YUBA LOCAL AGENCY FORMATION COMMISSION

AGENDA

REGULAR MEETING
Wednesday, May 4th, 2022, at 6:00 P.M.

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 will be required to be worn by individuals who are not fully vaccinated while inside the Government Center and while in the Board Chambers.

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, 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.

Join the Zoom meeting by video, click on the link below:

https://us02web.zoom.us/j/83039693876?pwd=Q1VOTHJJZWx2WDlGRmUwMStUYlVFZz09

Or you may join by telephone by dialing the following:

1 408 638 0968 (Toll Free)

Meeting ID: 830 3969 3876
There is no participant ID- Just press # when prompted
Passcode: 993016

Public comment will also be accepted by email to 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
Randy Fletcher, County Member
Brad Hudson, City Member
Andy Vasquez, County Member Vice-Chair
Rick West, City Member - Chair

Alternates:
Gary Bradford, County Member Alternate
Jay Pendergraph 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. Consider Resolution 2022-05 regarding remote teleconferencing meetings as mandated by (Gov. Code, § 54953, subd. (e)).
B. Approval of meeting minutes from November 3, 2021
C. Approval of meeting minutes from March 2, 2022

4. PUBLIC COMMUNICATIONS:

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 2021-0004/Yuba Heritage Estates/CSA52: Consider a request from North Beale LLC, to amend the Sphere of Influence for County Service Area (CSA) 52 and to annex approximately 10.31 acres, known as Yuba Heritage Estates (APN 021-150-05) into County Service Area (CSA) 52.

Action:

1. Adopt Resolution No. 2022-06 approving a Sphere of Influence Amendment for County Service Area (CSA) 52
2. Adopt Resolution No. 2022-07 authorizing the annexation of 10.31 acres, known as Yuba Heritage Estates into County Service Area (CSA) 52.
B. **Dissolution of County Service Area (CSA) 57**

**Action:** Adopt Resolution 2022-08 Authorizing the dissolution of County Service Area (CSA) 57.

C. **Final Budget for Fiscal Year 2022-2023.**

**Action:** Receive Report and Adopt Resolution 2022-09 approving the Final Budget for Fiscal Year 2022-2023.

6. **EXECUTIVE OFFICERS AND COMMISSIONERS REPORTS:**

   A. Update on pending projects.

7. **CLOSED SESSION:**

   A. **CONFERENCE WITH LEGAL COUNSEL:**
   Conference with Legal Counsel; Existing Litigation (Gov. Code § 54956.9(d)(1))

   The LAFCO Commission finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation

   Name of Case:  Rue vs. Yuba Local Agency Formation Commission
   Names of Parties or Claimants:  Plaintiffs Michael E. Rue; Patricia M. Rue; Defendants: Yuba LAFCO and DOES-100
   Case No. CVPT22-00082 (Yuba County Superior Court)

8. **ADJOURN TO THE NEXT MEETING ON Wednesday, July 6th, 2022.**

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

   City  - Jay Pendergraph  
   County – Gary Bradford  
   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 4th Street, Marysville, CA 95901 or by email at phensley@co.yuba.ca.us or by fax at (530) 749-5468.