

Dave Andres

From: Quincy Yaley <QYaley@co.tuolumne.ca.us>
Sent: Tuesday, May 17, 2022 10:37 AM
To: Dave Andres; John Feriani; Jake Feriani
Cc: Cody Nesper; Debi Bautista (Russell); Kaenan Whitman; David Ruby; Kim MacFarlane; Blossom Scott-Heim; Denise Zitnik
Subject: additional info letter May 2022 TCSD FORMATION.pdf
Attachments: additional info letter May 2022 TCSD FORMATION.pdf

Good morning Mr. Andres,

After reviewing the feedback in the last two workshops and additional CKH review, LAFCO staff is in need of additional details to get this project to a public hearing.

One important point of clarification is needed that our staff has confirmed with our outside LAFCO counsel:

LAFCO does not need to grant any specific latent powers to the proposed CSD. LAFCO is only approving the formation and request for the active powers. If approved, the CSD will have all latent powers that are allowed under CSD law, and the CSD would be required to come before LAFCO if ever one or more of those latent powers wished to be activated. Specifically approving latent powers will not shorten any review and approval process in the future if the CSD requested a new "active" power.

Therefore, there is no need to specifically grant or not grant the proposed CSD latent powers identified in the application. If approved, all allowed powers under CSD law, which are not granted as "active" powers through the LAFCO approval process, will be assumed as latent powers.

Regarding the need for a tax revenue sharing agreement, even if there is no proposed change to the tax revenue that each district receives and no sharing or modification is proposed with any other entity, a resolution is still needed from the Board of Supervisors. I have been working with the Assessor and Auditor on this matter, so please contact Debi Bautista, cc'd on this email, to begin that process.

Lastly, a notice has been sent to all agencies that offer services within the proposed district boundaries. These entities were notified early in the process, and staff is following up with a second notice to ensure that the requirements in the CKH Act have been met.

I am available to support this project to move it forward as quickly as possible to a public hearing.

Please let me know if you have any questions. I have included the LAFCO commissioners on Bcc on this email so they have the most current information, as well as the other representatives from the lighting and underground district, and Supervisor Kirk.

Thank you,

Quincy



County of Tuolumne Local Agency Formation Commission

Quincy Yaley, AICP
Executive Officer

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May 17, 2022

Dave Anders
Tuolumne City Sanitary District
18050 Box Factory Rd
Tuolumne, CA 95379

RE: Application Deemed Incomplete Pursuant to GOV §56658

Dear Mr. Anders,

We have reviewed the application for the "Consolidation of the Tuolumne City Sanitary District, the Tuolumne Park and Recreation District, and the Tuolumne Lighting District into the Tuolumne Community Services District. (LAFCo File No. LAF20-002)". In addition, staff has considered the comments and questions received during the two recent public workshops. As a result, we have identified the following project incomplete items that need to be addressed prior to issuance of a Certificate of Filing pursuant to GOV §56658(f) and scheduling the matter for Commission consideration.

1. Adoption of property tax exchange agreement resolution(s) pursuant to RTC §99(b).

Please note that a notice of application pursuant to RTC §99(b) was sent on May 17, 2022 to the County Assessor and Auditor, with a copy to the CAO and Board of Supervisors, to commence the process. Further, even if no exchange of property tax is proposed a resolution approving such agreement must be approved by the Board of Supervisors and submitted to LAFCO.

2. Provide a copy of the current permit(s) from any applicable regulatory authority for the wastewater treatment system and clarify the process to transfer such permit(s) to the District.
3. Provide a copy of the most recent compliance reporting to any applicable regulatory authority for the wastewater treatment system.
4. The application states that "any properties not in the new district currently receiving service by one of the three consolidating districts in the consolidated territory would be added to the district"-please provide the list of APNs that would be included in this category and what services are being provided.
5. Provide an estimated pro forma budget for three years after formation, detailing the revenue and expenses for the new CSD.

This should address operational and overhead costs, such as administrative staff services (oversight of public bidding/prevaling wages contracts, permit reporting requirements, any required Proposition 218 or 26 processes, etc.), liability insurance premium increases, and financial audit/reporting requirements. Annual contributions for capital needs should be addressed, such as a reserves budget line item.

6. Legal map meeting the requirement of the Board of Equalization. Any smaller services areas that will have separate Spheres of Influence require their own map. <https://www.boe.ca.gov/proptaxes/pdf/jurboundaryreq.pdf>.

The BOE may allow for existing maps on file to be submitted for the new CSD. Staff will work with the applicant and BOE to determine if existing mapping is adequate.

Once deemed complete, LAFCO will file a Certificate of Completion and schedule a public Approval Hearing within 90 days. After the Approval Hearing, there is a 30-day reconsideration period for protest filings. It is required that each registered voter and all affected agencies receive a notice of the protest period. At the end of 30 days, LAFCO will hold a protest hearing to review any submitted protest forms.

Upon issuance of a Certificate of Completion, LAFCO staff will schedule monthly meetings with the applicant to review the status of the project in preparation for the scheduled Approval Hearing.

Please note that all of the required items are specified to be submitted by the authority of the Cortese Knox Hertzberger Act.

Please feel free to contact me if you need additional information or have any questions.

Sincerely,



Quincy Yaley
Executive Officer

cc: Anaiah Kirk, Board of Supervisors, Chair
LAFCO Commissioners