

Lake Local Agency Formation Commission

Special Meeting Agenda

Wednesday October 4, 2023 -- 9:30 am

City of Clearlake – City Council Chambers

14050 Olympic Dr. Clearlake, 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: Oct 4, 2023 09:30 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82254019995?pwd=UG84bk1ja1AybWFuVXF5Q2xtQ1pgQT09>

Meeting ID: 822 5401 9995

Passcode: 594218

One tap mobile

+16699006833,,82254019995#,,,,*594218# US (San Jose)

“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. **Approval of Minutes – July 19, 2023 minutes**
 - a. *Approve July 19, 2023 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 July, August and September 2023.*

Action Items:

5. **Consider Amendment to Resolution 2001-01 clarifying the number of Board Members for the Lake County Fire Protection District**
 - a. *Receive Executive Officer's report*
 - b. *Consider Resolution 2023-0009 approving a modification clarifying the number of Board Members appointed or elected to the Lake County FPD.*

6. Progress update regarding the Upper Lake County Water District's Service Review

a) *Receive Executive Officer's Report*

7. Discussion regarding LAFCo's role and policy in controlling urban sprawl

a. *Hold discussion regarding LAFCo's role and policy and agricultural lands.*

OTHER ITEMS:

8. Executive Officer's report.

9. LAFCo Counsel's report

10. 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.

**11. Adjourn to LAFCO's next regular meeting: Wednesday November 15, 2023
- 9:30 AM in Lakeport**

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 Agency Formation Commission

MINUTES

1. Call to Order – Roll Call

The meeting was called to order by Chair Sabatier at 9:34 am Wednesday July 19, 2023 at the Lakeport City Council Chambers

Commissioners, Alternate Commissioners , and Staff and in Attendance:

Commissioners:

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

Staff:

- John Benoit, Executive Officer
- P. Scott Browne, Legal Counsel

2. Selection of a Chair and Vice Chair for FY 2023-2024

- 1. Upon Motion of Commissioner Slooten and seconded by Commissioner Robey, Commissioner Sabatier was elected chair by a vote of 6 in favor and one absent for FY 2023-2024
- 2. Upon Motion of Commissioner Slooten and seconded by Commissioner Robey, Commissioner Mattina was elected vice-chair by a vote of 6 in favor and one absent for FY 2023-2024

3. Approval of the May 17, 2023 minutes

Upon motion of Commissioner Slooten and seconded by Commissioner Mattina the May 17, 2023 minutes were approved by a vote of 6 in favor with one absent.

4. Public Comment.

There were no public comments

5. Consent Agenda

- a. *Review and authorize payment of expenses for May and June 2023.*

Upon motion of Commissioner Robey and seconded by Commissioners the expenses were approved by a vote of 6 in favor with one absent.

Action Items:

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

Executive Officer Benoit brought up the Fire services MSR and SOI, which is in LAFCo's work plan for FY 2023-2024. Commissioner Slooten brought up issues related to EMS and transport transfer related to Hospitals and contact North Coast EMS. District Financials were discussed as well as the relationship with water providers, costs of hydrants in different jurisdictions, water used and fire flows.

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

Commissioner Robey was selected as the voting member and Commissioner Mattina was selected as the alternate voting delegate at the 2023 Annual Calafco Conference.

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

Upon motion of Commissioner Slooten and seconded by Commissioner Scholz the Commission adopted Resolution 2023-0007 approving an Annual Employment Cost Index Adjustment (4.7%) for LAFCo's Charge Out Rates by a vote of six in favor and one absent.

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

- A. The Commission considered the Agreement for Executive Officer Services and approved amendment # 8 to the agreement for Executive Officer services thereby granting a 4.7% cost of living increase based on the Employment Cost Index, as included in the LAFCo Budget
- B. The Commission considered Amendment #7 to the agreement for Legal Services and approved amendment to the Agreement for legal services for Lake LAFCO thereby granting a 4.7% cost of living increase based on the Employment Cost Index, as included in the LAFCo Budget.

Items A and B were approved upon motion of Commissioner Slooten and seconded by Commissioner Scholz and passed by a vote 6 commissioners present with one absent.

10. Executive Officer' s report.

Executive Officer Benoit gave a report regarding the following items:

- 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

The Commission requested a discussion regarding the Commission's role in controlling urban Sparwl

11. LAFCo Counsel's report

No report was given

12. Commissioner Reports

No report as given

13. The LAFCO meeting was adjourned at 10:33 AM. The next meeting date was changed to Wednesday October 4, 2023 - 9:30 AM in Clearlake

Lake Local Agency Formation Commission

#4

CLAIMS

July, August and September 2023

Expenses for FY 2023-2024:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
6.16.23 - 7.15.23	Browne Legal	\$ 2,046.43
July 19, 2023	Meeting Stipend	\$ 600.00
Aug 1, 2023	Staff Svcs July 2023	\$ 5,101.33
7.16.2023 - 8.15.23	Browne Legal	\$ 2,046.43
Sept 1, 2023	Staff Svcs Aug 2023	\$ 6,828.03
Oct 1, 2023	Staff Svcs Sept 2023	\$ 7,981.28
8.16.2023 - 9.15.23	Browne Legal	\$ 2,046.43
	TOTAL:	\$ 26,649.93

DATED: Oct 4, 2023

APPROVED: Oct 4, 2023

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

Attest:

John Benoit
Executive Officer

Resolution 2023-0009

of the

Lake Local Agency Formation Commission

Resolution of Lake Local Agency Formation Commission Clarifying and Amending LAFCO Resolutions 2001-01 and 2003-03 Regarding the Number of Board Members for the Lake County Fire Protection District.

RESOLVED, by the Lake Local Agency Formation Commission (LAFCO), that

WHEREAS, the Local Agency Formation Commission is charged with following the policies and procedures pursuant to Title 6, Division 1, commencing with Section 56000 of the Government Code; and

WHEREAS, the Lake County Fire Protection District was formed in 2001 pursuant to Section 13800 *et. seq.* of the California Health and Safety Code; and,

WHEREAS, the Lake County Fire Protection District established terms of office for its existing Directors; and,

WHEREAS, pursuant to the Health and Safety Code, fire district board members may be appointed or elected; and,

WHEREAS, pursuant to the Health and Safety Code, fire district members may be elected by district or at large; and,

WHEREAS, pursuant to the Health and Safety Code, a fire protection district board may have 3, 5, 7, 9, or 11 members; and,

WHEREAS, The original 2001 consolidation resolution term and condition #21 states: *"These terms and conditions are intended to be a guide for the consolidation of the Lakeshore Fire Protection District and Lower lake Fire Protection District and shall provide direction for the parties involved and may be subject to change or modification upon a majority vote of the active Directors"*. In 2003, it was determined this Term and Condition was not appropriate since LAFCO is the approving authority to modify or change Terms and Conditions 1 through 20 contained in this formation upon request; and,

WHEREAS, LAFCO Resolution 01-01 provided unclear direction in its terms and conditions regarding the election and terms of District Board Directors.

WHEREAS, in 2003 a resolution of application was filed by the Board of Directors of the Lake County Fire Protection District (Resolution 03-0502) requesting the Lake Local Agency Formation Commission amend the terms and conditions of the 2001 consolidation relative to the number of board members, which was adopted on May 27, 2003; and

WHEREAS, on June 18, 2003 the Lake Local Agency Formation approved the district's request and the Lake County Fire Protection District was granted a modification to the original Term and Condition #5 relative to the number of fire district board members and their representation (the original 2001 resolution called for a 5-member Board). The 2003 amended this Term and Condition and called for an initial seven member district board to be reduced to five, two from the area served by the former Lower lake FPD and three from the former Lakeshore FPD area; and,

WHEREAS, In 2003 the Lake County Fire Protection District requested a modification to Term and Condition #5 relative to the number of fire district board members and their representation. The original 2001 Term and Condition #5 generally called for an initial seven-member district board to be reduced to five, two from the area served by the former Lower lake FPD and three from the former Lakeshore FPD area; and,

WHEREAS, The Recorded Certificate of Completion references a Consolidated Action Plan including 21 Consolidation Terms and Conditions and LAKE LAFCO Resolution 01-01 does not reference the Consolidation Action Plan and 21 Consolidation Terms and Conditions: and,

WHEREAS, in 2023 a resolution was adopted by the Board of Directors of the Lake County Fire Protection District (Resolution 23-0802) requesting the Lake Local Agency Formation Commission amend the terms and conditions of consolidation relative to the number of board members; and

WHEREAS, on August 23rd 2023 the Lake County Fire Protection District Board of Directors requested LAFCo further amend Term and Condition #5 so that starting with the November 2024 Election, the Lake County Fire Protection District will have five (5) rather than seven (7) (as previously approved in 2003), Directors elected a large and whether the Board of Directors are elected by division shall not be subject to any condition imposed by the Local Agency Formation Commission, and will instead be controlled by applicable law.

WHEREAS, the Commission has considered this request in light of the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000;

NOW THEREFORE, the Lake Local Agency Formation Commission does hereby **DETERMINE, RESOLVE AND ORDER** the following:

1. That the Consolidated Action Plan including the Consolidation Terms and Conditions are hereby incorporated and made part of LAFCO's order for this district formation; and,
2. That Term and Condition #21 was repealed in 2003.
3. That LAFCO now orders a modification to Term and Condition #5 so that starting with the November 2024 election, the Lake County Fire District will have five (5) directors each to be elected at large, and whether the Board of Directors are elected by division shall not be subject to any condition imposed by the Local Agency Formation Commission, and will instead be controlled by applicable law.
4. That the Lake County Fire Protection District reimburse LAFCO for staff time (at the

normal staff charge-out rates as shown on the LAFCO Schedule of Fee Deposits) and related materials in processing this request.

5. That the Commission finds that this amendment is supported by the Lake County Fire Protection District through its passage of District Resolution 23-0802.
6. Approval of this action is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Lake Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this annexation. The Lake Local Agency Formation Commission shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.
7. That the Executive Officer is hereby authorized and directed to mail certified copies of this Resolution in the manner and as provided in Section 56882 of the Government Code.

The foregoing resolution was duly passed by the Lake Local Agency Formation Commission at a regular meeting held on October 4, 2023 by the following roll call vote:

AYES: -

NOES: -

ABSTAINS: -

ABSENT: -

Signed and approved by me after its passage this 4th day of October, 2023.

Bruno Sabatier,
Chair, Lake LAFCO

Attest:

John Benoit, Executive Officer
Lake LAFCO

5. The Board of Directors for the newly formed Lake County Fire Protection District shall be composed of seven members, as appointed by the Board of Supervisors. Candidates submitted to the Board of Supervisors will be selected in the following manner: Four members of the former Lakeshore Fire Protection District Board of Directors and three members of the former Lower Lake Fire Protection District Board of Directors as determined by, and selected from the members of the former Fire Protection District Boards. Directors shall serve two (2) or four (4) year terms as specified in the election codes. Subsequent terms would be filled by election. Subsequent elected Directors would be nominated from either the former Lakeshore Fire Protection District or the former Lower Lake Fire Protection District depending upon Director vacancy. A Director ratio of three (3) Directors representing the former Lakeshore Fire Protection District geographic area and two (2) Directors representing the former Lower Lake Fire Protection District geographic area shall be maintained on the newly formed Lake County Fire Protection District Board of Directors. Of the members first appointed to the Board of Directors, four (4) members shall serve terms of four (4) years and the balance of the members shall serve terms of two (2) years. The determination of which members shall serve two (2) or four (4) year terms shall be made by the newly formed Board at the first meeting of the Board as well as a selection of officers and committees. The Board of Directors shall be reduced to five members within two years of the date of consolidation. The newly formed seven person Board shall make the determination as to how this will be accomplished. The five member Board shall consist of three members from the former Lakeshore Fire Protection District area and two members from the former Lower Lake Fire Protection District area. The Lake County Fire Protection District shall be the successor to the dissolved Lakeshore and Lower Lake Fire Protection Districts for the purpose of succeeding to all rights, duties, and obligations of the dissolved Districts with respect to enforcement, performance, or payment of any outstanding debts, contracts, and obligations of the dissolved Districts.
6. All property, whether real or personal, including all monies (including cash on hand and monies due to be collected) of the dissolved Lakeshore and Lower Lake Fire Protection Districts shall be transferred to and vested in the Lake County Fire Protection District. Any and all properties held in trust shall continue to be held in trust under the new Lake County Fire Protection District.