

Lake Local Agency Formation Commission

Regular Meeting Agenda

Wednesday July 19, 2023 -- 9:30 am

City of Lakeport – City Council Chambers

225 Park Street Lakeport, California

Website: www.lakelafco.org

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

Zoom meeting for public: LAFCo has decided to make public meetings accessible telephonically or otherwise electronically to all members of the public. Members of the public are encouraged to observe and participate in the teleconference.

The complete agenda, including backup materials and materials related to items on this Agenda submitted to the Commission after distribution of the Agenda Packet, is available for public inspection on the Lake LAFCo website. Agenda materials are also available on the Lake LAFCO website at www.lakelafco.org

Topic: Lake LAFCo

Time: Jul 19, 2023 09:30 AM Pacific Time (US and Canada)

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

Commissioners

Commission Alternate Members

Dirk Slooten, (City)

Vacant (Spec. District Alternate)

Stan Archacki, (Special Dist.)

Suzanne Lyons (Public Alternate)

Jim Scholz (Special District)

Vacant (County Alternate)

Ed Robey, (Public Member)

Russ Perdock (City Alternate)

Moke Simon, (County)

Bruno Sabatier Chair (County)

Stacey Mattina Vice Chair (City)

Staff

John Benoit, Executive Officer

P. Scott Browne, Legal Counsel

Kathleen Moran, Clerk-Analyst

1. **Call to Order – Roll Call**
2. **Selection of a Chair and Vice Chair for FY 2023-2024**
 1. **Elect Chair**
 2. **Elect Vice-Chair**
3. **Approval of Minutes – May 17, 2023 minutes**
 - a. *Approve May 17, 2023 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**
 - a. *Review and authorize payment of expenses for May and June 2023.*

Action Items:

6. **Discussion regarding LAFCo’s work plan for FY 2023-2024: LAFCo Projects, Upper Lake and Fire and EMS MSR-SOI.**

7. Designate voting member and voting member alternate to represent Lake LAFCo at the Calafco Annual Conference in Monterey on October 18-20, 2023

a) *Consider Designations*

8. Annual adjustment to LAFCO Hourly Charge-out Rates for Staff based upon the Employment Cost Index.

Action: *Adopt Resolution 2023-0007 approving the Annual Employment Cost Index Adjustment (4.7%) for LAFCo's Charge Out Rates*

9. Contract Amendments for LAFCo Staff Services included in the 23-24 Budget

A. Consider Amendment # 8 to the Agreement for Executive Officer Services:

Action: *Approve Amendment # 8 to the Agreement for Executive Officer Services granting a 4.7% cost of living increase based on the Employment Cost Index, as included in the LAFCo Budget*

B. Consider Amendment #7 to the Agreement for Legal Services:

Action: *Approve Amendment to Agreement for Legal Services for Lake LAFCO granting a 4.7% cost of living increase based on the Employment Cost Index, as included in the LAFCo Budget*

10. Executive Officer' s report.

- a. *Upper Lake area MTBE (Methyl tert-butyl ether) Drinking Water Contamination – ongoing. Working on MSR-SOI*
- b. *Future LAFCo Projects – Middletown Rancheria, Brambles Development (HVLCSO),Lighting District consolidation/annexation, Clearlake Oaks Area and Konocti Co. WD Dam Road Annexation*
- c. *Special District Alternate*

11. LAFCo Counsel's report

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.

13. Adjourn to LAFCO's next regular meeting: Wednesday September 20, 2023 - 9:30 AM 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:
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 j.benoit4@icloud.com. Agenda packets are located on the Lake LAFCO Webpage at www.lakelafco.org

Regular Meeting MINUTES
Lake Local Agency Formation Commission

Wednesday May 17, 2023 -- 9:30 am

*City of Clearlake — City Council Chambers
14050 Olympic Dr. Clearlake, California
Website: www.lakelafco.org*

Commissioners Attending

- Dirk Slooten, (City)
- Stan Archacki, (Special Dist.)
- Jim Scholz (Special District)
- Ed Robey, (Public Member)
- Moke Simon, (County)
- Bruno Sabatier Chair (County)
- Stacey Mattina Vice Chair (City)

Staff Attending

John Benoit, Executive Officer

1. Call to Order – Roll Call - *The meeting was called to order at 9:32*

2. Selection of a Public Member for a term ending May 2027.

Commissioner Simon entered the meeting at 9:35

Staff explained there were two letters of interest submitted: Edward Robey and Jameela Toups-West. The Commission interviewed the two candidates.

Commissioner Slooten moved to select Edward Robey as the public member for a term ending in 2027. The Motion was seconded by Commissioner Scholz and voted upon with a 6-0 affirmative vote.

3. Approval of Minutes – March 15, 2023 minutes

Commissioner Mattina moved and Commissioner Slooten to adopt the March 15, 2023 minutes. All in favor with a 7-0 affirmative vote. Motion Carried

4. **Public Comment** *There was no public comment.*

5. **Consent Agenda**

- a. *Review and authorize payment of expenses for January and February 2023.*

The Consent Agenda was moved by Commissioner Slooten and seconded by Commissioner Mattina and adopted by a 7-0 vote, Motion Carried

Public Hearings:

6. **Public Hearing - Dorn Sphere of Influence Amendment and Annexation to CSA 20 – Soda Bay**

Executive Officer Benoit presented the Executive Officer's report and recommended approval and requested the Commission Consider Resolution 2023-0002 approving a Sphere of Influence Amendment to CSA 20 Soda Bay including 24.5 acres and consider Resolution 2023-0003 approving the Dorn annexation consisting of 24.5 acres to CSA 20 Soda Bay.

The public hearing was opened and closed by Chair Sabatier

Commissioner Slooten moved and was seconded by Commissioner Archacki to approve items a and b above. The Commission voted to approve the the Sphere of Influence Amendment and the Annexation on a 7-0-0 roll call vote.

7. **Public Hearing - Lower Lake County Waterworks District #1 MSR and SOI**

Executive Officer Benoit presented the Executive Officer's report including the MSR and SOI and recommended approval of the LLCWD #1 MSR and SOI and the Commission review the MSR document and consider resolution 2023-0004 adopting a Service Review for the Lower Lake County Waterworks District #1 and review SOI document and consider resolution 2023-0005 adopting a Sphere of Influence Update for the Lower Lake County Waterworks District #1.

The Public Hearing was opened and closed by Commissioner Sabatier

Commissioner Simon moved and was seconded by Commissioner Mattina to approve items a and b above. The Commission voted to approve the Sphere of Influence Amendment and the Annexation on a 7-0-0 roll call vote.

8. **Fiscal Year 2023-2024 Lake LAFCo Final Budget**

Executive Officer Benoit presented the Executive Officer's report, stated there were no changes since the proposed budget was adopted at the March 15, 2023 meeting and recommended approval.

The public hearing was opened and closed by Commissioner Sabatier

Staff recommended the Commission consider LAFCo Resolution 2023-0006 adopting a final budget for FY 2023-2024

Commissioner Slooten moved and was seconded by Commissioner Robey to approve the final 23-24 budget. The Commission voted to approve by a 7-0-0 roll call vote.

OTHER ITEMS:

- 9. A discussion regarding a nomination for a County or Special District member to serve on the Calafco Board of Directors for a two-year term**

No nominations were made.

- 10. Consider Calafco Achievement Awards Nominations**

Discussion nominating Commissioner Robey for an Achievement Award was suggested. Commissioner Robey recalled he was given the award at a prior conference. Staff was tasked with research.

- 11. Executive Officer' s report.**

- a. Upper Lake area MTBE (Methyl tert-butyl ether) Drinking Water Contamination – ongoing. Working on MSR-SOI No additional information was provided.*
- b. LAFCo Projects – Middletown Rancheria, Brambles Development (HVLCSO) and Lighting District consolidation/annexation Clearlake Oaks Area. Benoit explained these proposed projects*
- c. Special District Alternate No action pending insufficient votes submitted*

- 12. LAFCo Counsel's report: No report was given**

- 13. 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.

- 14. Adjournment at 10:50 AM to LAFCO's next regular meeting: Wednesday July 19, 2023 - 9:30 AM in Lakeport**

Lake Local Agency Formation Commission

#5

CLAIMS

May and June 2023

Expenses for FY 2022-2023:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
4.16.23 - 5.15.23	Browne Legal	\$ 1,954.57
May 17, 2023	Meeting Stipend	\$ 700.00
June 1, 2023	Staff Svcs May 2023	\$ 5,803.77
5.16.2023 - 6.15.23	Browne Legal	\$ 1,954.57
July 1, 2023	Staff Svcs Apr 2023	\$ 4,899.27
July 1, 2023	Upper Lake MSR and SOI	\$ 2,766.64
July 1, 2023	File Mgmt and prep for Scan	\$ 1,915.20
	TOTAL:	\$ 19,994.02

Expenses for FY 2023-2024:

Calafco Dues FY 23-24	\$ 2,145.00
Calafco Registration Annual Conference 2013	\$ 2,460.00
TOTAL:	\$ 4,605.00

DATED: July 19, 2023

APPROVED: July 19, 2023

Bruno Sabatier, Chair or Stacey Mattina Vice-Chair
Lake Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

MEMORANDUM

TO: Local Agency Formation Commission

FROM: John Benoit, Executive Officer

SUBJECT: Amendment to LAFCo's Fee Schedule: Hourly Charge-out Rates Based Upon the Employment Cost Index

DATE: July 19, 2023

Summary

After the Budget Hearings for FY 2022-2023 after a public hearing, the Commission approved a revision to the current fee schedule and the hourly staff charge-out rates established for LAFCo based on the federal employment cost index. Resolution 2022-0015 calls for an annual adjustment to be effective on July 1st of each year.

The current hourly charge-out rates are:

LAFCo Clerk	\$ 152.00/hr.
Executive Officer	\$ 295.00/hour
LAFCo Counsel	\$ 486.00/hr.

In passing Resolution 2022-0015 the Commission implemented application of an annual cost escalator ensuring that the hourly charge-out rates shown above and be continuously adjusted for inflation or deflation on July 1st of each calendar year based on the latest released data from the Employment Cost Index for the first quarter of each year as published by the U.S. Department of Labor, Bureau of Labor Statistics.

On Friday, April 29, 2023, the latest data from the Employment Cost Index (ECI) (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor, Bureau of Labor Statistics was released and is as follows:

Employment Cost Index U.S. Department of Labor, Bureau of Statistics (Data Released on April 29, 2023)		
Year	First Quarter (March 2023)	% Increase
2022	140.0	4.7

In pursuing the Commission's direction, staff has determined based on the Employment Cost Index that the Index' percentage between the First Quarter of 2022 and the First Quarter of 2023 resulted in an annual 4.7% increase. The ECI is indexed into a 2005 base you which equals 100.00 points. The table below reflects LAFCo's current hourly charge-out rates, along with a calculated percentage increase of 4.7% (rounded to the nearest dollar), as reflected within the Employment Cost Index.

Current Hourly Rate	2022/23 (First Quarter)	
	Percentage	Adjusted Rate
Clerk/Analyst \$152.00	4.7	159.00
Executive Officer \$ 295.00	4.7	309.00
Counsel \$486.00	4.7	508.00

ACTION REQUESTED:

Adopt Resolution No. 2023-0007 approving an amendment to the current hourly charge-out rates as noted above and authorizing the annual increase based on the Employment Cost Index for the first quarter (ending on March 31st, 2023) to take effect.

Attachment: Resolution No. 2023-0007

RESOLUTION # 2023-0007

A RESOLUTION OF THE LAKE LOCAL AGENCY FORMATION COMMISSION
IMPLEMENTING AN ANNUAL ADJUSTMENT
TO LAFCO STAFF HOURLY CHARGE-OUT RATES
BASED UPON THE EMPLOYMENT COST INDEX

RESOLVED, by the Lake Local Agency Formation Commission, that

WHEREAS, the Lake Local Agency Formation Commission is an independent agency under the provisions of Government Code §56000 et seq.; and

WHEREAS, the Lake Local Agency Formation Commission, pursuant to Government Code §56383 and Government Code §66016 adopted Resolution 2022-15 establishing hourly charge-out rates consistent with an approved Hourly Fee Study; and

WHEREAS, the Lake Local Agency Formation Commission determined at their meeting of November 16, 2022, that LAFCO staff hourly charge-out rates should be adjusted annually in July of each year to keep pace with inflationary movements of the economy; and

WHEREAS, the Lake Local Agency Formation Commission at their meeting of November 16, 2023 desired to implement an annual adjustment beginning each fiscal year to the staff hourly charge-out rate based on the latest released data from the Employment Cost Index (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor's Bureau of Labor Statistics; and

WHEREAS, the Lake Local Agency Formation Commission desires to implement an annual adjustment to be applied 60 days from July 19, 2023 based on the latest released data from the Employment Cost Index for the previous March (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor's Bureau of Labor Statistics; and

WHEREAS, the increase in the flat hourly charge-out rates do not exceed the estimated reasonable costs of providing the services in accordance with Government Code §66013 and 66014; and

WHEREAS, the proposed increase in the flat hourly charge-out rates do not constitute a project as defined by §15378(b)(4) of the California Environmental Quality Act Guidelines; and

WHEREAS, the Commission considered written and verbal comments from the public and made amendments to the fee schedule on November 16, 2022 as it deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Lake Local Agency Formation Commission, amend the hourly charge-out rates based on latest released data from the Employment Cost Index (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor's Bureau of Labor Statistics.

BE IT FURTHER RESOLVED, that the LAFCO staff hourly charge-out rates be rounded to the nearest dollar and become effective sixty (60) days from the date of adoption of this Resolution:

Current Hourly Rate	2022/23 (First Quarter)	
	Percentage	Adjusted Rate
Clerk/Analyst \$152.00	4.7	159.00
Executive Officer \$ 295.00	4.7	309.00
Counsel \$486.00	4.7	508.00

PASSED AND ADOPTED at a regular meeting of the Lake Local Agency Formation Commission, on the 19th day of July 2023 by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

Bruno Sabatier, Chair or Stacey Mattina, Vice
Chair Lake Local Agency Formation
Commission

ATTEST: John Benoit

Executive Officer

LAKE LAFCO
EIGHTH AMENDMENT TO AGREEMENT FOR
THE PROVISION OF LAFCO STAFF SERVICES

This is the Eighth Amendment to the Agreement for the Provision of LAFCo Staff Services between the Lake Local Agency Formation Commission, a public agency, and John Benoit, Contractor, dated January 13th, 2003, first amended on July 20, 2005, second amended on July 1, 2007, third amended on May 20, 2015, fourth amended on July 1, 2017 fifth amended on July 18, 2018 sixth amended on January 13, 2021 and seventh amended on May 18, 2022.

Exhibit A, which references Contractor's hourly rate for special projects, is amended to read in its entirety as follows:

Exhibit A

John Benoit	Hourly Rate \$111.40 per hour (effective July 1, 2023)
Other Consultants	Rate as charged to Benoit and approved by Commission in proposal plus 10% Administrative Expenses

The first sentence of Section 2.1.1 shall be changed as follows: "LAFCo shall pay Contractor the monthly amount of \$4,501.33 for general services together with \$600.00 per month for office expenses effective July 1, 2023.

Except as specifically set forth herein, all remaining terms and conditions of the Agreement for Executive Officer Services dated January 13th, 2003, and the hereinabove referenced amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on July 19, 2023

LAFCo

CONTRACTOR

Bruno Sabatier, Chair

John Benoit, Contractor

APPROVED AS TO FORM:

P. Scott Browne, LAFCO, Counsel

9 a

LAKE LAFCO
SEVENTH AMENDMENT TO AGREEMENT FOR
LEGAL SERVICES

This is the Seventh Amendment to the Agreement for Legal Services between the Lake Local Agency Formation Commission, a public agency, and P. Scott Browne, Attorney at Law, dated July 21st, 2004, first amended on July 18, 2007, second amended on May 15, 2015, third amended on July 19, 2017, fourth amended on July 18, 2018, fifth amended on May 19, 2021 and the sixth amended on May 18, 2022.

Section II, Paragraphs A and B are amended to read in its entirety as follows:

A. Compensation

LAFCo shall pay Contractor Two -Thousand and Forty Six dollars and forty-three cents per month (\$20,046.43) for legal services rendered pursuant to this Agreement effective July 1, 2023.

Funding for this Agreement is included in the LAFCO budget and payment shall be made upon monthly submission of an itemized statement.

Should the parties hereto contemplate any renewal of this Agreement, the amount of compensation paid to Contractor shall be reviewed and adjusted on an annual basis coinciding with an evaluation of performance and the preparation and approval of the LAFCO budget.

Except as specifically set forth herein, all remaining terms and conditions of the Agreement for Professional Services dated July 21st, 2004, and the hereinabove referenced amendment thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on July 19, 2023.

LAFCo

CONTRACTOR

Bruno Sabatier, Chair

P. Scott Browne, Contractor

APPROVED AS TO FORM:

P. Scott Browne, LAFCO Counsel