as shown on that certain map entitled "Plat of the Johnson Rancho" filed in Book 1 of Maps at Page 35 Yuba County Records, more particularly described as follows:

Beginning at a point marking the centerline intersection of Wheatland Road and Oakley Lane from which the one quarter corner common to Sections 9 and 10 of said Johnson Rancho bears South 26°07'00" East, 2645.30 feet;

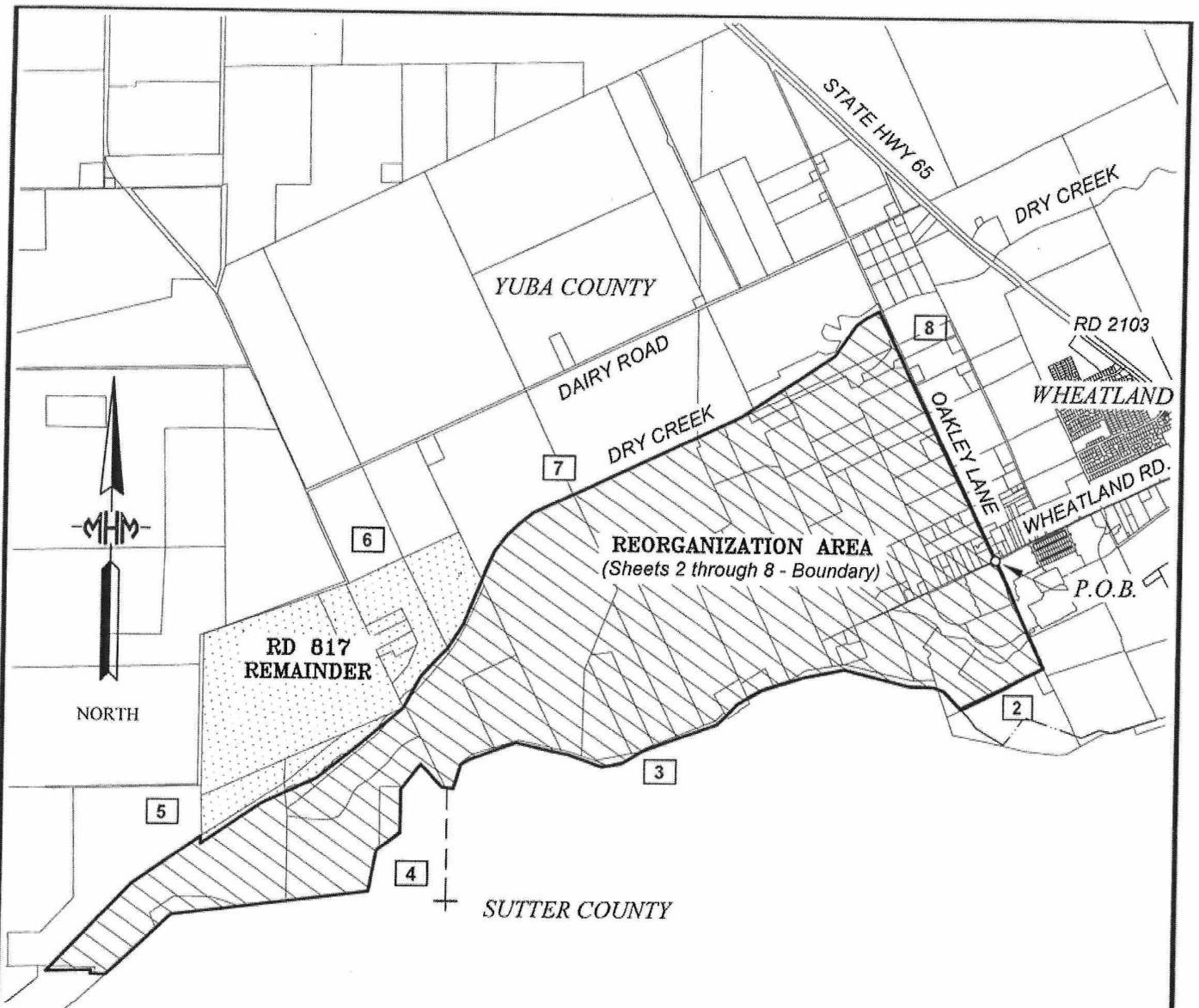
1. Thence from said point of beginning and along the centerline of said Oakley Lane, South 26°07'00" East, 2645.30 feet to the intersection of the Baxter Avenue centerline;
2. Thence leaving said Oakley Lane and along the centerline of said Baxter Avenue and its southwesterly projection, South 64°23'00" West, 2116.57 feet to the county line between Yuba County and Sutter County, California;
3. Thence along said county line, North 43°50'00" West, 521.79 feet;
4. Thence North 70°20'00" West, 251.00 feet;
5. Thence North 88°35'00" West, 527.00 feet;
6. Thence North 76°20'00" West, 205.00 feet;
7. Thence North 76°01'50" West, 1301.54 feet;
8. Thence South 78°44'50" West, 925.30 feet;
9. Thence South 71°37'20" West, 974.27 feet;
10. Thence South 60°57'20" West, 617.99 feet;
11. Thence South 44°02'50" West, 650.79 feet;
12. Thence South 69°57'40" West, 774.51 feet;
13. Thence South 68°57'10" West, 993.96 feet;
14. Thence South 58°30'50" West, 529.14 feet;
15. Thence South 80°36'30" West, 450.13 feet;
16. Thence North 70°42'40" West, 794.33 feet;
17. Thence North 78°32'50" West, 493.68 feet;
18. Thence North 76°42'25" West, 691.78 feet;
19. Thence South 70°09'50" West, 283.24 feet;
20. Thence South 69°24'50" West, 799.71 feet;
21. Thence South 60°01'10" West, 245.08 feet;
22. Thence South 15°52'10" West, 570.02 feet;
23. Thence North 81°50'00" West, 142.03 feet to a point that bears North 00°13'30" West, 2504.99 feet from the southwest corner of Section 12, Township 13 North, Range 4 East, Mount Diablo Meridian;
24. Thence North 81°50'00" West, 118.00 feet;
25. Thence North 42°50'00" West, 692.00 feet;
26. Thence South 37°17'00" West, 715.00 feet;
27. Thence South 00°04'00" West, 971.00 feet;

28. Thence South 54°20'00" West, 641.00 feet;
29. Thence South 10°52'00" West, 938.34 feet;
30. South 82°44'27" West, 4412.00 feet;
31. Thence South 47°02'36" West, 1973.77 feet;
32. Thence leaving said County line North 89°17'48" West, 327 feet;
33. Thence North 00°48'00" East, 90.00 feet;
34. Thence South 88°30'00" West, 1000.00 feet;
35. Thence North 43°45'53" East, 2703.09 feet;
36. Thence North 55°18'51" East, 1861.90 feet to the westerly boundary of said Johnson Rancho;
37. Thence along the westerly boundary of said Johnson Rancho, South 00°12'00" East, 165.00 feet to the centerline of Dry Creek;
38. Thence leaving the westerly boundary of said Johnson Rancho and along the centerline of said Dry Creek, North 55°37'24" East, 1588.01 feet;
39. Thence North 64°21'48" East, 1393.70 feet;
40. Thence North 51°10'54" East, 1114.69 feet;
41. Thence North 49°07'59" East, 1368.63 feet;
42. Thence North 28°26'25" East, 806.31 feet;
43. Thence North 43°03'35" East, 845.43 feet;
44. Thence North 32°38'13" East, 603.55 feet;
45. Thence North 21°50'11" East, 1053.66 feet;
46. Thence, North 22°51'17" East, 727.56 feet;
47. Thence North 37°33'12" East, 452.83 feet;
48. Thence North 45°00'00" East, 345.07 feet;
49. Thence North 51°23'01" East, 413.39 feet;
50. Thence North 64°36'44" East, 5081.79 feet;
51. Thence North 56°26'51" East, 2471.21 feet;
52. Thence leaving said Dry Creek centerline and along the toe of the Dry Creek levee, North 34°28'19" East, 848.83 feet;
53. Thence North 52°12'02" East, 282.92 feet;
54. Thence North 63°56'00" East, 304.60 feet to the centerline of Oakley Road;
55. Thence along the centerline of said Oakley Lane, South 26°07'00" East, 6127.07 feet to the point of beginning. Contains 2106.47 acres, more or less.



END OF DESCRIPTION

*For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*





**LEGEND**

- ⑫ COURSE NUMBER
- CALCULATED POINT - NOTHING FOUND OR SET
- P.O.B. POINT OF BEGINNING
-  PORTION OF RD NO. 817 DE-ANNEXATION
-  RECLAMATION DISTRICT NO. 817 REMAINDER
- 5 SHEET NUMBER

**NOTES:**

1. DEANNEXATION & ANNEXATION AREA: 2,106± ACRES
2. FROM RD NO. 817 SUTTER CO. INTO RD NO. 2103



SCALE



**GEOREFERENCE**

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTY OF YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAP.

**KEY MAP EXHIBIT B-2**

LAFCO FILE 2022-000\_

RD 817 REORGANIZATION:

ANNEX TO RD 817 & DETACH FROM RD 2103

BEING A PORTION OF THE JOHNSON RANCHO. AS SHOWN ON THAT CERTAIN MAP ENTITLED "PLAT OF THE JOHNSON RANCHO" FILED IN BOOK 1 OF MAPS AT PAGE 35, YUBA COUNTY RECORDS.

YUBA COUNTY  
CALIFORNIA

AUGUST 2022

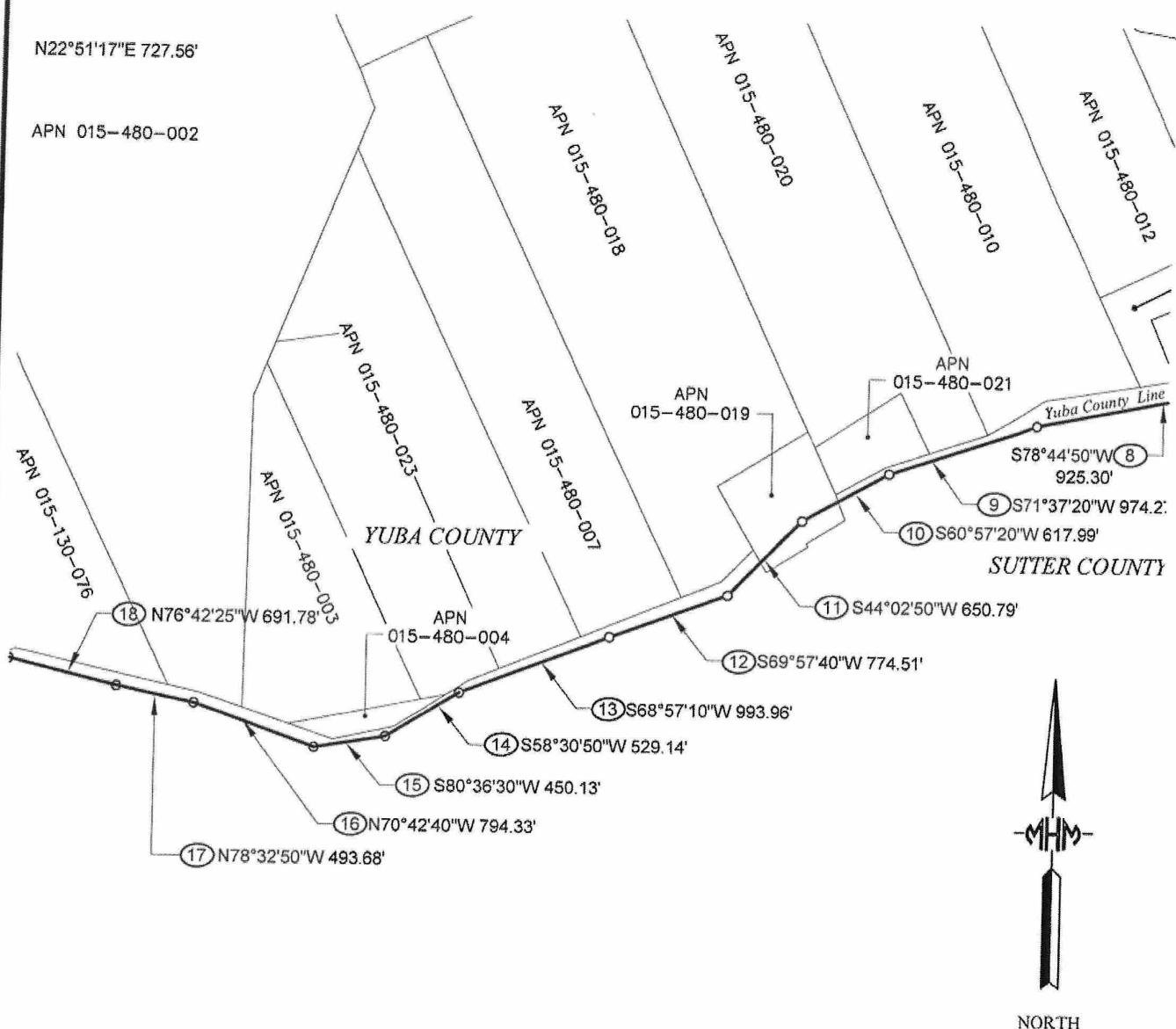
PREPARED BY: MHM INC., 1204 E STREET, MARYSVILLE, CA 95901

20-628 LAFCO DE-ANNEXATION

SHEET 1 OF 8







**LEGEND**

- ⑫ COURSE NUMBER
- CALCULATED POINT - NOTHING FOUND OR SET
- P.O.B. POINT OF BEGINNING

**GEOREFERENCE**

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTY OF YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAP.

**EXHIBIT B-2**

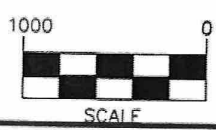
LAFCO FILE 2022-000\_  
 RD 817 REORGANIZATION:  
 ANNEX TO RD 817 & DETACH FROM RD 2103

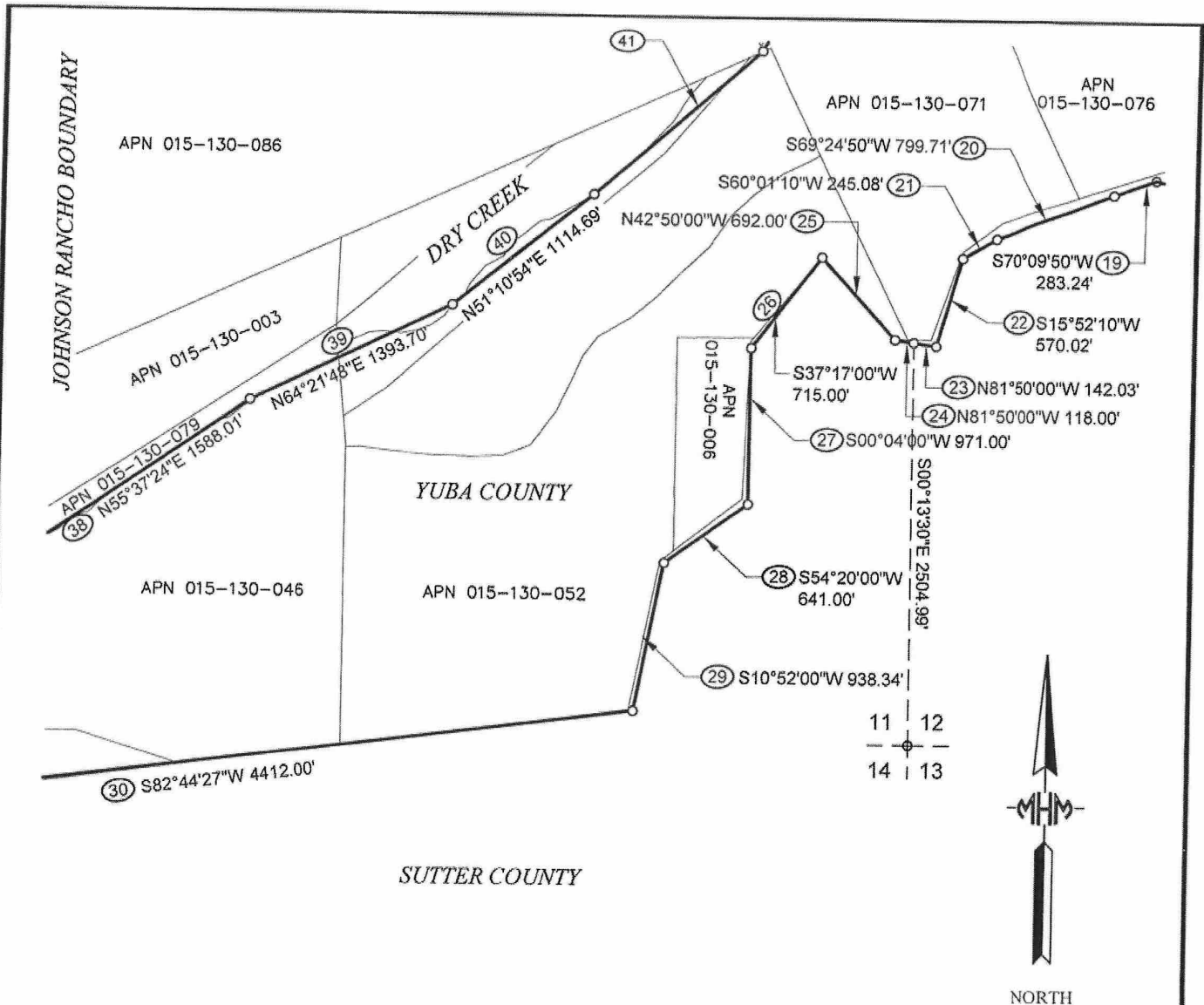
BEING A PORTION OF THE JOHNSON RANCHO. AS SHOWN ON THAT CERTAIN MAP ENTITLED "PLAT OF THE JOHNSON RANCHO" FILED IN BOOK 1 OF MAPS AT PAGE 35, YUBA COUNTY RECORDS.

YUBA COUNTY  
 CALIFORNIA

AUGUST 2022

PREPARED BY: MHM INC., 1204 E STREET, MARYSVILLE, CA 95901  
 20-628 LAFCO DE-ANNEXATION SHEET 3 OF 8





**LEGEND**

- ⑫ COURSE NUMBER
- CALCULATED POINT - NOTHING FOUND OR SET
- P.O.B. POINT OF BEGINNING

**GEOREFERENCE**

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTY OF YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAP.

**EXHIBIT B-2**

LAFCO FILE 2022-000\_

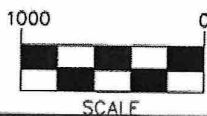
RD 817 REORGANIZATION:

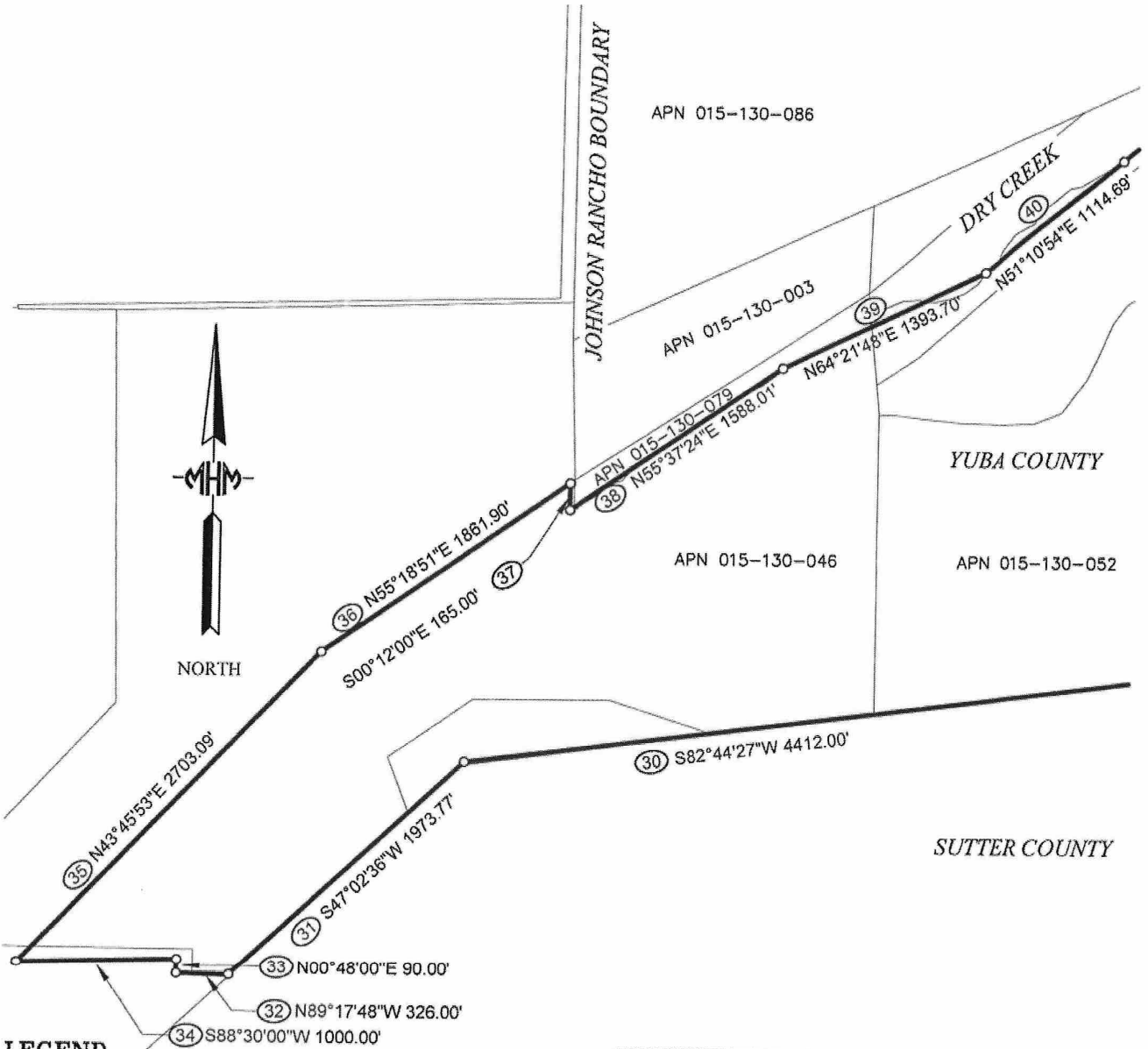
ANNEX TO RD 817 & DETACH FROM RD 2103

BEING A PORTION OF THE JOHNSON RANCHO. AS SHOWN ON THAT CERTAIN MAP ENTITLED "PLAT OF THE JOHNSON RANCHO" FILED IN BOOK 1 OF MAPS AT PAGE 35, YUBA COUNTY RECORDS.

YUBA COUNTY CALIFORNIA

AUGUST 2022





**LEGEND**

- ⑫ COURSE NUMBER
- CALCULATED POINT - NOTHING FOUND OR SET
- P.O.B. POINT OF BEGINNING

**GEOREFERENCE**

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**EXHIBIT B-2**

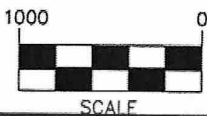
LAFCO FILE 2022-000\_  
 RD 817 REORGANIZATION:  
 ANNEX TO RD 817 & DETACH FROM RD 2103

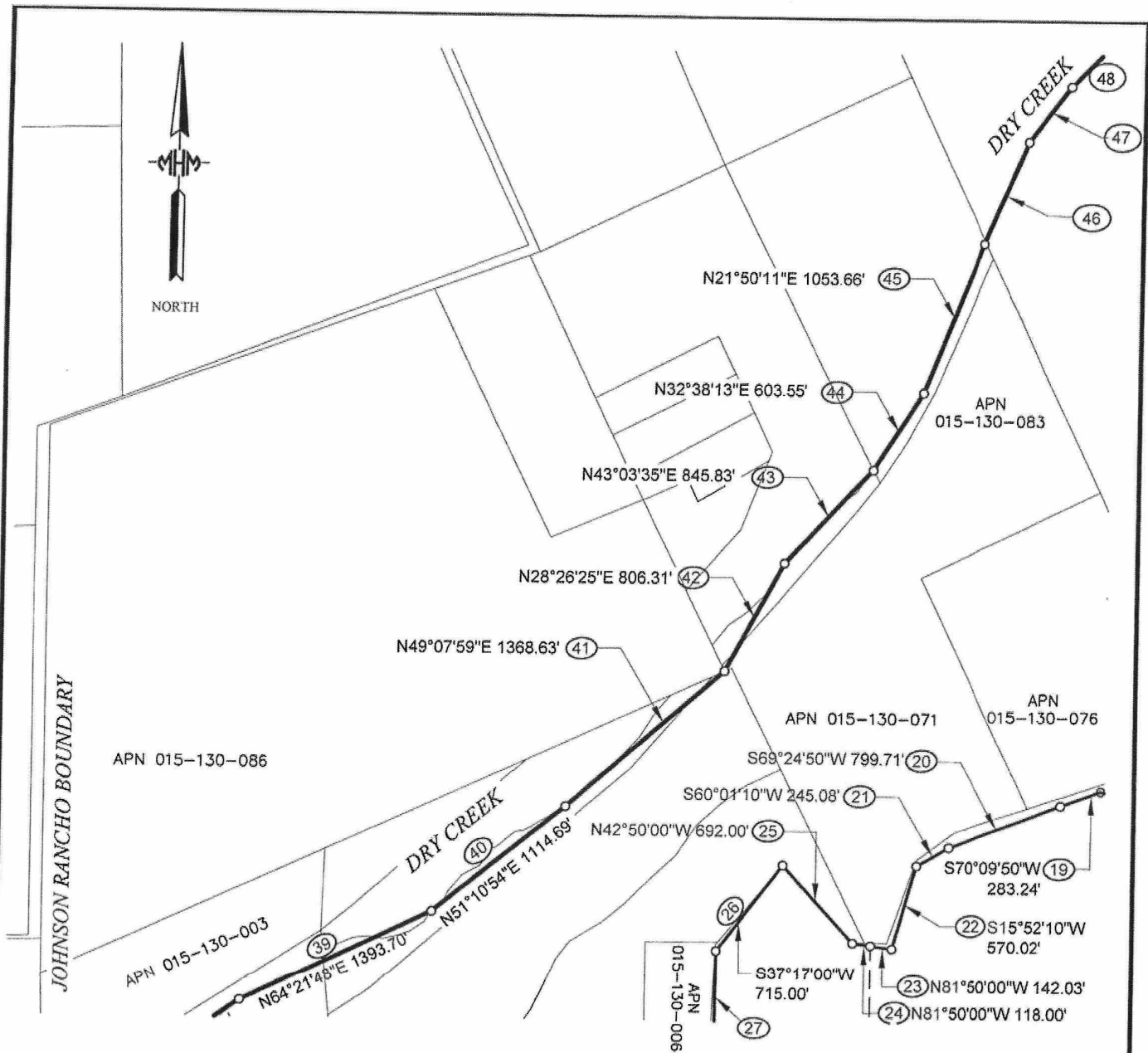
BEING A PORTION OF THE JOHNSON RANCHO. AS SHOWN ON THAT CERTAIN MAP ENTITLED "PLAT OF THE JOHNSON RANCHO" FILED IN BOOK 1 OF MAPS AT PAGE 35, YUBA COUNTY RECORDS.

YUBA COUNTY  
 CALIFORNIA

AUGUST 2022

PREPARED BY: MHM INC., 1204 E STREET, MARYSVILLE, CA 95901  
 20-628 LAFCO DE-ANNEXATION SHEET 5 OF 8





**LEGEND**

- (12) COURSE NUMBER
- CALCULATED POINT - NOTHING FOUND OR SET
- P.O.B. POINT OF BEGINNING

**GEOREFERENCE**

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTY OF YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAP.

**EXHIBIT B - 2**

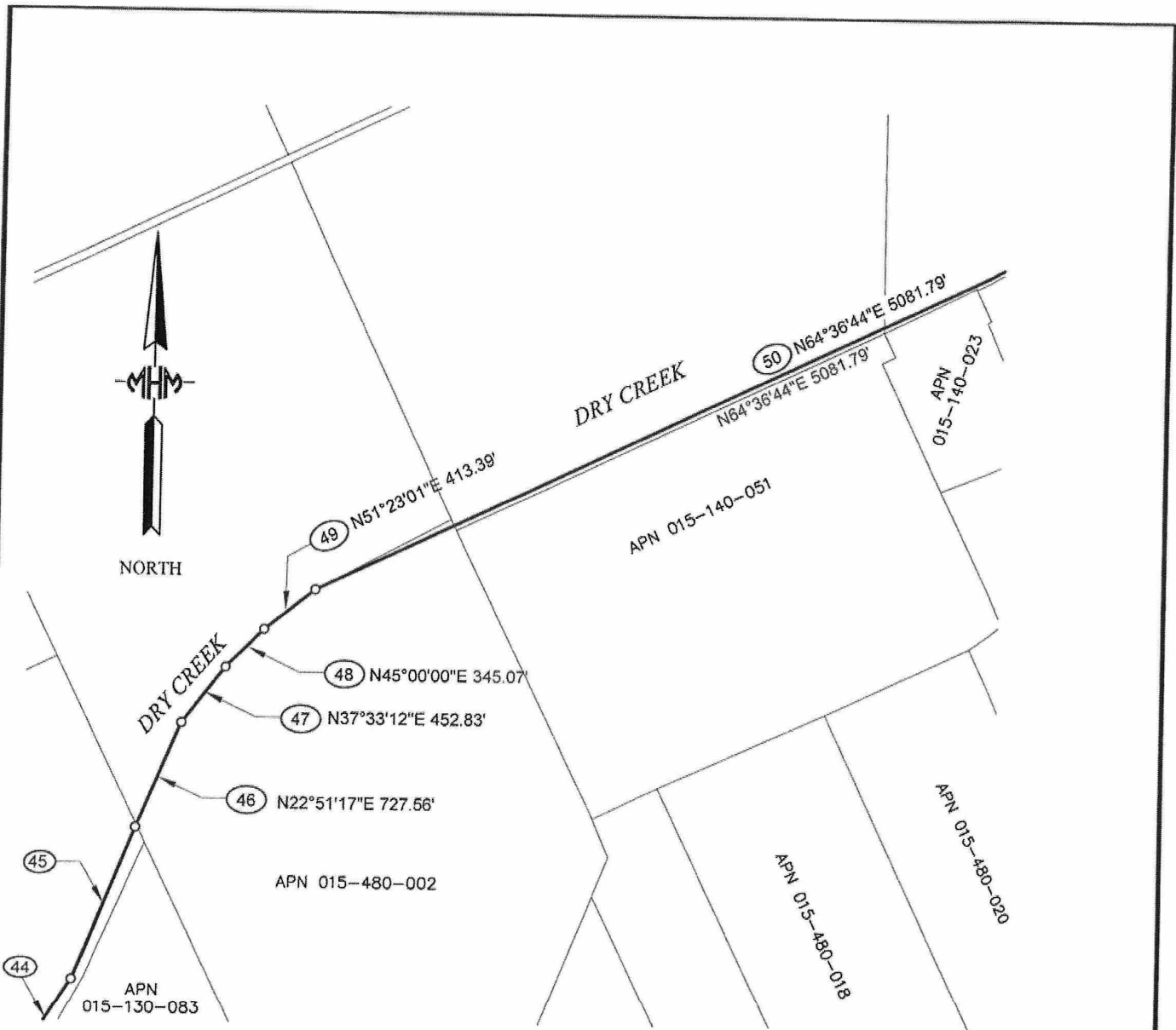
**LAFCO FILE 2022-000\_**  
**RD 817 REORGANIZATION:**  
**ANNEX TO RD 817 & DETACH FROM RD 2103**

BEING A PORTION OF THE JOHNSON RANCHO. AS SHOWN ON THAT CERTAIN MAP ENTITLED "PLAT OF THE JOHNSON RANCHO" FILED IN BOOK 1 OF MAPS AT PAGE 35, YUBA COUNTY RECORDS.

**YUBA COUNTY CALIFORNIA**

**AUGUST 2022**





**LEGEND**

- (12) COURSE NUMBER
- CALCULATED POINT – NOTHING FOUND OR SET
- P.O.B. POINT OF BEGINNING

**GEOREFERENCE**

THE PARCELS SHOWN HEREON ARE REFERENCED GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD83) BASED UPON THE COUNTY OF YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS) BASEMAP.

**EXHIBIT B-2**

LAFCO FILE 2022-000\_

RD 817 REORGANIZATION:

ANNEX TO RD 817 & DETACH FROM RD 2103

BEING A PORTION OF THE JOHNSON RANCHO. AS SHOWN ON THAT CERTAIN MAP ENTITLED "PLAT OF THE JOHNSON RANCHO" FILED IN BOOK 1 OF MAPS AT PAGE 35, YUBA COUNTY RECORDS.

YUBA COUNTY  
CALIFORNIA

AUGUST 2022

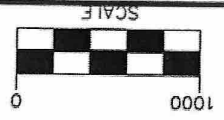
PREPARED BY: MHM INC., 1204 E STREET, MARYSVILLE, CA 95901  
20-628 LAFCO DE-ANNEXATION SHEET 7 OF 8



AUGUST 2022

YUBA COUNTY  
 COUNTY RECORDS.

BEING A PORTION OF THE JOHNSON RANCHO, AS SHOWN ON  
 THAT CERTAIN MAP ENTITLED "PLAT OF THE JOHNSON  
 RANCHO" FILED IN BOOK 1 OF MAPS AT PAGE 35, YUBA



LAFCO FILE 2022-000  
 RD 817 REORGANIZATION:  
 ANNEX TO RD 817 & DETACH FROM RD 2103

P.O.B. POINT OF BEGINNING

- CALCULATED POINT - NOTHING FOUND OR SET
- ⑫ COURSE NUMBER

# EXHIBIT B - 2

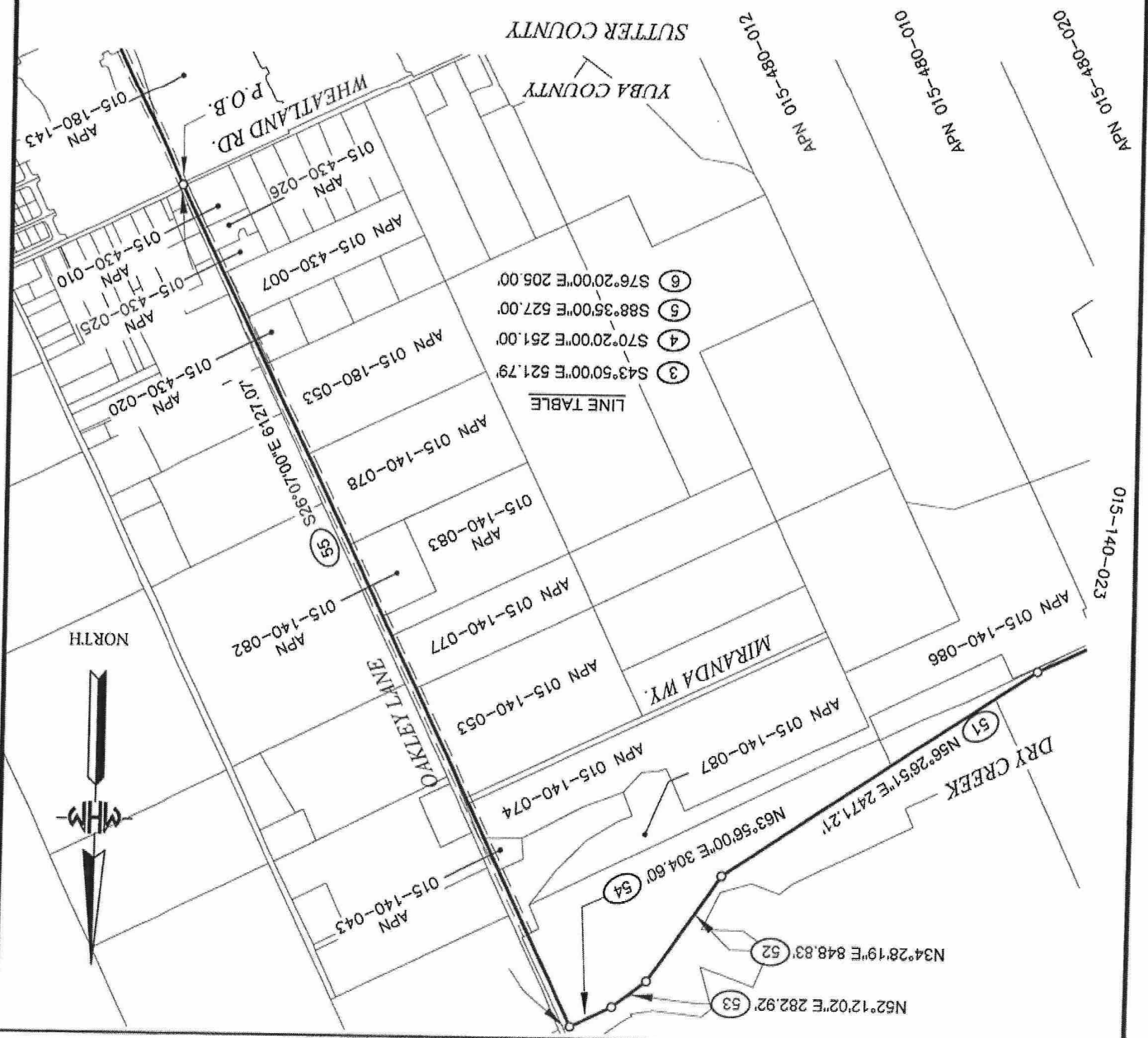
THE PARCELS SHOWN HEREON ARE REFERENCED  
 GEOGRAPHICALLY TO THE NORTH AMERICAN DATUM  
 OF 1983 (NAD83) BASED UPON THE COUNTY OF  
 YUBA GEOGRAPHIC INFORMATION SYSTEM (GIS)  
 BASEMAP.

## LEGEND

### GEOREFERENCE

LINE TABLE

③	S43°50'00"E 521.79'
④	S70°20'00"E 251.00'
⑤	S88°35'00"E 527.00'
⑥	S76°20'00"E 205.00'





**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

**In Re:**

**RESOLUTION OF THE BOARD OF SUPERVISORS )  
REVERSING A PORTION OF THE PROPERTY TAX )  
REVENUE EXCHANGE PERTAINING TO AN )  
EXCHANGE OF TAX REVENUE BETWEEN )  
RECLAMATION DISTRICT 817 AND )  
RECLAMATION DISTRICT 2103 – ANNEXATION )  
OF 3,226 ACRES BACK TO RECLAMATION )  
DISTRICT 817 AND DETACHMENT OF 3,226 )  
ACRES FROM RECLAMATION DISTRICT 2103 )  
(LAFCO FILE 2022-0010)**

**Resolution No. 2023-008**

**WHEREAS**, under the provisions of Proposition 13 adopted in 1978, the distribution of property taxes within each county became the responsibility of the County Board of Supervisors; and

**WHEREAS**, Proposition 13 failed to make any provision for the redistribution of these taxes, as a result of reorganization of cities and districts within the County; and

**WHEREAS**, Revenue and Taxation Code Section 99(b) designates the Yuba County Board of Supervisors as the agency responsible for deciding what sort of property tax revenue exchanges should occur in Yuba County in the case of special district annexations and detachments with the County; and

**WHEREAS**, Section 99 of the Revenue and Taxation Code requires, before the LAFCo Executive Officer issues a certificate of filing for a proposed jurisdictional change, that an exchange of property tax revenue be negotiated between the affected agencies; and

**WHEREAS**, a resolution must be adopted establishing the extent and nature of property tax exchanges before any annexation or detachment is complete for filing; and

**WHEREAS**, previously Reclamation Districts 817 & 2103 filed LAFCo application 2020-0005 with Yuba LAFCo (Yuba County was the Principal County) for a reorganization consisting of a detachment of 6,771 acres from Reclamation District 817 and concurrent



annexation of 6,771 acres to Reclamation District 2103, which consisted of territory located in both Sutter and Yuba Counties; and

**WHEREAS**, the Board Supervisors approved Resolution #2021-95 on July 13, 2021 approving the exchange of property tax revenue for LAFCo application 2020-0005; and

**WHEREAS**, LAFCo received application 2022-0010 for reversal of 3,226 of the 6,771 acres back to Reclamation District 817 from Reclamation District 2103 resulting from a settlement agreement requiring the reversal of the 3,226 acres; and

**WHEREAS**, those parcels identified by APNs and Tax Rate Areas which are included in the reversal of the 3,226 acres are set forth in Attachment A to this resolution.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of Supervisors of the County of **Yuba** as follows:

1. Upon finalization of this reorganization by LAFCo, exchanges of property tax revenue for all agencies shall be governed by this resolution and shall be allocated as follows:

**Base Property Tax:**

The base property tax revenue currently allocated to all existing districts, the County General Fund and all local taxing agencies shall not be changed as a result of this reorganization for any agency currently receiving an allocation of property tax excepting as follows:

The base property tax allocated and received by the Reclamation District 2103 within the detachment territory in both Sutter and Yuba Counties as identified in attachment A shall be allocated to the Reclamation District 817.

**Future Incremental Property Tax:**

- a. The future incremental property tax allocated to the County General Fund and all other local taxing entities in both Yuba and Sutter Counties shall not be changed as a result of this reorganization
- b. The future incremental property tax increment allocated and received within the Reclamation District 2103 detachment territory in both Sutter

and Yuba Counties as identified in attachment A shall be allocated to the Reclamation District 817.

2. This determination is made without prejudice to any future jurisdictional changes and does not establish a precedent for making future determinations pursuant to Sections 99 and/or 99.02 of the Revenue and Taxation Code.
3. The Clerk to the Board is directed to file a certified copy of this resolution to the Yuba Local Agency Formation Commission, the Yuba County Administrative Office, the Auditor of the County of Yuba, and Reclamation District 817 and Reclamation District 2103 and any agency or person requesting a copy.
4. The Yuba County Auditor-Controller is hereby directed to distribute the property tax revenues for agencies within the above annexation and detachment (reorganization) area in accordance with this resolution.

**PASSED AND ADOPTED** at a meeting of the Board of Supervisors of the County of Yuba on the 24 day of January, 2023 by the following vote:

AYES: Supervisors Vasquez, Fuhrer, Bradford, Messick

NOES: None

ABSENT: Supervisor Blaser

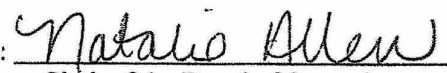
ABSTAIN: None

COUNTY OF YUBA

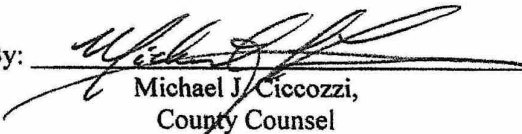
By: 

Andy Vasquez  
Chair, Board of Supervisors

ATTEST:

By:   
Clerk of the Board of Supervisors  
Natalie Allen, Board Clerk

APPROVED AS TO FORM:

By:   
Michael J. Ciccozzi,  
County Counsel

Attachment A

Reversal of 3,226 of the 6,771 acres  
back to Reclamation District 817 from Reclamation District 2103  
LAFCo Application 2022-10

APN	TRA
015-130-006-000	077-018
015-130-046-000	077-018
015-130-052-000	077-018
015-130-062-000	077-018
015-130-069-000	077-018
015-130-071-000	077-018
015-130-076-000	077-001
015-130-080-000	077-018
015-130-081-000	077-018
015-140-023-000	077-018
015-140-042-000	077-018
015-140-043-000	077-018
015-140-051-000	077-018
015-140-053-000	077-018
015-140-072-000	077-018
015-140-073-000	077-018
015-140-074-000	077-018
015-140-077-000	077-018
015-140-078-000	077-018
015-140-082-000	077-018
015-140-083-000	077-018
015-140-085-000	077-052
015-140-086-000	077-018
015-140-087-000	077-018
015-180-038-000	077-018
015-180-053-000	077-018
015-180-072-000	077-018
015-180-111-000	077-018
015-180-113-000	077-018
015-180-119-000	077-018
015-180-120-000	077-018
015-180-121-000	077-018
015-180-122-000	077-018
015-180-123-000	077-018
015-180-124-000	077-018
015-180-125-000	077-018
015-180-141-000	002-012
015-180-142-000	002-012
015-180-143-000	002-012
015-180-144-000	002-012

APN	TRA
015-180-145-000	002-012
015-180-146-000	002-012
015-430-002-000	077-018
015-430-003-000	077-018
015-430-005-000	077-018
015-430-007-000	077-018
015-430-010-000	077-018
015-430-011-000	077-018
015-430-012-000	077-018
015-430-013-000	077-018
015-430-014-000	077-018
015-430-016-000	077-018
015-430-017-000	077-018
015-430-018-000	077-018
015-430-019-000	077-018
015-430-020-000	077-018
015-430-021-000	077-018
015-430-022-000	077-018
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015-430-024-000	077-018
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015-430-026-000	077-018
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015-480-003-000	077-018
015-480-004-000	077-018
015-480-007-000	077-018
015-480-010-000	077-018
015-480-012-000	077-018
015-480-013-000	077-018
015-480-015-000	077-018
015-480-016-000	077-018
015-480-017-000	077-018
015-480-018-000	077-018
015-480-019-000	077-018
015-480-020-000	077-018
015-480-021-000	077-018
015-480-022-000	077-018
015-480-023-000	077-018
016-440-012-000	071-050

is a true and correct copy of  
the document on file in this office.  
ATTEST: MARY PASILLA  
Clerk of the Board of Supervisors of  
The County of Yuba, State of California  
By: Natalie Allen  
- January 24, 2023

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SUTTER

A RESOLUTION OF THE SUTTER COUNTY BOARD )  
OF SUPERVISORS REVERSING A PORTION OF THE )  
PROPERTY TAX REVENUE EXCHANGE PERTAINING )  
TO AN EXCHANGE OF TAX REVENUE BETWEEN )  
RECLAMATION DISTRICT 817 AND RECLAMATION )  
DISTRICT 2103- ANNEXATION OF 2,719 ACRES BACK )  
TO RECLAMATION DISTRICT 817 AND DETACHMENT )  
OF 2,719 ACRES FROM RECLAMATION DISTRICT 2103 )  
(LAFCO FILE 2022-0010) )

RESOLUTION NO. 23-008

*WHEREAS*, under the provisions of Proposition 13 adopted in 1978, the distribution of property taxes within each county became the responsibility of the County Board of Supervisors; and

*WHEREAS*, Proposition 13 failed to make any provision for the redistribution of these taxes, as a result of reorganization of cities and districts within the County; and

*WHEREAS*, Revenue and Taxation Code Section 99(b) designates the Sutter County Board of Supervisors as the agency responsible for deciding what sort of property tax revenue exchanges should occur in Sutter County in the case of special district annexations and detachments with the County; and

*WHEREAS*, Section 99 of the Revenue and Taxation Code requires, before the Local Agency Formation Commission (LAFCo) Executive Officer issues a certificate of filing for a proposed jurisdictional change, that an exchange of property tax revenue be negotiated between the affected agencies; and

*WHEREAS*, a resolution must be adopted establishing the extent and nature of property tax exchanges before any annexation or detachment is complete for filing; and

*WHEREAS*, previously Reclamation Districts 817 & 2103 have filed LAFCo application 2020-005 with Yuba LAFCo (Yuba County is the Principal County) for a reorganization consisting of a detachment of 6,771 acres from Reclamation District 817 and concurrent annexation of 6,771 acres to Reclamation District 2103, which consists of territory located in both Sutter and Yuba Counties; and

*WHEREAS*, the Board Supervisors approved Resolution #21-036 on July 13, 2021 approving the exchange of property tax revenue for LAFCo application 2020-0005; and

*WHEREAS*, LAFCo received application 2022-0010 for reversal of 2,719 of the 6,771 acres back to Reclamation District 817 from Reclamation District 2103 resulting from a settlement agreement requiring the reversal of the 2,719 acres; and

*WHEREAS*, those parcels identified by Assessor Parcel Numbers (APNs) and Tax Rate Areas (TRAs) which are included in the reversal of the 3,226 acres are set forth in Attachment A to this resolution.

***NOW, THEREFORE, BE IT RESOLVED AND ORDERED*** by the Board of Supervisors of the County of Sutter as follows:

1. Upon finalization of this reorganization by LAFCo, exchanges of property tax revenue for all agencies shall be governed by this resolution and shall be allocated as follows:

Base Property Tax:

The base property tax revenue currently allocated to all existing districts, the County General Fund and all local taxing agencies shall not be changed as a result of this reorganization for any agency currently receiving an allocation of property tax excepting as follows:

The base property tax allocated and received by the Reclamation District 2103 within the detachment territory in both Sutter and Yuba Counties as identified in attachment A shall be allocated to the Reclamation District 817.

Future Incremental Property Tax:

- a. The future incremental property tax allocated to the County General Fund and all other local taxing entities in both Yuba and Sutter Counties shall not be changed as a result of this reorganization
  - b. The future incremental property tax increment allocated and received within the Reclamation District 2103 detachment territory in both Sutter and Yuba Counties shall be allocated as identified in Attachment A to the Reclamation District 817.
2. This determination is made without prejudice to any future jurisdictional changes and does not establish a precedent for making future determinations pursuant to Section 99 and/or 99.02 of the Revenue and Taxation code.
  3. The Clerk to the Board is directed to file a certified copy of this resolution to the Yuba Local Agency Formation Commission, the Sutter County Administrative Office, the Auditor of the County of Sutter, and Reclamation District 817 and Reclamation District 2103 and any agency or person requesting a copy.
  4. The Sutter County Auditor-Controller is hereby directed to distribute the property tax revenues for agencies within the above annexation and detachment (reorganization) area in accordance with this resolution.

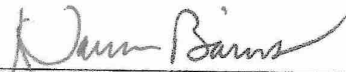
**PASSED AND ADOPTED** by the Board of Supervisors of the County of Sutter, State of California, on this 14th day of February 2023 by the following vote:

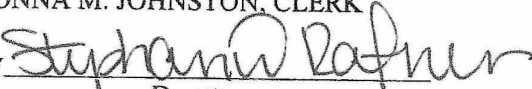
AYES: Supervisors Micheli, Flores, Bains, and Conant

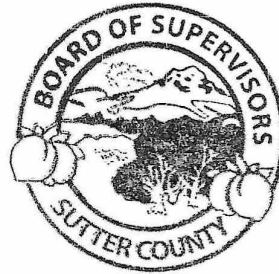
NOES: None

ABSENT: Supervisor Ziegenmeyer

ABSTAIN: None

  
KARM BAINS, CHAIR  
BOARD OF SUPERVISORS

ATTEST:  
DONNA M. JOHNSTON, CLERK  
By   
Deputy



**Attachment A**

Reversal of 2,719 of the 6,771 acres  
back to Reclamation District 817 from Reclamation District 2103  
LAFCo Application 2022-10

<b>APN</b>	<b>APN_EDIT</b>	<b>TRA</b>
28-010-001	28-010-001	53-002
28-010-002	28-010-002	53-002
28-010-002 T	28-010-002 T	53-002
28-010-003	28-010-003	53-002
28-010-004	28-010-004	53-002
28-010-004 T	28-010-004 T	53-002
28-010-005	28-010-005	53-002
28-010-006	28-010-006	53-002
28-010-007	28-010-007	53-002
28-010-008	28-010-008	53-002
28-010-014	28-010-014	53-002
28-010-015	28-010-015	53-002
28-010-016	28-010-016	53-002
28-010-017	28-010-017	53-002
28-210-001	28-210-001	53-002
28-210-004	28-210-004	53-002
28-210-005	28-210-005	53-002
28-210-026	28-210-026	53-002
28-210-048	28-210-048	53-002
28-210-049	28-210-049	53-002
28-210-050	28-210-050	53-002
28-210-051	28-210-051	53-002
28-210-007	28-210-007	53-001
28-210-027	28-210-027	53-001
28-210-028	28-210-028	53-001
28-210-029	28-210-029	53-001
28-210-031	28-210-031	53-001

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Yuba

918 8th Street, Suite 130

Marysville, CA 95901

From: (Public Agency): Reclamation District 2103

P.O. Box 208

Wheatland, CA 95692

(Address)

Project Title: Reorganization Reversal-Detachment from RD 2103, then back into RD 817 (previous project No. 2020-0005)

Project Applicant: Dean Webb, President RD 2103

Project Location - Specific:

Portion of RD 817 area previously annexed into RD 2103 is being annexed back to remaining RD 817 area.

Project Location - City: Wheatland

Project Location - County: Yuba

Description of Nature, Purpose and Beneficiaries of Project:

This is a reversal of previous LAFCO project. This reorganization will detach the recently annexed RD 817 portion from RD 2103 and annex it back into RD 817 due to a Notice of Settlement of Entire Case, Rue vs. Yuba Local Agency Formation.

Name of Public Agency Approving Project: Yuba LAFCO

Name of Person or Agency Carrying Out Project: Dean Webb, President, RD 2103

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number: Article 19, Section 15320
Statutory Exemptions. State code number:

Reasons why project is exempt:

Section 15320: Changes in Organization of Local Agencies Class 20 consists of changes in the organization or reorganization of local government agencies where the changes do not change the geographical area in which previously existing powers are exercised. The pertinent example includes "(b) consolidation of two or more districts having identical powers".

Lead Agency

Contact Person: Dean Webb

Area Code/Telephone/Extension: 530-624-6200

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: Title: President, RD 2103

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:



## **AGENDA ITEM NO. 5B**

PROPOSED DRAFT BUDGET FY 2023-2024

**YUBA LOCAL AGENCY FORMATION COMMISSION**

John Benoit, Executive Officer  
Paige Hensley, Deputy Executive Officer  
David Ruderman, LAFCo Counsel  
417 4<sup>th</sup> Street  
MARYSVILLE, CA 95901

Phone (530)749-5467  
Fax (530)740-4836  
Website: www.vubalafco.org



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**Yuba Local Agency Formation Commission**

**EXECUTIVE OFFICER'S REPORT**

**MEETING DATE: March 1, 2023**

**AGENDA ITEM No. 5.B**

**SUBJECT: Proposed Budget for Fiscal Year 2023-2024**

**A. BACKGROUND:**

Since the passage of Cortese-Knox-Hertzberg Local Government Reorganization Act in 2000 (AB 2838), Yuba LAFCO has become an independent entity separate from the County. Prior to AB 2838, operational costs of LAFCO were entirely paid by the County including costs for operation of the Commission, processing of applications and studies, the annual audit, staff time, legal services, miscellaneous office expenses, financial functions and insurance. In passing AB 2838, the State Legislature determined that LAFCO's costs were to be paid by the agencies represented on the Commission and LAFCOs were to become independent. The true costs of operating Yuba LAFCO and fulfilling its responsibilities as mandated by the Legislature have become more apparent since the Commission is now an independent agency.

**LAFCO Budget Process:**

The Cortese-Knox-Hertzberg Act creates a specific budgetary process for LAFCO. It is the sole responsibility of the Commission's to adopt its annual budget. The statute does not require Yuba LAFCO's budget to be approved by the County, Cities or other local agencies.

Section 56381 of the Government Code provides that:

- (a) The commission shall adopt annually, following noticed public hearings, **a proposed budget and final budget.**

At a minimum, the proposed and final budgets shall be equal to the budget adopted for the previous fiscal year unless the commission finds that reduced staffing or program costs will nevertheless allow the commission to fulfill the purposes and programs of this chapter.

The commission shall transmit its proposed and final budgets to the board of supervisors; each city; clerk and chair of the city selection committee; each independent special district; and clerk and chair of the independent special district selection committee.

The net cost of the LAFCO budget is funded in equal parts by the County and the cities in Yuba County (§ 56281(b) (2)). The County Auditor, after crediting a projected year end available fund balance and processing fee income, allocates LAFCO's net budget to all participating local agencies (§ 56281(b) and (c)). The cities' share will be apportioned in proportion to each city's total revenues as reported in the most recent edition of the Cities Annual Report published by the State Controller, as a percentage of the combined city revenues within the County, or by an alternative method approved by the cities (§ 56281(b) (1)).

Yuba LAFCO and the Yuba County Water Agency have approved an agreement for fiscal and accounting functions, banking functions and personnel services.

Insurance coverage is provided by the Golden State Risk Management Authority.

The Commission has sole discretion over its own budget including Executive Officer and staff services, legal services, office expenses, and the amount of funds allocated for conducting special projects.

## **B. ANALYSIS**

The 2022-2023 budget reflected a 2.97% increase in City-County contributions. This year's proposed budget shows a 10.95% increase. This year as before, most budget line items have been reduced to a bare minimum. At the November 2022 meeting, the Commission approved the reclassification of the Clerk-Analyst to the position of Deputy Executive Officer. That was done in anticipation and preparation of the eventual retirement of the Executive Officer (no retirement date has been set yet). This staff change is resulting in an increase in salary and benefit expenses for this year. We are also anticipating an increase in costs for office space rent, CALAFCO membership fee, liability insurance, and for travel/training to the CALAFCO Annual Conference this year, to be held in Monterey.

The goal of the LAFCo's charge out rates is to reduce the local government cost of maintaining a LAFCO. Those direct costs provided by Legal Counsel and the Executive Officer are billed against specific projects as needed. A portion of the fee deposit is earmarked for preparation of Municipal Service Reviews and Sphere of Influence Updates.

Attached is proposed Resolution 2023-03 for the proposed budget for Yuba LAFCO.

***The overall goal of this budget is to conduct LAFCO business in a proactive manner involving the Community and to meeting the overall requirements of the Cortese-Knox-Hertzberg Act in the most economical manner in light of the fiscal situation facing local government.***

In reviewing the proposed Yuba LAFCO Budget for FY 2023-2024, the figures included in the proposed budget are predicated on the fact that several small and medium and large reorganizations and several Sphere of Influence Updates will take place. Review of several Environmental Documents and projects reflective of a growing community will also be necessary.

- Staff will work on Municipal Service Reviews, as necessary.
- Staff will continue working on updating Spheres of Influence, as necessary.

- Update of LAFCO's Policies, Standards and Procedures
- Review of LAFCO's schedule of fees last updated in 2021.
- Update of LAFCO's Financial Policies
- Update of the Bylaws

**C. PROPOSED EXPENSES:**

The attached Schedule form lists proposed budget expenditure detail for the fiscal year 2023-2024. Expenditure accounts include the following:

1. **Insurance:** Insurance is estimated to cost \$2,500. LAFCo Staff has not yet received word of an increase in insurance rates for next year and may need to change these amounts for the final budget.
2. **Office Expense:** Miscellaneous office expenses are anticipated to stay the same this year at \$3,900. This continues to represent a \$2,400 cost due to the new Tyler software system implemented by Yuba County to replace the old Trakit software system which soon will be obsolete, plus miscellaneous office expenses.
3. **Mapping** – To prepare Spheres of Influence studies, and mapping for various projects before LAFCo, mapping is essential, however based on previous years expenses we have decreased our anticipated budgeted cost to \$5,000 in this category.
4. **Copies:** Staff is anticipating a \$250 decrease in costs for copies in Fiscal Year 2023-2024. Staff recommends budgeting the amount of \$2,500.
5. **Communications:** Staff is recommending \$2760 be budgeted for Fiscal Year 2023-2024. This amount is the same as last year. This is needed to cover the cost of internet and phone service at LAFCO's office location.
6. **Postage:** This item is proposed to be decreased at \$600.00 to cover the costs of LAFCO related postage.
7. **Memberships:** The California Association of Local Agency Formation Commissions (CALAFCO) dues are to increase this year from \$2,206 to \$2,388 An increase of \$182.
8. **General Legal Services:** \$12,000 is recommended for General Counsel services to provide general advice to LAFCO. Input will be needed on SOI projects and to help resolve outstanding issues before LAFCo. Since LAFCO is an independent agency, LAFCO Counsel is necessary to represent LAFCO's interests. It is necessary to have Counsel available at all Commission meetings. Special project related legal costs are recommended to be \$5,000 which would be billed to the project proponent through LAFCO's adopted fee structure. This is a decrease of \$5000. This budget does not include special litigation costs, which are accounted for separately.
9. **LAFCO Deputy Executive Officer position:** This category includes a budget of \$95,025 for LAFCO's new Deputy Executive Officer salary, and \$52,263 for benefits, which is an overall cost of the position. This is a new position which will be gradually

taking on more of the Executive Officer responsibilities, as the current Executive Officer has indicated his eventual retirement. This position will also continue with the previous Clerk-Analyst duties which includes general administrative work, project reviews, meeting with clients and Special Districts, the Grand Jury and initial project reviews by both the Cities and County. Direct and indirect project related costs would be billed to a specific project proponent through LAFCO's adopted fee structure. Assistance with Sphere of Influence Updates is also required to comply with Cortese-Knox Hertzberg as well as general research.

10. **General Staff Services-Executive Officer:** \$35,000 is recommended for General LAFCO administration meeting with clients, attendance at various meetings, project reviews, meeting with community groups and coordination activities. This represents a \$5000 decrease due to the Executive Officer reducing his workload, as he has indicated he is formulating his eventual retirement plans. The Deputy Executive Officer will increasingly be participating in Sphere of Influence updates, which are not funded by any individual party or entity. There is an additional \$15,000 Special Projects EO services. These are projects LAFCO receives funding to process and will include Sphere Updates necessitated by special projects.
11. **Legal Notices/Publications:** Legal notices are required by state law and must be prepared for Sphere of Influence Updates, all public hearings before the Commission and protest hearings. Public hearing notices are required for many LAFCO actions. Due to processing of pending and expected applications and SOIs, the staff is recommending \$1,500 for this item, the same as this year.
12. **Transportation/Travel & Training:** \$9,000 is budgeted for FY 2023-2024. Training for the Commission and LAFCO staff is necessary to remain informed of changes in LAFCO law and procedures. This is an increase of \$3,000 over last year's amount of \$6,000. The Annual Calafco conference this year is scheduled to be held October 18-20, 2023, at the Hyatt Regency in Monterey. The anticipated cost is approximately \$2,000 per person including transportation, lodging, and conference registration. Details for the annual staff Workshop for March 2024 will be announced as they become available.
13. **Service Reviews and Sphere Updates:** The LAFCo law requires Sphere Updates as necessary along with MSR updates. This year these funds are proposed to be carried over in the amount of \$40,000.
14. **Facility Rent:** LAFCO is renewing our 13 month lease for office space at our current location of 417 4<sup>th</sup> Street in Marysville, CA. In January this year the landlord increased our monthly rent by \$25 per month for a total of \$675 per month. Staff is recommending a budget of \$8250 for the entire 2023-2024 fiscal year. This amount includes office space, some utilities, and building maintenance. This figure also includes a possible additional 3% rental increase, if implemented by the landlord, would begin next January 2024.
15. **Bookkeeping:** This cost proposed to be \$1,200.00 this year for bookkeeping.
16. **Fixed Assets:** No Fixed Assets are proposed.

17. **Contingencies:** As with other independent agencies, it is recommended Yuba LAFCO maintain a prudent reserve for contingencies. Therefore, the Committee recommends a contingency of \$13,000.00 the same as this year.
18. **General Reserves:** The amount in the General Reserves for Fiscal Year 2022-2023 is \$70,000. The Commission has requested an increase of the General Reserves up to a total of \$100,000 in the next few years, if there is a larger than expected carryover at the end of each fiscal year.

If, for any reason, LAFCO were to have a cost overrun or unanticipated expenses during the fiscal year, LAFCO would have to request a loan from the Board of Supervisors. The Board of Supervisors, however, has no obligation grant such a loan.

**D. PROJECTED REVENUES:**

Projected revenues are anticipated to be \$25,000 for application processing and necessary Spheres of Influence. If revenue in excess of \$25,000 is received, then various expenditure categories may need to be increased. In part, this category covers the cost of Special Legal and Executive Officer Services for project related expenses.

**E. CARRYOVER:**

The estimate of unrestricted carryover from this year's carryover is again anticipated to be \$150,000.00 at this time. This figure may change depending upon expenditures/revenues over the next few months.

**F. COUNTY AND CITY CONTRIBUTION:**

The County/City contribution is expected to be increased this year from \$179,771.00 to \$201,886.00, a 10.95% increase in the apportionment amount.

Attachments: *Resolution 2023-03 Adopting a Proposed 2023-2024 FY Yuba LAFCO Budget*  
(including the spreadsheet in Exhibit A of Resolution 2023-03)

**RECOMMENDATION:**

1. **Adopt Resolution 2023-03 approving a Proposed Budget for FY 2023-2024 for Yuba LAFCo.**

**BEFORE THE YUBA LOCAL AGENCY FORMATION COMMISSION**

**IN RE:**

**RESOLUTION APPROVING THE PROPOSED )  
2023-2024 FISCAL YEAR BUDGET OF THE )  
YUBA LOCAL AGENCY FORMATION )  
COMMISSION )**

**RESOLUTION NO. 2023-03**

**WHEREAS**, Section 56381 of California Government Code requires this Yuba Local Agency Formation Commission to adopt a draft budget by May 1st and a final budget by June 15<sup>th</sup> of each year; 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**, on March 1, 2023, a noticed public hearing was held on the proposed draft budget for this Commission.

**NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED** by the Yuba Local Agency Formation Commission that the Proposed Budget for Fiscal Year 2023-2024 attached as Exhibit A is hereby adopted and makes a specific finding that it is expected this budget will allow the Commission to fulfill the purposes and programs of LAFCO, and the Executive Officer is directed to provide copies to all required parties as provided by law.

**PASSED AND ADOPTED** at a regular meeting of the Yuba Local Agency Formation Commission, State of California, on the 1st day of March 2023 by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

\_\_\_\_\_  
Andy Vasquez, CHAIR  
YUBA LOCAL AGENCY  
FORMATION COMMISSION

ATTEST: JOHN BENOIT  
EXECUTIVE OFFICER

APPROVED AS TO FORM:

By: \_\_\_\_\_

\_\_\_\_\_

LAFCO Counsel



	A	B	C	D	E	F	G	H	I	J	K	
			Adopted Budget 2019-2020	Adopted Budget 2020-2021	Adopted Budget 2021-2022	Adopted Budget 2022-2023	YTD as of 12-31-22	Proposed Budget 2023-24				
8	<b>General Services and Supplies</b>											
10	INSURANCE	\$	2,250.00	\$ 2,250.00	\$ 2,250.00	\$ 2,250.00	2,080.00	\$ 2,500.00				
11	OFFICE EXPENSE	\$	1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 3,900.00	443.22	\$ 3,900.00				
12	MAPPING - SOI reports	\$	7,000.00	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00		\$ 5,000.00				
13	COPIES	\$	1,900.00	\$ 2,500.00	\$ 2,500.00	\$ 2,750.00	814.51	\$ 2,500.00				
14	COMMUNICATIONS	\$	1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,760.00	1,355.85	\$ 2,760.00				
15	POSTAGE	\$	800.00	\$ 800.00	\$ 800.00	\$ 800.00	145.67	\$ 800.00				
16	MEMBERSHIPS	\$	1,212.00	\$ 2,092.00	\$ 2,114.00	\$ 2,208.00	2,206.00	\$ 2,388.00				
17	LEGAL SERVICES- General & Specific	\$	12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	3,854.95	\$ 12,000.00				
18	Deputy Executive Officer-YCWA-Salary	\$	66,718.00	\$ 73,060.00	\$ 76,293.00	\$ 79,355.00	45,033.80	\$ 85,025.00	This includes at 5% step-increase & a possible 3% COLA increase.			
19	Deputy Executive Officer-YCWA- Benefits	\$	41,510.00	\$ 33,477.00	\$ 34,147.00	\$ 36,888.00	19,624.97	\$ 52,263.00	Waiting on confirmation from YWA			
20	Dextero Accounting Software update YCWA	\$	4,500.00	\$ -	\$ -	\$ -	-	\$ -				
21	Workers Comp (included in Benefits)	\$	742.00	\$ 742.00	\$ -	\$ -	-	\$ -	N/A Now included in Benefits			
22	Services-Executive Officer	\$	40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	24,490.94	\$ 35,000.00				
23	LEGAL NOTICES/PUBLICATIONS	\$	1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	411.00	\$ 1,500.00				
24	TRAINING AND TRAVEL (CALAFCO)	\$	6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	3,650.64	\$ 9,000.00				
25	Special Project Legal Services	\$	10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	-	\$ 5,000.00				
26	Special Projects EO Services	\$	15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	-	\$ 15,000.00				
27	Municipal Service Review Updates	\$	30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	-	\$ 30,000.00				
28	Sphere of Influence Updates	\$	10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	-	\$ 10,000.00				
29	Rent/Utilities	\$	4,545.00	\$ 4,845.00	\$ 4,881.00	\$ 8,112.00	3,900.00	\$ 8,250.00	Includes a 3.7 increase for 1/2 the year.			
30	Bookkeeping (YCWA)	\$	1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	600.00	\$ 1,200.00				
31	Rue v. LAFCo RD 2103-817	\$	-	\$ -	\$ -	\$ 50,000.00	-	\$ -	N/A			
32	Banking Fees	\$	300.00	\$ 300.00	\$ 300.00	\$ -	-	\$ -	N/A			
33	<b>Total General Services and Supplies</b>	\$	<b>255,077.00</b>	\$ <b>259,566.00</b>	\$ <b>258,485.00</b>	\$ <b>321,821.00</b>	<b>107,817.55</b>	\$ <b>293,886.00</b>				
34												
35	Contingency	\$	13,000.00	\$ 13,000.00	\$ 13,000.00	\$ 13,000.00		\$ 13,000.00				
36	Reserve Fund	\$	60,000.00	\$ 70,000.00	\$ 70,000.00	\$ 70,000.00		\$ 70,000.00				
37												
38	<b>Total Expenditure Budget: LAFCO</b>	\$	<b>328,077.00</b>	\$ <b>342,566.00</b>	\$ <b>341,485.00</b>	\$ <b>404,821.00</b>		\$ <b>376,886.00</b>				
39												
40	Estimated Unrestricted cash on Carryover	\$	(\$145,000.00)	(\$140,000.00)	\$ (142,000.00)	\$ (150,000.00)		\$ (150,000.00)				
41												
42	Interest Revenue	\$	(\$50.00)	\$ (50.00)	\$ (50.00)	\$ (50.00)		\$ -				
43	Anticipated General Revenue	\$	(\$25,000.00)	\$ (25,000.00)	\$ (25,000.00)	\$ (25,000.00)		\$ (25,000.00)				
44	Anticipated Rue v. LAFCo Revenue	\$		\$ -	\$ -	\$ (50,000.00)		\$ -				
45	<b>Total Expenditures less anticipated carryover &amp; revenue</b>	\$	<b>158,027.00</b>	\$ <b>177,516.00</b>	\$ <b>174,435.00</b>	\$ <b>179,771.00</b>		\$ <b>201,886.00</b>				
46	General Reserve											
47												
48	Amount to be apportioned between the Cities and the County	\$	158,027.00	\$ 177,516.00	\$ 174,435.00	\$ 179,771.00		\$ 201,886.00				
49												
50	Contribution increase or reduction from prior year	\$	#REF!	\$ 19,489.00	\$ (3,081.00)	\$ 5,336.00		\$ 22,115.00				
51												
52	Percentage of change in Apportionment		9.54%	10.98%	-1.77%	2.97%		10.95%				
53												
54	Estimated Cities/County Apportionment	\$	158,027.00	\$ 177,516.00	\$ 174,435.00	\$ 179,771.00		\$ 201,886.00				



## **AGENDA ITEM NO. 6A**

**OFFICE SPACE RENTAL CONTRACT RENEWAL**



**MODIFICATION OF LISTING, BUYER REPRESENTATION OR OTHER AGREEMENT BETWEEN PRINCIPAL AND BROKER**  
(C.A.R. Form MT, Revised 6/19)

The  Listing Agreement  Buyer Representation Agreement, (or, if checked,)  Other Commercial Lease Agreement  
dated December 6, 2021, between Melia Campbell ("Broker")  
and Yuba LAFCO ("Principal"), regarding the real  
property, manufactured home or business described as 417 4th Street Units C & D, Marysville, CA 95901  
is modified as follows:

**PRICE:** The listing price, price range, lease or rental amount shall be changed to: Six Hundred Seventy-Five  
Dollars (\$ 675.00 )

**EXPIRATION DATE:** The expiration date is changed to: January 31, 2024.

**NOTICE: THE AMOUNT OR RATE OF REAL ESTATE COMMISSIONS IS NOT FIXED BY LAW. THEY ARE SET BY EACH BROKER INDIVIDUALLY AND MAY BE NEGOTIABLE BETWEEN PRINCIPAL AND BROKER (REAL ESTATE COMMISSIONS INCLUDE ALL COMPENSATION AND FEES TO BROKER).**

**OTHER:** Rental increase would begin 4/1/23.

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All other terms of the Listing Agreement, Buyer Representation Agreement, or other agreement as applicable, remain in full force and effect, except as modified herein.

I acknowledge that I have read, understand and have received a copy of this Modification of Terms.

Principal Yuba LAFCO

Date \_\_\_\_\_

Principal Melia Campbell

Date \_\_\_\_\_

Broker \_\_\_\_\_  
(Firm)

DRE Lic # \_\_\_\_\_

By \_\_\_\_\_  
(Agent)

DRE Lic # \_\_\_\_\_ Date \_\_\_\_\_

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## **AGENDA ITEM NO. 7A**

**DRAFT BYLAWS UPDATE - WORKSHOP**

**YUBA LOCAL AGENCY  
FORMATION COMMISSION**

**(LAFCo)**

**DRAFT UPATE 2013**

**BYLAWS**

**Adopted**

**LAFCO Resolution 2007-0005 (April 19, 2007)  
Amended Resolution 2008-0006 (July 24, 2008)  
Amended Resolution 2013-07 (October 2, 2013)  
Amended Resolution 2023-XXXX**

**Draft Yuba LAFCo Bylaws**

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Table of Contents		
1. Statement of Purpose and Authority	1	
1.1. Mission		1
1.2. Governing Law	1	
1.3. Funding	1	
2. Definitions	1	
2.1. Alternate Member		1
2.2. Board of Supervisors	1	
2.3. Commission	2	
2.4. Commissioners	2	
2.5. County	2	
2.6. LAFCO	2	
2.7. Members	2	
2.8. City Council	2	
3. Budgeting		
3.1. General (Budget)	2	
3.2. Budgeting Policies	2	
4. Commission Organization	4	
4.1. Composition	4	
4.2. Appointment of Members	4	
4.3. Role of Alternate Members	5	
4.4. Terms of Office	5	
4.5. Removal of Members	5	
4.6. Commission Officers	5	
4.7. Compensation	6	
4.8. Financial Disclosure	6	
4.9. Code of Ethics	7	
4.10. Eligibility of Commissioners for Staff Positions	7	
5. Conduct of Business	7	
5.1. Regular Meetings	7	
5.2. Special Meetings	8	
5.3. Notice of Meetings	8	
5.4. Compliance with Open Meeting Laws	8	
5.5. Quorum & Action of Commission	8	
5.6. Adjournment and Continuance of Meetings and Public Hearings	8	
5.7. Conduct of Meetings	9	
5.8. Public Hearing Procedure	11	
5.9. Public Testimony	11	
5.10. Record of Proceedings	12	
5.11. Legislative Process Participation		
13		
6. Conflict of Interest	13	
7. Subcommittees of the Commission	13	
7.1. Committees	13	
7.2. Open Meeting Law Requirements	13	
8. Policies and Procedures	15	
9. Amendments	16	
9.1. Regular Amendments	17	
9.2. Urgency Amendments	14	
9.3. Filing of Bylaws	14	

APPENDICES

Appendix 1 Public Member Selection Process

Appendix 2 Yuba County LAFCO Code of Ethics

Appendix 3 Public Records Request Form

Appendix 4 Yuba LAFCo Records Retention Policy

**Yuba Local Agency Formation Commission (LAFCo) Bylaws**

1. Statement of Purpose and Authority

1.1 Mission

The Yuba Local Agency Formation Commission is committed to serving the residents, government agencies, and applicants of its jurisdiction by using its authority, knowledge and expertise to make beneficial changes in the structure of public agencies through special studies, programs and actions resulting in the resolution of conflicts; orderly growth, development, and governance of communities within Yuba County; cost-effective delivery of services; and timely processing of applications.

In accordance with the policies and procedures established by the State Legislature in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Sections 56000 et seq. of the California Government Code, the primary function of California LAFCOs is to encourage orderly growth, discourage urban sprawl, preserve open space and prime agricultural lands, and efficiently extend governmental services. LAFCO's responsibilities include review of and action on proposals for 1) formation of new local public agencies, 2) change in boundaries of existing local agencies, and 3) other changes in organization of local agencies, such as consolidations. In making such determinations, LAFCO's efforts are directed to encouraging the efficient and economic delivery of public services, while protecting other important state interests such as the preservation of agricultural and open-space lands.

1.2 Governing Law

The conduct of the Yuba Local Agency Formation Commission is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Sections 56000 et seq. of the California Government Code, as amended (hereinafter referred to as "The LAFCO Act"). In any conflict between provisions of the LAFCO Act and these Bylaws, the former shall prevail.

1.3. Funding

Funding for the operational needs of the Yuba LAFCO shall be provided through a combination of application fees and charges and appropriations from Yuba County and its cities as determined by the Commission in accordance with the LAFCO Act.

2. Definitions

2.1 Alternate Member

The person appointed to serve and vote in place of a regular member under any of the circumstances set forth in Section 4.3, below.

2.2. Board of Supervisors

The Yuba County Board of Supervisors.



2.3 Commission

The governing body of the Yuba Local Agency Formation Commission

2.4 Commissioners

All members of the Commission, both regular and alternate. "Commissioner" has the same meaning as "Member."

2.5 County

The County of Yuba.

2.6 LAFCO

The Yuba Local Agency Formation Commission.

2.7 Members

All regular and alternate members of the Yuba Local Agency Formation Commission. "Member" has the same meaning as "Commissioner."

2.8 City Council

The City Council of the City of Wheatland, the City Council of the City of Marysville and/or the City Council of any other city that may be incorporated in Yuba County during the effectiveness of these rules.

3. Budgeting

3.1 General

Unless otherwise determined by the Commission, the Commission as a whole shall serve as the LAFCO Budget Committee. The Executive Officer shall prepare and submit to the Commission a proposed budget for review at the Commission's March meeting, but not later than May 1<sup>st</sup>. As required under Section 56381, the Commission shall then hold a noticed public hearing on the budget before May 1<sup>st</sup> and adopt a proposed budget at that meeting. The Commission shall adopt its final budget after noticed public hearing before June 15<sup>th</sup>. When the Commission has finalized the budget, the Executive Officer shall promptly send it to the County Auditor and City and County Administration.

The Commission may at any time and at its own discretion modify its approved budget.

3.2 Budgeting Policies

- a) LAFCO may adopt a work program for the next fiscal year prior to its adoption of the proposed budget. The work program shall set forth the proposed actions, studies, reports and administrative objectives for the coming year. The work program shall be developed considering the following factors:
  - i) Statutory requirements for preparation of Municipal Service Reviews and Updates to Sphere of Influence Plans.
  - ii) Anticipated Projects.
  - iii) Efficient delivery of LAFCO services to the community.
  
- b) LAFCO's budget for the next fiscal year shall normally be set at a level that allows it to complete the essential tasks of the approved work program. If the Commission determines that it cannot reasonably obtain funding at the level necessary to fund the work program, the Commission shall eliminate or modify items in the work program to reflect the reductions in funding prior to approval of the reduced budget. The proposed and final budget shall be equal to or greater than the budget adopted for the previous fiscal year unless the Commission finds that reduced staffing or program costs will nevertheless allow the Commission to fulfill its purposes and programs as required by the LAFCO Act.(§56381)

When feasible, LAFCO shall re-budget carryover from the prior fiscal year or a portion of its carryover funds to reduce costs to the funding agencies. Alternatively, LAFCO may use carryover monies to fund a General Reserve Fund. Appropriations and expenditures from the General Reserve Fund shall require Commission approval.

#### 4, Commission Organization

##### 4.1 Composition

Unless the LAFCO Act otherwise requires, Yuba LAFCO shall consist of five regular voting Commissioners and three alternate members, as explained below. All commissioners must be residents of the County.

##### 4.2 Appointment of Members

###### a. County

Two Commissioners are appointed by the Board of Supervisors from the Board's membership. The Board of Supervisors shall also appoint a third supervisor to serve as the alternate County member of the Commission.

###### b. Cities

Two Commissioners shall be appointed by the City Selection Committee from among the Mayors and City Council members of the County's incorporated cities. (Such appointments shall be made in accordance with Sections 50270 et seq. and 56335 of the Government Code). The City

Selection Committee shall also appoint an alternate city member in the same manner as it appoints a regular city member.

c. Public

One Commissioner shall be appointed from the general public by vote of the other four regular (voting) members of the Commission. The Commission shall also appoint an alternate public member who shall be selected in the same manner as the regular public member. Neither the regular nor the alternate public member may be an officer or employee of a city, the County, or a district having territory within the County, as provided by Section 56331 of the LAFCO Act.

4.3 Role of Alternate Members

- a) In each member category, the alternate member shall serve and vote in place of a regular member who is absent or disqualifies himself or herself from voting on a matter before the Commission.
- b) All alternate members are encouraged to attend all Commission meetings, even if the regular member(s) is (are) present. As a matter of policy, because alternate members may at any time be called upon to vote in place of a regular member, LAFCO encourages alternate members to participate in public hearings, deliberations and discussion of issues before the Commission, even when they may not vote.

4.4 Terms of Office

- a) Unless other arrangements are made by the appointing authority, each member shall serve single or multiple term(s) of office for four years each. Terms shall expire on the first Monday in May in the year in which the term of the member expires. A member may continue in office after expiration of his or her term until the appointment and seating of a successor.
- b) Any member may be removed at any time and without cause by the body appointing that member. A member's seat on the Commission shall immediately be considered vacant if the member was a city or County representative and no longer holds his or her position with the city or County for any reason, or if the member was a public member who becomes an officer or employee of a city, the County, or a district having territory within the County.
- c) Any vacancy in the regular membership of the Commission shall be filled for the unexpired term by appointment by the body, which originally appointed the member whose office has become vacant. The alternate member in that category shall serve in his/her place until such time as a new regular member has been appointed.

4.5. Removal of Members

The Commission may recommend to the appointing authority that a member (including alternates) be removed for the following reasons:

- a) The absence of that member for three (3) consecutive meetings or more than half of the meetings in any twelve-month period unless those absences are excused by a vote of the Commission.
- b) Malfeasance of office or dereliction of duty by that member.

Members shall inform the Executive Officer and their alternate as soon as possible in the event they will be absent from a LAFCO meeting.

4.6. Commission Officers

- a) The officers of the Commission shall be a Chair and a Vice Chair, chosen by the current regular members of the Commission from their number.
- b) The Chair and the Vice Chair shall be elected each year at the first meeting in the new fiscal year or the next regular meeting thereafter and shall take office immediately. If a vacancy occurs in any Commission office during the year, it shall be filled by election at the next regular meeting following occurrence of the vacancy.
- c) The term of office for the Chair and Vice Chair shall normally be twelve months or until the officer's membership on the Commission terminates, whichever occurs sooner.
- d) The Chair shall preside at all meetings of the Commission and shall conduct the business of the Commission pursuant to and in compliance with the procedures prescribed by these rules. The Chair shall preserve order and decorum at all meetings and shall decide all questions of order and procedure, subject to the action of the majority of the Commission.
- e) The Chair has the authority to act outside a meeting, in consultation with the Executive Officer and Legal Counsel, on procedural and administrative matters, such as staffing issues, contracts, and agenda preparation, that cannot reasonably be deferred to the next Commission meeting. The Chair's authority shall include the signing of contracts for urgently needed goods and services if the Executive Officer is unavailable, provided adequate funding has been budgeted.
- f) The Chair has authority to appoint members to all subcommittees of the Commission, including the authority to create special-purpose subcommittees not named in these Bylaws.
- g) In the event of the Chair's absence or inability to act as the Chair, the Vice Chair shall have all the powers and duties of the Chair.

h) In the event both the Chair and the Vice Chair are absent from a Commission meeting at which a quorum is present, the voting members present may select one of themselves to act as Chair *pro tempore* for that meeting.

4.7 Compensation

a) Members and alternate members will be reimbursed for reasonable meal expenses and mileage, as determined by the Commission, when the expense is reasonably incurred in connection with Commission business. Mileage and meal expenses shall be reimbursed in accordance with Section 10.1.2 and 10.1.3 of these Bylaws.

b) Members may receive a stipend for attending meetings in accordance with a resolution adopted by the Commission from time to time.

4.8. Financial Disclosure

LAFCO members and alternate members are subject to the requirements of the California Fair Political Practices Commission, including annual filing with the Executive Officer of a Statement of Economic Interests (Form 700) before April of each year.

4.9 Code of Ethics

Each Commissioner, regular and alternate, shall sign and file with the LAFCO office a copy of the Code of Ethics adopted by Yuba LAFCO, as a part of these bylaws, and shall adhere to its standards and precepts. A copy of the Code of Ethics is incorporated herein as Appendix 2. The Public Member and Public Member alternate shall be required to take an ethics training class as are elected officials from the City and County pursuant to Government Code §§ 53234 et seq. ("AB 1234").

4.10 The Executive Officer

a) The Executive Officer of the Commission shall attend all meetings of the Commission, conduct and perform the day-to-day business of the Commission, and maintain a record of all of its proceedings as required by law.

b) The Executive Officer shall prepare an agenda for each meeting. The agenda shall include those matters addressed to the Commission requiring its action and all matters that have previously been set for hearing at such meeting provided that the filing deadlines of Section 5.3(c) of these rules shall apply.

c) The Executive Officer shall notify all Commission members of the time set for any special meeting.

d) The Executive Officer shall be responsible for conducting all protest hearings on behalf of the Commission pursuant to Part 4 of Division 3 of Title 5 (commencing with section 57000) of the Government Code.

e) All notices, forms and other documents required to be filed with the Commission on any proposal under Division 3, Title 5 (commencing with section 56000) of the Government Code shall be filed with the Executive Officer of the Commission.

**5. Conduct of Business**

**5.1 Regular Meetings**

Unless otherwise provided by resolution of the Commission, regular meetings of the Commission are scheduled for the first Wednesday during the months of July, September, November, January, March, and May at 6:00 p.m. in the Board of Supervisors' Chambers, 915 8th St., Marysville, California. The Commission may, in its sole discretion, meet at a different time or place from time to time, provided that public notice of such time and place is given in accordance with the Ralph M. Brown Act, Government Code Section 54954 et seq. and applicable provisions of the LAFCO Act.

**5.2 Special Meetings**

The Chair may call a special meeting of the Commission. The Chair shall call a special meeting if requested by two or more Commissioners. Any special meetings of the Commission shall be called in the manner provided by Section 54956 of the Government Code. The order calling the special meeting shall specify the time and place of the meeting and the business to be conducted. No other business shall be conducted at that meeting.

**5.3 Notice of Meetings**

**a) General Notice**

The Executive Officer shall provide notice of all regular and special meetings in accordance with the Ralph M. Brown Act and applicable provisions of the LAFCO Act. Written, emailed, or faxed notice of regular and special meetings of the Commission shall be sent in the form of a meeting agenda to at least the following:

- i) Each LAFCO member, alternate and staff.
- ii) Local news media, including but not limited to: The adjudicated paper of record.
- iii) Any person or entity requesting a copy of the agenda in writing within the previous 12 months.
- iv) By posting the agenda of each meeting at least 72 hours in advance of the meeting.
- v) By posting on the LAFCO website.

**b) Special Notice**

The Executive Officer shall provide additional notice of specific applications in the manner required by the LAFCO Act. Notwithstanding exceptions in the LAFCO Act, such special notices shall normally be sent to the applicant, affected property owners or residents, property owners and voters within 300 feet of a project consistent with the LAFCO Act, and such other persons or entities as the Commission or the Executive Officer may deem appropriate. Notice to affected property owners and registered voters shall also comply with Commission policy on Notice and Public Participation, as set forth in Section 6.2 of the LAFCO **Policies, Standards, and Procedures** and the LAFCO Act.

c) Staff Reports and Meeting Packets

All agenda items shall be filed with the LAFCO Clerk by 5:00 p.m. on the Monday in the week preceding the regular LAFCO Meeting. Any agenda item received by the LAFCO Clerk after that time will be placed on a subsequent agenda, unless the Chair or Executive Officer directs that it be placed on the agenda for the next meeting. Not less than five days prior to the hearing, the Executive Officer shall complete a staff report including his or her recommendations for each item to be heard. Copies, along with the agenda, shall be furnished to each member of the Commission and to other parties as required by the LAFCO Act (Section 56665).

5.4 Compliance with Open Meeting Laws

Notwithstanding any other provision of these Bylaws, all meetings of the Commission shall be noticed and held in accordance with the Ralph M. Brown Act, Government Code Section 54950 et seq.

5.5. Quorum & Action of Commission

Three Commissioners shall constitute a quorum. Should the size of the Commission increase beyond five, a majority of the Commissioners then in office shall constitute a quorum.

An affirmative vote of three or more Commissioners is required to take an action of the Commission. Should the size of the Commission increase beyond five, the affirmative votes of a majority of the Commissioners then in office shall be necessary to take an action of the Commission. Proxy votes are not allowed.

5.6. Adjournment and Continuance of Meetings and Public Hearings

- a) Any hearing being held, or any hearing noticed or ordered to be held, may by order or notice of continuance or adjournment be continued, re-continued, adjourned, or re-adjourned to any subsequent meeting in the same manner and to the same extent set forth for the continuance or adjournment of meetings.
- b) Procedures for adjourned and continued meetings shall comply with Sections 54955 and 54955.1 of the Government Code and any other applicable statutes.



- c) If there is not a quorum at any meeting of the Commission, the Chair may adjourn the meeting to another date and time. If all members are absent, the Executive Officer of the Commission may adjourn the meeting to a stated time and place. The Executive Officer shall provide oral notice of such adjourned meeting to all present at the meeting and provide such written and posted notice as required by the Ralph M. Brown Act.

5.7. Conduct of Meetings

- a) Items Limited to One Subject

Each agenda item shall specify a single subject to be considered but it may include sub-items provided they involve the same subject matter. This requirement is intended as a guideline for staff and shall not affect the legal obligations of the Commission beyond the requirements of Government Code Section 54954.2 or create enforceable rights in any third party.

- b) Agenda Item Requests

Members of the public may request the Commission consider specific items by submitting requests in writing to the LAFCO Executive Officer at least 45 days before the regular Commission meeting at which the item would be heard, or by attending a meeting of the Commission and requesting during the public communications portion of the meeting that action to be taken at its next meeting. The Chair shall determine whether such item is to be placed on a future Commission meeting agenda. A quorum of the Commissioners may also request that an item be placed on the agenda for consideration. Requests for special meetings of the Commission shall be directed to the Chair through the LAFCO Executive Officer.

- c) Order of Business

The Commission agendas shall include the following items:

Call to Order, including pledge of allegiance and roll call

Announcement of Closed Session (if needed)

Consent Items, including approval of minutes, expenditure report and other items placed on the consent agenda

Public Communications on Items not on the Agenda (Items not appearing on the agenda must be within the Commission's subject matter jurisdiction)

Business Items with Public Hearings

Business Items without Public Hearings

Correspondence

Executive Officer's Report

Commissioner Reports and Announcements

Adjournment

d) Motions

Any voting Commissioner may introduce or second any motion.

e) Voting

i) The question of approval or denial of a change of organization or reorganization, proposed and final budgets, contracts excepting the approval of invoices, and of all resolutions shall be by roll call vote. All other questions may be voted upon by voice vote, or may be put to the question by the Chair with a unanimous vote stipulated and recorded if there is no objection. Notwithstanding the foregoing, and provided that the assent of the number of Commissions required by law for action of the Commission is expressed and reflected in the minutes, no person may challenge an action taken by the Commission for failure to act by roll call vote.

ii) A roll call vote shall be taken on any question upon request of any Commissioner, regular or alternate. All votes are final; although matters may be reconsidered by the Commission at a subsequent meeting in the manner provided by law.

f) Rules of Procedure

Except as otherwise provided herein, the rules of order governing the conduct of business at all meetings of the Commission shall be the latest edition of Rosenberg's Rules of Order.

#### 5.8. Public Hearing Procedure

The Commission shall conduct matters noticed for public hearing as follows:

a) The Executive Officer shall present the staff report. The report should describe the nature of the application, discuss all factors required in Section 56668 of the Government Code, if applicable, and factors identified in the adopted policies, standards and procedures, and provide the Executive Officer's recommendation(s).

b) Commissioners may ask questions concerning matters in the staff report.

c) The public hearing shall be opened.

- i) The applicant or applicant's representative and a representative from the agency and agencies involved in the change of organization will be asked to speak first to add any pertinent data or testimony to the staff report.
- ii) The public will then be invited to give testimony.
- iii) The applicant's representative may rebut any testimony.
- iv) The public will be invited to briefly respond to any new information presented in the applicant's rebuttal.
- v) Each Commissioner may question any participant in the proceedings.
- vi) The public hearing will be closed.

d) The Chair may, within reason, allocate and limit the time and scope of testimony from any interested person as necessary for the expeditious conduct of the Commission's business. The time allotted for receiving public comment on matters set for a public hearing may be limited to 15 minutes. Any individual's testimony may be limited to 5 minutes, though testimony from an applicant and affected agency may be greater. The time to address the Commission will be allocated on the basis of the number of requests received.

e) Following closure of the public hearing, the members will discuss the matter under consideration among themselves. Such discussion may or may not be preceded by a motion made by any Commissioner entitled to vote on the matter and a second made by another Commissioner entitled to vote on the matter. Alternates may participate in Commission deliberations when not serving in lieu of an absent or abstaining Commissioner, but may not make motions or cast votes. Further testimony from the applicant or the public may not be accepted without reopening the public hearing, except that Commissioners may direct questions to specific members of the public who have already offered testimony in order to clarify any point made during the public hearing.

#### 5.9. Public Testimony

- a) The applicant and any member of the public desiring to address the Commission shall, when recognized by the Chair, step forward and give his/her name and address to the clerk. A person may refuse to give their name or address or may state only their city or community of residence in lieu of their address, but the Commission may draw any reasonable inference it chooses from a decision to speak anonymously.
- b) The Chair may, within reason, allocate and limit the time and scope of testimony from interested persons as necessary for the expeditious conduct of the Commission's business, provided such limits are applied equally among similarly situated persons.

## Draft Yuba LAFCo Bylaws

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- c) Debate among members of the public shall not be permitted.
- d) When any group wishes to address the Commission, the Chair may request a spokesperson be chosen by the group to address the Commission and may afford that spokesperson more time than is allotted to individual members of the public.
- e) With respect to action items that are not set for a public hearing, the total amount of time allotted for receiving public comment may be limited to 5 minutes. Members of the public may be limited to testimony of one minute each.

### 5.10. Record of Proceedings

#### a) Minutes

The Clerk to the Commission shall record and prepare minutes of each meeting. The minutes shall record the actions of the Commission at the meeting but are not intended as a complete transcript of discussions at the meeting. Draft copies thereof shall be given to all members, usually as part of the agenda packet, prior to the meeting at which they are offered for Commission approval. Normally, minutes shall be submitted to the Commission not later than two meetings after the meeting at which they were taken. Upon approval by the Commission, the minutes shall become the official record of Commission action.

#### b) Recordings

All proceedings of regular and special meetings shall be electronically recorded and retained as stated in LAFCo's Records Retention Policy attached as Appendix 4. Copies of recordings will be prepared upon timely request, and the cost will be charged to the person or entity making the request in a manner established by the Executive Officer.

#### c) Public Records

All the records of the Commission shall be on file in the LAFCO office where the same may be publicly examined and inspected. Public records may be obtained by filling out the Public Records Request form attached as Attachment 3; if a party requesting records refuses to complete the form, LAFCO staff will promptly complete the form for that party using such information as is available to staff. No records request will be deemed received by the Commission until such a form is completed and submitted to the Executive Officer or the Clerk.

#### d) Destruction of Records

Except as otherwise provided in a records management policy adopted by the Commission, all Commission records shall be retained consistent with the Records Retention Policy.

### 5.11 Legislative Process Participation

- a) If a legislative bill affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the Chair and Legal Counsel, is authorized to provide written or email comments communicating the Commission's position.
- b) Prior to submittal by the Executive Officer, the Chair and Legal Counsel shall review the letter or email and shall provide comments or revisions as necessary.
- c) The Executive Officer will forward the email or letter to the Commissioners as soon as possible.
- d) The item, including the final written or emailed comments submitted by the Executive Officer, shall be discussed at the Commission's next regular meeting.

**6. Conflict of Interest**

**6.1 Conflict of Interest Requirements**

- a) Except as permitted by the Political Reform Act of 1974, no Commissioner shall vote or otherwise participate in any matter when it is reasonably foreseeable that the action of the Commission could materially affect a financial interest of the Commissioner.
- b) As required by Government Code Section 84308, LAFCO Commissioners must disqualify themselves 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 received \$250 or more in campaign contributions from an applicant, any financially interested person who actively supports or opposes an application, or an agency (such as an attorney, engineer, or planning consultant) representing an applicant or interested participant.
- c) Government Code Section 84308 also requires any applicant or other participant in a LAFCO proceeding to disclose the amount and name of a Commissioner to whom he or she gave such a donation on the official record of the proceeding.
- d) If Commissioners having a conflict of interest on any matter before the Commission, they shall publicly disclose such conflict and thereafter shall not participate in any discussions, debates, deliberation or votes on the matter in their official capacity. This restriction shall not prevent a disqualified Commissioner from testifying as a member of the public or from participation as a Commissioner when otherwise permitted by the Political Reform Act and its implementing regulations.
- e) Unless provided by the appointing authority pursuant to Sections 56332, subdivision (d), or 56335, no member shall be disqualified from participation in the consideration of a matter as a result of his or her membership in an agency affected by the Commission's decision on the matter. (Gov. Code, § 56336.)

f) Even when not legally required to disqualify himself or herself, a Commissioner may voluntarily recuse himself or herself from any action if the Commissioner feels that they are unable to objectively and independently act on the matter.

6.2 Procedures for the Disclosure of Contributions and Expenditures in Support of and Opposition to Proposals

a) Effective Date

The effective date of these policies and procedures (for disclosure of Contributions and Expenditures) is September 13, 2006.

b) Policy

The Commission has determined that the public interest is best served by adoption of procedures for the public disclosure of contributions and expenditures relating to proposals to LAFCO as provided in this section and as authorized by Government Code Section 56100.1.

c) General Requirements of Disclosure

Any person or combination of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 to the same extent and subject to the same requirements as for local initiative measures. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals, and may be reviewed at Government Code Sections 56700.1 and 81000 et seq. Additional information about the requirements pertaining to the local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.

d) Filing Office

Filing office shall be the Yuba County Elections Department, 915 8th Street, Suite 107, Marysville, California, 95901 (530) 749-7850 with a copy mailed to LAFCO. Filings shall be in the form specified by the Yuba County Elections Office for compliance with Political Reform Act Disclosures for municipal initiatives.

e) Filing Schedule

Any required disclosures shall be filed with the Yuba County Elections Department thirty days before the noticed date of the public hearing on the proposal at LAFCO. The period covered by this report shall be from any prior filing period to thirty-five days preceding the LAFCO hearing date. Additionally, late contributions and late expenditures for the period commencing thirty-four days before the LAFCO hearing and ending one day before the LAFCO hearing shall also be filed with the YUBA County Elections Department and LAFCO no

later than 24 hours before the LAFCO hearing begins. After a final LAFCO decision by resolution, the filing schedule for further disclosures shall conform to the schedule required for local initiative measures as adopted by the Fair Political Practices Commission and the Yuba County Elections Officer pursuant to the Political Reform Act.

f) Notice

The following notice shall be added to the application forms, notices of public hearings, meeting agendas, and the Commission's website:

Pursuant to Government Code §§ 56100.1, 56300(c), and 56700.1, and 81000 et seq., relating to the Disclosure of Contributions and Expenditures in Support of and Opposition to Proposals, any person or combination of persons acting in concert who directly or indirectly contribute \$1000 or more or expend \$1000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Yuba LAFCO must comply with the disclosure requirements approved by Yuba LAFCO. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information may be obtained at the Yuba County Elections Department 915 8th Street, Marysville, CA 95901; (530) 749-7851.

g) Enforcement

Enforcement and penalties shall be the same as for violations of the Political Reform Act of 1974 and Title 2, Division 6, California Code of Regulations as to both substance and procedure.

**7 Subcommittees of the Commission**

7.1 Committees

The Commission or the Chair may establish committees deemed necessary for the conduct of its proceedings. If such a committee is appointed by the Chair between meetings of the Commission, he or she shall report this action to the Commission at its next regular meeting.

7.2 Open Meeting Law Requirements

Any permanent standing committees established by the Commission shall be subject to the Ralph M. Brown Act, as with temporary committees composed of both Commissioners and members of the public. Temporary Ad Hoc committees, composed of only of Commissioners constituting less than a quorum of the Commission, are not subject to the Ralph M. Brown Act.

**8. Policies and Procedures**

The Commission has adopted policy guidelines to assist in reviewing any proposal brought before it. These guidelines are contained in the LAFCO Policies, Standards, and Procedures.



**9. Public Office Hours.**

The LAFCO office hours shall be established from time to time by resolution of the Commission.

**10. Finance and Expenditure Policies**

10.1 Travel Policies

a) References to the Board of Supervisors and County Administrative Officer in the County Travel Policies for the purposes of activities within the LAFCO budget shall be interpreted as referring to the LAFCO Commission and LAFCO Executive Officer, respectively. Likewise, references to County Counsel shall be to LAFCO Counsel and Department Head shall be to the LAFCO Executive Officer; provided, however, in the event of conflict between the County travel policies and procedures and LAFCO's policies and procedures or bylaws, LAFCO's policies and procedures or bylaws shall prevail.

b) Mileage Reimbursement shall be at the rate established by the Internal Revenue Service at the time the mileage expense is incurred.

c) Members and alternate members will be reimbursed for reasonable meal expenses as determined by the Commission, such as occasions when a Commission meeting must be recessed for a meal break or when a meal is served at a meeting.

d) All conference travel shall be as established in the annual LAFCO budget or amended budget as appropriate for LAFCO. The Executive Officer is hereby delegated the authority to authorize travel for LAFCO staff, provided funds are allocated for such purpose in a budget approved by the Commission.

10.2 Expenditure Policies

a) All expenditures shall be available for review at the LAFCO office. All back-up billing information in the possession of the Commission shall be available.

The LAFCO Executive Officer is responsible for managing the day-to-day business of the Commission and for making or authorizing expenditures for that purpose within the authority conferred by the adopted budget. This responsibility shall also include the power to negotiate and enter into contracts of up to \$5,000.00 on behalf of the Commission. For all contracts outside the usual course of Commission business, including contracts for legal, consulting, or other professional services, the Executive Officer shall obtain the concurrence of the Chair and consult with LAFCO Counsel prior to entering into any contract. Staff shall promptly notify the members of the Commission regarding contracts made on the Commission's behalf.

b) Members and Alternate Members may be reimbursed an amount as determined by the Commission for reasonable and necessary expenses incurred for meeting attendance. Each member and alternate member in attendance at

any Commission meeting may also receive a per-meeting stipend as established by the Commission, consistent with State law.

10.3. General Finance Provisions

a) These expenditure and travel policies are not intended to conflict with or modify LAFCO's duties and obligations under the LAFCO Act.

b) So long as the Yuba County Water Agency is handling LAFCO financial transactions, amendments to Bylaws, Fee Resolutions, Policies, Standards and Procedures or any other adopted LAFCO policy shall be transmitted to the Yuba County Water Agency upon adoption. Any dispute or disagreement with the Yuba County Water Agency regarding reimbursement or payment of any claim shall be referred to the Commission for final determination. A minute order reporting the Commission's action shall be transmitted to the Yuba County Water Agency.

c) LAFCO shall follow the budget process contained in the LAFCO Act and these adopted Bylaws.

d) The Commission hereby authorizes the LAFCO Executive Officer and designee to sign any and all financial claims for the LAFCO account submitted to the Yuba County Water Agency in accordance with the above policies. The Commission further authorizes the Executive Officer and designee to sign any signature authorization forms required by the Yuba County Water Agency or the Yuba County, as may be the case.

**11. Amendments**

11.1 Regular Amendments

Regular Amendments to these Bylaws shall be made as follows:

The full text of any proposed amendment shall be sent to all Commission members in the same manner as agenda packets.

The proposed amendment to the Bylaws shall also be circulated to the following entities for their review and comment at least 14 days prior to adoption:

City of Wheatland  
City of Marysville  
County of Yuba

11.2 Urgency Amendments

An amendment to the Bylaws may be adopted as an urgency amendment effective immediately when the amendment is determined to be essential to the immediate functioning of the Commission. Any such urgency amendment may only be adopted by the affirmative vote of at least four Commissioners. Nothing in this section is intended to relieve the Commission or its staff of the obligations imposed by the Ralph M. Brown Act.

## Draft Yuba LAFCo Bylaws

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### 11.3 Applicability of Bylaws

If the Commission or any subordinate body of the Commission inadvertently takes any actions inconsistent with these Bylaws, the Bylaws shall be deemed waived to the extent there is a conflict.

### 11.4 Filing of Bylaws

Upon approval of these Bylaws and any amendments thereto, a final copy shall be maintained on file in the offices of the Commission.

Passed and Adopted by Resolution \_\_\_\_\_ of the Yuba Local Agency Formation Commission the \_\_\_\_\_ day of \_\_\_\_\_ 2023

## Appendix 1

### Public Member Selection Process

As authorized by Sections 56325 and 56331 of the LAFCO Act, the Public Member and Alternate Public Member shall be appointed to LAFCO by the members of the Commission representing the cities and the County.

The Commission will conduct the selection process in the following manner:

Whenever a vacancy occurs in the public member or alternate public member position, the Commission shall cause a notice of vacancy to be posted as provided in section 56158. A copy of this notice shall be sent to the clerk or secretary of the legislative body of each local agency within the County. Prior to the expiration of terms of the public member and the alternate public member, the positions will be posted and advertised for at least 21 days in the newspaper of general circulation in the county.

The Commission may design an interview procedure, schedule interviews, and formulate questions to be asked of all applicants.

In the event interviews are scheduled, interviews of the applicants shall be conducted by the City and County members of the Commission.

The City and County members of the Commission shall cast written ballots for each open position. The ballots shall be called and tallied in open session, including the name of each Commissioner and his or her vote. The candidates receiving the highest number of votes will take office at the next LAFCO meeting, recognizing that the votes of a majority of a quorum are required for any action of the Commission, and further recognizing that appointment of the public member shall be subject to the affirmative vote of at least one of the members appointed by each of the other appointing authorities.

## Appendix 2

### Yuba Local Agency Formation Commission

#### Code of Ethics

Commissioners agree to conduct themselves in accordance with the following standards and guidelines:

Yuba LAFCO's mission statement provides focus for the Commission as it carries out its statutory responsibilities:

Yuba LAFCO is committed to serving the citizens, government agencies, and applicants of its jurisdiction by using its authority, knowledge and expertise to make beneficial changes in the structure of public agencies through special studies, programs, and actions resulting in the resolution of conflicts; orderly growth, development, and governance of communities in Yuba County; cost-effective delivery of services; and timely processing of applications. Commission members agree to act in a manner that furthers this mission.

**Independent Decisionmaking.** While serving on the commission, each Commissioner shall exercise his or her independent judgment on behalf of the interests of residents, property owners, and the public of Yuba County as a whole in weighing and reviewing information and making determinations based upon the particular matter under review and in consideration of LAFCO's underlying purposes.

As they carry out their LAFCO responsibilities, Commission members may rely on the expertise and experiences they have gained while serving for their appointing agencies. However, members will base their decisions on the policies and requirements of the LAFCO Act and the best interests of all the citizens of the County, not just the interests of their appointing agency. A member who cannot separate their agency interest from their role as a commissioner in a matter should voluntarily recuse himself or herself from decision of that matter.

**Regular Attendance.** The members of the Commission include both regular and alternate members. All members, both regular and alternate, are encouraged to attend all meetings unless excused, and all members are responsible for participating in discussions of issues and in facilitating the work of the commission, even where an alternate may not vote due to the participation in the vote of the member for which he or she is the alternate. Members agree to contact the Executive Officer and their respective alternate as soon as they know that they cannot attend a meeting to inform him or her of their absence. Members also agree to arrive on time for meetings and stay until the end of the proceedings whenever feasible.

**Standards of conduct.** Commission members are expected to be courteous and respectful to each other and the public at all times. As with any political body, disagreements will occur between members but in no event should such disagreement lead to personal attacks.

Interruptions and discourteous comments will not be tolerated by the Commission.

Commissioners agree to comply with LAFCO's adopted "Conflict of Interest Code" and to make all filings required by the Political Reform Act of 1974.

Additionally, Commissioners agree to actively listen to each other, to voice their opinions, and to be respectful of staff, members of the public, and fellow commission members. Commissioners further agree to

focus discussion on issues (as opposed to personalities), and to conclude issues in a timely manner. Each member accepts responsibility to stay focused on issues germane to the topic.

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Signature

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Date

Appendix 3

LOCAL AGENCY FORMATION COMMISSION OF YUBA COUNTY  
PUBLIC RECORDS ACT REQUEST FORM  
Government Code Section 6250 et seq.

Requestor's Name: \_\_\_\_\_

2. Email Address \_\_\_\_\_

3. Mailing Address: \_\_\_\_\_

4. Telephone Number: \_\_\_\_\_

5. Requestor's Fax Number: \_\_\_\_\_

6. Specify Type of Request: \_\_\_\_\_

7. Specify documents requested for inspection and (or) copying - To assist LAFCO with your request, please identify each requested record/document separately. Please be as focused and specific as possible. Non-specific or unfocused requests may cause response to be delayed or may prove to be burdensome and therefore LAFCO may not be able to respond or the request may be denied. In addition, if your request produces a large number of documents, or documents from many different locations, it may delay our ability to locate and collect them. Staff may assist with narrowing the scope down to meet a specific need. (attach additional sheets, if needed)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The cost to copy requested documents is 25 cents per page.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Requesting Party

For LAFCO use only

Date Received Stamp Counsel Received Stamp (or date and signature)



## YUBA LAFCO RECORDS RETENTION POLICY

### Section 5.10 (d) Records Retention Policy:

Records must be kept indefinitely in original, photographic, or electronic form pursuant to Government Code section 56382.

The Commission authorizes the destruction of original records more than two years old, if a photographic or electronic copy of the original record is made and preserved in compliance with Government Code section 56382, which shall be considered permanently retained pursuant to the Records Retention Schedule. Documents that are not herein defined as “records” are not “records” pursuant to Government Code section 56382 and will be retained and disposed of according to the Records Retention Schedule in Exhibit A.

For purposes of compliance with Government Code §56382 and implementation of the Commission’s Records Retention Schedule as set forth in pages 2-5 of this Exhibit A, “records” include the following:

- LAFCO Meeting Minutes
- LAFCO Resolutions
- Documents related to LAFCO proposals such as the:
  - Application, petition or other initiating documents
  - Assessor’s Statement of Property Valuation
  - Agreement to Pay / Indemnification
  - Certificate of Completion
  - Certificate of Filing
  - Environmental Review/CEQA documents such as Initial Study, Exemptions, Notices of Completion and Determination, Comments and Response to Comments, Negative Declaration, mitigation monitoring, Statements of Overriding Consideration
  - Map and Legal Description
  - Notices
  - Order for Change of Organization
  - Staff Reports
  - Statement of Boundary Change
  - Statement of Tax Rate Area

## RECORDS RETENTION SCHEDULE

Type of Record/ Document	Description or Example of Record/Document	Legal Authority	Minimum Legal Retention Period
<b>Administrative Documents</b>			
Accounts Payable	Invoices and back-up documents, purchase orders, travel expense reimbursements, petty cash, postage, check requests, receipt books, etc.	CCP 337 26 CFR 31.6001-1(e)(2); Sec. of State Guidelines recommendation	4 years
Accounts Receivable	Invoices, checks, reports, investments, receipt books	26 CFR31.6001-1(e)(2)	4 years
Agreements/ Contract	Original contracts and agreements and back-up materials, including leases, rentals and any amendments	CCP 337 CCP 337.2	4 years after termination/ completion
Annual Reports			2 years
Audit Reports	Financial services; internal and/or external reports; independent auditor analyses		2 years
Brochures/ Publications			2 years or longer for historical value
Budget, Annual	Adjustments, journal entries, account transfers, budget preparation documents including adopted budgets,		Until audited + 2 years
Claims Against the Commission	Paid/denied		Until settled + 2 years
Correspondence (General)	General correspondence, including letters, and; various files not otherwise specifically covered by the retention schedule; compliments, complaints and inquiries; transmittal letters; requests for comments and responses		2 years. (complaints and inquiries should be kept until matter resolves)
Economic Interest Statements - Form 700 (copies)	Copies of statements forwarded to Fair Political Practices Commission	GC 81009(f), (g)	4 years (can image after 2 years)

Type of Record/ Document	Description or Example of Record/Document	Legal Authority	Minimum Legal Retention Period
Economic Interest Statements - Form 700 (originals)	Originals of statements of designated employees	GC 81009(c), (g)	7 years (can image after 2 years)
Email	General correspondence with the exception of CEQA correspondence, which shall be kept indefinitely	GC §34090	2 years. (complaints and inquiries should be kept until matter resolves)CEQA emails kept indefinitely
Ethics Training Compliance	Note: records should contain date of training and name of training provider	GC 53235.2	5 years after receipt of training
Forms	Administrative - blank		Until superseded
General Ledgers	All annual financial summaries	CCP 337 Sec. of State Local Gov't. Records Retention Guidelines	Permanent
Gifts/Bequests	Receipts or other documentation		Until completed + 2 years
Grants Federal, State, or other grants	Grants documents and all supporting documents: applications, reports, contracts, project files, proposals, statements, sub-recipient dockets, environmental review, grant documents, inventory, consolidated plan, etc.	24 CFR 570.502 24 CFR 85.42	Until completed + 4 years
Grants – Unsuccessful	Applications not entitled		2 years
Newsletters	May wish to retain permanently for historic reference		2 years
Political Support or Opposition	Related to legislation		2 years
Press Releases	Related to Commission actions/activities		2 years
Procedure Manuals	Administrative		Current + 2 years
Public Records Request	Requests from the public to inspect or copy public documents		2 years

Type of Record/ Document	Description or Example of Record/Document	Legal Authority	Minimum Legal Retention Period
Purchasing, Requisitions, Purchase Orders	Original documents	CCP 337	Until audited + 4 years
Recruitments and Selection	Records relating to hiring, promotion, selection for training	29 CFR 1627.3	3 years
Requests for Qualifications (RFQs) and Requests for Proposals (RFPs)	Requests for Qualifications, Requests for Proposals, and related responses		Current + 2 years
Records relating to LAFCO Meetings or Applications			
Affidavits of Publication/Post ing	Proof of publication of legal notices for public hearings		2 years
Agenda / Agenda Packets	Agendas, agenda packets, staff reports and related attachments, supplemental items and documentation submitted by staff/public in relation to agenda items.		2 years
Audio Recording of LAFCO Meetings			30 days after the LAFCO meeting minutes are approved
Elections	Impartial analysis		2 years
Environmental Review (for projects without a LAFCO application)	Correspondence, consultants, issues, comments and responses.		Completion + 2 years
Mailing Lists for Public Hearing Notices	Owners/voter		1 year after filing Notice of Completion or Commission action, whichever is later
Minutes	Meeting minutes		*Permanent
Notices /Agenda	Regular and Special meetings		2 years
Policies & Procedures	All policies and procedures adopted by the Commission		Current + 2 years

Type of Record/ Document	Description or Example of Record/Document	Legal Authority	Minimum Legal Retention Period
LAFCO Proposals- Annexations, Reorganizations, or other proposals	Application, petition or other initiating documents, Assessor's Statement of Property Valuation, Agreement to Pay / indemnification, Certificate of Completion, Environmental Review / CEQA documents (such as Initial Study, Exemptions, Notices of Completion and Determination, Comments and Response to Comments, Negative Declaration, mitigation monitoring, Statements of Overriding Consideration), Map and Legal Description, Notices, Order for Change of Organization, Staff Reports, Statement of Boundary Change, Statement of Tax Rate Area		*Permanent
Resolutions			*Permanent
Other Misc. Records / Documents			
Demographic/ Statistical Data			Current + 2 years
Legal Opinions	Confidential - not for public disclosure		Until superseded + 2 years
Litigation	Case files, including matters in mediation and/or arbitration		Until settled or adjudicated + 5 years and the time for appeal has expired
Reference Files	reports, procedures, research, pre- application research and correspondence		2 years minimum, recommended longer if useful

\*After 2 years, records may be imaged for permanent preservation and original destroyed

CCP Code of Civil Procedure (CA)

GC Government Code (CA)

CFR Code of Federal Regulations

**AGENDA ITEM NO. 7B**

**LAFCO COUNSEL REVIEW OF AB2449 REQUIREMENTS**



4. "At least a quorum of members of the legislative body shall participate from locations within the boundaries of the ... jurisdiction."<sup>1</sup>

At the outbreak of the Covid-19 Pandemic, Governor Newsom issued Executive Order N-29-20 in March 2020, waiving the conditions above to encourage teleconferencing to stem the rate of Covid transmission.<sup>2</sup> Governor Newsom signed AB 361, effective September 2021, adding subdivision (e) to Government Code section 54953 ("Subdivision E") and codifying the waiver, but only during a proclaimed state of emergency.<sup>3</sup> Under Subdivision E, the Commission must make specified findings every 30 days to continue teleconferencing.<sup>4</sup> Subdivision E expires on January 1, 2024.<sup>5</sup>

### **ANALYSIS OF AB 2449**

#### **A. Teleconferencing Under the Default Rules v. Subdivision E v. Subdivision F**

AB 2449 amends the teleconferencing provisions of the Brown Act and adds subdivision (f) to Government Code section 54953 ("Subdivision F"). Important differences between the default teleconferencing rules and the special rules under Subdivision E and Subdivision F are summarized below:

	<b>Default Rules</b>	<b>Subdivision E</b>	<b>Subdivision F</b>
In-person participation of a quorum of Commissioners	Required	Not required	Required
Method of Commissioner's participation in teleconferenced meeting	Audio or Audio-Visual	Audio or Audio-Visual	Audio-Visual only
Required opportunities for public participation	Only in-person incl. at remote location	Call-in or internet-based	Call-in or internet-based & in-person
Required course of action if disruption prevents broadcast of	Meeting proceeds	No further action taken	No further action taken

<sup>1</sup> Gov. Code, § 54953, subd. (b)(3). All citations to section 54953 are to the version effective January 1, 2023.

<sup>2</sup> Exec. Order No. N-29-20 (March 4, 2020).

<sup>3</sup> Gov. Code, § 54953, subd. (e)(1).

<sup>4</sup> Gov. Code, § 54953, subd. (e)(3).

<sup>5</sup> Gov. Code, § 54953, subd. (k).



meeting or public's ability to comment			
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For an agency to invoke the procedures under AB 2449, there must at least be a quorum of Commissioners participating in person from a singular, physical location identified on the agenda; the location must be accessible to the public; and the meeting location must be within the local agency's jurisdiction.<sup>6</sup> Local agencies must provide at least one of the following to facilitate a public meeting that equally allows remote participants to interact:

- A two-way audio-visual platform (defined to mean an online platform that provides participants with the ability to participate in a meeting through an interactive video conference and a two-way telephonic function); and/or
- Live webcasting of the meeting and a two-way telephonic service (defined to mean a telephone service that does not require internet access, is not provided as part of a two-way audiovisual platform and allows participants to dial a telephone number to listen and verbally participate).<sup>7</sup>

When participating remotely, Commissioners shall participate through both audio and visual technology.<sup>8</sup> Before any official action is taken, the Commissioner must publicly disclose whether any other individuals 18 years or older are in the room at the remote location with the Commissioner, and what the individual's relationship is to the Commissioner.<sup>9</sup>

If a disruption occurs that prevents the Commission from convening the meeting both remotely and in person, the Commission will take no further action on the meeting agenda until public access to the meeting has been restored.<sup>10</sup> This includes situations where the online platform for remote participation has been disrupted and the public may no longer access the meeting remotely. Actions taken during disruption may be challenged.<sup>11</sup>

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<sup>6</sup> Gov. Code, §§ 54953, subd. (f)(1).

<sup>7</sup> Gov. Code, § 54953, subd. (f)(1)(A).

<sup>8</sup> Gov. Code, § 54953, subd. (f)(2)(C).

<sup>9</sup> Gov. Code, § 54953, subd. (f)(2)(B).

<sup>10</sup> Gov. Code, § 54953, subd. (f)(1)(D).

<sup>11</sup> *Id.*

**B. Teleconferencing for “Just Cause” v. “Emergency Circumstances”**

Unlike Subdivision E, which only applies during a proclaimed state of emergency, Subdivision F applies when a Commissioner can demonstrate “just cause” or an “emergency circumstance.”<sup>12</sup> “Just cause” means any of the following:

- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely;
- A contagious illness that prevents a Commissioner from attending in person;
- A need related to a physical or mental disability; or
- Travel while on official business of LAFCO or another state or local agency.<sup>13</sup>

“Emergency circumstance” means a physical or family medical emergency that prevents a Commissioner from attending in person.<sup>14</sup>

The procedures for invoking “just cause” or an “emergency circumstance” are different:

	<b>Just Cause</b>	<b>Emergency Circumstance</b>
Reason must be disclosed to the Commission	Yes	Yes
Reason for teleconferencing needs to be approved by the Commission	No	Yes
When such request must be made	At the earliest opportunity	As soon as possible. If there is insufficient time to make the request before the posting of the public agenda, then it may be made at the beginning of the meeting.
Annual limit on use	No more than two meetings per calendar year	

<sup>12</sup> Gov. Code, § 54953, subd. (f)(2).

<sup>13</sup> Gov. Code, § 54953, subd. (j)(2).

<sup>14</sup> Gov. Code, § 54953, subd. (j)(1).

	<b>Just Cause</b>	<b>Emergency Circumstance</b>
	Each individual Commissioner may not use a combination of “just cause” and “emergency circumstances” to participate remotely for more than three months or 20 percent of the regular meetings of the calendar year. If, like Yuba LAFCO, the legislative body meets fewer than 10 times a year, they cannot participate remotely in more than 2 regular meetings. <sup>15</sup>	

**C. Process for seeking to participate remotely for “just cause”**

- Commissioner provides a general description of the just cause at the earliest opportunity possible, including before the agenda publication deadline or at the start of the meeting.<sup>16</sup>
- Commissioner has not requested more than two just cause teleconferencing appearances; more than three months of consecutive teleconferencing appearances or more than 20 percent of meetings within the calendar years under just cause and/or emergency circumstances.<sup>17</sup>
- The Commission publishes the agenda listing the means by which public may access the meeting and offer public comment.<sup>18</sup>
- A quorum of the Commission is physically present within the agency’s territorial jurisdiction.
- Teleconferencing Commissioner turns on his or her audio and video (calling in by phone is not permitted).<sup>19</sup>
- Commissioner discloses at the start of the meeting whether any other individuals 18 years of age or older are present in the room at the remote location with the Commissioner, and the Commissioner’s relationship with the individual(s).<sup>20</sup>
- All votes are taken by roll call.<sup>21</sup>

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<sup>15</sup> Gov. Code, § 54953, subd. (f)(3).

<sup>16</sup> Gov. Code, § 54953, subd. (f)(2)(A)(i).

<sup>17</sup> Gov. Code, §§ 54953, subd. (f)(2)(A)(i) and (f)(3).

<sup>18</sup> Gov. Code, § 549542.2, subd. (a)(1).

<sup>19</sup> Gov. Code, § 54953, subd. (f)(2)(C).

<sup>20</sup> Gov. Code, § 54953, subd. (f)(2)(B).

<sup>21</sup> Gov. Code, §§ 54953, subd. (b)(2)(A).

**D. Process for seeking to participate remotely for “emergency circumstances”**

- Commissioner provides a general description of the emergency circumstance at the earliest opportunity possible; if there is insufficient time to place it on the posted agenda, then at the beginning of the meeting. The general description need not exceed 20 words and shall not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law.<sup>22</sup>
- Commissioner has not requested more than three months of consecutive or more than 20 percent of meeting within a calendar year of teleconferencing appearances under just cause or emergency circumstances; or has not requested more than two teleconference appearances if LAFCO regularly meets for less than 10 meetings per calendar year<sup>23</sup>
- LAFCO publishes the agenda listing means by which the public may access the meeting and offer public comment.
- A quorum of the Commission is physically present within the agency’s territorial jurisdiction.
- The Commission votes to approve teleconference participation due to emergency circumstance. (this is a new exception allowing the Commission to take action without being previously agendized, if not possible).
- Teleconferencing Commissioner turns on his or her audio and video (calling in by phone is not permitted).<sup>24</sup>
- Commissioner discloses at the start of the meeting whether any other individuals 18 years of age or older are present in the room at the remote location with the Commissioner, and the Commissioner’s relationship with the individual(s).<sup>25</sup>
- All votes are taken by roll call.<sup>26</sup>

**CONCLUSION**

Beginning January 1, 2023, AB 2449 will provide agencies with an additional method to organize teleconferenced meetings. LAFCO Commissioners and the Clerk

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<sup>22</sup> Gov. Code, § 54953, subd. (f)(2)(A)(ii).

<sup>23</sup> Gov. Code, § 54953, subd. (f)(3).

<sup>24</sup> Gov. Code, § 54953, subd. (f)(2)(C).

<sup>25</sup> Gov. Code, § 54953, subd. (f)(2)(B).

<sup>26</sup> Gov. Code, §§ 54953, subd. (b)(2)(A).

John Benoit, Yuba County LAFCO

November 11, 2022

Page 7

should familiarize themselves with these Brown Act provisions to make use of them when appropriate.

Further, AB 2449 requires the Commissioner to “implement a procedure for receiving and swiftly resolving requests for reasonable accommodations for individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 ...

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If you would like more information regarding the issues discussed in this memo, please do not hesitate to contact David Ruderman at (530) 798-2417 or DRuderman@chwlaw.us.

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<sup>27</sup> Gov. Code, § 54953, subd. (f).