

**MEMORANDUM
LOCAL AGENCY FORMATION COMMISSION**

TO: Local Agency Formation Commission

FROM: Stephen Lucas, Executive Officer

SUBJECT: 21-06 – Formation of Tuscan Water District – Time Extension

The Commission will consider a time extension for the recordation of the certificate of completion for the previously approved Tuscan Water District Formation application. The item is limited to the time extension question ONLY and will not include any discussion or action related to the previous approval or any future actions. **ACTION REQUESTED:** Consider and approve a one year extension of time to conclude the process.

DATE: January 25, 2023 for the meeting of February 2, 2023

Summary

The Butte Local Agency Formation Commission (LAFCO) adopted Resolution 11 2021/22 on February 3, 2022, approving the application for the formation of the Tuscan Water District, subject to a protest hearing and a landowner election.

The Protest Proceedings were concluded on April 5, 2022, and there was insufficient protest to terminate the formation application and therefore, an election was called.

Pursuant to the Commission direction (Section 4.E) of the adopting resolution, the Executive Officer, on behalf of the Commission, requested in his letter of April 7, 2022, that the Butte County Board of Supervisors direct the County Elections Official to conduct the necessary election.

LAFCo’s role was completed and the County Elections Official proceeded to conduct the mailed ballot election. On September 27, 2022, the County Elections Official posted a News Release stating that “due to concerns that were raised regarding whether adequate notice of the election was provided, the Elections Official has determined that the official canvass will not be conducted as scheduled, and no results will be certified at this time. A new election will instead be re-noticed and scheduled for a future date.”

Analysis

At this time, the Commission’s approval of the proposal is nearing one year ago. Government Code Section 57001 requires that if a certificate of completion for a change of organization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed terminated unless prior to the expiration of that year the commission authorizes an extension of time for that completion. The extension may be for any period deemed reasonable to the commission for completion of necessary prerequisite actions by any party.

Action Requested: Consider and approve a one year extension of time to conclude the process.

Attachments: A. Draft Resolution No. 16 2022/23

DRAFT

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF THE COUNTY OF BUTTE APPROVING A TIME EXTENSION FOR THE PROCESSING
OF THE TUSCAN WATER DISTRICT FORMATION APPROVAL, LAFCO FILE NO. 21-06**

RESOLVED, by the Local Agency Formation Commission of the County of Butte, State of California, that

WHEREAS, the Butte Local Agency Formation Commission (LAFCO) adopted Resolution 11 2021/22 on February 3, 2022, approving the application for the formation of the Tuscan Water District, subject to a protest hearing and a landowner election and received no requests for reconsideration pursuant to Government Code Section §56895; and

WHEREAS, the Conducting Authority Proceedings were delegated to, and conducted by, the Executive Officer and the Executive Officer held a protest proceeding concluding on April 5, 2022, resulting in insufficient protest to terminate the formation application; and

WHEREAS, the Executive Officer, on behalf of the Commission, requested in his letter of April 7, 2022, that the Butte County Board of Supervisors direct the County Elections Official to conduct the necessary election; and

WHEREAS, the Commission's initial role in formation was completed and the County Elections Official proceeded to conduct the mailed ballot election;

WHEREAS, On September 27, 2022, the County Elections Official posted a News Release stating that the Elections Official has determined that the official canvass will not be conducted as scheduled, and no results will be certified at this time. A new election will instead be re-noticed and scheduled for a future date.

WHEREAS, Government Code Section 57001 requires that if a certificate of completion for a change of organization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed terminated unless prior to the expiration of that year the commission authorizes an extension of time for that completion

NOW, THEREFORE, the Local Agency Formation Commission of the County of Butte **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

Section 1. General Findings and Determinations:

- a. The Commission approves a one year extension to the processing period for the formation of the Tuscan Water District, LAFCo File No. 21-06 to conclude on February 3, 2024.

PASSED AND ADOPTED by this Local Agency Formation Commission of the County of Butte, on the 2nd day of February 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINS:

Clerk of the Commission

BILL CONNELLY, Chair
Butte Local Agency Formation Commission