Lake Local Agency Formation Commission

Regular Meeting Agenda

Wednesday January 20, 2021 -- 9:30 am

Welcome to the LAKE LAFCo special meeting. This meeting will be via Zoom (conference call) only due to the COVID-19 virus. A roll call vote is required for all items on the agenda.

You may use your phone for this meeting and no computer is required. There will be video if you choose to use it.

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

Instructions for joining meeting via Zoom are as follows:

Topic: Lake LAFCo meeting

Time: Jan 20, 2021 09:30 AM Pacific Time (US and Canada)

Join Zoom Meeting

https://us02web.zoom.us/j/84319979443?pwd=N0Vvbmh6a3VnSGFaMVI5WW1ZN01DQT0

Meeting ID: 843 1997 9443

Passcode: 499406 One tap mobile

+16699006833,,84319979443#,,,,*499406# US (San Jose) +13462487799,,84319979443#,,,,*499406# US (Houston)

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 843 1997 9443

Passcode: 499406

Find your local number: https://us02web.zoom.us/u/kvwrwmjg

If you have any problems dialing in call LAFCo at (707) 592-7528

Items may be considered at any time during the meeting. All items are listed in accordance with the Ralph M. Brown Act. Members of the public are encouraged to participate in this teleconference meeting either by email prior to the meeting at <u>j.benoit4@icloud.com</u> or by phone by dialing the number above. You may listen to the meeting by dialing the teleconference number.

This meeting is being agendized to allow staff and the public to participate via teleconference, pursuant to the Governor's Executive Orders N-25-20 & N-29-20 and dated March 12, 2020 & March 17, 2020. These Executive Orders authorizes local legislative bodies to hold a public meeting via teleconference or other electronic means and to make public meetings accessible to telephonically to all members of the public and staff in effort to observe Social Distancing Recommendations in effect for the entire country.

(All meeting materials are available on LAFCo's Website:

www.lakelafco.org

"Lake LAFCo oversees orderly development and protects natural resources and agricultural lands"

Commissioners

Dirk Slooten, (City)

Stan Archacki, (Special Dist.)

Jim Scholz (Special District)

Ed Robey, (Public Member)

Moke Simon, Vice Chair (County)

Bruno Sabatier Chair (County)

Stacey Mattina (City)

Staff

John Benoit, Executive Officer P. Scott Browne, Legal Counsel Kathleen Moran, Clerk-Analyst

1. Call to Order - Roll Call

i. Call to Order - Roll Call

2. Approval of Minutes – November 18, 2020
Action: Approve November 18, 2020 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 November and December 2020.

Commission Alternate Members

Victoria Brandon (Spec. District Alternate)

Suzanne Lyons (Public Alternate)

Tina Scott (County Alternate)

Joyce Overton (City Alternate)

PUBLIC HEARING

5. RECONSIDERATION OF THE KONOCTI CO. WATER DISTRICT SERVICE SPHERE (SOI) UPDATE

- a. Conduct public hearing regarding the Reconsideration of the Konocti County Water District SOI
- b. Consider Resolution 2020-0001 accepting and rescinding the Konocti County Water District Sphere of Influence
- c. Authorize staff to review all domestic water service providers with the incorporated limits of Clearlake and amend the MSR adopted on November 18, 2020 and review Sphere of Influence Options for Consideration at a future meeting.

6. California Special District Association's (CSDA) "Pay what you can" program

a) Review CSDA's "Pay what you can" program

7. Executive Officer's report.

- a. CSDA District Laws Reference Guide
- b. Cemetery District MSR and SOI
- c. Carlisle Annex to Clearlake Oaks Co. Water District
- d. South Lakeport Annnexation
- e. Callayomi Co. WD Annexation Rancheria 2
- f. 700 Form due April 1, 2021
- g. Public Member Alternate Recruitment 2021
- h. Updated Fee Deposit Schedule
- i. 2021-2022 LAFCo Budget

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. Correspondence:

Calafco"s Calendar for 2021

11. Adjourn to LAFCO's next regular meeting: Wednesday March 17, 20219:30 AM in Lakeport or zoom

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 <u>not</u> 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 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.

<u>Contact LAFCO Staff</u> 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 <u>i.benoit4@icloud.com</u>. Agenda packets are located on the Lake LAFCo Webpage at www.lakelafco.org



LAKE LOCAL FORMATION COMMISSION MINUTES November 18, 2020

Members Participating

Bruno Sabatier, Chair, County Member Stacy Mattina, City Member Ed Robey, Public Member Dirk Slooten, City Member Stan Archacki, Special Districts Jim Scholz, Special Districts Moke Simon, Vice-Chair/County Member Joyce Overton, City Alternate Victoria Brandon, Special District Alternate Suzanne Lyons, Public Member Alternate. Staff Participating

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

Absent: Tina Scott, County Alternate.

Participating by telephone or Zoom: Frank Costner, General Manager, Konocti County Water District.

- 1. Call to Order Chairman Sabatier called meeting to order at 9:30 a.m. via teleconference and Zoom.
- 2. Approval of Minutes Motion by Commissioner Mattina, second by Commissioner Robey to approve the Minutes of the September 16, 2020 Meeting. Motion carried by the following vote:

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

NOES: None.

ABSENT: Commissioner Simon.

3. Public Comment - None.

4. Consent Agenda

a. Motion by Commissioner Robey, second by Commissioner Slooten to review and authorize payment of expenses for September and October 2020. Motion carried by the following vote:

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

NOES: None.

ABSENT: Commissioner Simon.

b. Motion by Commissioner Slooten, seconded by Commissioner Mattina to Adopt Resolution 2020-0005 approving transfer of \$11,700 from General Reserve to Professional Services pursuant to action taken on September 21, 2020. Resolution passed and adopted by the following vote:

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

NOES: None

ABSENT: Commissioner Simon.

5. Konocti Co. Water District Service Review (MSR) and Sphere (SOI) Update

Chair opened Public Hearing. EO recapped the information presented at the previous meeting and stated that no deficiencies were found, and the District is functioning very well. EO further noted that as a Special District, KCWD has been able to qualify for and receive grant funding.

Discussion was held on privately owned water districts and mutual water districts and their ability to provide adequate services at affordable costs. Commissioner Slooten stated that the City of Clearlake has been looking into these issues.

Commissioner Slooten asked that the area on the north end of KCWD that is in the city but is not in a fire district be included in the SOI.

*9:45 a.m. Commissioners Simon and Overton logged into the meeting.

Mr. Costner gave an update on the inter-tie project, stating that the engineering process is complete, and the district has applied for grant funding. Brief discussion was held. Mr. Costner stated that he is working on securing additional grant funding up to 100%. Discussion was held on other potential funding sources.

EO recommended approval of both the MSR and the SOI.

Motion by Commissioner Slooten, second by Commissioner Simon to adopt Resolution 2020-0006 Adopting a Service Review for services provided by the Konocti County Water District. Resolution passed and adopted by the following vote:

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

NOES: None. ABSENT: None.

Motion by Commissioner Slooten, second by Commissioner Simon to adopt Resolution 2020-0007 Adopting a Sphere of Influence Update for the Konocti County Water District, with amendment, as follows: Add area along eastside of Highway 53 north of the existing district service area within the boundary of the City of Clearlake. Resolution passed and adopted by the following vote:

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

NOES: None. ABSENT: None.

6. Regular LAFCo meeting schedule for 2021

Motion by Commissioner Robey, seconded by Commissioner Robey to adopt LAFCo regular meeting schedule for 2021. Motion carried by the following vote:

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

NOES: None. ABSENT: None.

7. Executive Officer's Report

- a. CSDA membership information rate schedule for special districts
- b. Cemetery District MSR and SOI have comments back from 5 districts, waiting for one more.
- c. Carlisle Annex to Clearlake Oaks Co. Water District-proceeding to BOS
- d. South Lakeport Annexation
- e. Callayomi Co. WD Annexation proceeding to BOS
- f. Calafco Activities No cost webinars scheduled through the end of the year. EO to send flyer to Commissioners which has a zoom link to various free roundtable discussions and workshops for Commissioners.
- g. EO stated he will agendize a discussion of Clearlake water district services to discuss how LAFCo could be involved in partnering with the City to explore options for service consolidation.
- 8. LAFCo Counsel's Report. No new information.

9. Commissioner Reports

Chairman Sabatier reported he has been in conversations with CPUC because of water district issues in the City of Clearlake. The City of Clearlake is looking at an estimated 30% rate increase by Golden State Water. Commissioner Sabatier has been in contact with representatives to voice concerns, provide information and try to stop the increases from moving forward. His comments will be added to the public record. He stated that Lucerne is in the top 10 of the most expensive water rates in the state and he does not want to see the City of Clearlake added to that list.

Commissioner Slooten stated that he has tried to contact Highlands Water District to ask for information on any funds they have earmarked for infrastructure and development but has not received a response.

10. Correspondence

Notice of CEQA action re: the Guenoc Valley Mixed Use Planned Development Project, and EIR, filed by the Center for Biological Diversity dated 9/24/20.

10:05 a.m. Meeting adjourned.

Next regular meeting: Wednesday January 20, 2021 at 9:30 a.m. either in Clearlake or on Zoom.

By: Kathleen Moran, Clerk

Lake Local Agency Formation Commission



CLAIMS

November and December 2020

Expenses for FY 2020-2021:

Date of Claim	Description	Amount
10.16.20-11.15.20 Nov 18, 2020 Dec 1, 2020 Dec 1, 2020 11.16. 2020- 12.15.20 Nov 1, 2020 Nov 1, 2020	Browne Legal Meeting Stipend Staff Svcs Nov 2020 MRG Facilitation So Lkpt Browne Legal Staff Svcs Dec 2020 MSR and SOI Oct 2020	\$ 1,050.00 \$ 600.00 \$ 5,122.67 \$ 2,875.00 \$ 1,312.00 \$ 5,847.67 \$ 2,000.00
TOTAL:		\$ 21,890.36
DATED: APPROVED:	January 20, 2021 January 20, 2021	

Bruno Sabatier, Chair

Lake Local Agency Formation Commission

Attest:		
John Benoit		
Executive Officer		

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Executive Officer's Report.

MEETING DATE:

January 20, 2021 9:30 a.m.

TO:

Lake Local Agency Formation Commission

FROM:

John Benoit, Executive Officer

SUBJECT: Executive Officer's Report regarding Reconsideration Request for the Konocti County Water District Sphere of Influence: LAFCo Resolution 2020-0007

Attachments:

A. Adopted Resolution 2020-0007

B. Reconsideration Letter from William L. Adams, Esq. on behalf of the Highlands Mutual Water Company

C. Resolution 2021-0001 - A Resolution making determinations

ALTERNATIVE ACTIONS BY THE COMMISSION

The Commission has the following alternatives for action after closure of the Public hearing:

Alternative #1 Affirm the decision to grant the reconsideration request. If the Commission determines that the Appellant has presented grounds requiring reversal of the previous decision, then the Commission may affirm its previous decision in the Sphere of Influence resolution, which is attached as Exhibit C to this staff report.

Alternative #2 Reconsider its November 18, 2020 decision and deny the reconsideration.

Alternative #3 Continue the Hearing. The Commission may determine that it does not have sufficient information to make a decision at this time, and continue the matter to a date and time certain since Section 56895 only allows continuances for a maximum of 35 days, the continued hearing would have to occur no later than February 24, 2021, the continued hearing would therefore be held at LAFCo's alternative meeting date of February 17, 2021.

Alternative #4 Approve the Sphere of Influence and amend the terms and conditions adopted on November 18, 2020 based on the reconsideration request.

Alterative #5 Grant the Reconsideration Request, rescind resolution 2020-0007 and direct staff to include all domestic water service providers in an updated service review within the City of Clearlake and within 6 months more or less bring back an amended updated Sphere of Influence update for the Konocti County Water District for LAFCo consideration.

I. Background on the Request for Reconsideration

On November 18, 2020, the Commission adopted Resolution 2020-0007 making determinations and approving a Sphere of Influence update for the Konocti County Water District (KCWD). The Executive Officer's report dated November 18, 2020 is incorporated by reference into this report. Please bring your copy of the November 18. 2020 Executive Officer's report to the Hearing.

Thereafter, a request for reconsideration of this actions was timely submitted by William L Adams on behalf of the Highlands Mutual Water Company (See Letter for consideration dated December 4, 2020 (Attachment B). The party requesting reconsideration will be referred to as "Appellant" and the request for reconsideration of the Konocti County Water District SOI will be referred to as the "Request." The Petition raises numerous issues and alleged defects in the approval of the KCWD SOI..

The following analysis more particularly discusses the issues raised by the Appellant on a point-by-point basis, organizing them by general subject matter. A map showing the Domestic Water Service Providers (herein referred to as Water Service Providers) within the incorporated area of the City of Clearlake and a map showing the adopted Sphere of Influence for the Konocti County Water District are at the end of this report.

II. Items Raised in the Reconsideration Request

A discussion of the following points were brought up in the letter (Attachment B), as follows:

1. As shown in the attached map entitled "Lake Local Agency Formation Commission Clearlake Water Service Provider", included on page 66 of the Draft September 2020 Municipal Service Review for Konocti Water ("Konocti Water MSR"), there are several areas in the proposed expansion of the Konocti Water sphere of influence that overlap into the existing Highlands Water service area. This encroachment into existing Highlands Water service areas is Expressly prohibited by findings in section 3.1.1.c of the Konocti Water MSR, which states on page 11: "LAFCO does not have the authority to change boundaries or service areas for the Golden State Water Company or the Highlands Mutual Water Company."

RESPONSE: LAFCo is not permitted to overlap spheres of influence for public agencies subject to its jurisdiction, for example, the Lower Lake County Water District. LAFCo may not change the boundaries of the Highlands Mutual Water Company or the Golden State Mutual Water Company since these entities are not subject to LAFCo. All the agencies (KCWD and the Lower Lake County Water District) as well as the entities including the Highlands Mutual Water Company and Golden State Mutual Water Company are subject to a water rights agreement whereby amounts of water to be extracted from Clear Lake and the location where water is to provided to customers are regulated. Of concern is there are several areas where water rights user areas have overlapping water rights mapping. The most pronounced example is the area discussed in item 4 below.

2. In the northwest comer of the expanded Konocti Water sphere of influence map, the property west of Highway 53 and north of Austin Drive, including Fillmore Avenue and Lincoln Avenue, and surrounding the Highlands Water Fillmore Tank, is currently within and being served by the Highlands Water service area. What is the rationale for the apparent duplication of service and an overlapping of jurisdiction arising from Resolution 2020-0007?"

RESPONSE: This area is within the current Sphere of Influence for the KCWD as well as the updated Sphere of Influence. This area is within the geographic area in the current Yolo County Flood Control water rights agreement for the Highlands Mutual Water Company and not within the Konocti County Water District Water

Rights Map. The area is currently served by the Highlands Mutual Water Company.

3. On the western edge of the expanded Konocti Water sphere of influence map, the property west of Highway 53 around Lakeshore Drive and north of Dixon Street is currently within and being served by the Highlands Water service area. Highlands Water has tasked future developments with improving the system to meet current required fire flow needs, as required of Konocti Water in determination 3-4 on page 46 of the Konocti Water MSR.

RESPONSE: This area is within the current Sphere of Influence for the KCWD as well as the updated Sphere of Influence. This area is within the geographic area in the current Yolo County Flood Control water rights agreement for the Highlands Mutual Water Company and not within the Konocti County Water District Water Rights Map. The area is currently served by the Highlands Mutual Water Company.

4. On the southwestern edge of the expanded Konocti Water sphere of influence map, the property east of Highway 53 in area east of the Dam Road Extension (which includes Konocti Education Center, Woodland College, Walmart, McDonalds, Big 5 Sporting Goods and Tractor Supply) is currently within and being served by Highlands Water with good pressure from its 0.88 million gallon tank. Again, what is the rationale for the apparent duplication of service and an overlapping of jurisdiction arising from Resolution 2020-0007?

RESPONSE: This area is within the both the present and updated Sphere of Influence for the Konocti County Water District and District Boundary as well as within the Yolo County Water Rights Service Area Map. Highlands Mutual Water Company provides water service in this area. This area and is not within the Yolo County Flood Control Water Rights Service Area Map.

 In the expanded Konocti Water sphere of influence map, the property west of Highway 53 between Davis and Austin/Duncan is more easily served by Highlands Water 10" main at Duncan and Fillmore coming from the 2.2 million-gallon Fillmore Tank

RESPONSE: This area is within the both the present and updated Sphere of Influence for the Konocti County Water District. This area is within the Yolo County Water Rights service area for the Highlands Mutual Water Company and appears not to be within the Konocti County Water District Water Rights service area.

6. With regard to the specific findings and determinations in Resolution 2020-0007, findings 2, 6 and 8 regarding the encroachments into the Highlands Water service area are without factual and legal justification and should be rescinded as part of the reconsideration.

RESPONSE: There is nothing illegal about a public agency overlapping with non-public agency service areas. The Konocti County Water District has included many of the disputed areas in its Sphere of Influence since before 1985 when Lake LAFCo adopted its first Spheres of Influence. Some of the overlap areas include areas within the KCWD district boundary itself where the Highlands Mutual Water District provides water services. In addition the overlapping area between the Highlands Mutual Water Company and the Golden State Water Company needs further analysis. An analysis of which water provider is the best service provider in a

Staff Report Re: Reconsideration Request for the Konocti County Water District SOI

given area should occur. Since the City of Clearlake has four water service providers. The Service Review needs to be amended to include an analysis of all four water service providers, more thoroughly review areas where either a Sphere of Water Service Boundary overlap and an examination of the Yolo County Flood Control water rights agreements.

Regarding finding #3 of resolution 2020-0007 the annexable area within the KCWD includes areas in addition to the Highlands Mutual Water Co. For example, an expandable sphere to the north and southeast of the existing KCWD boundary.

Regarding finding #6 of resolution 2020-0007 the words "the Konocti County Water District is authorized to provide domestic water within the territory set forth in Attachment "A"" should be amended to read as follows "The Konocti County Water District is authorized to provide domestic water services within its boundaries".

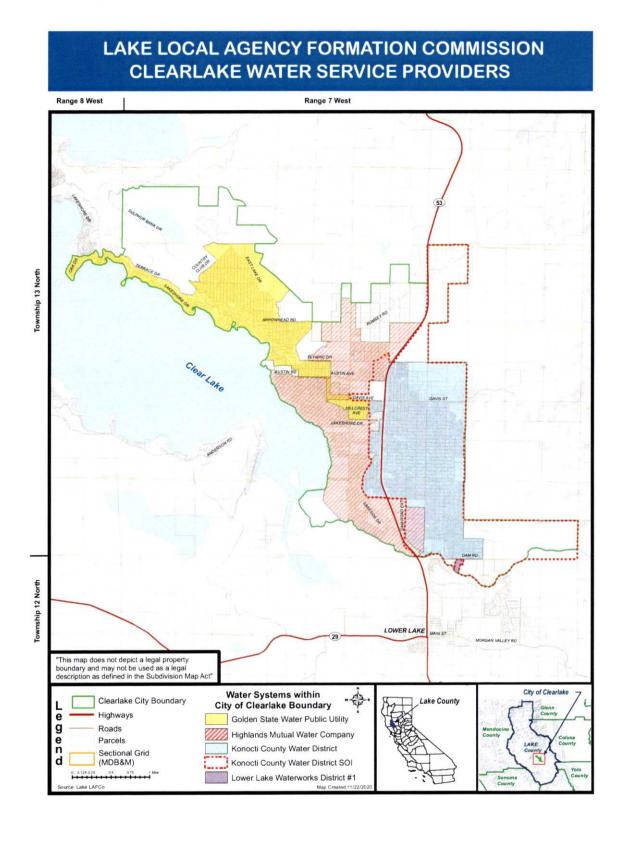
Regarding finding #8 LAFCo adopted the Sphere of Influence Report and Map. Encroachments into both the Highlands Mutual Water Company and the KCWD should be re-examined and action taken after a comprensive review is completed.

III. Conclusion:

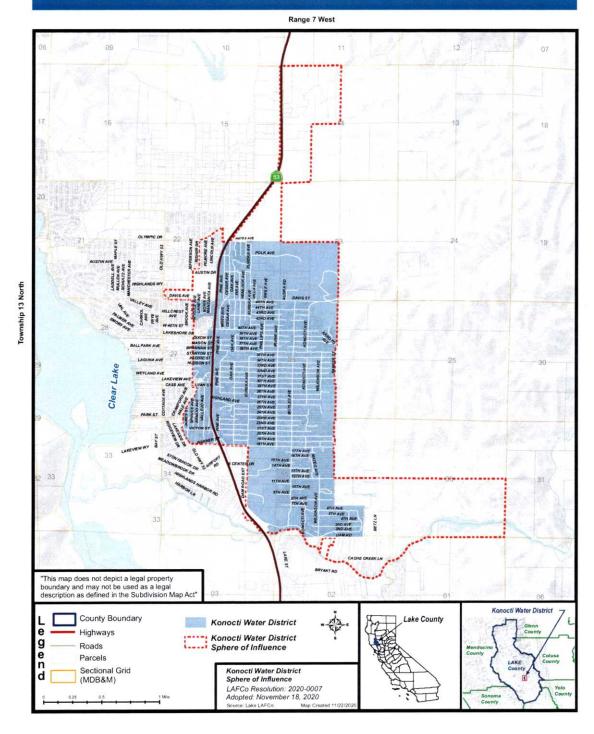
Staff recommends the Commission Consider Alternative 5 - Grant the Reconsideration Request, Rescind Resolution 2020-0007 and direct staff to include all domestic water service providers within the City of Clearlake in an updated service review and within 6 months more or less bring back an amended updated Service Review and Sphere of Influence Update for the Konocti County Water District for LAFCo consideration. Staff recommend the Commission adopt Resolution 2021-0001.

Respectfully Submitted,

John Benoit, Executive Officer



LAKE LOCAL AGENCY FORMATION COMMISSION KONOCTI WATER DISTRICT





Resolution No. 2020-0007

LAKE LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving A Sphere of Influence Update for the Konocti County Water District

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." for the Konocti County Water District; and

WHEREAS, the Commission has set the initial hearing date of <u>November 18, 2020</u> for the update of the sphere of influence for the Konocti County Water District and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56150, et seq.; and

WHEREAS, the Commission has heard and adopted a Municipal Services Review of services provided by the Konocti County Water District in accordance with Gov. Code section 56430; and

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

WHEREAS, 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 Konocti County Water District, complies with the provisions of Government Code Section 56000, et seq.
- 2. That the Konocti County Water District shall have an annexable Sphere 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 Konocti County Water District may have a significant adverse effect on the environment and no unusual circumstances exist.
- 6. Pursuant to Government Code Section 56425 (i) the Konocti County Water District is

authorized to provide domestic water within the territory set forth in Attachment "A". Other services a County Water District may provide shall be considered a new service and LAFCO approval shall be required.

- 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 Map for the Konocti County Water District updated Sphere is hereby adopted and approved as set forth in Attachment "A".

The foregoing resolution was duly passed by the Lake Local Agency Formation Commission at a regular meeting held on November 18, 2020, by the following roll call vote:

Ayes: Mattina, Slooten, Archacki, Robey, Simon, Scholz & Sabatier

Noes: -

Abstentions: -

Absent: -

Signed and approved by me after its passage this 18th day of November 2020

Stuno Sabatier, Chair, Lake LAFCO

Attest

John Benoit, Executive Officer

LAKE LOCAL AGENCY FORMATION COMMISSION



December 3, 2020

VIA FIRST CLASS MAIL AND EMAIL j.benoit4@icloud.com

Lake County LAFCO c/o Bruno Sabatier, Commission Chair John Benoit, Executive Officer P.O. Box 2694 Granite Bay, CA 95746

Re: Request for Reconsideration of Lake County LAFCO

Sphere of Influence amendments for the Konocti County Water District

Dear Chair Sabatier and Executive Officer Benoit:

This office has been retained by the Highlands Mutual Water Company ("Highlands Water"). As you know, Highlands Water provides water service in the central portion of the City of Clearlake and is one of three water service providers to the City.

Pursuant to Government Code section 56895 of the Cortese-Knox-Hertzberg LAFCO Act, the purpose of this letter is to submit written request for reconsideration of sphere of influence amendments for the Konocti County Water District ("Konocti Water"), approved in Resolution 2020-0007 by the Lake County LAFCO at its meeting on November 18, 2020. Konocti Water provides water service for the western portion of the City of Clearlake, primary on the east side of Highway 53.

There are several specific areas of Resolution 2020-0007 and the sphere of influence map included as Attachment "A" thereto that need to be reconsidered and revised. There include:

- 1. As shown in the attached map entitled "Lake Local Agency Formation Commission Clearlake Water Service Provider", included on page 66 of the Draft September 2020 Municipal Service Review for Konocti Water ("Konocti Water MSR"), there are several areas in the proposed expansion of the Konocti Water sphere of influence that overlap into the existing Highlands Water service area. This encroachment into existing Highlands Water service areas is expressly prohibited by findings in section 3.1.1.c of the Konocti Water MSR, which states on page 11: "LAFCO does not have the authority to change boundaries or service areas for the Golden State Water Company or the Highlands Mutual Water Company."
- 2. In the northwest corner of the expanded Konocti Water sphere of influence map, the property west of Highway 53 and north of Austin Drive, including Filmore Avenue and Lincoln Avenue, and surrounding the Highlands Water Fillmore Tank, is currently within and being served by the Highlands Water service area. What is the rationale for the apparent duplication of service and an overlapping of jurisdiction arising from Resolution 2020-0007?

Lake County LAFCO December 4, 2020 Page 2

Re: Request for Reconsideration of Lake County LAFCO

Sphere of Influence amendments for the Konocti County Water District

3. On the western edge of the expanded Konocti Water sphere of influence map, the property west of Highway 53 around Lakeshore Drive and north of Dixon Street is currently within and being served by the Highlands Water service area. Highlands Water has tasked future developments with improving the system to meet current required fire flow needs, as required of Konocti Water in determination 3-4 on page 46 of the Konocti Water MSR.

- 4. On the southwestern edge of the expanded Konocti Water sphere of influence map, the property east of Highway 53 in area east of the Dam Road Extension (which includes Konocti Education Center, Woodland College, Walmart, McDonalds, Big 5 Sporting Goods and Tractor Supply) is currently within and being served by Highlands Water with good pressure from its 0.88 million gallon tank. Again, what is the rationale for the apparent duplication of service and an overlapping of jurisdiction arising from Resolution 2020-0007?
- 5. In the expanded Konocti Water sphere of influence map, the property west of Highway 53 between Davis and Austin/Duncan is more easily served by Highlands Water 10" main at Duncan and Fillmore coming from the 2.2 million-gallon Fillmore Tank.
- 6. With regard to the specific findings and determinations in Resolution 2020-0007, findings 2, 6 and 8 regarding the encroachments into the Highlands Water service area are without factual and legal justification and should be rescinded as part of the reconsideration.

As we understand the procedural provisions of section 56895, no further action shall be taken concerning the proposed sphere of influence amendment pending this reconsideration, and the requested reconsideration must be placed on the agenda for the next Commission meeting in January 2021. Please confirm that LAFCO will comply with these procedural requirements.

Thank you for your consideration action on this reconsideration request. I am available at your convenience to discuss this matter with you or your counsel. My direct email is wadams@majlaw.com.

Sincerely,

William L. Adams

CC: Highlands Water



BEFORE THE LAKE LOCAL AGENCY FORMATION COMMISSION

COUNTY OF LAKE, STATE OF CALIFORNIA

RESOLUTION 2021-0001

A Resolution making determinations regarding the reconsideration of LAFCo's approval of the Konocti County Water District Sphere of Influence Update

WHEREAS, the Lake Local Agency Formation Commission pursuant to the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 *et seq.* of the California Government Code) prepared a Sphere of Influence Update for the Konocti County Water District; and

WHEREAS, the Executive Officer prepared and filed his report with this Commission at least five (5) days prior to the meeting during which this Sphere was to be considered; and

WHEREAS, on November 18, 2020, the Lake Local Agency Formation Commission approved this Sphere of Influence Update and adopted Resolution 2020-0007; and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the Sphere of Influence Update, including, but not limited to the report of the Executive Officer, the applicable General Plan, and Service Review for the Konocti County Water District; and

WHEREAS, on or about December 3, 2020, William L. Adams, attorney for the Highlands Mutual Water Company, submitted a timely request for reconsideration to reconsider the Commission's November 18, 2020 decision pursuant to Government Code section 56895; and

WHEREAS, the reconsideration request is based on several areas where the Konocti County Water District Sphere overlaps Highlands Mutual Water Company service areas; and

WHEREAS, the Commission, held a hearing on January 20, 2021, and upon the request for reconsideration of the detachment and has noticed that hearing at the times and as otherwise prescribed by Government Code Section 56150, et seq.; and

WHEREAS, all interested parties and proponents of the proposal were heard at a public hearing held on January 20, 2021; and

WHEREAS, all correspondence, documents, testimony and submissions presented by the party seeking reconsideration of the November 18, 2020, approval of the Sphere of Influence update as well as the Executive Officer's reports dated January 20, 2021.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Lake Local Agency Formation Commission as follows:

- 1. The foregoing recitals are true and correct.
- 2. LAFCo Resolution 2020-0007 is hereby recinded. Lake LAFCo hereby grants the reconsideration request as documented in the Executive Officer's Report Dated January 20, 2021 and will prepare a comprehensive review of domestic water service providers operating within the City of Clearlake.
- 3. LAFCO desires to work with all domestic water service providers within the City and update the adopted Service Review to be more comprehensive in nature prior to re-visiting the KCWD Sphere Update.
- 4. Lake LAFCo hereby finds that the following facts regarding the detachment proceedings are true and correct:
 - a. That there is an overwhelming need for LAFCo to comprehensively revew all domestic water service providers within the City Limits of Clearlake.
 - b. That the Konocti County Water District does not provide domestic water service to the affected territory in dispute.
 - c. The Highlands Mutual Water company provides domestic water services in many of the disputed areas.
 - d. LAFCo has identified several areas of overlap and inconsistencies regarding water rights for domestic water services and providers within the City of Clearlake.
 - e. There is nothing illegal for a public agency to include areas served by a mutual water company within its Sphere of Influence.
- 5. In reviewing the request for reconsideration, the Commission has considered all factors required by Government Code Sections 56895 and LAFCO's policies as well as issues raised in the December 3, 2020 request for reconsideration. The Commission determines that each factor has been adequately analyzed by the documents within the record before the Commission, including but not limited to the Sphere of Influence

Documents and hereby affirms the determinations adopted in Resolution 2020-0007 on November 18, 2020.

- 6. The Executive Officer's report and recommendation are hereby incorporated by reference and adopted.
- 7. The Executive Officer of this Commission is instructed to mail this resolution to those persons so indicated on the application, affected agencies, and as required by Government Code Section 56882.

PASSED AND ADOPTED at a regular meeting of the Lake Local Agency Formation Commission on the 20th day of January 2021, by the following vote:

AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
	Bruno Sabatier, Chair LAKE LOCAL AGENCY FORMATION COMMISSION
ATTEST:	
John Benoit LAFCO Executive Officer	





PAY-WHAT-YOU-CAN MEMBERSHIP

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Be an independent special district (as defined by Government Code section 56044) and/or public agencies whose legislative body is composed of representatives from two or more public agencies. District's annual operating revenue/income as of June 30, 2020 is less than \$250,000. Only one-time grants or straight pass-through funding should be excluded. Any funding used to support agency operations such as payroll and other administrative expenses should be included. Is not a current CSDA member or a district who lapsed CSDA membership in the past 18 months.							

OBRA 1993 prohibits taxpayers from deducting for federal income tax purposes, the portion of membership dues that are allocable to the lebbying activities of trade organizations. The nondeductible portion of your dues is estimated to be 8%.





PAY-WHAT-YOU-CAN MEMBERSHIP

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California Special Districts Association

Districts Stronger Together

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ELIGIBLE DISTRICTS ARE INVITED TO PARTICIPATE IN A FIRST-EVER SPECIAL OFFER TO JOIN CSDA!

Join the growing network of special districts through our Pay-What-You-Can membership offer. Simply choose the amount you

can afford to pay to become a member of CSDA, and your entire district will receive access to CSDA's member benefits and value-added programs through December 2022!

Benefits of CSDA Membership

California's special districts are stronger together. Through CSDA membership districts can connect and collaborate like never before. CSDA is committed to providing members with

Highlights of 2020



Check out this visual of what CSDA accomplished in 2020 with the help of our members. CSDA is looking forward to great new member benefits and opportunities in 2021.

special programs and resources that can save them time and money. Take a moment to explore our Core and Value Added Benefits below.

VIEW NOW

CORE BENEFITS

VALUE ADDED BENEFITS

Is Your District Eligible?

- Be an independent special district (as defined by Government Code section 56044) and/or public agency whose legislative body is composed of representatives from two or more public agencies.
- District's annual operating revenue/income as of June 30, 2020 is less than \$250,000. Only one-time grants or straight pass-through funding should be excluded. Any funding used to support agency operations such as payroll and other administrative expenses should be included.
- Is not a current CSDA member or a district whose CSDA membership lapsed in the past 18 months.

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California Special Districts Association

Districts Stronger Together

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Core Benefits



Your Voice in the Capitol

CSDA's Core Benefits are designed to meet the specific needs of special districts in California:

- Legislative Advocacy— CSDA is the only voice in the Capitol that represents and fights for all California special districts, regardless of services provided or affiliation with other organizations. CSDA's legislative advocate and in-house legislative staff review and monitor every bill introduced into legislation for its potential impact on California's special districts.
- Influence CSDA participates in a number of coalitions and working groups to ensure that special districts have a strong voice in state and local government decision making.
- **Revenue Protection** CSDA works hard each year to defeat attempts to raid special district revenues.

Not a Member?

Join CSDA Today! By joining CSDA, you help make Districts Stronger Together:

LEARN MORE

- Weekly Legislative Updates CSDA keeps you informed by sending out crucial legislative updates on a weekly basis via the CSDA eNews.
- Legislative Committee CSDA's Legislative Committee members represent a wide variety of district types and sizes.
- Special Districts Legislative Days CSDA's annual Special Districts Legislative Days provides updated information on legislation and public policy as well as coordinates legislative visits for your board and staff.

Cost Saving Programs

- CSDA Finance Corporation Tax-Exempt Municipal Financing
- Special District Risk Management Authority –
 Workers' Compensation, Property & Liability, and Health Coverages

Stay Connected & Informed

CSDA provides a myriad of benefits to help your special district stay apprised of the issues and changes affecting your district.

- California Special Districts magazine CSDA's bimonthly magazine, California Special Districts, helps keep your district informed with the most current news from across the state. Feature articles in the magazine offer critical information and education regarding and affecting special districts.
- CSDA eNews CSDA's weekly email publication keeps your special district up-to-date with weekly legislative updates, current CSDA educational offerings, member

resources, and other time sensitive material important to your district's operations.

- CSDA Website and Members Section CSDA's
 Members Section website houses tools and information useful to any and every special district. Features include:
 - Daily updates of special district news from across the state, tailored to your district
 - Direct contact information for YOUR legislators
 - Comprehensive legislative information that affects your district
 - A customized system that allows Calls to Action on legislation to appear only if they apply to your district
 - Pending bills, legislation and CSDA's current bill positions
 - Local contact information for media representatives in your region
 - Membership tools allowing you to register for events, order publications, and update your district information
 - CSDA Communities provides a convenient, fast and easy way for CSDA members to discuss issues of importance to special districts, share relevant information, and get answers to questions from those most qualified to answer: people who have been through the same experiences.
 - And much, much more!

Educate your Board and Staff

CSDA is the only association that offers education opportunities designed specifically for independent districts of all sizes and types.

- Special District Leadership Academy (SDLA) CSDA's
 Leadership Academy is the recognized leader in
 governance training for district directors and trustees,
 endorsed by eight other special district associations.
 Special District Leadership Academy Courses are
 available as standalone modules or over the course of
 one two and a half day conference.
- Special District Board Secretary/Clerk Conference –
 Offers premiere training for board secretaries and
 clerks. First time attendees can earn their Special
 District Board Secretary/Clerk Certificate and attendees
 are encouraged to come back year after year for exciting
 new breakout sessions tailored to the board
 secretary/clerk position.
- General Manager Leadership Summit a leadership conference for general managers and other management staff in special districts that occurs each summer. Attendees are able to access sessions that offer specific information & content to your position and network with others that hold your same position and take home ideas that you can immediately apply to your district.
- Annual Conference & Exhibitor Showcase Each fall CSDA brings together leading subject and policy experts, business partners and vendors for three days of educational and networking opportunities for board members and staff.
- Board Member Training CSDA offers this unique workshop designed by special districts for special districts to provide both the new and seasoned board

member a solid understanding of the role of a board member and the laws by which a board member must abide.

- Webinars CSDA offers over 30 webinars each year, some at no charge, that provide you and your district easy access to the best in special districts education right at your desk.
- Workshops CSDA offers training throughout California designed to enhance the knowledge-base of your district's directors and staff.

Enhanced Benefits & Services

- Bookstore discounts CSDA members receive significant savings on various publications offered through CSDA's Bookstore. Some of these publications include:
 - CSDA Sample Policy Handbook
 - o Brown Act Compliance Manual
 - Special District Administrative Salary & Benefits
 Survey
 - o Introduction to Special District Revenues
 - Special District Board Member & Trustee
 Handbook
 - Special District Reserve Guidelines
- Free Legal Advice CSDA offers each member one hour of free legal advice each year to help in resolving any legal issue or question. CSDA's legal counsel has been representing special districts for many years and is well versed in helping special districts in a variety of areas.
- Hardworking & Dedicated Staff CSDA's staff are fully motivated and working hard every day of the week to represent you and ensure your success as a special

District's in Sutter County that Qualify for CSDA's Pay What You Can program

Fairview Cemetery District
Levee District #1
Levee District No.9 (Sutter)
Live Oak Cemetery District
Nicolaus Cemetery District
Pleasant Grove Cemetery District
Reclamation District 2056
Sutter Basin Fire Protection District

Districts in Yuba County that Qualify for the CSDA's Pay as you go program

Brownsville Cemetery District
Camp Far West Irrigation District
District 10-Hallwood Community Services District
Dobbins-Oregon House Fire Protection District
Keystone Cemetery District
La Porte Fire District
Peoria Cemetery District
Reclamation District 817
Smartsville Cemetery District
Smartsville Fire Protection District
Strawberry Valley Cemetery District
Upham Cemetery District
Wheatland Cemetery District
Wheatland Cemetery District
Yuba County Resource Conservation District

-M Water District	Colusa
Arbuckle Cemetery District	Colusa
Bear Valley-Indian Valley Fire Protection District	Colusa
College City Cemetery District	Colusa
Colusa Cemetery District	Colusa
Cortina Creek Flood Control and Flood Water Conservation	
District	Colusa
Cortina Water District	Colusa
Cypress Hill Cemetery District	Colusa
Glenn Valley Water District	Colusa
Grand Island Cemetery District	Colusa
Holthouse Water District	Colusa
evee District #2 - Glenn County	Colusa
Maxwell Cemetery District	Colusa
Maxwell Recreation and Park District	Colusa
Princeton Cemetery District	Colusa
Princeton Fire Protection District	Colusa
Princeton Water District	Colusa
Reclamation District 2054	Colusa
Reclamation District 479	Colusa
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Villiams Cemetery District	Colusa
Anderson Springs Community Services District	Lake
Butler Keys Community Services District	Lake
Glenbrook Cemetery District	Lake
Hartley Cemetery District	Lake
Celseyville Cemetery District	Lake
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Middletown Cemetery District	Lake
Reclamation District 2070	Lake
Reclamation District 695	Lake
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Big Valley Fire Protection District	Lassen
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Canby Fire District	Modoc
Cedarville Cemetery District	Modoc
Cedarville Fire Protection District	Modoc



21 Events Calendar

JANUA	RY
8	CALAFCO Legislative Committee (Virtual)
19	CALAFCO Monthly EO meeting (Virtual)
21	CALAFCO Board of Directors Strategic Planning Session (Virtual)
22	CALAFCO Board of Directors Meeting (Virtual)
21-22& 28-29	League New Mayor & Council Academy (Virtual)
27-28	CA Assn. of Sanitation Agencies Conference (Virtual)
FEBRU	ARY
16	CALAFCO Monthly EO meeting (Virtual)
19	CALAFCO Legislative Committee (Virtual)
MARCI	1
17-19	CALAFCO Staff Workshop (Newport Beach)
26	CALAFCO Legislative Committee (Virtual)
APRIL	
19	CALAFCO Monthly EO meeting (Virtual)
30	CALAFCO Board of Directors Meeting (Virtual)
MAY	
7	CALAFCO Legislative Committee (Virtual)
11-14	Assn. of CA Water Agencies Conference (Monterey)
17	CALAFCO Monthly EO meeting (Virtual)
JUNE	
18	CALAFCO Legislative Committee (Virtual)
28	CALAFCO Monthly EO meeting (Virtual)
JULY	
23	CALAFCO Legislative Committee (Virtual)
30	CALAFCO Board of Directors Meeting (Sacramento)

AUGUST

11-13	CA Assn. of Sanitation Agencies Annual
	Conference (San Diego)
30	CA Special Districts Assn. Conference
	(Monterey)

SEPTEMBER

1-2	CA Special Districts Assn. Conference (Monterey)
22-24	League Annual Conference (Sacramento)
29-30	Regional Council of Rural Counties Annual Conference (Monterey)

OCTOBER

22	CALAFCO Legislative Committee (2022) (Virtual)
6-8	CALAFCO Annual Conference (Newport Beach)
7	CALAFCO Annual Business Meeting (Newport Beach)
8	CALAFCO Board of Directors Meeting (Newport Beach)

NOVEMBER

5	CALAFCO Legislative Committee (Sacramento)
12	CALAFCO Board of Directors Meeting (Sacramento)
30	CA State Assn. of Counties Annual Conference (Monterey)
30	Assn. of CA Water Agencies Conference (Pasadena)

DECEMBER

1-3	CA State Assn. of Counties Annual Conference (Monterey)	
1-3	Assn. of CA Water Agencies Conference (Pasadena)	
3	CALAFCO Legislative Committee (San Diego)	

CALIFORNIA ASSOCIATION OF LOCAL AGENCY FORMATION COMMISSIONS

> 1020 12th Street, Suite 222 Sacramento, CA 95814 916-442-6536

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