

**Lake Local Agency Formation Commission**

**Regular Meeting Agenda**

**Wednesday September 18, 2024 -- 9:30 am**

**City of Clearlake** – City Council Chambers  
14050 Olympic Dr. Clearlake, California

Website: [www.lakelafco.org](http://www.lakelafco.org)

**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](http://www.lakelafco.org)*

Lake LAFCo is inviting you to a scheduled Zoom meeting.

Topic: Lake LAFCo Regular Meeting

Time: Sep 18, 2024 09:30 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85968472725?pwd=VIJedRPSW5ImfByEXrgRzGh4Ilxsta.1>

Meeting ID: 859 6847 2725

Passcode: 094824

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

**Commissioners**

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

**Commission Alternate Members**

Kirsten Priebe, (Spec. District Alternate)  
Vacant, (Public Alternate)  
Michael Green, (County Alternate)  
Russ Perdock, (City Alternate)

**Staff**

Larkyn Feiler, Executive Officer  
P. Scott Browne, Legal Counsel

**1. Call to Order – Roll Call**

**2. 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.

**3. Approval of Minutes**

*a. Review and approve July 17, 2024 meeting minutes*

**4. Approval of Claims**

*a. Review and authorize payment of expenses for July and August 2024*

**5. Ratify Support for Pending Indemnification Legislation**

*a. Ratify Letter Requesting Governor Newsom’s Signature on SB 1209*

**6. Correspondence**

**OTHER ITEMS:**

**7. Executive Officer’s Report**


**8. LAFCo Counsel’s Report**

## 9. 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.*

## 10. Adjourn to LAFCO's next regular meeting: November 20, 2024 - 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.**

### Public Comment

Members of the public may address the Commission on items within LAFCo's Jurisdiction not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- 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 area 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 530.559.3563 or by mail at Lake LAFCO Larkyn Feiler, Executive Officer (c/o John Benoit) P.O. Box 2694, Granite Bay, CA 95746 or by email at [lake.lafco@gmail.com](mailto:lake.lafco@gmail.com) Agenda packets are located on the Lake LAFCo Webpage at [www.lakelafco.org](http://www.lakelafco.org)

**Lake Local Agency Formation Commission**

**Wednesday July 17, 2024 Meeting Minutes**

**Commissioners**

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)

**Commission Alternate Members**

Kirsten Priebe (Spec. District Alternate)  
Vacant (Public Alternate)  
Michael Green (County Alternate)  
Russ Perdock (City Alternate)

**Staff**

Larkyn Feiler, Executive Officer  
P. Scott Browne, Legal Counsel

1. **Call to Order** – The meeting was called to order and a roll call of meeting attendance was taken with Commissioners Slooten, Archacki, Scholz, Robey, Sabatier and Mattina were present with Commissioner Simon Absent. Staff in attendance were Larkyn Feiler, EO, John Benoit, Assistant EO and Marsha Burch, Counsel.
2. Kirsten Priebe from the Konocti County Water District was also present as she was appointed as LAFCo’s Special District Alternate member. Commissioner Priebe introduced herself.
3. A Chair and Vice-Chair for Fiscal Year 2024-2025 were elected
  - a. Upon motion of Commissioner Slooten and seconded by Commissioner Archacki; Stacey Mattina was unanimously elected as Chair for Fiscal Year 2024-2025
  - b. Upon motion of Commissioner Sabatier and seconded by Commissioner Robey; Dirk Slooten was unanimously elected Vice-Chair for Fiscal Year 2024-2025

Commissioner Sabatier chaired the meeting for Chair Mattina

4. **Accept resignation of Suzanne Lyons as the Public Member Alternate**  
This is a formality and does not need to be accepted by the Commission. Commissioner Mattina thanked Suzanne Lyons for her years of service to LAFCo.

The Commission authorized the recruitment for a new Public Member Alternate to fill Commissioner Lyon's unexpired term.

**5. Approval of Minutes – May 15, 2024 minutes**

a. Hearing no comment, upon motion of Commissioner Robey and seconded by Commissioner Slooten the May 15, 2024 minutes were unanimously approved.

**6. Public Comment.**

There was no public comment received.

**7. Consent Agenda**

Upon Review of the expenses for May and June 2024, Commissioner Slooten moved and Commissioner Robey seconded. The expenses were unanimously approved.

**Workshop:**

**8. Draft Fire Protection District Service Review and Sphere of Influence Update**

Former Executive Officer Benoit introduced the item. Benoit made comments about Prop 172 monies & Special Taxes and expressed voter support for Fire and EMS. Mr. Benoit briefly discussed fire flows and expressed a need for standard fire flow protocols and standards.

The Commission reviewed the Draft Service Review and Sphere of Influence and Chair Sabatier conducted the workshop. The following comments were provided for items to be included in the final MSR/SOI:

- a. Clarify whether Clearlake ISO Ratings have changed since 2018. A brief discussion ensued.
- b. Add a paragraph about tribal history and history during pre-colonial times.
- c. Include ISO ratings for all districts (Did not have South Lake & Northshore?)
- d. Compare/contrast district water flows (MSR page 83 example) to highlight gaps and add determinations to address issues.
- e. Apply Commission adopted direction/policy for agencies to report back annually regarding issues recognized in the MSR (follow-up and document outcomes).
- f. Confirm whether there are DUCs for the South Clear Lake area.

- g. Verify the population numbers due to the significant fluctuation in numbers, update data from 2022 to current, and explain the reason for the population fluctuation (due to fire?).
- h. Clarify whether there have been any SOI changes proposed (coterminous, re-affirming prior SOI, etc.).

Commissioner Sabatier wanted to see additional detailed information (data) to examine overall improvements to fire flows and to water systems to enhance fire suppression. Notwithstanding the goal of the fire agencies is to protect lives; perhaps Prop 172 and additional Assessments (Special Taxes) may be a funding source used to develop an annual report and to improve fire suppression systems as discussed at the County's Risk Reduction Authority meetings.

The Commission could consider goal setting for fire flow ratings, such as a goal of improving fire service in municipalities and districts.

Stan Archacki mentioned that critical infrastructure is needed to improve fire flow ratings. This is going to require intra-agency coordination. This is also needed for community growth. Benoit suggested finding grants to fund basic infrastructure improvements. The SWRCB and the USDA Rural Development has funds for small water systems, for example.

Commission Slooten asked about improvements in the Cobb Area. Paul Duncan, Assistant Chief with the SLCFPD, referred to page 79 of the report and noted that much of the infrastructure has been upgraded since the fire and an increase in 4/4y which used to be a 6 in some areas.

Commissioner Sabatier suggested returning to earlier comments from the fire Chiefs. Chief Sepeta of the Lake County FPD stated that in 2017 with the passage of measure D the City had an ISO rating of 6/6y. In 2018 his district had a rating of 5/5y and in Jan 2024 it went to a 4/4y. LCFPD has continuously worked with the water companies in the City of Clearlake to drop ISO numbers. The Chief explained how interties between the fire providers in Clearlake have been used.

Chief Reitz (Lakeport Fire) noted that ISO has worked for years and there is a significant concern about the California Wildfire Severity Risk, which districts have no control over. As a result, ISO has played a lesser role in dropping insurance costs in favor of Wildfire Severity Risk. He encouraged LAFCo to continue to work to reduce ISO ratings. Lakeport has a 4 rating and he has a goal to take the City to a 2. Wildfire Hazard Maps for the SRA have been recently updated and are located on the Calfire website. Incorporated City Maps (LRA) will be updated next by the state.

The Chiefs work with the Lake County Risk Reduction Authority (RRA) for all hazards, not only fire. The RRA looks at Community Risk Reduction.

Sabatier looked at page 83 of the report regarding Clearlake Fire Flows, and raised questions about how to use the MSR to address inadequacy in fire flows throughout the County, and what can be done with the MSR on outcomes?

We can affect change with costs of insurance. Insurance companies look at risk vs. hazard maps which mean something different albeit they are not allowed to use Calfire Hazard Maps in insurance rate setting.

Sabatier brought up DUCs criteria in Lake County, and noted that clarification is needed regarding the statement that there are no disadvantage communities in Lake County (i.e. population year used for DUCs) and Middletown Area population figures. Staff need to look at the Census Designated place maps and consistency over the years.

Slooten discussed fire flow modeling and the sophistication needed for water districts to do that based on a number of factors.

This item will be continued to the September 18<sup>th</sup> LAFCo meeting.

**Other Action Items:**

**9. Letter of Support for pending legislation:**

- a. Support for SB 1209 Indemnification

**10. CALAFCO Conference action items:**

CALAFCO Annual Conference Tenaya Lodge Fish Camp Oct 16-18, 2024

Commissioners Scholz and Robey and E.O. Feiler will be attending.

Nomination for the CALAFCO Board of Directors: No nominations were brought forward.

Nominations for the Voting Delegate to vote on behalf of and represent Lake LAFCo on matters at the CALAFCO Conference: Ed Robey will be the voting delegate and Larkyn Feiler will be the Voting Delegate Alternate.

No nominations for the CALAFCO Achievement Awards were brought forward.

- 11.** The Commission reviewed the Status of MSRs and SOIs and provided direction to staff to come back with recommendations for updates.

**OTHER ITEMS:**

**12. Executive Officer's report.**

AB 3277 re: Property Tax bill was signed by the Governor.



**13. LAFCo Counsel's report:** No report was given

**14. 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.

**15. Adjourn to LAFCO's next regular meeting: September 18, 2024 - 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.

# Lake Local Agency Formation Commission

## CLAIMS

July and August 2024

**Expenses for FY 2024-2025:**

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
6.16.24 - 7.15.24	Browne Legal	\$ 2,046.43
July 1, 2024	CALAFCO Dues 2024-2025	\$ 2,196.00
July 17, 2024	Meeting Stipend	\$ 700.00
July 23, 2024	CALAFCO conf. reg. (Scholz)	\$ 795.00
July 31, 2024	CALAFCO conf. reg. (Robie)	\$ 465.36
July 31, 2024	EO Staff Svcs July 2024	\$ 2,946.44
July 31, 2024	Benoit Svcs July 2024	\$ 1,991.51
July 31, 2024	Fire MSR	\$ 2,500.00
July 31, 2024	Fire SOI	\$ 1,000.00
7.16.2024 - 8.15.24	Browne Legal	\$ 2,046.43
Sept 17, 2024	Meeting Stipend	\$ 800.00
Aug 31, 2024	Benoit Svcs Aug 2024	\$ 1,375.00
Aug 31, 2024	EO Staff Svcs Aug 2024	\$ 765.00
	TOTAL:	\$19,627.17

DATED: September 18, 2024

APPROVED: September 18, 2024

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Stacey Mattina, Chair or Dirk Slooten Vice-Chair  
Lake Local Agency Formation Commission

Attest:

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Larkyn Feiler  
Executive Officer

c/o Larkyn Feiler, Executive Officer  
P.O. Box 2694, Granite Bay, CA 95746  
[lake.lafco@gmail.com](mailto:lake.lafco@gmail.com)  
(530) 559-3563

2024-2025 Expenditures

Lake LAFCo

9/10/2024

Fund/Dept 419-5020

Amount Budgeted	Comm Stipen	Supplies	Memberships	Books&Perid	Attorney Servi	LAFCO Clerl	Office Stiper	Staff Svcs	\$	Legal Notices	Trans Travel	Conf Regis	Gen Reserve	Contingency	Insurance	GIS Mapping	Webpage	City Fin.
	500-101	600-235	700-451	700-450	750-564	750-560	750-560	750-560	600-236	700-453	700-453	405-892	960-999	960-995	750-560	750-560	750-560	
<i>2024-2025 Adopted Budget</i>	\$ 6,600.00	\$ 250.00	\$ 2,196.00	\$200.00	\$ 25,637.62	\$ 4,460.29	\$ 7,200.00	\$ 76,392.00	\$ 1,400.00	\$ 5,500.00	\$ 3,050.00	\$ 100,000.00	\$10,000.00	\$1,400.00	\$ 6,000.00	\$ 150.00	\$2,500.00	
Calafco Dues 2024-2025			\$ (2,196.00)															
Benoit Svcs July 2024							\$ (110.68)	\$ (1,562.50)		\$ (318.33)	\$ (465.36)							
Comm Payroll July 2024	\$ (700.00)																	
Jun/July Legal Svcs (Inv #1363)					\$ (2,046.43)													
EO Svcs July 2024								\$ (2,733.75)		\$ (212.69)								
CALAFCO Conf (Jim Scholz)								\$ (1,375.00)			\$ (795.00)							
Benoit Svcs August 2024																		
Comm Payroll Sept 2024	\$ (800.00)																	
July/Aug Legal Svcs (Inv #1370)					\$ (2,046.43)													
EO Svcs August 2024								\$ (765.00)										
Remaining in Account	\$ 5,100.00	\$ 250.00	\$ -	\$200.00	\$ 21,544.76	\$ 4,460.29	\$ 7,089.32	\$ 69,955.75	\$ 1,400.00	\$ 4,968.98	\$ 1,789.64	\$ 100,000.00	\$10,000.00	\$1,400.00	\$ 6,000.00	\$ 150.00	\$2,500.00	
Expended	\$ (1,500.00)	\$ -	\$ (2,196.00)	\$0.00	\$ (4,092.86)	\$ -	\$ (110.68)	\$ (6,436.25)	\$ -	\$ (531.02)	\$ (1,260.36)	\$ -	\$0.00	\$0.00	\$ -	\$ -	\$0.00	



## Lake Local Agency Formation Commission

September 11, 2024

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

Re: **SB 1209** (Cortese): Local agency formation commission: indemnification -  
**REQUEST FOR SIGNATURE**

Dear Governor Newsom,

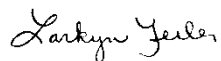
The Lake Local Agency Formation Commission (LAFCO) respectfully requests your signature on **SB 1209**, which would authorize a Local Agency Formation Commission (LAFCO) to require an applicant to indemnify the LAFCO, its agents, officers, and employees from and against any claim, action, or proceeding that may stem from a LAFCO decision to approve an application.

Specifically, SB 1209 adds new language to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act) that authorizes LAFCOs to enter into indemnification agreements with applicants. Counties and cities are already empowered to enter into, and require, indemnification and routinely do so with respect to discretionary land-use approvals. SB 1209 will provide LAFCOs with a similar authority in this situation.

This bill is in response to a 2022 decision of the Second District Court of Appeals, which found that existing State law does not provide LAFCOs with the explicit authority needed to require indemnification. Absent an indemnification authority - and because LAFCO funding is statutorily required from the county, cities, and special districts within a county - any costs to defend litigation end up being absorbed by a LAFCO's funding agencies. Consequently, SB 1209 will allow LAFCOs to use indemnification agreements which, in turn, will ensure they can meet their statutory obligations and make decisions without being hindered by the potential costs of defending lawsuits.

Thus, for the above reasons, Lake LAFCO respectfully requests that you sign SB 1209.

Yours sincerely,



Larkyn Feiler  
Executive Officer

cc: Honorable Dave Cortese, California State Senate  
Brady Borcharding, Deputy Legislative Secretary to the Governor

c/o Larkyn Feiler, Executive Officer  
P.O. Box 2694, Granite Bay, CA 95746  
[lake.lafco@gmail.com](mailto:lake.lafco@gmail.com)  
(530) 559-3563