

Lake Local Agency Formation Commission

Regular Meeting Agenda

July 16, 2014 -- 9:30 am

City of LAKEPORT – City Council Chambers
225 Park Street, Lakeport , California

“Lake LAFCo oversees orderly development and protects natural resources and agricultural lands”

Commissioners

Ed. Robey, Chair (Public Member)
Frank Gillespie (Special District Member)
Denise Loustalot , (City Member)
Stacey Mattina, Vice Chair (City Member)
Gerry Mills, (Special Dist. Member)

Alternates

Jeff Smith (County Alternate)
Martin Scheel (City Alternate)
Jim Abell, (Spec. District Alternate)
Suzanne Lyons (Public Alternate)

Denise Rushing (County Member)
Jim Comstock (County Member)

Staff

John Benoit, Executive Officer
P. Scott Browne, Legal Counsel
Vacant, Clerk to the Commission

1. **Call to Order – Roll Call**
2. **Election of a LAFCo Chair and Vice-Chair for Fiscal Year 2014-2015.**
 - a. *Election of Chair*
 - b. *Election of Vice Chair*

3. **Approval of Minutes** – May 21, 2014 minutes

4. **Public Comment**

This is the time for the public to address the Commission on any matter not on the agenda. Testimony related to an item on the agenda should be presented at the time that item is considered.

5. **Consent Agenda**

Action: Review and authorize payment of expenses for May and June 2014

Public Hearings:

6. **Public Hearing regarding the Service Review and Sphere of Influence for the East Lake and West Lake Resource Conservation Districts (RCD)**
 - a. *Review Executive Officer's Report, Conduct Budget Hearing on RCD Service Review and Sphere of Influence and consider the following:*
 1. *Consider Resolution 2014-0005 adopting a Service Review for RCD services provided by the East Lake RCD and West Lake RCD.*
 2. *Consider Resolution 2014-0006 adopting a Joint (Consolidated) Sphere of Influence for the East Lake and West Lake RCD's.*
7. **Consider adopting a policy of when LAFCo acts as a CEQA lead agency and consider Resolution 2014-0007 thereby amending LAFCo's CEQA Guidelines.**
 - a. *Receive Executive Officer's report and consider Resolution 2014-0007 amending LAFCo's CEQA guidelines regarding payment of additional CEQA costs.*

Action Items:

8. **2014 Biennial Conflict of Interest Code Review.**
 - a. *Review Conflict of Interest Code for Lake LAFCo and authorize Executive Officer to sign the 2014 Local Agency Biennial Notice and return to the Lake County Clerk Auditor*
9. **Watershed Protection District Service Review Committee Report. (The Public Hearing regarding the Service Review for the Watershed Protection District has been continued to 9:30 am September 17th 2014 at Clearlake City Hall in Clearlake)**
 - a. *Receive Report from the Watershed Protection District Service Review Committee*
10. **Calafco Achievement Awards Nominations**
 - a. *Consider a Calafco Achievement Award Nomination*
11. **Nominations for Calafco Board of Directors**
 - a. *Consider a nomination of a City or Public Member to the Calafco Board*
12. **Authorize Commissioners and Staff to attend the Calafco Annual Conference in Ontario on October 15-17, 2014**
 - a. *Authorize Commission and Staff to attend the Calafco Annual Conference in Ontario on October 15-17.*
13. **Appoint Voting Member and Alternate Voting Member to vote on behalf of Lake LAFCo at the 2014 Annual CALAFCo Conference in Ontario.**
14. **Executive Officer's report**
 - a. *Minnie Cannon Annex to the Callayomi Co. Water District and other CCWD Annexations.*

- b. *City of Clearlake Service Review*
- c. *Fire Service Review*
- d. *Groundwater management and other water supply legislation*
- e. *LAFCO Clerk*

15. Commissioner Reports

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters.

16. Correspondence

17. Adjourn to LAFCO’s next regular meeting: Wednesday September 17, 2014 in Clearlake

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.



Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1

Public Comment

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 of interest to the public and 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.

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission 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.

Agenda Materials

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda are available for review for public inspection at the City of Lakeport and City of Clearlake Community Development Departments office located at City Hall in Lakeport and Clearlake [such documents are also available on the Lake LAFCO website as noted below to the extent practicable and subject to staff’s ability to post the documents prior to the meeting].

Accessibility

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting.

The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Lake LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.

A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff LAFCO staff may be contacted at (707) 592-7528 or by mail at Lake LAFCO c/o John Benoit, Executive Officer P.O. Box 2694, Granite Bay, CA 95746 or by email at johnbenoit@surewest.net or by fax at (916) 797-7631. Agenda items are located on the Lake LAFCo Webpage at www.lakelafco.org

**LAKE LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING
May 21, 2014**

PRESENT:

Ed. Robey, Chair (Public Member)
Frank Gillespie (Special District Member)
Denise Loustalot, (City Member)
Stacy Mattina, Vice Chair (City Member)
Gerry Mills, (Special Dist. Member)
Denise Rushing (County Member)
Jim Comstock (County Member)

ALSO PRESENT:

Jeff Smith (County Alternate)
Martin Scheel (City Alternate)
Jim Abell, (Spec. District Alternate)
Suzanne Lyons (Public Alternate)
John Benoit, Executive Officer
P. Scott Browne, Legal Counsel
Christy Leighton, Temporary Clerk

1. Call to Order – Roll Call

The meeting was called to order at 9:30 a.m. There was a quorum present.

2. Approval of Minutes – March 19, 2014 minutes

On a motion by Commissioner Gerry Mills, second by Commissioner Jim Comstock, it was voted to approve the minutes as presented with Commissioners Comstock, Gillespie, Loustalot, Mattina, Mills and Robey in favor, Commissioner Rushing absent.

Commissioner Frank Gillespie left the meeting and Alternate Commissioner Jim Abell took his place.

3. Public Comment

Betsy Cawn recommended that everyone read “50 Years of LAFCo’s” published on the internet by the Senate Committee on Local Government. Available on the CALAFCo website: <http://calafco.org/index.php/2-uncategorised/111-calafco-u-course-announced>

4. Consent Agenda--Action: Review and authorize payment of expenses for March and April 2014

The Consent Agenda items were reviewed by the Commission. On a motion by Commissioner Gerry Mills, second by Commissioner Stacy Mattina, it was voted to approve the Consent Agenda with Commissioners, Abell, Comstock, Loustalot, Mattina Mills and Robey in favor, Commissioner Rushing absent.

Commissioner Rushing arrived and joined the meeting.

Public Hearings:

5. Public Hearing regarding the Service Review for the Watershed Protection District

- a. *Receive Executive Officer's Report, review the hearing draft Service Review, conduct public hearing and receive public comment.*
- b. *Consider LAFCo Resolution #2014-0002 adopting a Service Review and determinations for the Watershed Protection District.*

Executive Officer, John Benoit, presented the Executive Officer's Report on the Watershed Protection District Service Review. He noted that the District was transformed by SB 1136 which amended the State Water Code in 2004. The Watershed Protection District covers the whole County and has numerous tasks including Lakebed Management, Protection of Groundwater, Protection of Aquatic Plants, and the Clean Water Program.

The District is considered a “Dependent Special District” as defined in Section 56032.5 of the California Government Code because the Board of Supervisors is the Board of this District. A change to an elected Board of Directors would require a change in the State Law.

John Benoit noted that the Lake County Public Works Director, Scott DeLeon, was in charge of the District and spends 25% of his time on the District. He is assisted by the Public Works staff, County Counsel, County Auditor for a total of 6.75 full-time staff equivalent positions. John Benoit reviewed the Determinations in detail and noted that the District's website could be improved to provide a clearer picture of the District's functions, goals, and effectiveness. He also noted that the funding for various District projects was listed in different places within the County Budget. The audit for the District was not separate but was part of the over-all County audit.

The Public Hearing was opened by Chair Ed Robey.

Betsy Cawn stated that the public had insufficient time to review the Watershed Protection District Service Review because it was only available on the Lake LAFCO website as of May 15, 2014, five days before the Public Hearing.

Mike Dunlap stated that he did not understand why the Watershed Protection District was a "dependent" district and why it would take an act of the State Legislature to change the Board of Directors to a separate elected board. He does not think that the District is well managed and agrees that the website is unclear. He agrees that the District Budget is hard to understand and that a separate audit should be required. He thinks that the District should use the power of eminent domain to correct inappropriate land uses.

Lolita Adrien stated that she hopes that the Watershed Protection District will become more visible and that people will understand the use of tax funds. She thinks that the District needs to invest in public outreach. She agrees that there is a need for a separate Budget for the Watershed Protection District and she wants the District to show what they do with more publicity for the various projects.

Dallas Cook stated that she had lived in Lake County for 24 years but only became aware of Lake LAFCO in 2006. She does not understand science but hopes that the Watershed Protection District will invest in outreach and marketing because there is a tax measure on the Ballot for the June 3, 2014 election.

James Brown stated that he wants the Tribal Governments included in any public outreach campaigns.

Betsy Cawn submitted a lengthy comment letter and spoke about some of the more important comments. She would like to see the Determinations strengthened and thinks that Lake LAFCO should require the District to prepare a Strategic Plan. She wanted the Service Review to clearly explain the relationship of the District with the cities, the County, and the Clean Water Program. She criticized the Board of Supervisors for meeting "concurrently as the Board of Supervisors and the Board of the Watershed Protection District" rather than meeting separately for each function.

Betsy Cawn criticized the inclusion of information on the volunteer Resource Management Committee on page 12. She agreed that the Watershed Protection District website was not adequate and said that this should be emphasized more in the Service Review. She felt that the contributions of volunteers should be recognized.

Scott DeLeon commented to clarify that Betsy Cawn is a volunteer with the Community Development Department.

Betsy Cawn stated that the Watershed Protection District needed a separate Budget that included all programs under the District and that a separate audit should be done. She discussed the importance of working together with other watershed protections groups as noted on page 23. She noted the importance of citizen committees and said that citizen participation was stressed in the OPR "LAFCO Municipal Service Review Guidelines." She noted that there is now a Facebook page for special districts in Lake County.

Suzanne Lyons stated that the Watershed Protection District had no public information and out-reach because it was too expensive. People were referred to the website but sometimes people need other forms of information. She had heard Scott DeLeon make a presentation on Measure L but more needs to be done. She is still confused about the Watershed Protection District and requested that the MSR be delayed until the District activities and programs can be clarified.

Alan Flora from the Lake County Administrator's Office stated that the purpose of the MSR was for an analysis of the Sphere of Influence change or update. It is a challenge to provide information to the public because it costs money. He states that the budget decisions are made by the elected Board of Supervisors as they see fit. The County has an elected auditor and there is no need for a separate audit. He felt that the accounting comments on pages 17-18 were not correct and that the County meets all the requirements of the State Code. There is no "double counting" of revenue. He recommend deletion of determinations 4-4 and 4-5.

Tom Slaight stated that he has spoken at the Board of Supervisors but he is ignored by County government.

Carter Irwin stated that he is interested in water and money and he wants the MSR to be held over for further consideration. He does not approve of the Board of Supervisors sitting concurrently as the Board of Supervisors and the Board of the Watershed Protection District. He wants to see a separate audit of the Watershed Protection District.

Tom Slaight stated that Lake County has a credibility problem.

Betsy Cawn stated that it is within LAFCO's purview to ask financial questions.

Eva Johnson wants the public to understand what is going on. She requested a flow chart showing how all the organizations and programs mentioned relate to each other.

Mike Dunlap requested that all of Betsy Cawn's written comments be read out loud.

The Commission discussion was opened.

Commissioner Denise Rushing stated that she wanted this MSR and that it is a difficult area to understand. There is a need for public information and clarification. She stated that the Lakebed Management Budget was \$251,000 which was relatively small and when funds are tight, public outreach is the first thing to be cut back. It is expensive in staff time and funding to manage volunteers and that sometimes a volunteer might need to be fired just like an employee.

Commissioner Rushing asked Counsel Scott Browne if the Watershed Protection District could levy taxes or fees. Counsel Browne replied that taxes would require a vote according to Proposition 218 and that fees would require a protest hearing according to Proposition 218.

Commissioner Rushing questioned the need for a separate Board of Directors. She noted that the Board of Supervisors had to function in numerous capacities such as the Board of LACOSAN and she felt that they were knowledgeable and could handle the different responsibilities adequately. Counsel Browne emphasized that it would take an act of the Legislature to change the Board of Directors from the Board of Supervisors.

Commissioner Rushing recommended that all citizens become involved in land use planning because planning decisions really made a difference in the County.

The Commission directed John Benoit to add the comments to the MSR and bring it back to the next meeting. The Commission continued the Public Hearing to July 16, 2014 at 9:30 a.m. at the Lakeport City Hall.

The Chairman called for a 15 minute break and the meeting resumed after the break.

The Public Hearing was reopened and the Commission agreed to continue the Public Hearing to September 17, 2014 at 9:30 a.m. at the Clearlake City Hall.

6. **Public Hearing Regarding an amendment to LAFCo's adopted policies to include a policy regarding Disadvantaged Unincorporated Communities (DUCs).**
 - a. *Receive Executive Officer's Report and conduct public hearing.*
 - b. *Consider Resolution 2014-0003 adding section 2.19 Disadvantaged Unincorporated Communities to LAFCo's Policies, Standards and Procedures*

Executive Officer John Benoit presented a brief report on the proposed DUC Policies. The Public Hearing was opened. There were no comments from the public. The Public hearing was closed.

On a motion by Commissioner Jim Comstock, second by Commissioner Stacy Mattina, it was unanimously voted to adopt Resolution 2014-003 with Commissioners Abell, Comstock, Loustalot, Mattina, Mills, Rushing and Robey in favor and none opposed.

7. Public Hearing regarding the 2014-2015 Lake LAFCo Final Budget.

- a) *Review Executive Officer's Report, Conduct Budget Hearing on the Final 2014-2015 Lake LAFCo Budget and Consider Resolution 2014-0004*

Executive Officer John Benoit presented a report on the Proposed Budget for 2014-15. The Public Hearing was opened. There were no comments from the public. The Public hearing was closed.

On a motion by Commissioner Jim Comstock, second by Commissioner Denise Rushing, it was unanimously voted to adopt Resolution 2014-004 with Commissioners Abell, Comstock, Loustalot, Mattina, Mills, Rushing and Robey in favor and none opposed.

Action Items:

8. **Appreciation for the work performed by the Watershed Protection (District) Service Review Committee having completed their task as a Committee.**
 - a) *Thank the individuals who served on the MSR committee for having completed their task*
 - b) *Since the MSR committee has completed its task, abolish the MSR Committee.*

The Commission agreed that the Committee was greatly appreciated.

Suzanne Lyons stated that the Committee should continue and that the hours of volunteer service could be used as match for a grant.

Betsy Cawn stated that the Committee could assist with the upcoming MSR on the Resource Conservation Districts.

Mike Dunlap stated that the Committee should continue until the MSR is revised and adopted.

Martin Scheel cautioned that the Public Hearing was continued to September 17, 2014.

Commissioner Rushing noted that the Lakebed Management Budget was relatively small at \$251,000. She thought that the Committee's work was done unless someone could provide the diagram of groups and programs mentioned by Eva Johnson.

Commissioner Comstock thought that the Committee's work was done.

Jeff Smith suggested that the Committee remain viable until the MSR is adopted.

Betsy Cawn suggested that the Commission examine the Ventura County Flood Control website for ideas regarding citizen involvement.

The Commission agreed by consensus that the Committee should continue until the MSR is adopted.

Commissioner Rushing left the meeting.

9. Discussion regarding the CALAFCO Annual Workshop in Berkeley on April 23-25, 2014

Executive Officer John Benoit and Counsel Scott Browne discussed the Workshop and John Benoit gave each Commissioner a chart showing the history of LAFCO. John Benoit noted that different LAFCOs can have very different approaches depending on the Executive Officer. Scott Browne reported that Shasta LAFCO had been sued for failing to prepare MSRs and the Court stated that they had to prepare them.

10. Acknowledgement and appreciation for Lora Ceccon for assisting Lake LAFCo in providing LAFCo Clerk Services since November 2001.

The Commission agreed that Lora Ceccon should be thanked for her many years of assistance to Lake LAFCo.

John Benoit asked that the Commissioners recommend someone to him who could be hired to take minutes in the future.

11. Executive Officer's report

a. Minnie Cannon Annex to the Callayomi Co. Water District

John Benoit noted that the District and the County were working on the tax exchange resolution and when it was ready the annexation could move forward.

b. City of Clearlake Service Review

John Benoit noted that the City of Clearlake had completed the EIR on the General Plan and that comments were due June 30, 2014. This City had a hearing on the EIR scheduled for Saturday, May 24, 2014.

c. Fire Chief's Association and Fire Service Reviews

John Benoit noted that the fire districts have 19 ambulances available to the County and this investment should be protected if possible.

d. RCD's Service Review

e. Meeting with the HVLCSD staff and the Hidden Valley Lake Service Review

12. Commissioner Reports

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters.

There were no Commissioner Reports.

13. Correspondence

a. City of Clearlake General Plan EIR Notice of Completion: Comments due June 30, 2014

14. Adjourn to LAFCO's next regular meeting: Wednesday July 16, 2014 in Lakeport

The meeting was adjourned at 12:30 p.m.

Lake Local Agency Formation Commission

CLAIMS

May 2014 and June 2014

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
June 1, 2014	Staff Services May 2014	\$ 4,799.00
June 1, 2014	Special Projects – May 2014 RCD/WPD MSR/SOI	\$ 4,747.87
4.16-14 to 5.15.2014	Browne- Legal	\$ 500.00
July 1, 2014	Staff Svcs May 2014	\$ 4,590.67
July 1, 2014	Special Projects RCD and WPD Fire MSR	\$ 1,651.50
May 21, 2014	Commission Mtg. Stipend	\$ 660.00
5.16-14 to 6.15-14	Browne Legal	\$ 1,750.00
June 20, 2014	Notice:WPD, DUCS and CEQA	\$ 72.06
July 1, 2014	Calafco Dues for FY 2014-2015	\$ 769.00
TOTAL:		\$ 19,540.10

DATED: July 16, 2014

APPROVED: July 16, 2014

Ed Robey, Chair or Stacey Mattina Vice-Chair
Lake Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

Resolution 2014-0005 of the
Lake Local Agency Formation Commission

Approving a Municipal Service Review of Services Provided by the East Lake and West Lake Resource Conservation Districts and Adopting Written Determinations Thereon

WHEREAS, California Government Code Section 56425 requires that a Local Agency Formation Commission ("LAFCO") adopt and periodically review Sphere of Influence Plans for all agencies in its jurisdiction; and,

WHEREAS, California Government Code Section 56430 requires that a LAFCO conduct a review of the municipal services provided by and within an agency prior to updating or adopting its Sphere of Influence Plan; and,

WHEREAS, the Sphere of Influence Plan is the primary planning tool for LAFCO and defines the probable physical boundaries and service area of a local agency as determined by LAFCO; and,

WHEREAS, on April 17, 2002, the Commission adopted its Work Plan and included a schedule for initiation of Municipal Service Reviews (MSRs) and Spheres of Influence; and

WHEREAS, the Commission adopted guidelines for conducting MSRs, which applies to this MSR for services provided by the East Lake and West Lake Resource Conservation Districts; and,

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission for services provided by the East Lake and West Lake Resource Conservation Districts, including approval of the report and adoption of the written determinations contained therein; and,

WHEREAS, the Commission hereby determines that the hearing draft of the Municipal Service Review for services provided by the East Lake and West Lake Resource Conservation Districts and written determinations contained therein will provide information for updating the Sphere of Influence for the East Lake and West Lake Resource Conservation Districts, and is otherwise consistent with the purposes and responsibility of the Commission for planning the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities; and,

WHEREAS, in making this determination, the Commission has considered the documentation on file in this matter; and,

WHEREAS, the Commission has heard all interested parties desiring to be heard and has considered the proposal and report by the Executive Officer and all other relevant evidence and information presented at said hearing;

NOW, THEREFORE, the Lake Local Agency Formation Commission hereby resolves, orders and determines the following:

- 1) The Municipal Service Review for Services provided by the East Lake and West Lake Resource Conservation Districts, attached hereto as Exhibit A, is approved and the written determinations presented in the Municipal Service Review report are hereby adopted.

2) LAFCO staff is further ordered to forward copies of this resolution containing the adopted Municipal Service Review to the East Lake and West Lake Resource Conservation Districts.

The foregoing resolution was duly passed by the Lake Local Agency Formation Commission at a regular meeting held on July 16, 2014, by the following roll call vote:

Ayes:

Noes:

Absentions:

Absent:

Signed and approved by me after its passage this 16th day of July, 2014.

Edward Robey, Chair, Lake LAFCO
or Stacey Mattina, Vice-Chair, Lake LAFCO

Attest:

John Benoit, Executive Officer
LAKE LOCAL AGENCY FORMATION COMMISSION,

LAKE LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving A Sphere of Influence Update for the East Lake and West Lake Resource Conservation Districts

WHEREAS, Government Code Section 56425 requires each Local Agency Formation Commission to adopt and periodically review and update a sphere of influence for each local governmental agency within its jurisdiction; and

WHEREAS, the Lake Local Agency Formation Commission, in compliance with the aforementioned requirement, is providing a “plan for the probable physical boundaries and service area” for the East Lake and West Lake Resource Conservation Districts; and

WHEREAS, the Commission has set the initial hearing date of July 16, 2014 for the update of the Sphere of Influence for the East Lake and West Lake Resource Conservation Districts and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56150, *et seq.*; and

WHEREAS, the Commission has heard and adopted a Municipal Services Review of services provided by the East Lake and West Lake Resource Conservation Districts in accordance with Gov. Code section 56430; and

WHEREAS, the Commission has reviewed and considered the proposed Sphere of Influence update report and the proposed Sphere of Influence Update Map which are attached hereto and incorporated herein; and

WHEREAS, Lake LAFCO prepared and a notice of exemption for such action; and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the proposed Sphere of Influence update, including, but not limited to, those factors specified in Government Code Section 56425, *et seq.*, and has heard from interested parties and considered requests for amendment and/or revision of the proposed updated sphere boundary, if any;

NOW, THEREFORE, BE IT RESOLVED that the Lake Local Agency Formation Commission does hereby find and determine as follows:

1. That the proposed sphere of influence update with respect to the East Lake and West Lake Resource Conservation Districts complies with the provisions of Government Code Section 56000, *et seq.*
2. The Commission hereby adopts a combined (consolidated) Sphere of Influence for the East Lake and West Lake RCD. This sphere is to be county-wide.
3. That no significant protests have been received regarding the establishment of this Sphere of Influence update.
4. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Study are attached hereto and incorporated herein.
5. The Commission has reviewed and adopts a Notice of Exemption prepared for this Sphere of Influence update and makes a specific finding that there is no substantial evidence in light of the whole record before Lake Local Agency Formation Commission that this Sphere Update for the East Lake and West Lake Resource Conservation Districts may have a significant adverse effect on the environment.
6. Pursuant to Government Code Section 56425 (i) the East Lake and West Lake Resource Conservation Districts is authorized to provide resource conservation services within the territory set forth in Attachment “A” (countywide).

7. That the Sphere of Influence Update Report, Executive Officer's Report, and Map for the East Lake and West Lake Resource Conservation District's combined, consolidated and updated Sphere is hereby adopted and approved as set forth in Attachment "A".

The foregoing resolution was duly passed by the Lake Local Agency Formation Commission at a regular meeting held on July 16, 2014, by the following roll call vote:

Ayes:

Noes:

Absentions:

Absent:

Signed and approved by me after its passage this 16th day of July, 2014.

Edward Robey, Chair or Stacey Mattina, Vice-Chair, Lake LAFCO

Attest:

John Benoit, Executive Officer
LAKE LOCAL AGENCY FORMATION COMMISSION

Resolution 2014-0007
of the
Lake Local Agency Formation Commission

Lake County, California

*A Resolution of the Lake Local Agency Formation Commission
amending its CEQA guidelines to include a policy regarding payment of additional CEQA
costs for Sphere of Influence Updates*

RESOLVED, the Lake Local Agency Formation Commission in the County of Lake, State of California, that

WHEREAS, the California Environmental Quality Act (CEQA) Guidelines require all California Public Agencies to comply with the environmental review requirements set forth in the statute and CEQA Guidelines; and

WHEREAS, the California Public Resources Code and CEQA Guidelines require each public agency including Lake LAFCO to develop local procedures for compliance with the requirements of CEQA; and

WHEREAS, Lake LAFCO is required to periodically update Spheres of Influence for agencies subject to its jurisdiction; and

WHEREAS, Lake LAFCO adopted CEQA guidelines on September 18, 2002 and adopted Resolution 2002-04; and

WHEREAS, the Commission has reviewed, revised and considered alternative policy statements regarding the payment of CEQA costs when LAFCO prepares a Sphere of Influence Update at its March 19, 2014 meeting; and

WHEREAS, this Commission has called for and held a Public Hearing and considered an amendment to its CEQA guidelines on July 16, 2014 and at the meeting this Commission received all oral and written comments with respect to the proposed CEQA Guidelines and the report of the Executive Officer.

NOW, THEREFORE, the Lake Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The Lake Local Agency Formation Commission hereby adopts the following CEQA guideline policy regarding payment of CEQA costs regarding Sphere of Influence Updates:

"It is the policy of Lake LAFCo to use previously certified environmental documents to satisfy CEQA requirements for Sphere of Influence updates.

LAFCo shall consider a Sphere of Influence update recommendation by the Executive Officer. Upon concurrence of the Commission, should an agency desire to include additional or different territory in its Sphere of Influence all additional CEQA costs must be paid by that agency prior to the Commission approving the Sphere of Influence Update. In the case where agencies have previously prepared an environmental review including different or additional territory, encourage an application be submitted to LAFCo by the agency for a sphere of influence update."

2. This CEQA guideline policy shall be included as part of the Lake LAFCo CEQA processing guidelines as Section III C (5) *Sphere of Influence Update Costs*

The foregoing resolution was offered at a Regular Meeting of the LAKE LOCAL AGENCY FORMATION COMMISSION on the 16th day of July 2014 and adopted by the following vote of the Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

Ed Robey, Chair or Stacy Mattina, Vice-Chair
Lake Local Agency Formation Commission

ATTEST:

John Benoit, Executive Officer
Lake Local Agency Formation Commission

Lake Local Agency Formation Commission

Memorandum

July 16, 2014

TO: LAFCo Commissioners

FROM: John Benoit, Executive Officer

SUBJECT: Conflict of Interest Code.

Attachments: Lake LAFCO's Conflict of Interest Code
2014 Local Agency Biennial Notice

Government code section 87300 et. seq. (the Political Reform Act) requires each local government agency to keep a conflict of interest code and update it to reflect changes that occur in the organization of an entity. The Local Agency Formation Commission (as well as other local agencies) is required to review and amend its Conflict of Interest code on even-numbered years. A biennial notice is normally sent out by the County Clerk or other official designated by the Board of Supervisors during the summer of even numbered years to each agency required to review its Conflict of Interest Code. After review or approval of the Conflict of Interest Code, LAFCO is required to submit any proposed changes to the Board of Supervisors acting as the code reviewing body.

Government code section 87311 requires review of a conflict of interest code to be carried out under procedures which guarantee to officers, employees, members and consultants of the agency and to residents of the County adequate notice and a fair opportunity to present their views. A conflict of interest code was adopted on March 20, 2002. To engage the public, a notice of Public Hearing was published prior to LAFCO adopting amending its conflict of interest code (which was included in LAFCo's Bylaws). Since that time LAFCO has found no amendments to that code necessary.

Recommendation:

Direct the Executive Officer to sign and transmit the 2014 Local Agency Biennial Notice to the County Clerk (or person designated by the Board of Supervisors) declaring LAFCO has reviewed its Conflict of Interest code and no amendment is required at this time.

John Benoit, Executive Officer johnbenoit@surewest.net
P.O. Box 2694 Granite Bay, CA 95746
(707) 592-7528 ph. (916) 797-7631 fax.

**Lake Local Agency Formation Commission
LAFCO Bylaws**

Appendix 3

**Lake County
Local Agency Formation Commission**

Conflict of Interest Code

The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted Title 2, California Code of Regulations, Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings conducted by the Fair Political Practices Commission. Therefore, the terms of Title 2 California Administrative Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the following list of designated and disclosure requirements constitute the Conflict of Interest Code of the Local Agency Formation Commission of Lake County.

Designated officers and employees shall file Statements of Economic Interest (Form 730) with LAFCO, who will retain copies, and forward the original Statements for all Commissioners and the Executive Officer to the Lake County Clerk. The original statements for all other designated employees will be retained by LAFCO.

Designated Employees and Disclosure Requirements

Designated officers and employees include the following:

- A) All members and alternate members of this Commission
- B) The Executive Officer
- C) Legal Counsel to the Commission
- D) Consultants employed by the Commission. The Chair of the Commission may determine in writing that a particular consultant, although a "designated employee," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this Code. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Designated employees and officers shall disclose the following:

All investments, sources of income or interests in real property within the Lake Local Agency Formation Commission jurisdiction and business positions in which the designated employee or officer is a director, officer, partner, trustee, employee or holds any position of management, and

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which business does any contracting with the Local Agency Formation Commission, or which is located within the Local Agency Formation Commission jurisdiction.

2014 Local Agency Biennial Notice

Name of Agency: Lake LAFCo

Mailing Address: P.O. Box 2694, Granite Bay, CA 95746

Contact Person: John Benoit, Executive Officer Office Phone No: 707.592.7528

E-mail: Johnbenoit@surewest.net Fax No: 916.797.7631

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code requires disclosure by agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict-of-interest code and has determined that *(Check one box)*:

An amendment is required. The following amendments are necessary:

(Mark all that apply.)

- Include new positions.
- Revise disclosure categories.
- Revise the titles of existing positions.
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.
- Other *(describe)* _____

No amendment is required.

The code is currently under review by the code reviewing body.

Verification

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Authorized Representative

Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2014**, or the date specified by your agency, if earlier, to:

*Lake County Clerk-Auditor
255 N. Forbes St
Lakeport, Ca 95453*

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.