MINUTES
YUBA LOCAL AGENCY FORMATION COMMISSION

November 1, 2017

I. CALL TO ORDER:

At 6:04 p.m., a meeting of the Yuba County Local Agency Formation Commission (LAFCO) was called to order by the Chair, Commissioner Lofton, with Commissioners Atwal, Samayoa Vasquez and West present. Public Alternate Pinney was also in attendance. Alternate Commissioners Fletcher and Pedigo were also absent. Also present were Executive Officer John Benoit, Legal Counsel David Ruderman and LAFCo Clerk-Analyst Paige Hensley.

II. PLEDGE OF ALLEGIANCE:

Commissioner Vasquez led the commission in the Pledge of Allegiance.

III. APPROVAL OF MINUTES

Approval of minutes from the September 6, 2017 meeting:

With a motion of Commissioner Samayoa and seconded by Commissioner Vasquez the minutes were unanimously approved with 5 Ayes and 0 Noes.

IV. PUBLIC COMMUNICATIONS

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 5 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.

There were no Public Comments
V. **PROCEDURE FOR PUBLIC HEARINGS**

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 5 minutes. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

VI. **PUBLIC HEARING:**

A. **Reclamation District 784/Reorganization:** RD784 provides levee maintenance and internal drainage and protection from flood waters to the area of south Yuba County; which include residential, commercial and farmland uses in the communities of Plumas Lake, Olivehurst and Linda.

**Due to a conflict of interest Commissioner Atwal recused himself from the meeting and Public Member Alternate Pinney joined in, replacing Commissioner Atwal.**

**Staff Report:**

John Benoit, Executive Officer, reviewed staff report.

**Public Hearing:**

Jesse Barton, RD784 Counsel, reviewed the projected and explained the reason for the application amendment to include the new proposed TRLIA levee project area.

Commissioner Vasquez explained his sits on the TRLIA Board and asked if he needed to recuse himself.

David Ruderman, LAFCo Counsel, explained “No, LAFCO has no jurisdiction TRLIA.

Jesse Barton, RD784 Counsel handed out a written response to the protest letter from Mr. Manning.

Jesse Barton discussed the need to annex the Horseshoe area and explained there will be a Prop 218 election in the future to determine at which time it will be determined if assessments will have to be paid.

Public Member Alternate Pinney asked if he has a conflict of interest since he lives in the area to be annexed.

David Ruderman, LAFCO Counsel, stated if a commissioner lives within any of the areas to be annexed or de-annexed then there may be a potential conflict of interest and he recommends them recusing themselves from the hearing.

At this point Commissioner Lofton and Vasquez determined they also reside in the areas proposed to be annexed and recused themselves, therefore leaving the Commission without a quorum for this meeting.
David Ruderman, LAFCO Counsel, explained under the FPPC, it needs to be determined if the Commissioners interest is different than the public generally and if not whether their participation could be required by the rule of necessity, and stated it needs a legal analysis and asked for a five minute recess. (6:32 p.m.)

Chairman Lofton reconvened the meeting at 6:38 p.m. and asked LAFCO Counsel for direction.

David Ruderman, LAFCO Counsel, explained there are only 2 commissioners present at this meeting that have no conflict with the project. David Ruderman explained there is Alternate Commissioner Fletcher (who is not present at tonight’s meeting) who may not have a conflict and advised the public hearing be continued until December 6th, 2017 so that Commissioner Fletcher could be present for the next meeting.

Chairman Lofton announced the public hearing would be continued to 6:00 p.m. on December 6, 2017.

VII. EXECUTIVE OFFICER AND COMMISSIONERS REPORTS:


John Benoît explained LAFCO2017-0001/BVID should be coming before the Commission in January 2018.

John Benoît explained LAFCO 2017-0002/Duebel is a new project and is being reviewed.

**Commissioner Atwal re-entered the meeting at 6:53 p.m.**

B. CALAFCO Annual Conference Report.

John Benoît gave a summary update on the annual CALAFCO Conference.

Chairman Lofton stated he enjoyed the conference and found it to be informative.

Commissioner Samayoa announced that former Marysville City Councilman, Jim Kitchen passed away last night.

Commissioner Vasquez talked about the traffic congestion and explained the need for a Marysville Bypass in the future.

David Ruderman mentioned the recently passed omnibus bill contains a change proposed by Mr. Ruderman that revolved around the Camptonville CSD and expansion of power that was approved by Yuba LAFCO.
VIII. CLOSED SESSION:

**Commissioner Samayoa recused himself from Closed Session Item VIII at 7:09 p.m.**

Conference with Legal Counsel: initiation of Litigation (Gov. Code 54956.9(d)(4))
Number of Cases: 1

David Ruderman, LAFCO Counsel, explained there was no reportable action taken in the closed session.

IX. ADJOURN:

There being no further business, the meeting was adjourned at 7:26 p.m. to the next special meeting on December 6, 2017 at 6:00 p.m. in the Board of Supervisors Chamber, 915 8th Street, Marysville.

Approved,

[Signature]
Doug Lofton, Chair

ATTEST: JOHN BENOIT
EXECUTIVE OFFICER

By: Paige Ipsley, Yuba LAFCO Clerk-Analyst