

# YOLO LOCAL AGENCY FORMATION COMMISSION

## Regular Meeting AGENDA

**June 27, 2019 - 9:00 a.m.**

### **BOARD OF SUPERVISORS CHAMBERS**

625 COURT STREET, SUITE 206  
WOODLAND, CALIFORNIA 95695

### **COMMISSIONERS**

OLIN WOODS, CHAIR (PUBLIC MEMBER)  
DON SAYLOR, VICE CHAIR (COUNTY MEMBER)  
WILL ARNOLD (CITY MEMBER)  
GARY SANDY (COUNTY MEMBER)  
TOM STALLARD (CITY MEMBER)

### **ALTERNATE COMMISSIONERS**

JIM PROVENZA (COUNTY MEMBER)  
RICHARD DeLIBERTY (PUBLIC MEMBER)  
BABS SANDEEN (CITY MEMBER)

CHRISTINE CRAWFORD  
EXECUTIVE OFFICER

ERIC MAY  
COMMISSION COUNSEL

### **NOTICE:**

This agenda has been posted at least five (5) calendar days prior to the meeting in a location freely accessible to members of the public, in accordance with the Brown Act and the Cortese Knox Hertzberg Act. The public may subscribe to receive emailed agendas, notices and other updates by contacting staff at [lafco@yolocounty.org](mailto:lafco@yolocounty.org).

All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCo action in court, you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. If you wish to submit written material at the hearing, please supply 8 copies.

### **FPPC - Notice to All Parties and Participants in LAFCo Proceedings**

All parties and participants on a matter to be heard by the Commission that have made campaign contributions totaling \$250 or more to any Commissioner in the past 12 months must disclose this fact, either orally or in writing, for the official record as required by Government Code Section 84308.

Contributions and expenditures for political purposes related to any proposal or proceedings before LAFCo are subject to the reporting requirements of the Political Reform Act and the

regulations of the Fair Political Practices Commission, and must be disclosed to the Commission prior to the hearing on the matter.

### **CALL TO ORDER**

1. Pledge of Allegiance
2. Roll Call
3. Public Comment: Opportunity for members of the public to address the LAFCo Commission on subjects relating to LAFCo purview but not relative to items on this Agenda. The Commission reserves the right to impose a reasonable time limit on any topic or on any individual speaker.

### **CONSENT AGENDA**

4. Approve the LAFCo Meeting Minutes of May 23, 2019
5. Correspondence

### **PUBLIC HEARINGS**

6. Conducting Authority Protest Hearing for the Reorganization of the Lower Elkhorn Reclamation Districts (RDs), dissolving RD 785 and RD 827, and annexing both RDs' territories into RD 537 (LAFCo No. 928)

### **EXECUTIVE OFFICER'S REPORT**

7. A report by the Executive Officer on recent events relevant to the Commission and an update of the Yolo LAFCo staff activity for the month. The Commission or any individual Commissioner may request that action be taken on any item listed.
  - A. Long Range Planning Calendar
  - B. EO Activity Report - May 20 through June 21, 2019

## COMMISSIONER REPORTS

8. Action items and reports from members of the Commission, including announcements, questions to be referred to staff, future agenda items, and reports on meetings and information which would be of interest to the Commission or the public.

## CLOSED SESSION

9. Public Employee Performance Evaluation  
(Pursuant to Government Code Section 54957)

Position Title: LAFCo Executive Officer

## ADJOURNMENT

10. Adjourn to the next Regular LAFCo Meeting on July 25, 2019.

I declare under penalty of perjury that the foregoing agenda was posted by 5:00 p.m. on Friday, June 21, 2019, at the following places:

- On the bulletin board at the east entrance of the Erwin W. Meier County Administration Building, 625 Court Street, Woodland, CA;
- On the bulletin board outside the Board of Supervisors Chambers at 625 Court Street, Room 206, Woodland, CA; and
- On the LAFCo website at: [www.yololaftco.org](http://www.yololaftco.org).

ATTEST:

Terri Tuck, Clerk  
Yolo LAFCo

If requested, this agenda can be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact the Commission Clerk for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting should telephone or otherwise contact the Commission Clerk as soon as possible and at least 24 hours prior to the meeting. The Commission Clerk may be reached at (530) 666-8048 or at the following address: Yolo LAFCo, 625 Court Street, Suite 107, Woodland, CA 95695





**Consent 4.**

**LAFCO**

**Meeting Date: 06/27/2019**

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**Information**

**SUBJECT**

Approve the LAFCo Meeting Minutes of May 23, 2019

**RECOMMENDED ACTION**

Approve the LAFCo Meeting Minutes of May 23, 2019.

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**Attachments**

Draft LAFCo Minutes 05/23/19

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**Form Review**

Form Started By: Terri Tuck  
Final Approval Date: 06/17/2019

Started On: 06/17/2019 12:07 PM

# YOLO LOCAL AGENCY FORMATION COMMISSION

## MEETING MINUTES

May 23, 2019

The Yolo Local Agency Formation Commission met on the 23<sup>rd</sup> day of May 2019, at 9:00 a.m. at the West Sacramento Civic Center, 1110 West Capitol Avenue, 2<sup>nd</sup> Floor, West Sacramento CA. Voting members present were Chair and Public Member Olin Woods, County Members Gary Sandy and Don Saylor, and City Members Tom Stallard and Alternate (A) Babs Sandeen. Voting member absent was City Member Will Arnold. Others present Executive Officer Christine Crawford, Clerk Terri Tuck, Analyst Mark Krummenacker and Counsel Eric May.

### CALL TO ORDER

Chair Woods called the Meeting to order at 9:06 a.m.

#### Item No 1      Pledge

The Pledge of Allegiance was not recited.

#### Item No 2      Roll Call

PRESENT: Sandeen (A), Sandy, Saylor, Stallard, Woods ABSENT: Arnold

#### Item No 3      Public Comments

Public comments were made and a letter submitted by Martha Guerrero, councilmember of the City of West Sacramento, speaking for herself as a citizen in opposition to the upcoming City proposals to establish the local reclamation districts as subsidiary districts.

### CONSENT

#### Item No 4      Approve the LAFCo Meeting Minutes of April 25, 2019

#### Item No 5      Correspondence

**Minute Order 2019-26:** All recommended actions on Consent were approved.

Approved by the following vote:

MOTION: Sandy SECOND: Saylor

AYES: Sandeen (A), Sandy, Saylor, Stallard, Woods

NOES: None

ABSTAIN: None

**PUBLIC HEARING**

**Item No 6 Reorganization of Lower Elkhorn Reclamation Districts (RDs), Dissolving RD 785 and RD 827 and annexing both territories into RD 537, subject to terms and conditions**

After a report by staff the Chair opened the Public Hearing. Comments were made by Dan Ramos, President of Reclamation District 827. The Public Hearing was closed.

**Minute Order 2019-27:** The recommended action was approved, adopting **Resolution 2019-06**, subject to the terms and conditions sited in the resolution.

Approved by the following vote:

MOTION: Sandeen (A) SECOND: Sandy  
AYES: Sandeen (A), Sandy, Saylor, Stallard, Woods  
NOES: None  
ABSTAIN: None

**Item No 7 Consider approval of Resolution 2019-07 adopting the Municipal Service Review (MSR) for the Sacramento-Yolo Port District (LAFCo No. S-052)**

After a report by staff the Chair opened the Public Hearing. No one came forward and the Public Hearing was closed.

**Minute Order 2019-28:** The recommended actions were approved and **Resolution 2019-07** adopted, adopting the Municipal Service Review for the Sacramento-Yolo Port District, including the edits deleting the recommendation to detach certain areas provided to the Commission at the beginning of the meeting.

Approved by the following vote:

MOTION: Sandy SECOND: Saylor  
AYES: Sandy, Saylor, Stallard, Woods  
NOES: None  
ABSTAIN: Sandeen (A)

**Item No 8 Consider adoption of the Final LAFCo Budget for Fiscal Year 2019/20**

After a report by staff the Chair opened the Public Hearing. No one came forward and the Public Hearing was closed.

**Minute Order 2019-29:** The recommended action was approved.

Approved by the following vote:

MOTION: Saylor SECOND: Sandy  
AYES: Sandeen (A), Sandy, Saylor, Stallard, Woods  
NOES: None  
ABSTAIN: None

**REGULAR****Item № 9 Consider adopting amendments to the Yolo LAFCo Administrative Policies and Procedures**

**Minute Order 2019-30:** The recommended action was approved with direction to counsel to coordinate with the Chair and Executive Officer on further clarification of item number two in *Section 2.5 Political Contribution Disclosure* of the LAFCo Administrative Policies and Procedures.

Approved by the following vote:

MOTION: Sandeen (A) SECOND: Saylor  
AYES: Sandeen (A), Sandy, Saylor, Stallard, Woods  
NOES: None  
ABSTAIN: None

**Item № 10 Executive Officer's Report**

The Commission was given written reports of the Executive Officer's activities for the period of April 22, 2019 through May 17, 2019, and was verbally updated on recent events relevant to the Commission.

Staff updated the Commission on an upcoming change in the way CALAFCO member dues are calculated, which will be voted on by the Association membership in October 2019. It includes changing the formula from rural, suburban and urban categories to a population-based method with base dues and a cap at 700,000 in population. Dues would continue to increase thereafter with Department of Finance projections and the CPI (Consumer-priced index). Staff asked the Commission if it would like to schedule an item for future discussion and the Commission indicated it was not necessary.

Staff commented on the Long Range Meeting Calendar noting the West Sacramento Basin Reclamation District Reorganization proposals, which includes the City's proposal and RD 900s proposal, was moved to the July meeting at the request of the District and the City due scheduling conflicts. Also, staff is awaiting requested financial information from the City and RD 537.

**Item № 11 Commissioner Reports**

Chair Woods stated that he enjoyed attending the 2019 Planning Commissioner Training Workshop, recommended by staff and hosted by the Sacramento Valley Section of the American Planning Association. The Workshop covered best practices for running a meeting, the General Plan and Housing Element, Specific Plans & zoning implementation, and CEQA basics. Chair Wood commented that, although he could not stay for the whole Workshop, the session was outstanding and he would like to catch up on what he missed at a future session.



**Item № 12    Adjournment**

**Minute Order 2019-31:** By order of the Chair, the meeting was adjourned at 9:56 a.m. in memory of Commissioner Arnold's mother, Martha Cannon Arnold.

The next Regular LAFCo Meeting will be June 27, 2019.

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Olin Woods, Chair  
Local Agency Formation Commission  
County of Yolo, State of California

ATTEST:

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Terri Tuck  
Clerk to the Commission

**Consent 5.**

**LAFCO**

**Meeting Date:** 06/27/2019

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**Information**

**SUBJECT**

Correspondence

**RECOMMENDED ACTION**

Receive and file the following correspondence:

- A. Assembly Bill 818 - Support Letter-May 2019
  - B. CHW Bulletin-June 2019
  - C. CALAFCO Thank You-Staff Workshop 2019
  - D. Assembly Bill 1822 - Request for Governor to Sign-June 2019
- 

**Attachments**

ATT A-AB 818-Support Letter-May 2019

ATT B-CHW Bulletin-June 2019

ATT C-CALAFCO Thank you-Staff Workshop 2019

ATT D-AB 1822-Request Governor's Signature Letter-June 2019

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**Form Review**

Form Started By: Terri Tuck

Started On: 06/17/2019 12:11 PM

Final Approval Date: 06/17/2019

YOLO  
LOCAL  
AGENCY  
FORMATION  
COMMISSION

Item 5-ATT A



COMMISSION  
CHAIR  
OLIN WOODS  
Public Member

VICE CHAIR  
DON SAYLOR  
Supervisor – 2<sup>nd</sup> District

WILL ARNOLD  
Councilmember  
City of Davis

GARY SANDY  
Supervisor – 3<sup>rd</sup> District

TOM STALLARD  
Councilmember  
City of Woodland

ALTERNATES  
RICHARD DELIBERTY  
Public Member

JIM PROVENZA  
Supervisor – 4<sup>th</sup> District

BABS SANDEEN  
Councilmember  
City of West Sacramento

STAFF  
CHRISTINE M. CRAWFORD, AICP  
Executive Officer

TERRI TUCK  
Clerk to the Commission

MARK KRUMMENACKER  
Financial Analyst

COUNSEL  
ERIC MAY

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May 20, 2019

Assembly Member Ken Cooley  
California State Assembly  
State Capital Room 3013  
Sacramento, CA 95814

Subject: **Support of AB 818**

Dear Assembly Member Cooley:

The Yolo Local Agency Formation Commission (LAFCo) is pleased to support **Assembly Bill AB 818**, which would assist the fiscal viability of future city incorporations that meet all other state requirements.

The VLF gap created by SB 89, one of the 2011 budget bills, created a financial disincentive for future city incorporations and annexations of inhabited territory. For the past seven years, no new cities have formed. Given the growing population in our state and the need for orderly growth and adequate service provision, this policy issue needs to be addressed.

**AB 818** by no means guarantees that a community wishing to incorporate will become a city. In order to incorporate, local communities have to overcome many hurdles, including compliance with state LAFCo policies, negotiations with counties, and ultimately a public vote. This bill simply gives communities considering incorporation the same opportunity to incorporate that other California cities have previously had.

In 2017, the Legislature addressed the financial harm caused by SB 89 (2011) to four recently incorporated cities via the passage of SB 130 (Budget). SB 130 provides the legislature a template to address the fiscal viability of future incorporation. **AB 818** adopts the template provided by SB 130 and extends the fix to future incorporations. The state budget conditions have vastly improved since 2011 and the fiscal challenges of the four most recently incorporated cities have finally been addressed with the passage of SB 130. **AB 818** provides the same option for any future incorporations.

Reinstating revenues for incorporations is consistent with policies of providing communities with local governance and efficient service delivery options, including the ability to incorporate. The inability to do so creates a tremendous detriment to the creation of logical development boundaries and to the prevention of urban sprawl. Because **AB 818** reinstates a critical funding component to future cities incorporating, Yolo LAFCo supports this bill.

Please do not hesitate to contact me with any questions you may have on our position.

Sincerely,

A handwritten signature in blue ink that reads "Don Saylor". The signature is written in a cursive style with a large initial "D" and a long, sweeping tail.

Don Saylor  
Vice Chair

cc: Pamela Miller, Executive Director, CALAFCO

## Supreme Court Allows Prop. 218 Challenge Without Participation in Protest Hearing in Narrow Ruling

By Michael G. Colantuono

**Introduction.** On May 31, the California Supreme Court decided *Plantier v. Ramona Municipal Water District*. The case had been expected to resolve whether a challenger to a property related fee or charge under Proposition 218 must participate in the majority protest hearing to sue or, at least, limit claims in court to those raised at the hearing. Instead, the Court decided the case very narrowly, leaving that issue to be decided in another case, perhaps *Marin Municipal Water District v. Walker (Marin)*, a recent, unpublished decision of the San Francisco Court of Appeal. A petition for Supreme Court review of *Marin* must be granted or rejected in June or July.

**The Decision.** The Ramona Municipal Water District provides water and sewer services. Unlike many such dual-utility agencies, it does not collect sewer charges on water bills, but on the property tax roll. Accordingly, sewer fees are fixed annual amounts based on the size and use of property expressed in “equivalent dwelling units” or EDUs. The District adjusted a restaurant’s EDU assignment from 2.0 to 6.82, concluding the original figure was mistaken. The restaurateur challenged the

reassignment, arguing that Proposition 218’s mandate that fees be proportionate to service cost requires sewer rates to be based on the volume of water used. He later sued, along with two commercial property owners, as representatives of a class of all customers.

The District argued the plaintiffs did not exhaust their administrative remedies by participating in the protest hearing on sewer

rate increases

proposed at about the same time as

Mr. Plantier disputed his EDU assignment.

The trial court certified the class, but accepted the exhaustion of remedies defense, dismissing the case.

The San Diego Court of Appeal reversed, in a very broad and troubling opinion, concluding exhaustion is never required in a Proposition 218 case. The Supreme Court granted review — leading to the new, and much narrower, decision.

The Supreme Court reasoned that, even if one must participate in a Proposition 218 majority protest hearing before bringing **some** challenges (which it assumed without deciding), a challenge to Ramona’s EDU methodology was not among them. This was because the District gave notice of hearings

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*The Supreme Court reasoned that, even if one must participate in a Proposition 218 majority protest hearing before bringing **some** challenges, a challenge to Ramona’s EDU methodology was not among them.*

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on proposed rate increases, not on a change to its rate structure — i.e., the EDU formula. As the District could not have acted on Mr. Plantier’s complaint at its hearing except by making a new rate proposal that **did** change the EDU formula, which would require a new hearing, its majority protest hearing was not a fit forum to resolve it.

The trial court cited *Wallich’s Ranch Co. v. Kern County Citrus Pest Control Dist.* (2001), which many public lawyers read to require exhaustion in Proposition 218 cases. The Supreme Court read that case to require exhaustion under the Citrus Pest District Control Law, not Proposition 218. Thus, with *Wallich’s Ranch* found off-point and the Court of Appeal opinion in this case largely displaced by the Supreme Court decision — which does not decide whether one must participate in a majority protest hearing under Proposition 218 — this question is now plainly open. Perhaps the *Marin* case will resolve it. Along the way the Court made these helpful points:

- The Proposition 218 Omnibus Implementation Act of 1997 is good law to construe the measure. *Greene v. Marin County Flood Control & Water Conservation Dist.* (2010) held this previously, but it is nice to have a current restatement of the rule.
- Rate-making is legislative activity, a question the Court of Appeal here had thought unclear and, by stating so in a published decision, made it so.
- The provision of the Omnibus Act allowing inflation adjustment of

triggering a new protest hearing is property related fees without good law. Although this language is technically “dicta,” rather than a holding, it is helpful nonetheless.

**Options for Rate-Makers.** In light of this decision, public agencies which make rates subject to Proposition 218 should consider:

- Adopting a local procedure for resolving complaints about legislative decisions to adopt rates and rate-making formulas (like the EDU system here) as well as administrative decisions to assign a property or rate-payer to a rate class. A plainly applicable local procedure must be exhausted whether or not participation in the Proposition 218 majority protest hearing is required. Indeed, Ramona has such a procedure and Mr. Plantier was obliged to exhaust it.
- Writing notices of majority protest hearings broadly to invite protests on rates, rate-making formulas and, perhaps, customer classification issues, so that its clearer than in *Plantier* than the Board or Council can address potential plaintiffs’ claims.

**Conclusion.** The question that *Plantier* left open will eventually be decided.

Stay tuned. As always, we will keep you posted!

*For more information on this topic, contact Michael at (530) 432-7257 or MColantuono@chwlaw.us.*

Colantuono, Highsmith & Whatley is a law firm with offices in Pasadena and Grass Valley in the Sierra Foothills that represents public agencies throughout California. Its municipal law practice includes public revenues, land use, housing, CEQA, LAFCO matters and associated litigation. We are committed to providing advice that is helpful, understandable, and fairly priced.

The firm includes California's leading experts on the law of local government revenues, including Propositions 13, 26, 62, and 218. Our litigators have broad experience in public-sector litigation as well as general commercial litigation, employment law, and unfair competition. The firm has litigated a number of important Prop. 218 cases.

The firm serves as general counsel or city/town attorney for over a dozen government agencies. The firm also serves as special counsel to local governments throughout California.

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June 6, 2019

Yolo LAFCo  
625 Court St., Suite 107  
Woodland, CA 95695

RECEIVED

JUN 10 2019

YOLO LAFCO

Dear Yolo LAFCo Commission,

On behalf of the California Association of Local Agency Formation Commissions (CALAFCO), I would like to thank your Commission for allowing your staff the opportunity to attend the CALAFCO 2019 annual staff workshop, held in San Jose, April 10 through 12.

We appreciate that many of our members have limited resources and understand prioritizing expenditures can be challenging. Ensuring your staff has access to ongoing professional development and specialized educational opportunities allows them the chance to better serve your commission and fulfill the mission of LAFCo. The sharing of information and resources among the LAFCo staff statewide serves to strengthen their network and creates opportunities for rich and value-added learning that is applied within each LAFCo.

Thank you again for supporting your staff's participation in the CALAFCO 2019 staff workshop. We truly appreciate your membership and involvement in CALAFCO. It remains our mission to provide high quality educational and networking opportunities for you as our valued member.

Yours sincerely,



Pamela Miller  
Executive Director



YOLO  
LOCAL  
AGENCY  
FORMATION  
COMMISSION

Item 5-ATT D



June 19, 2019

The Honorable Governor Gavin Newsom  
State of California  
State Capitol Building  
Sacramento, CA 95814

COMMISSION  
CHAIR  
OLIN WOODS  
Public Member

VICE CHAIR  
DON SAYLOR  
Supervisor – 2<sup>nd</sup> District

WILL ARNOLD  
Councilmember  
City of Davis

GARY SANDY  
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TOM STALLARD  
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City of Woodland

ALTERNATES  
RICHARD DELIBERTY  
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MARK KRUMMENACKER  
Financial Analyst

COUNSEL  
ERIC MAY

625 Court Street, Suite 107  
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lafco@yolocounty.org

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**RE: Request to Sign AB 1822  
Assembly Local Government Committee Omnibus Bill**

Dear Governor Newsom:

The Yolo Local Agency Formation Commission (LAFCo) respectfully requests that you **sign Assembly Bill 1822** (Assembly Local Government Committee) which is now before you for action. **AB 1822** makes changes and clarifications to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

This annual bill includes technical changes to the Act which governs the work of local agency formation commissions. These changes are necessary as commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. **AB 1822** makes several minor technical changes, corrects obsolete and incorrect code references, and makes minor updates to outdated sections. Without making any policy changes, the revised language greatly clarifies the laws and eliminates outdated and confusing language thereby creating a significant increase in the clarity of the Act for all stakeholders.

Because this legislation helps insure that the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state, and clearer to all who use the Act, we respectfully urge you to sign **AB 1822**.

Yours sincerely,

A handwritten signature in blue ink that reads 'Don Saylor'.

Don Saylor  
Vice Chair

cc: Honorable Cecilia Aguiar-Curry, Chair, Assembly Local Government Committee  
Jimmy MacDonald, Consultant, Assembly Local Government Committee  
Ronda Paschal, Deputy Legislative Secretary to the Governor  
Pamela Miller, Executive Director, CALAFCO

## Public Hearings 6.

### LAFCO

Meeting Date: 06/27/2019

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### Information

#### SUBJECT

Conducting Authority Protest Hearing for the Reorganization of the Lower Elkhorn Reclamation Districts (RDs), dissolving RD 785 and RD 827, and annexing both RDs' territories into RD 537 (LAFCo No. 928)

#### RECOMMENDED ACTION

1. Open the Public Hearing, ask staff to summarize Resolution 2019-08 and provide an opportunity for comments including oral or written protests.
2. If greater than 25% landowner protest is received (i.e. 5 or more landowners), take a quick break for staff to calculate the total assessed value of land owned by those landowners who have submitted protest.
3. If less than 25% landowner protest is received (i.e. 0 - 4 landowners) that combined own less than 25% of the assessed value of land within the affected territory (i.e. less than \$6,014,044), adopt Resolution 2019-08 ordering the Reorganization of the Lower Elkhorn Reclamation Districts, subject to term and conditions.

#### FISCAL IMPACT

No fiscal impact to LAFCo. The RDs as the proposal applicants are required to reimburse Yolo LAFCo for all processing costs.

Regarding fiscal impact to the RDs, the reorganization will not become effective until following the successful passage of a Proposition 218 election to establish a new assessment structure for the combined reclamation district territory. In addition, RD 537 would become the successor district receiving RD 827's current portion of the 1% property tax revenues.

## REASONS FOR RECOMMENDED ACTION

LAFCo approved this proposal on May 23, 2019. Government Code §57000 et. seq. requires a protest hearing after the Commission approves agency reorganization without 100% consent from the landowners. The Yolo LAFCo is the conducting authority for the protest process as specified by Government Code Section 57050(b). This hearing allows landowners to file official protests to the reorganization if they so desire. All three RD boards (RD 537, RD 785 and RD 827) submitted the proposal for reorganization.

## BACKGROUND

RD 537, RD 785 and RD 827 jointly initiated an application to dissolve RD 785 and RD 827 and annex both RD territories into RD 537. LAFCo approved this proposal on May 23, 2019. This proposal effectively combines the three RDs into one to more efficiently maintain the Lower Elkhorn Basin levee system, including the proposed DWR Lower Elkhorn Basin Levee Setback project.

The hearing for this proposal has been properly noticed, posted, and published as required by the Cortese-Knox-Hertzberg Act. Notice of this protest hearing has been provided to subject and affected agencies, the 18 landowners, all registered voters within the affected territory (i.e. RD 785 and RD 827), plus a 300' radius area. After the hearing is closed, the Commission should determine the number of all valid oral and written protests received.

Because the RDs involved are "landowner-voter districts", protest is measured based on percentages of both the 18 total landowners and total assessed value of \$24,056,176. If protest is filed by less than 25% of the number of landowners owning less than 25% of the assessed value of land, the Commission shall order the dissolution/annexation. If between 25% - 50% of the landowner/value file protests, the Commission shall order the dissolution/annexation subject to an election. Over 50% protest automatically terminates the proposal.

No written protests have yet been received by LAFCo as of June 18, 2019.

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### Attachments

[ATT A-Resolution2019-08 Conducting Authority Ordering Reorg of Lower Elkhorn RDs](#)

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### Form Review

**Inbox**

Christine Crawford (Originator)  
Form Started By: Christine Crawford  
Final Approval Date: 06/18/2019

**Reviewed By**

Christine Crawford

**Date**

06/18/2019 10:03 AM  
Started On: 06/17/2019 01:48 PM

**YOLO LOCAL AGENCY FORMATION COMMISSION**

**RESOLUTION № 2019-08**

**Conducting Authority Resolution Ordering the Reorganization of the Lower Elkhorn Reclamation Districts (RDs), Dissolving RD 785 and RD 827 and Annexing Both Districts' Territories into RD 537 Without an Election, Subject to Terms and Conditions (LAFCo № 928)**

**WHEREAS**, on December 10, 2018, Reclamation District (RD) 537, RD 785, and RD 827 (the Lower Elkhorn Reclamation Districts) jointly submitted the subject proposal application (LAFCo № 928) to the Yolo Local Agency Formation Commission (LAFCo or Commission) accompanied by a Resolution of Application from each of the three RDs; and

**WHEREAS**, the proposal was routed to all subject, affected, and interested agencies and no concerns or objections were received; and

**WHEREAS**, the proposal is subject to a negotiated exchange per Revenue and Taxation Code Section 99(b)(1), and the Yolo County Board of Supervisors adopted a resolution determining an exchange in property tax revenue between RD 827 and RD 537 on April 23, 2019; and

**WHEREAS**, a Certificate of Filing was issued on April 25, 2019; and

**WHEREAS**, a public notice was published in the West Sacramento News-Ledger and mailed to all landowners and registered voters of the subject territory including a 300' radius; and

**WHEREAS**, the proposal was analyzed in accordance with all applicable sections of the Cortese-Knox-Hertzberg Act, LAFCo Standards of Evaluation and Agricultural Policy, and all other matters presented as prescribed by law; and

**WHEREAS**, on May 23, 2019, the Commission reviewed and considered the CEQA documentation and the staff report including all the information, recommendations, findings, and conditions contained therein; and

**WHEREAS**, on May 23, 2019, the Commission adopted Resolution 2019-06 approving the Reorganization of the Lower Elkhorn Reclamation Districts, dissolving RD 785 and RD 827, and concurrently annexing both districts' territories into RD 537 (LAFCo № 928) and set June 27, 2019, as the hearing date to conduct protest proceedings; and

**WHEREAS**, Government Code §57000 et seq. designates the Commission as the Conducting Authority for protest proceedings; and

**WHEREAS**, a notice of the Conducting Authority Hearing was published in the West Sacramento News-Ledger on June 5, 2019, and mailed to all registered voters and landowners both within the affected territory plus a 300' radius; and

**WHEREAS**, on June 27, 2019, the Commission opened the Public Hearing, staff summarized LAFCo Resolution 2019-08, and the Commission opened a Public Hearing to all interested persons, organizations, and agencies to present oral or written protests, objections, and any other information concerning the proposal and all related matters; and

**WHEREAS**, following the close of the Public Hearing, the Commission determined the value of all valid written protests filed and not withdrawn.

**NOW, THEREFORE, BE IT RESOLVED** that the Yolo Local Agency Formation Commission acting as the Conducting Authority for these proceedings orders the Reorganization of the Lower Elkhorn Reclamation Districts, dissolving RD 785 and RD 827 and concurrently annexing both districts' territories into RD 537 (LAFCo № 928) as illustrated in Exhibit A subject to the following findings and terms and conditions:

**Finding**

1. Finding: The number of the written protests filed and not withdrawn is less than 25 percent of the number of owners of land who own less than 25 percent of the assessed value of land within the affected territory.

Evidence: Notice has been provided to each of the registered voters and landowners within the affected territory, which includes RD 785 and RD 827. Objections from \_\_\_\_\_ landowners who own \_\_\_\_\_ percent of the assessed value of land within the affected territory was received by the conclusion of the public hearing.

**Conditions of Approval**

1. The applicant and the real party of interest, if different, agree to defend, indemnify, hold harmless and release the Yolo Local Agency Formation Commission, its agents, officers, attorney and employees from any claim, action or proceeding brought against any of them, the purpose of which to attack, set aside, void, or annul the approval of this application or adoption of the environmental review which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of this application, whether or not there is concurrent passive negligence of the part of the Yolo Local Agency Formation Commission its agents, officers, attorney or employees.
2. The reorganization will be subject to all appropriate LAFCo, State Board of Equalization, and County Clerk-Recorder fees prior to recording the Certificate of Completion for the Reorganization of the Lower Elkhorn Reclamation Districts (LAFCo № 928).
3. The reorganization shall not become effective until following the successful passage of a Proposition 218 election to establish a new assessment structure for the combined reclamation district territory.
4. A new boundary description for the new Reclamation District 537 boundaries reorganized under this proposal shall be prepared and submitted to LAFCo for recordation and filing with the State Board of Equalization.
5. Once all of the terms and conditions have been satisfied/completed, the Executive Officer shall prepare a Certificate of Completion to be recorded with the county recorder that confirms the final successful completion of the reorganization. The effective date of the reorganization shall be the July 1 following the filing of the Statement of Boundary Change with the State Board of Equalization (BOE) (i.e. after the Statement of Boundary Change is filed with the BOE, which is due by December 1 each year, the reorganization shall become effective July 1 of the following year).

**PASSED AND ADOPTED** by the Local Agency Formation Commission, County of Yolo, State of California, this 27<sup>th</sup> day of June 2019, by the following vote.

AYES:

NOES:

ABSENT:

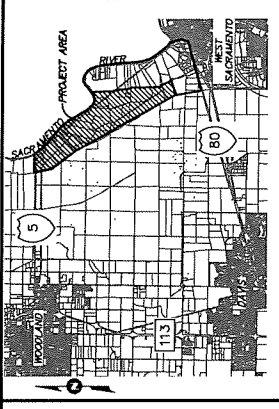
\_\_\_\_\_  
Olin Woods, Chair  
Yolo Local Agency Formation Commission

ATTEST:

  
\_\_\_\_\_  
Christine Crawford, Executive Officer  
Yolo Local Agency Formation Commission

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Eric May, Commission Counsel



VICINITY MAP  
NO SCALE

APPROVED BY LAFCO  
LAFCO PROCEEDING NO. 928  
CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_



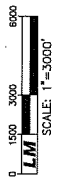
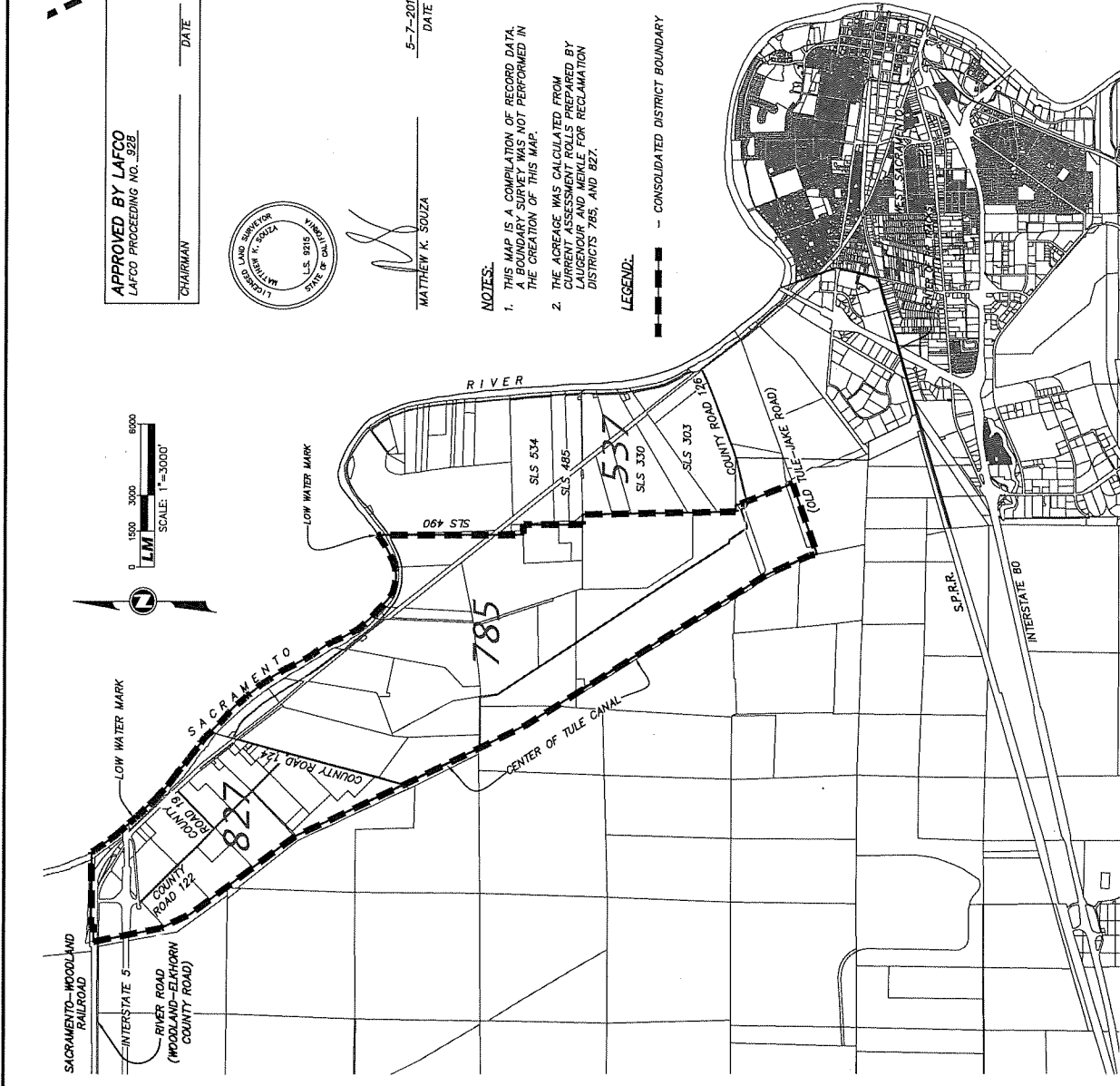
MATTHEW K. SOUZA  
5-7-2019  
DATE

NOTES:

1. THIS MAP IS A COMPILATION OF RECORD DATA. A BOUNDARY SURVEY WAS NOT PERFORMED IN THE CREATION OF THIS MAP.
2. THE ACREAGE WAS CALCULATED FROM CURRENT ASSESSMENT ROLLS PREPARED BY LAUGENOUR AND MEIKLE FOR RECLAMATION DISTRICTS 785, AND 827.

LEGEND:

--- CONSOLIDATED DISTRICT BOUNDARY



BOUNDARY DESCRIPTION:

THAT PORTION OF REAL PROPERTY SITUATE IN THE COUNTY OF YOLO, STATE OF CALIFORNIA, AND BEING A PORTION OF TOWNSHIP 9 NORTH, RANGE 3 EAST, AND ALSO BEING A PORTION OF TOWNSHIP 9 NORTH, RANGE 3 EAST, AND ALSO BEING A PORTION OF TOWNSHIP 9 NORTH, RANGE 4 EAST, AND ALSO BEING ALL OF THOSE PARCELS OF LAND ORIGINALLY DESCRIBED AS RECLAMATION DISTRICTS 785, AND 827, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT LOW WATER MARK ON THE SOUTH BANK OF THE SACRAMENTO RIVER, THENCE SOUTH ALONG THE WEST BOUNDARY OF SWAMP LAND SURVEY 490 AND BETWEEN THE LANDS OF A.E. TITTEMORE AND B.R. CROCKER, AS THOSE LANDS EXISTED ON AUGUST 4, 1891, S. 02°00' E. 88.33 CHAINS MORE OR LESS TO A FENCE CORNER ON THE WEST BOUNDARY LINE OF SWAMP LAND SURVEY 490 OF SAID SURVEYS; THENCE EAST 4.30 CHAINS MORE OR LESS TO A POINT 8 CHAINS SOUTH OF THE NORTHWEST CORNER OF THE TRACT OF LAND OWNED BY T.V. LUDAL AS OF THE DATE OF THE FORMATION PETITION OF RECLAMATION DISTRICT NO. 537, TO WIT, AUGUST 4 1891; THENCE SOUTH ALONG THE WEST BOUNDARY OF SWAMP LAND SURVEYS NO. 303, 330, 485, AND 530 TO THE SOUTHWEST CORNER OF SWAMP LAND SURVEY 303; THENCE EAST TO THE CENTER OF A DREDGE BUILT LEVEE; THENCE ALONG SAID CENTER OF SAID DREDGE BUILT LEVEE TO THE NORTH SIDE OF TULE JAMES ROAD; THENCE WESTERLY ALONG SAID NORTH SIDE OF SAID TULE JAMES ROAD TO THE CENTER OF TULE CANAL; THENCE ALONG SAID CENTER OF TULE CANAL IN A NORTHERLY AND A NORTHWESTERLY DIRECTION TO A POINT 173.00 FEET NORTHERLY FROM THE NORTH LINE OF THE WOODLAND-ELKHORN COUNTY ROAD; THENCE EASTERLY 500 FEET PARALLEL TO AND DISTANT 100 FEET MEASURED AT RIGHT ANGLES NORTHERLY OF THE LOCATED LINE OF THE SACRAMENTO AND WOODLAND RAILROAD TO STATION 538+66; BEING A STAKED MARKED "RW"; THENCE NORTHERLY AT RIGHT ANGLES 1000.00 FEET TO A POINT 200.00 FEET NORTHERLY FROM SAID LOCATED LINE AT SURVEY STATION 538+66; THENCE EASTERLY 1508.48 FEET PARALLEL TO AND DISTANT 200.00 FEET NORTH OF SAID LOCATED LINE OF SAID SACRAMENTO WOODLAND RAILROAD TO SURVEY STATION 527+79.52; THENCE EASTERLY PARALLEL TO AND DISTANT 265.00 FEET NORTHERLY FROM SAID NORTH LINE OF SAID WOODLAND-ELKHORN COUNTY ROAD TO THE LOW WATER MARK ON THE WEST BANK OF THE SACRAMENTO RIVER; THENCE FOLLOWING SAID LOW WATER MARK AND ITS MEANDERS TO THE POINT OF BEGINNING.

CONTAINING 4,183 ACRES OF LAND, MORE OR LESS. (SEE NOTE 2)  
END OF DESCRIPTION.

DISSOLUTION OF  
**RECLAMATION DISTRICTS 785 & 827 AND  
ANNEXATION TO RECLAMATION DISTRICT 537**  
BEING A PORTION TOWNSHIP 9 NORTH, RANGE 3 EAST,  
AND ALSO BEING A PORTION OF TOWNSHIP 9 NORTH, RANGE 3 EAST,  
AND ALSO BEING A PORTION OF TOWNSHIP 9 NORTH, RANGE 4 EAST  
AND ALSO BEING ALL OF THOSE PARCELS OF LAND ORIGINALLY DESCRIBED AS  
RECLAMATION DISTRICTS 785, AND 827, AND BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:

**LM LAUGENOUR AND MEIKLE**  
CIVIL ENGINEERING - LAND SURVEYING - PLANNING  
808 COURT STREET, WOODLAND, CALIFORNIA 95695 PHONE: (530) 862-1755  
P.O. BOX 926, WOODLAND, CALIFORNIA 95778 FAX: (530) 862-1602



## Executive Officer Report 7.

### LAFCO

Meeting Date: 06/27/2019

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### Information

#### SUBJECT

A report by the Executive Officer on recent events relevant to the Commission and an update of the Yolo LAFCo staff activity for the month. The Commission or any individual Commissioner may request that action be taken on any item listed.

- A. Long Range Planning Calendar
  - B. EO Activity Report - May 20 through June 21, 2019
- 

### Attachments

- ATT A-Long Range Planning Calendar
  - ATT B-EO Activity Report May20-Jun21
- 

### Form Review

Form Started By: Terri Tuck  
Final Approval Date: 06/17/2019

Started On: 06/17/2019 12:18 PM





## Long Range Meeting Calendar – Tentative Items

Meeting Date	Tentative Agenda Items	Location
July 25, 2019	<ul style="list-style-type: none"> <li>West Sacramento Basin Reclamation District Reorganization Proposals (City proposals #925/#926 and RD 900 alternative proposal #930)</li> </ul>	<b>West Sacramento</b>
Aug 22, 2019	<ul style="list-style-type: none"> <li>Protest Hearing for West Sacramento Basin Reclamation District Reorganization Proposals (assuming either #925/#926 or #930 is approved)</li> <li>JPA Service Review for YCPARMIA (Yolo County Public Agency Risk Management Insurance Authority)</li> </ul>	<b>West Sacramento? (to be confirmed)</b>
Sept 26, 2019		
Oct 24, 2019	<ul style="list-style-type: none"> <li>FY 19/20 Q1 Financial Update*</li> </ul>	Woodland
Dec 18, 2019	<ul style="list-style-type: none"> <li>Direction to Staff Re Convening a Shared Services Workshop*</li> <li>Adopting LAFCo 2020 Meeting Calendar*</li> </ul>	Woodland
Jan 23, 2020	<ul style="list-style-type: none"> <li>2019 Website Transparency Scorecard Report</li> <li>FY 19/20 Q2 Financial Update</li> </ul>	Woodland

**Shaded** meeting dates note those scheduled while EO is working remotely

\* Note items that are flexible to be consolidated as appropriate.

## New Proposals Received Since Last Meeting

Date Received	Proposal
	None submitted

## LAFCo EO Activity Report May 20 through June 21, 2019

<b>Date</b>	<b>Meeting/Milestone</b>	<b>Comments</b>
05/22/2019	Meet w/YECA Board	Presentation of JPA Service Review
05/22/2019	Shared Services – City of Davis Broadband Task Force Meeting	Vice Chair of the City's advisory committee
05/28/2019	Meet w/YCPARMIA staff	JPA Service Review
05/29/2019	Meeting w/Ric Reinhardt (MBK Engineers) & Jim Day (Day, Carter, Murphy LLP)	Discuss Prop 218 and conditions for LAFCo Proposal #928-Lower Elkhorn RDs
05/29/2019	CALAFCO Conference Program Committee meeting #1	Co-Chair for Annual Conference Program Committee. Introduction and process.
05/29/2019	Conference Call w/CALAFCO Staff	CALAFCO Member dues change roll-out strategy
06/04/2019	Davis City Council Meeting	Final Report Broadband Advisory Task Force presentation of recommendations to City Council
06/10/2019	Meeting w/Olin Woods	LAFCo Agenda Review
06/11/2019	Meeting w/Davis Chamber & Dan Ramos	Broadband for proposed project outside Davis, potential partnership.
06/19/2019	CALAFCO Conference Program Committee meeting #2	Session proposals / topics reviewed and narrowed down
06/19/2019	Meeting w/Reclamation District 2035	Potential annexation