

Olivehurst Public Utility District



Agenda Item Staff Report

Meeting Date: August 15, 2019

Item description/summary:

Consider approving Resolution of Application for Yuba LAFCO application on the sphere of influence amendment and annexation of the areas known as the Industrial, Sports and Entertainment Zones.

We have been working on the LAFCO application for several months now and this resolution is one of the last pieces we need to submit the application and begin the LAFCO process. Along with the resolution number 2347 are exhibits "A" and "B" which are the official annexation maps and the general Plan for Services respectively.

Fiscal Analysis:

N/A

Employee Feedback

None

Sample Motion:

Move to approve OPUD Resolution 2347 for application to Yuba LAFCO to start the sphere amendment and annexation process on the Industrial, Sports and Entertainment Zones.

Prepared by:

John Tillotson, P.E., General Manager

**BEFORE THE BOARD OF DIRECTORS
OF THE
OLIVEHURST PUBLIC UTILITY DISTRICT**

RESOLUTION NO 2347

Resolution of the Board of directors of the Olivehurst Public Utility District requesting the Yuba Local Agency Formation Commission to take proceedings for the annexation for the area identified as the Industrial, Sports and Entertainment Zones (See Exhibit "C", annexation maps). Additionally, OPUD is requesting a Sphere of Influence (SOI) amendment for the Parks and Recreation, Wastewater and Water within certain parcels that we wish to annex that are not currently in our SOI.

Resolved by the Board of Directors of the Olivehurst Public Utility District that:

WHEREAS, the Olivehurst Public utility District desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for the annexation (*and Sphere of Influence Amendment*); and

WHEREAS, at the time and in the manner provided by law, the General Manager gave notice of the date, time, and place of a public hearing by the District Board of Directors to initiate these proceedings; and

WHEREAS, a notice of intent to adopt this resolution of application has not been given to each interested agency; and

WHEREAS, the County of YUBA has adopted Resolution 2004-157, a master property tax sharing agreement, on October 26, 2004 and OPUD agrees and affirms no share of base tax revenue and annual tax increment shall be exchanged as a result of this annexation (See Exhibit A).

WHEREAS, there are no affected cities or districts within the meaning of Subdivision (2) of Section 56700 of the Government Code; and

WHEREAS, the OPUD board of directors find the annexation territory is uninhabited meaning there are fewer than 12 registered voters residing within the annexation territory.

WHEREAS, this proposal is not consistent with the sphere of influence of the Olivehurst Public Utility District the District is concurrently applying for a Sphere of Influence amendment for Parks and Recreation, Wastewater and Water; and

WHEREAS, it is desired to provide that the proposed annexation be subject to the following terms and conditions:

1. All costs incurred to complete the annexation including but not limited to Yuba LAFCo, Yuba County, and the State Board of Equalization costs will be born by the property owner(s) and (or) district.
2. All impact mitigation fees will be applied to any development on this property after the completion of the annexation.
3. Properties in the proposed area to be annexed be subject to capacity fees established by District; and

WHEREAS, the reasons for the proposed annexation are as follows;

1. The annexation of Industrial, Sports and Entertainment Zones will allow the Olivehurst Public Utility District to provide enhanced water, wastewater and parks services to the area that has no other means of acquiring such services.
2. Commercial growth in these areas requires this infrastructure. The growth will provide jobs and services to the community; and

WHEREAS, the Board of the Olivehurst Public Utility District has reviewed the 2030 General Plan and relevant environmental documentation and finds that no further environmental review is needed since the district intends to use the 2030 Yuba County general plan environmental documentation to satisfy the CEQA requirements for the proposed minor sphere amendment and annexation; and

WHEREAS, in accordance with Government Code Section 56653, the Board hereby adopts a Plan for Services for this proposed annexation and minor Sphere of Influence amendment to include certain properties into OPUD’s Park and Recreation, Water and Wastewater Sphere of influence attached hereto as Exhibit “B”; and

Now, therefore, this Resolution of Application hereby adopted and approved by the Board of Directors of the Olivehurst Public Utility District and the Yuba Local Agency Formation Commission is hereby requested to take proceedings for the property identified in Exhibit C (including Sheets 1 through 4) according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 2000.

PASSED AND ADOPTED by the Board of Directors as a Resolution of the Olivehurst Public Utility District at a regular Board Meeting held on the 15th day of August, 2019 by the following vote:

AYES: _____
 (name)

 (name)

 (name)

 (name)

 (name)

NOES: _____

ABSENT: _____

ABSTAIN: _____

ATTESTED: _____
 (name & title)

DATED: _____

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RESOLUTION NO. 2004-157

MASTER PROPERTY TAX REVENUE EXCHANGE RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA TO ESTABLISH A DISTRIBUTION OF PROPERTY TAX REVENUE ON ANNEXATIONS AND DETACHMENTS OF PROPERTY TO THE OLIVEHURST PUBLIC UTILITY DISTRICT

WHEREAS, under the provisions of Proposition 13 adopted in 1978, the distribution of property taxes within each county became the responsibility of the County Board of Supervisors; and

WHEREAS, Proposition 13 failed to make any provision for the redistribution of these taxes, as a result of reorganization of cities and districts within the County; and

WHEREAS, Revenue and Taxation Code Section 99(b) designates the Yuba County Board of Supervisors as the agency responsible for deciding what sort of property tax revenue exchanges should occur in the case of special district annexations and detachments with the County; and

WHEREAS, a resolution must be adopted establishing the extent and nature of property tax exchanges before any annexation or detachment is complete; and

WHEREAS, the Board of Supervisors has consulted with the Olivehurst Public Utilities District pursuant to Revenue and Taxation Code Section 99 (b) (5).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of Yuba as follows:

1. All exchanges of property tax revenue for special district annexations and detachments shall be governed by this resolution;
2. The exchange of property taxes shall be effective beginning any roll year only if the special district annexation or detachment has been completed and approved by the State Board of Equalization prior to December 1st of the preceding year;
3. Regarding the property tax revenue exchange for special district annexations, no share of property tax revenue (including base tax revenue and annual tax increment) belonging to the County or any taxing agency within the subject territory shall be exchanged with the annexed special district as a result of the annexation;

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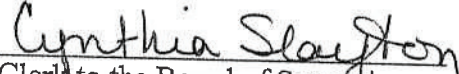
4. Regarding the property tax revenue exchange for special district detachments, any share of property tax revenue (including base tax revenue and annual tax increment) belonging to the detached property shall be distributed to the County and to all of the other taxing agencies within the subject territory based on their share of property tax revenue within the subject tax rate area.

5. The Yuba County Auditor-Controller is hereby directed to distribute the property tax revenues for the taxing agencies within the subject annexation or detachment area in accordance with this resolution.

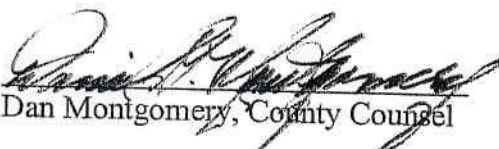
The foregoing master property tax revenue exchange resolution was passed and adopted at a Regular meeting of the Board of Supervisors of the County of Yuba held on the 26th day of OCTOBER, 2004, by the following vote:

AYES:	SUPERVISORS LOGUE, SIMMONS, GRIEGO, SCHRADER, STOCKER
NOES:	NONE
ABSENT:	NONE
ABSTAIN:	NONE


 BILL SIMMONS, CHAIRMAN
 YUBA COUNTY BOARD OF
 SUPERVISORS

ATTEST: 
 Clerk to the Board of Supervisors
 CYNTHIA SLAYTON, DEPUTY CLERK

APPROVED AS TO FORM:


 Dan Montgomery, County Counsel

The foregoing instrument is a Correct Copy
 of the original on file in this office
 ATTEST: DONNA STOTTEMEYER
 Clerk of the Board of Supervisors of the
 County of Yuba, State of California

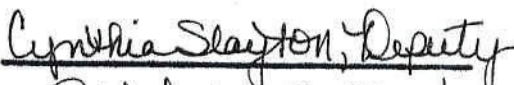
By 
 Date: October 27, 2004

Exhibit B

Olivehurst Public Utility District
Plan for Services
for
The Proposed Annexation
of
The Industrial, Sports and Entertainment Zones

As required by government code §56653 this describes a general plan for services to the proposed area to be annexed. The District proposes to provide water, wastewater and parks services to this area.

1. Currently there are no existing water, wastewater or parks services to the proposed area. OPUD proposes to provide these services to the affected area and available to all parcels within the area.
2. OPUD proposes to provide a full level of water and wastewater services to the affected area. Parks service would be as needed and feasible within this mostly all commercial area.
3. Our estimated time-frame for completing the construction of water and wastewater infrastructure to the affected area is about 2 years (summer of 2021).
4. Water and wastewater infrastructure including water treatment plant, water distribution system and wastewater collections system would all be installed new and generally installed within County right-of-way in the existing roads so each parcel would have access to the services.
5. The District has started an application with USDA for a grant for the design and construction of these services. Additionally, other local agencies have expressed interest in providing grants/loans for the lack or shortfall of the USDA scenario. Loan servicing would be addressed by area-specific capacity fees for the services.