

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=N0Vvbmh6a3VnSGFaMVI5WW1ZN01DQT09>

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/j/84319979443?pwd=N0Vvbmh6a3VnSGFaMVI5WW1ZN01DQT09>

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 j.benoit4@icloud.com 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)

Commission Alternate Members

Victoria Brandon (Spec. District Alternate)
Suzanne Lyons (Public Alternate)
Tina Scott (County Alternate)
Joyce Overton (City Alternate)

Staff

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

1. 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.*

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 Annexion*
- e. *Callayomi Co. WD Annexion – 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, 2021 9:30 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 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

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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

#4

CLAIMS

November and December 2020

Expenses for FY 2020-2021:

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

DATED: January 20, 2021

APPROVED: January 20, 2021

Bruno Sabatier, Chair
Lake Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

Amount Budgeted	Comm Slicend Supplies	Memberships	Books & Periodic	Attorney Services	LAFCO Clerk	Office Supplies	Staff Svcs	Legal Notices	Trans Travel	Conf Regia	Gen Reserve	Contingency	Insurance	GIS Mapping	Webpage	Auditor	SOI	MSR
2020-2021 Adopted Budget	500.01	600.35	700.51	700.00	750.6	750.6	750.6	750.6	700.33	700.33	405.32	999.99	960.35	750.6	750.6	750.6	750.6	750.6
Califco Dues 2020-2021	\$ 9,280.00	\$ 250.00	\$ 1,901.00	\$ 2,001.00	\$ 4,026.00	\$ 7,000.00	\$ 48,485.00	\$ 1,690.00	\$ (600.00)	\$ 2,550.00	\$ 70,000.00	\$ 10,000.00	\$ 1,400.00	\$ 6,000.00	\$ 150.00	\$ 2,300.00	\$ 10,000.00	\$ 21,000.00
July 15, 2020 Payroll	\$ (540.00)																	
Staff Svcs July 2020																		
Browne ending 7.15.20																		
Browne Ending 8.15.20																		
RB - Clo PSP adoption																		
Payroll Sept 16, 2020 mtg																		
Browne Ending 9.15.2020																		
Staff Svcs October 2020																		
BUDGET TRANSFER																		
Staff Svcs October 2020																		
RB-CLO KCWD msr and sol																		
Browne ending 10.15.2020																		
Payroll Nov 18, 2020 Lake LAFco																		
Browne ending 11.15.2020																		
JB Staff Svcs November 2020																		
MRG 1-LAK-02 Facilitation																		
JB Staff Svcs December 2020																		
RB CLO Reconsider KCWD notice																		
Browne Ending 12.15.20 #723																		
MRG 1-20-98																		

Remaining in Account	\$ 3,720.00	\$ 250.00	\$ 1,901.00	\$ 11,547.00	\$ 3,337.50	\$ 3,700.00	\$ 24,201.68	\$ 442.61	\$ (208.02)	\$ 2,500.00	\$ 56,300.00	\$ 10,000.00	\$ 1,400.00	\$ 5,300.00	\$ 150.00	\$ 2,500.00	\$ 7,050.00	\$ 11,768.06
Expended	\$ (1,560.00)	\$ -	\$ -	\$ (7,086.00)	\$ (682.50)	\$ (3,300.00)	\$ (24,286.02)	\$ (557.09)	\$ -	\$ -	\$ (11,700.00)	\$ 0.00	\$ 0.00	\$ (700.00)	\$ -	\$ 0.00	\$ (2,950.00)	\$ (8,231.94)

unaudited

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.

Alternative #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.**

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

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 corner 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

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

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.

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.

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 comprehensive review is completed.

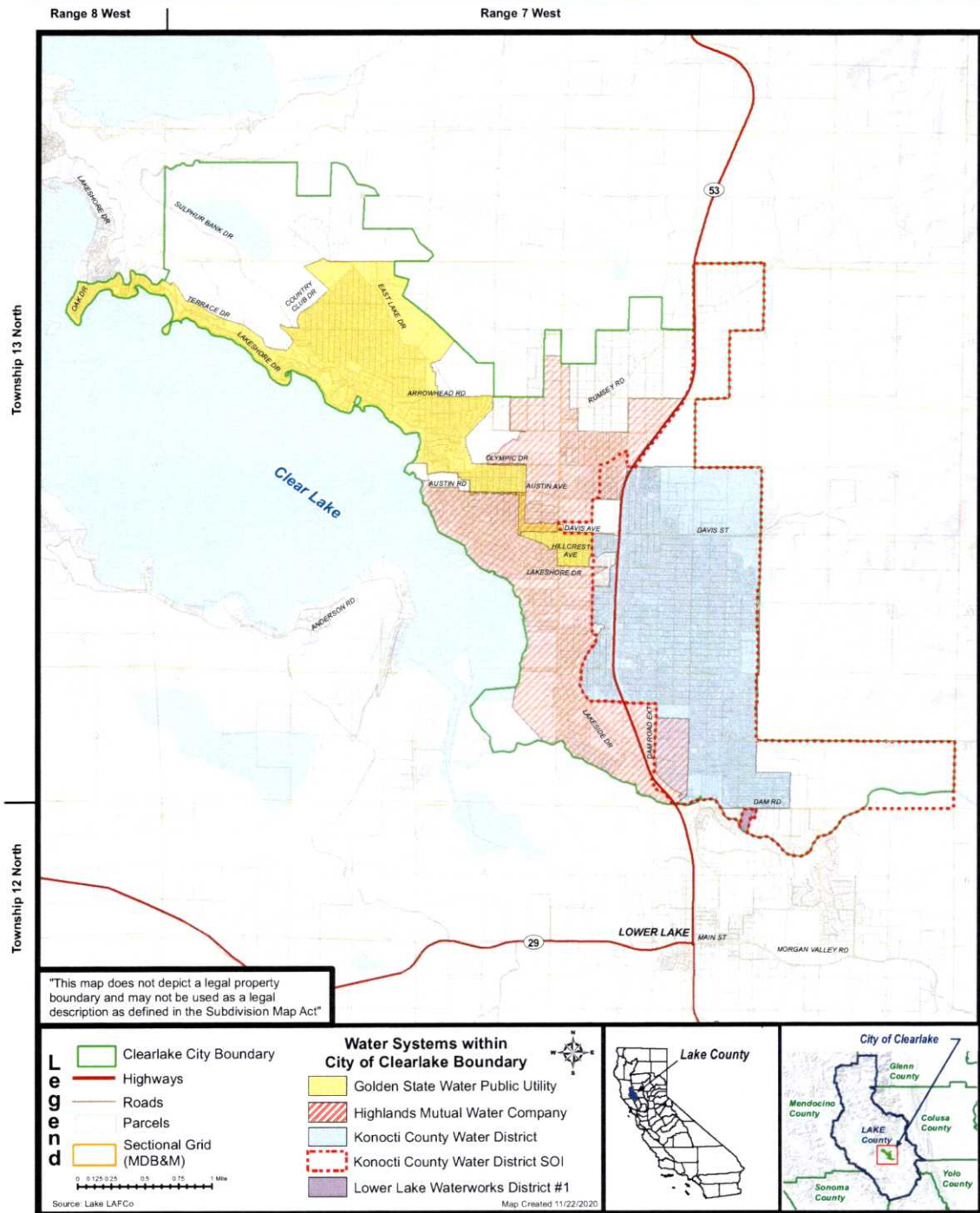
III. Conclusion:

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,

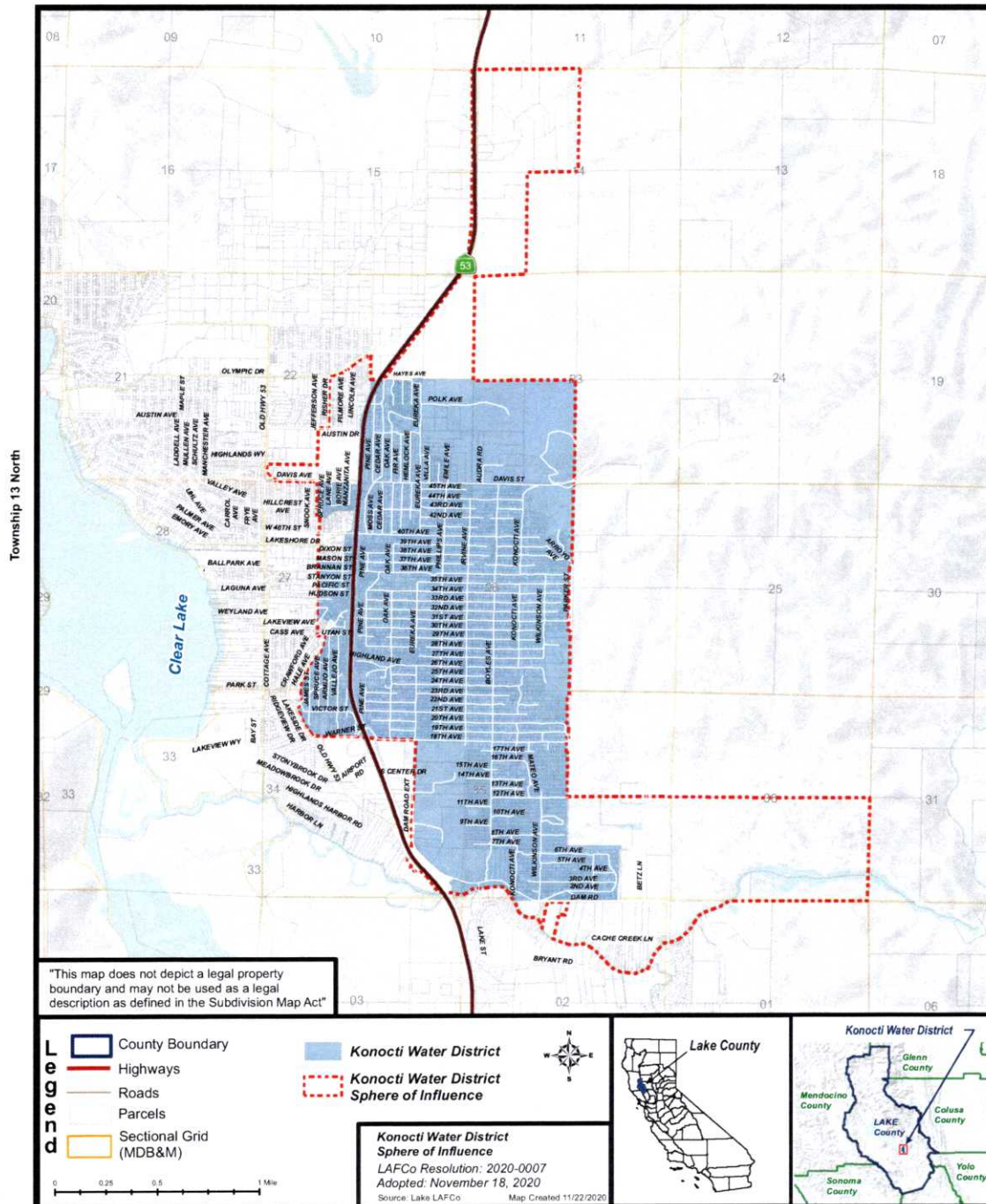
John Benoit,
Executive Officer

LAKE LOCAL AGENCY FORMATION COMMISSION CLEARLAKE WATER SERVICE PROVIDERS



LAKE LOCAL AGENCY FORMATION COMMISSION KONOCTI WATER DISTRICT

Range 7 West



A

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 November 18, 2020 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



Bruno Sabatier, Chair, Lake LAFCO

Attest.


John Benoit, Executive Officer
LAKE LOCAL AGENCY FORMATION COMMISSION