

Lake Local Agency Formation Commission

Regular Meeting Agenda

November 20, 2019 -- 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”

Commissioners

Commission Alternate Members

Dirk Slooten, (City)

Victoria Brandon (Spec. District Alternate)

Stan Archacki, (Special Dist.)

Suzanne Lyons (Public Alternate)

Jim Scholz (Special District)

Tina Scott (County Alternate)

Ed Robey, (Public Member)

Kenneth Parlet (City Alternate)

Moke Simon, Vice Chair (County)

Bruno Sabatier Chair (County Member)

Stacey Mattina (City)

Staff

John Benoit, Executive Officer

P. Scott Browne, Legal Counsel

Kathleen Moran, Clerk-Analyst

1. Call to Order – Roll Call

2. Approval of Minutes – September 18, 2019

Action: Approve September 18, 2019 minutes

3. 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.

4. Consent Agenda

- a. *Review and authorize payment of expenses for September and October 2019*

PUBLIC HEARING:

5. Conduct Public Hearing regarding the Lighting District MSR and SOI

(please bring the previously handed out copy of the lighting district MSR and SOI)

- a. *Receive Report and consider adoption of the lighting districts Service Review and Sphere of Influence update.*
b. *Consider adoption of LAFCo Resolution 2019-0010 adopting a Service Review for Lake County Lighting Districts. Service*
c. *Consider adoption of LAFCo Resolution 2019-0011 adopting a Sphere of Influence update for Lighting Districts in Lake County*

6. Presentation by Kirsty Shelton and Rachel Lenihan regarding the MAJA development in Southern Lake County.

7. LAFCo 101 part II presentation by LAFCo Staff.

8. Policy, Standards and Procedures update (workshop #2)

(please bring the previously handed out copy of the draft Policies, Standards and Procedures update)

- a. *Introduction and review of draft updated Policies, Standards and Procedures (one-half hour item)*

9. Discussion from those in attendance regarding the CALAFCO Annual Conference in Sacramento on October 30- November 1st.

10. Set regular meeting Schedule for 2020.

- a) **Approve regular meeting Schedule for 2020**

11. Executive Officer' s report.

- a. *Upper Lake County Water District MSR and SOI*
b. *Konocti County Water District MSR and SOI*
c. *Cemetery District MSR and SOI*
d. *Rancheria Annex to the Callayomi Co. WD.*

12. LAFCo Counsel's report

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. (CLOSED SESSION) Significant Exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9 (one potential case)

15. Report out of closed session

16. Correspondence:

17. Adjourn to LAFCO's next regular meeting: Wednesday January 15th, 2020 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

LAKE LOCAL FORMATION COMMISSION
MINUTES
September 18, 2019 Regular Meeting

Members Present

Bruno Sabatier, Chair, County Representative
Moke Simon, Vice-Chair, County Member
Stacy Mattina, City Member
Ed Robey, Public Member
Kenneth Parlet, City Alternate
Victoria Brandon, Special District Alternate
Stan Archacki, Special Districts
Dirk Slooten, City Member
Jim Scholz, Special Districts

Staff Present

John Benoit, Executive Officer (EO)
P. Scott Browne, Legal Counsel
Kathleen Moran, Clerk

Absent: Tina Scott, County Alternate, Suzanne Lyons, Public Member Alternate

Present: Carol J. Hutchingson, County Administrative Officer, Lake County
Terre Logsdon, Environmental Director, Scotts Valley Band of Pomo Indians, Scotts Valley Advisory Council, Lakeport Economic Development Committee.
Mark Dellinger,

1. Call to Order

Chairman Sabatier called meeting to order at 9:30 a.m. in the Council Chambers, City of Clearlake.

2. Approval of Minutes - Motion by Commissioner Robey, seconded by Commissioner Mattina to approve the Minutes of the July 17, 2019 Regular Meeting. Motion carried.

3. Public Comment – Terre Logston requested information from the Commission regarding the order for formation of the original Zones of Benefit and Citizens Advisory Committees for the Watershed Protection District. EO responded that the Watershed Protection District is the agency that oversees the Zones of benefit and that Scott DeLeon is the administrator. He further advised that the Board of Supervisors acts as the Board of Directors for the Watershed Protection District. Chairman Sabatier advised Ms. Logston to contact Supervisor Scott and Mr. DeLeon for assistance.

4. Consent Agenda

Motion by Commissioner Robey, seconded by Commissioner Slooten to approve Consent Agenda Items as follows: Review and authorize payment of expenses for July and August 2019. Motion carried.

5. Lighting District MSR and SOI

Mr. Dellinger, President of Full-Circle Consultants reviewed his report "Lighting Districts managed by Lake County Special Districts Administration – Municipal Service Review and Sphere of Influence Update – September 2019".

The report includes detailed information, history, statistics, and updates on the following lighting districts:

- Anderson Springs Lighting District
- Clearlake Keyes Lighting District
- Clearlake Oaks
- CSA 6 Finley
- Glenhaven Lighting District
- Kelseyville Lighting District
- Lower Lake Lighting District
- Lucerne Lighting District
- Middletown Lighting District
- CSA 21 North Lakeport Water
- CSA 20 Soda Bay Water
- Upper Lake Lighting District

Mr. Dellinger noted that some district records are sparse, especially the older ones, but he has included all available information.

Commissioner Slooten asked about PG&E and dark sky issues relative to the Taylor Observatory, and issues of public safety. Commissioner Simon commented on the status of solar lighting possibilities, Mr. Dellinger stated that Ms. Coppinger of Special Districts has been pursuing solar options.

Commissioner Slooten asked about the Kelseyville Lighting District plans for a property tax increase. Mr. Dellinger stated that the District is moving forward with the increase as it is necessary due to ever increasing operation and maintenance costs.

Chairman Sabatier stated that the Public Hearing on the Lighting Districts MSR and SOI is set for November 20, 2019 in Lakeport.

6. Part II - LAFCo 101 presentation by Executive Officer

Chair continued this item to the November 20, 2019 meeting.

7. Policy, Standards and Procedures update (workshop #1)

EO reviewed a draft of updated Lake LAFCo Policies, Standards and Procedures and stated that the newer legislative changes would be reviewed in depth at the November meeting. EO referred to the General Policies and Standards on page 9 of the document and reviewed through page 15 of the report. Commissioners to review the draft. Continued to the November 20, 2019 meeting.

PUBLIC HEARING

8. Dissolution of County Service Areas 4, 9, 11, 12 and 19 due to inactive designation as defined in Government Code Section 56042.

Motion by Commissioner Slooten, seconded by Commissioner Robey to adopt Resolution No. 2019-0008, A Resolution Approving the dissolution of County Service Areas 4, 9, 11, 12 and 19 subject to the terms and conditions contained the in Resolution and authorize the Chairman to sign. Resolution passed and adopted by the following vote:

AYES: Commissioners Simon, Archacki, Slooten, Scholz, Mattina. Robey and Sabatier.

NOES: None.

ABSENT: None.

Chairman Sabatier asked EO for additional information regarding Golden State Water District. EO stated that he would provide any final paperwork if it is available. Commissioner Slooten asked if Golden State could be contacted for the information, EO stated yes, and that he would contact them.

Chairman Sabatier declared a recess at 10:55 a.m. and reconvened in Regular Session at 11:00 a.m. .

9. Review CALAFCo memo regarding proposed CALAFCo dues changes and make recommendations for Lake County voting delegates regarding the matter at the Annual Conference.

EO outlined proposed changes in annual membership dues. The proposal would increase Lake LAFCo dues from the current amount of \$1,075 to \$1901. The consensus of the Commission is approval and voting delegates are authorized to vote to approve on behalf of the Commission.

10. Select voting delegates to vote on behalf of Lake LAFCo at the CALAFCo Annual Conference.

Motion by Commissioner Mattina, seconded by Commissioner Robey to appoint Chairman Sabatier and Commissioner Slooten as voting delegates at the CALAFCo Annual Conference in Sacramento October 30- November 2, 2019. All yes.

11. Budget amendment including appropriation, revenue account and transfer of unrestricted reserve funds for complex projects as designated by the Commission.

Motion by Commissioner Mattina, seconded by Commissioner Slooten to adopt Resolution No. 2019-0009 establishing appropriation and expenditure accounts in the amount of \$22,500 for complex projects and transfer unrestricted reserve funds in the amount of \$7,500 to these accounts for complex projects previously approved by the Commission. Resolution passed and adopted by the following vote:

AYES: Commissioners Simon, Archacki, Slooten, Scholz, Mattina. Robey and Sabatier.

NOES: None.

ABSENT: None.

12. Discussion regarding staff succession planning for Lake LAFCo.

EO spoke about the need for a succession plan as he plans to retire within the next two years. Commissioners expressed concern for finding qualified individuals and noted that LAFCo

executive officers and planning staff are in short supply throughout the state. Discussion continued to a future meeting.

13. Executive Officer' s report.

- a. Upper Lake County Water District MSR and SOI updates will begin
- b. Konocti County Water District MSR and SOI needs update
- c. Cemetery District MSR and SOI working on some preliminary mapping
- d. California Cemetery Alliance (John was a speaker at their meeting) this is mostly a Northern Calif group.
- e. Guenoc Valley Annexation – CPUC, SWRCB and CCWD power and water
- f. State Water Resources Control Board and SB 200 - John was on a panel at the SWRCB telling them about the Cobb Project. This funding is for disadvantaged communities with challenges providing save and reliable drinking water.
- g. Two applications received. 1 City of Lakeport Annexation and 2 Middletown Rancheria Annexations. Will have more on both at a subsequent meeting.

14. LAFCo Counsel's Report – no new information.

15. Commissioner Reports – None.

16. Correspondence. None.

11:05 a.m. Meeting adjourned. Next regular meeting Wednesday November 20, 2019 in Lakeport.

By: _____
Kathleen Moran, Clerk

Lake Local Agency Formation Commission

#4

CLAIMS

October and November 2019

Expenses for FY 2019-2020:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
8.16.19-9.15.19	Browne Legal	\$ 525.00
Sept 18, 2019	Meeting Stipend	\$ 540.00
Oct 1, 2019	Staff Svcs Sept 2019	\$ 5,187.37
Oct 1, 2019	Lighting Dists MSR and SOI	\$ 2,786.00
Oct 1, 2019	Complex Projects Sept 2019	\$ 1,950.00
9.16. 2019- 10.15.19	Browne Legal	\$ 1,837.00
Nov 1, 2019	General Staff Svcs Aug 19	\$ 5,072.67
Nov 1, 2019	Konocti CWD MSR and SOI	\$ 4,050.00
Nov 1, 2019	Complex Projects Oct 2019	\$ 750.00
Oct 23, 2019	RB-CLO MSR-SOI lighting Dists	\$ 155.15
Nov 1, 2019	1/6 share calafco conf.	\$ 106.77
Nov 1, 2019	Slooten Conf. Reimb Calafco	\$ 520.65
TOTAL:		\$ 23,480.61

DATED: November 20, 2019

APPROVED: November 20, 2019

Bruno Sabatier, Chair or Moke Simon, Vice Chair
Lake Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

Resolution 2019-0010 of the

Lake Local Agency Formation Commission

Approving a Municipal Service Review of Street Lighting Services Provided by Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport 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 street lighting services provided by the Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport including the surrounding area; 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 street lighting services provided by the Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport, 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 street lighting services provided by the Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport, including the surrounding area, 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 street lighting services provided by the Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport is approved and the written determinations presented in the Municipal Service Review report are hereby adopted.
- 2) That all previously adopted Municipal Service Reviews is hereby superseded in favor of this street lighting districts 2019 service review.
- 3) LAFCO staff is further ordered to forward copies of this resolution containing the adopted Municipal Service Review for street lighting services to the Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport at the Lake County Special District's Department.

The foregoing resolution was duly passed by the Lake Local Agency Formation Commission at a regular meeting held on November 20, 2019, by the following roll call vote:

Ayes:

Noes:

Absentions:

Absent:

Signed and approved by me after its passage this 20th day of November, 2019.

Bruno Sabatier, Chair or Moke Simon, Vice-Chair, Lake LAFCO

Attest:

John Benoit, Executive Officer
LAKE LOCAL AGENCY FORMATION COMMISSION,

Resolution No. 2019-0011

LAKE LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving A Sphere of Influence Update for the Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and Lighting Services provided by CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport

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 Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport; and

WHEREAS, the Commission has set the initial hearing date of March 20, 2019 for the update of the sphere of influence for the Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport 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 lighting services provided by the Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport; 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, 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 Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 - Finley, Soda Bay and North Lakeport complies with the provisions of Government Code Section 56000, et seq.
2. That the Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport shall have coterminous Spheres of Influence.
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 the Lake Local Agency Formation Commission that this Sphere Update for the Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 - Finley, Soda Bay and North Lakeport may have a significant adverse effect on the environment.
6. Pursuant to Government Code Section 56425 (i) the Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport are authorized to provide street lighting services.
7. All previously adopted Sphere of Influence updates and (or) amendments are hereby repealed in favor of this Sphere of Influence Update.
8. That the Sphere of Influence Update Report, Executive Officer's Report, and Maps for the Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport updated Spheres are 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 November 20, 2019, by the following roll call vote:

Ayes:

Noes:

Abstentions:

Absent:

Signed and approved by me after its passage this 20th day of November 2019

Bruno Sabatier, Chair or Moke Simon, Vice-Chair, Lake LAFCO

Attest:

John Benoit, Executive Officer
LAKE LOCAL AGENCY FORMATION COMMISSION

NOTICE OF EXEMPTION

TO: County Clerk
County of Lake
Lakeport, CA

FROM: LAFCO of Lake County
P.O. Box 2694
Granite Bay, CA 95746

PROJECT TITLE: Sphere of Influence Update: *Lake County Street Lighting Districts*

PROJECT LOCATION: Lake County

DESCRIPTION OF PROJECT:

The proposed project involves the determination of a street lighting Sphere of Influence Update for the Anderson Springs, Clearlake Keys, Clearlake Oaks, Glenhaven, Kelseyville, Lower Lake, Lucerne, Middletown, Upper Lake Lighting Districts and CSA's 6, 20 and 21 -Finley, Soda Bay and North Lakeport

NAME OF PUBLIC AGENCY APPROVING PROJECT:

Lake Local Agency Formation Commission

NAME OF PERSON OR AGENCY CARRYING OUT THE PROJECT:

Lake Local Agency Formation Commission

EXEMPT STATUS:

Class 20 Categorical Exemption, "Changes in Organization of Local Agencies," CEQA Guidelines Section 15320, Changes in Organization of Local Agencies and 15061b (3) General Rule Exemption.

REASONS WHY THIS PROJECT IS EXEMPT:

This action is Exempt from the California Environmental Quality Act pursuant to Section 15320 of the CEQA Guidelines (Class 20) as the Sphere of Influence Update would not result in any change in services since these districts already serve respective Sphere of Influence territory and 15061 b (3) whereby this activity is covered by the general rule that CEQA applies only to project which have the potential for causing a significant effect on the environment. Since this Sphere of Influence Update is only affirming existing functions (street lighting) into an existing Sphere of Influence there is no possibility that this activity may have a significant effect on the environment since the services are already provided and no conditions have changed nor could be changed as a result of affirming the existing Sphere of Influence.

CONTACT PERSON:
John Benoit
LAFCO Executive Officer

TELEPHONE NUMBER:
(707) 592-7528

By: _____

Date: November 20, 2019

Lake LAFCO

2020 Regular Meeting Schedule

3rd Wednesday at 9:30 AM

Regular Meeting Dates:		<i>Alternative Meeting Dates (only as needed):</i>	
January 15	Clearlake	<i>February 19</i>	<i>Lakeport</i>
March 18	Lakeport	<i>April 15</i>	<i>Clearlake</i>
May 20	Clearlake	<i>June 17</i>	<i>Lakeport</i>
July 15	Lakeport	<i>August 19</i>	<i>Clearlake</i>
September 16	Clearlake	<i>October 21</i>	<i>Lakeport</i>
November 18	Lakeport	<i>December 16</i>	<i>Clearlake</i>

Regular meetings of the Commission are scheduled for the third Wednesday of every month at 9:30 a.m. in the Lakeport City Council Chambers, 225 Park St, Lakeport, California or the Clearlake City Council Chambers 14050 Olympic Dr. Clearlake, California. The specific location of each meeting shall be in accordance with the meeting schedule adopted at the January LAFCO meeting. Alternative meeting dates shall remain on the schedule and shall be considered regular meeting dates. For meetings in Lakeport, if the Lakeport Council Chambers are not available, the meeting will occur at the Lake County Board of Supervisor’s Chambers, 255 N. Forbes St. Lakeport, CA. The Commission may, at its own discretion, meet at a different time or place from time to time, provided that public notice of such time and place is given in accordance with the Open Meeting Law, Government Code Section 54954 and applicable provisions of the LAFCO Act.

The Chair or Executive Officer may call a special meeting of the Commission. The Chair shall call a special meeting if requested by two or more Commissioners. Any special meetings of the Commission shall be called in the manner provided by Section 54956 of the Government Code. The order calling the special meeting shall specify the time and place of the meeting and the business to be conducted and no other business shall be conducted at that meeting. The special meeting may be called for any day prior to the date established for the next regular meeting of the Commission.

This California firefighter nearly died. Then voters laid him off — in fight for lower taxes

By Ryan Sabalow, Published in the Sacramento Bee November 4, 2019

GARDEN VALLEY

Firefighter Scott Wager was battling a wildfire in rural El Dorado County this summer when he and his partner were unexpectedly surrounded by roaring flames and flying embers.

Wager and Capt. Chris Schwegler ran to their engine and got inside. The truck wouldn't move. The cab filled with thick black smoke as it began to catch fire. Wager's thoughts turned to his fiance and the baby girl she's carrying.

"I thought about other firefighters that had been in that situation before that didn't make it out," he said, fighting back tears. "And I thought this was my time. I thought this was the end."

Wager and Schwegler survived the fire — they ran through flames to a nearby field — but Wager's job with the Garden Valley Fire Protection District did not.

After leaving the hospital, Wager learned a tax assessment to raise money for his rural fire department had failed. Layoffs were coming. Wagner's own neighbors had voted it down; the votes were counted even as he was risking his life.

Wager's story may be uncommonly dramatic, but the rejection of the fire tax is hardly unusual, even as wildfires have raged through California year after year, like the ones this fall that burned the vineyards of Sonoma County and threatened celebrity mansions in Brentwood.

Since last year's devastating Camp Fire, lawmakers in Sacramento allocated \$918 million for fire protection. Little of that money made its way to rural fire departments. They have struggled for years with inadequate staffing and lack of equipment, but voters in the fire-prone, rural communities remain reluctant to raise their own taxes to pay for them.

Ballot initiatives to raise taxes for struggling local fire departments like the one in Garden Valley are approved only about half the time.

The vote in El Dorado County also serves as a stark reminder that California is a divided state, despite its reputation as a liberal bastion. Many in the state's foothill regions remain staunchly conservative and convinced that higher taxes won't solve their problems. This, despite living in areas destined to burn — surrounded by dry, brittle forests.

"People don't like to vote a tax upon themselves," said Shasta Lake Mayor Greg Watkins, whose Shasta County community rejected two parcel taxes to fund its local fire department in 2018, including a vote just three months after a wildfire burned more than a thousand homes in neighboring Redding. "There's a reluctance. You've got to have a pressing need."

Watkins was among the hundreds of Shasta Lake residents evacuated during the Carr Fire in 2018. To him, higher taxes wouldn't have made any difference when the Camp Fire destroyed the similarly wooded north state community of Paradise last year, killing 85 people in a matter of hours.

"There isn't anything that would have stopped that," he said. "More firefighters would not have stopped the Camp Fire."

WHY DO FIRE TAXES FAIL?

The story of why struggling, small fire districts need a super-majority of residents to raise taxes on themselves dates back to California's anti-tax movement of the 1970s.

In 1978, voters approved Proposition 13, the state's landmark property tax law. The constitutional amendment set a 1 percent cap on the amount local governments could collect from the assessed value of a home and land, and restricted increases to 2 percent a year. Another constitutional amendment passed by voters in 1996, Proposition 218, typically requires the approval of two-thirds of voters to pass special taxes to fund local agencies.

It's a daunting threshold.

Across California between 2002 and 2018, 151 parcel tax increases went before voters to fund fire and emergency medical services. Seventy-seven of them didn't pass, a 51 percent failure rate, according to the [California Local Government Finance Almanac](#). During the same period, counties, cities and special districts passed parcel taxes to fund things like roads, libraries, hospitals and parks 54 percent of the time.

The fire-tax rejections often come in communities that have wildfire risks comparable to Paradise, which lost 10,000 homes a year ago to the state's most destructive wildfire. For instance, voters in rural El Dorado County — home to some of the largest fires to ignite in California in recent decades — soundly rejected a parcel tax this year.

In late August, 62 percent of voters in the El Dorado County Fire Protection District, voted "no" for Measure B, which [would have levied a \\$96 a year parcel tax on property owners](#). The \$2.6 million that tax would have generated annually would have gone to fund additional firefighting positions to serve communities such as Apple Hill, Coloma, Placerville, Pollock Pines and Shingle Springs.

The locally influential Taxpayer Association of El Dorado County opposed the measure, saying it lacked oversight, financial safeguards and the money could be misspent in the future.

"While we don't doubt the sincerity of today's fire district leaders, an unrestricted pot of money will tempt future officials," Bill George, the association's president, wrote before the vote in a [column in the local newspaper, The Mountain Democrat](#).

Fire district leaders acknowledge it's a tough sell to raise taxes in conservative, rural areas where residents already feel as though they're being taxed to death by California's urban Democrats who substantially

outnumber them. Along with skewing conservative, north state counties tend to have higher rates of retirees living on fixed incomes.

In the north state foothills, it's common to see green and yellow State of Jefferson flags along the roads. Those signs and symbols represent a decades-old effort by activists to secede and form their own state made up of conservative southern Oregon and north-state counties.

These same regions protested when former Gov. Jerry Brown imposed an annual fee of up to \$153 for each habitable building on nearly 800,000 rural properties to pay for the state's firefighting agency. The fee was suspended in 2017 as part of a deal to extend the state's cap-and-trade climate program.

"The homeowners in those areas have been bombarded with special taxes," said Steve Kovacs, chief of the Scotts Valley Fire District and president of the Fire Districts Association of California. "Every two years at the major election cycles, there's something or several items on the state ballot that's raising taxes, or local initiatives that are raising taxes."

"You're competing with the city. You're competing with the county. You're competing with the state. You're competing with the Legislature, and you're competing with the voters. You're competing with the schools."

'THE ULTIMATE SACRIFICE'

In 2015, the Shasta Lake Fire Protection District, which has 10 employees, sent lay off notices to three firefighters and couldn't fill another open position. The department later received a two-year federal grant that allowed the agency to stay fully staffed, but the grant expires in February.

The two failed parcel taxes would have prevented the firefighters from being laid off, district officials said.

As he chopped wood outside his Shasta Lake home on a recent afternoon, Bert Linfestey said he voted for the second tax, but not the first. He said he was confused by the first measure because he assumed the money would go to the city's general fund to pay for things like sculptures or other unnecessary city projects.

But he voted "yes" the second time, once he learned the district was separate from the city and the money would fund fire protection.

"You can kind of see where we're at," he said, gesturing to the dry, brush-covered hillsides behind his home. "A fire comes through here, they're our first line of defense."

In the brown, oak-covered Sierra foothills of Garden Valley, Sarah Fennell cited similar reasons for why she supported the tax increase that would have kept Wager, the firefighter who nearly burned to death, employed. She knows any day during the summer and fall her community is vulnerable to a wildfire.

The local fire department, while small, helps keep her safe, she said.

“I think we should support our local firefighters to help us to survive,” she said, standing outside her home down a quiet dirt road not far from the station.

But 54 percent of her neighboring property owners didn’t share her views.

“They’re already overpaid, and they’re burning their fire trucks parking too close to fires,” said one man, who declined to give his name before driving away in a tan pickup.

The assessment would have levied an additional \$71 to \$182 annual fee on each parcel in the district. The \$400,000 in revenue would have allowed the district to keep two firefighters on duty 24 hours a day, said Chief Clive Savacool.

With the three layoffs pending, the district is in talks to consolidate with neighboring fire departments to save costs, Savacool said.

Wager, who is still working until the funds run out, is sending out job applications.

For him, the worst part of his ordeal was learning that his neighbors didn’t think his more than 10 years of service was worth paying for.

“The day after I laid my life on the line and almost made the ultimate sacrifice for this community,” he said, “I was told that my services were no longer needed... (And it) was worth less than 50 cents a day to this community.”

STRUGGLING RURAL FIRE DEPARTMENTS

For much of California’s modern history, small rural fire departments were almost entirely staffed by volunteers.

A year after voters passed Proposition 13, the California Legislature passed a law that essentially froze in place the share each local government collected from property taxes. Having volunteers on staff kept rural fire departments’ expenses low, so their piece of the local tax pie was relatively small.

Over the decades, though, the responsibilities expected of local fire districts have grown, and their share of local tax revenues hasn’t kept pace.

Volunteer firefighters are now required to have the same level of training as a full-time employee. With fewer people willing to jump the hurdles necessary to respond to medical and fire calls, it’s meant small fire agencies are more reliant on full-time employees.

The Legislature began redirecting money from fire departments to schools starting in the early 1990s, said Kovacs, the president of the state fire districts association. Add on California’s intensive and expensive

requirements for running a local government — pension obligations, administrative duties, bookkeeping and legal costs — and many small fire departments struggle to make ends meet.

When small rural fire districts face inevitable budget shortfalls, their options are limited by propositions 13 and 218. Short of cutting services, disbanding or consolidating with other fire companies, they can seek limited local, state, federal funds or grants, or they can go to local voters and hope 66 percent of them agree to raise their property taxes.

Proposition 218 does allow for local governments to attempt a complicated process to raise taxes for what are known as “special benefit” assessments, which required mere majority approval.

That’s what Garden Valley’s fire department tried and failed to pass even with the lower threshold.

“Proposition 13 was the answer at that time and has been very, very good for the taxpayer. There’s no doubt,” Kovacs said. “But it has hurt the fire service in the state of California. We can no longer continue to do business with that type of a tax formula with all of the regulations and requirements that are put on us through those mandates from the federal, state and local level.”

But modifying Proposition 13 to increase revenue for local governments has time and again proven to be a non-starter. The same goes for changing Proposition 218.

Every few years, efforts have failed to modify the state’s Constitution to shrink the two-thirds voter requirement for parcel tax measures down to 55 percent, a threshold that many meet even as they fail to pass. That included an effort in the Legislature this year to approve language that would go before voters to modify the state’s constitution to adopt 55 percent to approve local taxes.

The bill, authored by Assemblywoman Cecilia Aguiar-Curry, D-Winters, failed to advance off the Assembly floor, though it could come up for another vote next year. Its sponsors include building trades and the California Professional Firefighters unions.

Aguiar-Curry acknowledged she has some work to do to convince moderate Democrats in vulnerable swing districts to vote for a measure that could make it easier to raise taxes on their constituents.

“It’s a lot to do with brand new legislators that are frightened to take a tough vote, and (who are) being threatened by their community,” she said. “I gave them a pass this time, but next time I’m going to be a little more vocal, saying, ‘You were voted in. You’ve got to take some risks. And this is what your job is.’”

BUILDING TRUST WITH VOTERS

Not every fire district fails at getting voters to raise their taxes.

Voters in at least three Northern California fire districts approved parcel tax measures to pass this year. Two were in the Placer County communities of Foresthill and Placer Hills. One of the measures passed after two

attempts failed the previous two years. The measures prevented a fire station from closing and allowed another to reopen, said Kirk Kushen, who serves as chief of both fire districts.

Another was in the community of Lakeport, which was evacuated last year during the Mendocino Complex of fires. At 459,123 acres, it was the largest fire in California's modern history.

The voters in Lake County, one of the poorest in California, agreed to raise their taxes by an overwhelming 74 percent margin to keep firefighters from being laid off because "they love their fire department," and the fire protection and the medical services it provides, said Don Davidson, director of the Lakeport Fire District.

"I don't like taxes either. I'm just like the next guy," Davidson said. "But we don't mind paying taxes, so long as they see what their money's going to. So long as it's guaranteed to go to that, you know? Some of these gas taxes we're paying and stuff, you know up here in Lake County, we don't see that money."

Michael Coleman, a fiscal policy advisor who runs the California Local Government Finance Almanac, said the fire districts that tend to be more successful at getting local taxes passed are the ones that have the best relationships with their communities, so voters know their money will be well spent.

"The way these things get passed is people go down to the firehouse for the bean feed or the barbecue, and they get to know the firefighters," Coleman said. "One of the things about local government is that when you're close to the services, and they affect you directly, that kind of connection can build a better understanding and trust and convince people."