

**Lake Local Agency Formation Commission**

**Regular Meeting Agenda**

**Wednesday March 15, 2023 -- 9:30 am**

**City of Lakeport** – City Council Chambers

225 Park Street Lakeport, California

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

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

***Zoom meeting for public:*** LAFCo has decided to make public meetings accessible telephonically or otherwise electronically to all members of the public. Members of the public are encouraged to observe and participate in the teleconference.

*The complete agenda, including backup materials and materials related to items on this Agenda submitted to the Commission after distribution of the Agenda Packet, is available for public inspection on the Lake LAFCo website. Agenda materials are also available on the Lake LAFCO website at [www.lakelafco.org](http://www.lakelafco.org)*

**Topic: Lake LAFCo Meeting**

**Time: Mar 15, 2023 09:30 AM Pacific Time (US and Canada)**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/81581388110?pwd=OUlkRFFGaGx0dHM0czdtTStJSk1HUT09>**

**Meeting ID: 815 8138 8110**

**Passcode: 091088**

**One tap mobile**

**+16694449171,,81581388110#,,,,\*091088# US**

**+16699006833,,81581388110#,,,,\*091088# US (San Jose)**

**+1 669 444 9171 US**

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**Find your local number: <https://us02web.zoom.us/j/kecfSZSJEG>**

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

**Commissioners**

**Commission Alternate Members**

Dirk Slooten, (City)

Vacant (Spec. District Alternate)

Stan Archacki, (Special Dist.)

Suzanne Lyons (Public Alternate)

Jim Scholz (Special District)

Vacant (County Alternate)

Ed Robey, (Public Member)

Russ Perdock (City Alternate)

Moke Simon, (County)

Bruno Sabatier Chair (County)

Stacey Mattina Vice Chair (City)

**Staff**

John Benoit, Executive Officer

P. Scott Browne, Legal Counsel

Kathleen Moran, Clerk-Analyst

**1. Call to Order – Roll Call**

**2. Approval of Minutes – January 18, 2023 minutes**

*a. Approve January 18, 2023 minutes*

**3. Public Comment.**

*This is the time for the public to address the Commission on any matter not on the agenda. Testimony related to an item on the agenda should be presented at the time that item is considered.*

**4. Introduction Mireya Turner, Lake County Planning Director**

**5. Consent Agenda**

*a. Review and authorize payment of expenses for January and February 2023.*

**Public Hearing:**

**6. Fiscal Year 2023-2024 Lake LAFCo Proposed Budget**

- a. *Conduct public hearing and consider LAFCo Resolution 2023-0001 adopting a proposed budget for FY 2023-2024*

**OTHER ITEMS:**

**7. Workshop Lower Lake County Waterworks District #1 MSR and SOI**

- a) *Introduction, review and discuss the Lower Lake County Waterworks District #1 MSR and SOI and set a hearing date of May 17, 2023 in Clearlake*

**8. Discussion regarding LAFCO's role on Williamson Act Lands**

- a) *Hold discussion*

**9. Executive Officer's report.**

- a. *Upper Lake area MTBE (Methyl tert-butyl ether) Drinking Water Contamination – ongoing. In work plan for winter and spring 2023*  
b. *700 Forms due April 1st*  
c. *LAFCo Projects – Middletown Rancheria, Brambles Development (HVLCSO) and Dorn Annex to CSA 20*  
d. *Special District Alternate*

**10. LAFCo Counsel's report**

**11. 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.*

**12. Adjourn to LAFCO's next regular meeting: Wednesday May 17, 2023 - 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.*



**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 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 (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](mailto:j.benoit4@icloud.com). Agenda packets are located on the Lake LAFCO Webpage at [www.lakelafco.org](http://www.lakelafco.org)

LAKE LOCAL AGENCY FORMATION COMMISSION  
Minutes  
January 18, 2023

**Members Participating**

Bruno Sabatier, Chair, County Member  
Stacey Mattina, Vice-Chair, City Member  
Moke Simon, County Member  
Stan Archacki, Special Districts  
Ed Robey, Public Member  
Dirk Slooten, City Member  
Jim Scholz, Special Districts

**Staff Participating**

John Benoit, Executive Officer  
\*P. Scott Browne, Legal Counsel  
Kathleen Moran, Clerk, via Zoom

Absent: Suzanne Lyons, Public Alternate, Kenny Parlett, City Alternate.

1. Chair called meeting to order at 9:30 a.m. in the City Council Chambers, City of Clearlake. This meeting was conducted in person with teleconference and Zoom options available.

**2. Approval of Minutes**

Motion by Commissioner Mattina seconded by Commissioner Robey to approve the Minutes of the September 21st and November 16, 2022 Regular Meetings. Motion carried. All yes.

3. **Public Comment** Chair opened period of Public Comment. None were heard.

**4. Consent Agenda**

Motion by Commissioner Robey, seconded by Commissioner Slooten to approve The Consent Agenda item as follows:

- a. Authorize payment of expenses for November and December 2022.

Motion carried: All in favor.

**5. Notice of Termination for the City of Lakeport South Lakeport Annexation File #2019-0006**

Motion by Commissioner Slooten, seconded by Commissioner Scholz to adopt Resolution No 2023-0001, A Resolution Terminating the LAFCo Proceedings for the City of Lakeport South Lakeport Annexation to the City of Lakeport (LAFCo Application No. 2019-0006 as amended, to reflect adoption date of January 18, 2023 (not January 12, 2023). Resolution passed and adopted by the following vote:

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

NOES: None.

ABSENT: None.

**6. Discussion regarding AB 2449 Remote LAFCo meetings and Commissioner attendance.**

Mr. Benoit asked that this item be continued for the presence of Mr. Browne was en route.

\* 9:45 a.m. Mr. Browne is present.

**7. Workshop re: Agricultural Lands and LAFCo's role**

Mr. Benoit reviewed the information in his memo to the Commission dated January 18, 2023 on Consideration of Agricultural Conversion Impacts which outlines the Lake LAFCo policy as well as provisions of the California Government Code with regard to future projects. Extensive discussion was held on specific examples and actions within the cities and county and LAFCo's interactions, mission and purpose as it pertains to those agencies.

**8. Continued item #6 AB 2249** - Mr. Browne reviewed his memo to the Commission outlining the new Brown Act requirements for teleconference meetings effective January 1, 2023.

10:28 a.m. Chair calls a recess. Meeting resumes at 10:43 a.m.

**9. Workshop regarding 2023/24 Work Program**

Mr. Benoit stated that this item has been placed on the Agenda in anticipation of the consideration of the FY 2023-24 budget session which is scheduled for the next regular meeting. He reviewed the listing of Lake LAFCo MSR and Sphere adoption dates and which districts will need to be updated. Chairman Sabatier recommended updates on all Fire Districts. Commissioners concur that these districts should be made a priority. Discussion was also held on emergency and ambulance services and the potential for LAFCo support.

**10. Completion of Protest Proceedings: Legislation or Policy Amendment**

A discussion followed regarding the need for legislation or a policy amendment to define exactly when the Completion of Protest Proceedings concurs. No action was taken.

**11. Executive Officer's Report**

- a. Upper Lake area MTBE (Methyl tera-butyl ether) Drinking Water Contamination-meet with District Manager ti begin MSR-SOI.
- b. Lower Lake CWD MSR and Sphere – Since the Konocti County Water District designated a Sphere area north of Cache Creek the territory in the Lower Lake Sphere of Influence needs to be consistent by withdrawing this area from the Lower Lake Sphere of Influence.

- c. Meet with Lakeport City Manager (this meeting has been postponed to March 2023)
- d. Meet with Grand Jury. (staff met with a subcommittee of the Grand Jury)
- e. LAFCo Projects - Middletown Rancheria, Brambles and Dorn Annexation Projects
- f. 700 Forms due April 1, 2023 - file with County or electronically

**12. LAFCo Counsel's Report** Counsel discussed proposed legislation regarding granting LAFCo's the same indemnification provisions as other public agencies.

**13. Commissioner Reports** – Chair Sabatier expressed a desire to have a discussion regarding the Williamson Act at the next regular meeting

**14. Correspondence**

Calafco White Paper Planning for a Stable and Predictable Future. This paper addresses GC 56133 and LAFCo making the determination not a special district or a city.

**15.** Meeting adjourned at 11:15 am

Next Meeting: Wednesday, March 15, 2023 at 9:30 a.m. in Lakeport.

By: Kathleen Moran, Clerk

# Lake Local Agency Formation Commission

## CLAIMS

January and February 2023

### Expenses for FY 2022-2023:

| <u>Date of Claim</u> | <u>Description</u>  | <u>Amount</u> |
|----------------------|---------------------|---------------|
| 12.16.22 - 1.15.23   | Browne Legal        | \$ 1,954.57   |
| Jan 18, 2023         | Meeting Stipend     | \$ 700.00     |
| Feb 1, 2023          | Staff Svcs Jan 2023 | \$ 7,245.02   |
| 1.16.2023 - 12.15.23 | Browne Legal        | \$ 1,954.57   |
| Mar 1, 2023          | Staff Svcs Feb 2023 | \$ 6,133.67   |
|                      | TOTAL:              | \$ 15,407.43  |

DATED: March 15, 2023

APPROVED: March 15, 2023

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

Attest:

\_\_\_\_\_  
John Benoit  
Executive Officer



LAKE LOCAL AGENCY FORMATION COMMISSION

ITEM 6

MEMORANDUM

March 15, 2023

**TO:** Local Agency Formation Commission  
**FROM:** John Benoit, Executive Officer  
**RE:** Proposed Budget for FY 2023-2024

**Attachment:** LAFCo resolution adopting a proposed 2023-2024 Budget

**Work Program for 2023-2024**

**Direct Projects – Projected**

1. Small and medium reorganizations - For the 2023-2024 fiscal year staff anticipates two or three small and medium reorganizations (i.e., annexations and detachments involving districts). For example changes to the boundaries of the Konocti Co. W.D, Upper Lake Co W.D. and the Callayomi Co. Water District. Costs include working with agencies and (or) individuals prior to application submittal, legal counsel, staff time, public inquiries, public hearing requirements including noticing (300 ft from site –voters and landowners), preparation of notices, staff reports and resolutions, LAFCO protest requirements (public noticing), incidental travel, office supplies (copying), webpage posting, seeking comment from county departments (assessor, clerk and auditor), and general accounting.

Significant Municipal Annexations – None are expected at this time in 2023-2024

2. District Consolidations – Staff has heard of no district consolidations at this time although with the passage of additional requirements stated in SB 244 and other legislation consolidations may occur.
3. Dissolution of Districts – At this time, LAFCo has had no further inquiries about the dissolution of Special Districts with the exception of changes necessitated by SB - 244.

**Administrative Projects and Operational Provisions**

Ongoing administrative activities include:

**Budget Development and Control**

Budget development and control is currently handled by the Executive Officer. During the year, day-to-day administrative tasks (e.g., invoicing, and bill paying) are provided by the Executive Officer. LAFCo works with City and County offices on these issues.

Preparation of the budget and budget justification documents and resolutions are included in these activities. Legal advice when needed is required regarding expenditure requests. The preparation of claim forms for both the Commission and the County Auditor's office is included

Budget Justification Report

Lake LAFCO

March 15, 2023

to ensure proper control. Public inquires regarding expenditures and expenditure priorities are handled by the Executive Officer. Incidental office supplies and communication resources are needed to perform this function.

Special administrative projects such as coordinating agreements i.e. agreements for the provision of insurance or responding to a Commission directive or minute order and Proposal Requests. Insurance is estimated to be about the same next year since LAFCO has had no claims.

### **Communications**

This budget includes conducting annual organizational LAFCO workshops. This should occur at a separate meeting with the Commission and staff and should be part of the Commissions annual work program.

LAFCO needs to continue communication efforts with the County, Cities and Districts. The budget includes a session with these entities as well as an appearance various meetings. One of the legislative intents of LAFCO is to serve as neutral party or "legislature's watchdog" with regards to organizational issues. The budget for these activities includes preparation and meeting with staff and boards and incidental office supplies, legal advice, travel and communication.

Conduct project-oriented workshops, as appropriate. This activity may occur this year regarding the role of LAFCO may be required.

Work with potential applicants seeking reorganization. This activity requires research and meeting with project proponents to determine approaches to solving service issues. This activity is time consuming. Costs include legal, staff time, incidental travel, office supplies and communication resources. An example is to discuss LAFCO with the grand jury to assist them in their role and taking correct action.

Responding to public inquires. Public inquires regarding service issues are common involving a member of the public who is in need of a service or has a question about a service. This ongoing activity includes legal, staff time and communication resources. The LAFCO webpage provides an outlet for LAFCO information. Responding to the public is necessary for informing individuals of LAFCO requirements to facilitate the process. There is no one else who will provide the public with correct and unbiased information about LAFCO. This may cause substantial cost savings for the public by having correct information to make business decisions.

**Brown Act, Public Records Act and Political Reform Act compliance**. Staff and legal time is required to comply with these laws. Including noticing, Form 700's, public records disclosure, citizen's inquires, general compliance and written responses to records request. These are an ever increasing amount of state laws and must be followed.

**Grand Jury**. LAFCo staff has met with the Grand Jury, which involved information requests and conversations with members. This activity is anticipated to continuously occur.

**Calafco Dues.** The Calafco Executive Membership voted for a rate increase this year for members. Calafco dues will be decreased from \$1,982.00 to \$2,145.90 an increase of \$163.90 or 8.27 percent

**Environmental Reviews:** CEQA is required for all LAFCO discretionary projects. Applicants pay direct project costs; Spheres of Influence are LAFCO's responsibility. LAFCO will be a lead agency in this respect. LAFCO is also required and should want to comment on Environmental Reviews from various agencies. These costs include legal, communication, advertising, staff time. It is estimated the cost of this activity will be significant including required fees to pay Fish and Wildlife. This item is necessary to promote better customer service and comply with the CEQA law and CKH act with regard to the role of a responsible agency. Development requiring reorganization will take much longer if LAFCO is not involved in this process as well as cost project applicants significantly more amounts of money. LAFCo Staff has commented on several CEQA reviews this year.

### **Public Education**

Utilize media and speaking opportunities and submit articles about LAFCO to journals and newspapers. This activity is fairly minimal. However, there is a cost of staff time and office supplies to perform this function.

Submit press releases on substantive actions; encourage agencies to request regular LAFCO meeting agendas and update agencies on LAFCO Commission membership.

These activities are important to inform the public and agencies about LAFCO. Numerous inquiries come from citizens needing one service or another. These activities promote better customer service for all agencies by informing the public about what is going on with regards to LAFCO.

### **Resource Development**

Monitor new and proposed relevant legislation. Although LAFCO relies on CALAFCO for this activity, it is important that new legislation reflects our needs. This activity involves communication, staff time, and legal time. Legislation of importance to Lake LAFCO impacts budget process and permit processes.

### **Special Reports and Projects for the Commission**

The CKH act and the Commission's bylaws allow the Commission to undertake special projects. Special projects may include being involved in a General Plan update, assisting in the development agriculture conservation policies, being involved in water planning throughout the County, serving as a neutral party with regards to service issues, assisting the public and agencies with LAFCO applications and processes, developing annexation strategies for cities or districts and (or) any other proactive activity of benefit to the citizens and agencies as deemed necessary by the Commission.

### **Commissioner Development – CALAFCO Conference**

The justification for this expense is LAFCO Commissioners need to be informed decision makers. Commissioners need the tools to carry out their statutory responsibilities in a responsible manner. Training and interaction with Commissioners from other LAFCO's will assist those Commissioners in attendance to bring back ideas to be shared with the remainder

Budget Justification Report

Lake LAFCO

March 15, 2023

of the Commission. Training is necessary to remain informed of changes in LAFCO law and procedures.

### **Municipal Service Reviews and Sphere of Influence Updates**

#### ***Cortese-Knox-Hertzberg (§ 56430)***

LAFCO must update all spheres of influence every 5 years, as necessary and must prepare a review of each municipal service before or in conjunction with a sphere of influence update.

The purpose of a MSR is to support preparation and update of Spheres of Influence, in accordance with the provisions of the Cortese-Knox-Hertzberg Act. The objective of a Municipal Service Review (MSR) is to develop recommendations that will promote more efficient and higher quality service patterns; identify areas for service improvement; and assess the adequacy of service provision as it relates to determination of appropriate sphere boundaries based on a specific growth period and a realistic growth rate adopted for that period.

For a MSR to be of value, the Commission needs to review services comprehensively, on a service-by-service basis within logical sub-regions, given consistent and specific target growth periods and a realistic estimate of growth adopted for that period.

Reviews are largely based on information provided to LAFCO by the districts and (or) city or county. A new procedure to be used is for staff to meet twice with district Board of Directors during the data discovery phase and to review a draft prior to the MSR going to the LAFCO Commission.

A service review is required prior to preparing a Sphere of Influence Update. The Sphere of Influence is LAFCO's planning document for the ultimate service boundary for a service provider. Prior to adopting a Sphere of Influence Map and Sphere Policies, the Commission must make determinations based on supporting evidence with regard to the following:

- a. "The present and planned land uses in the area.
- b. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence (for fire, domestic water and wastewater districts).
- c. The present and probable need for public facilities and services in the area.
- d. The present capacity of public facilities and adequacy of public services, which the agency provides or is, authorized to provide.
- e. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency."

In the past the cost figures assumed performing these studies were prepared by the Executive Officer. The Executive Officer oversees the process. This component costs include legal costs, copying, mileage, postage, meetings and incidental administrative costs related to a project.

Municipal Service Review and Sphere of Influence and adoption dates are below:

## LAKE LAFCO MSR AND SPHERE ADOPTION DATES

| SPECIAL DISTRICT - CITY                                           | MSR<br>Completed | SOI<br>Completed |
|-------------------------------------------------------------------|------------------|------------------|
| City of Clearlake                                                 | May 20, 2015     | May 20, 2015     |
| City of Lakeport                                                  | July 18, 2012    | Oct 14 2015      |
| Glenbrook Cemetery District                                       | Sept 15 2021     | Sept 15,2021     |
| Hartley Cemetery District                                         | Sept 15 2021     | Sept 15, 2021    |
| Kelseyville Cemetery District                                     | Sept 15 2021     | Sept 15,2021     |
| Lower Lake Cemetery District                                      | Sept 15 2021     | Sept 15, 2021    |
| Middletown Cemetery District                                      | Sept 15 2021     | Sept 15 2021     |
| Upper Lake Cemetery District                                      | Sept 15 2021     | Sept 15 2021     |
| CSA #2 Spring Valley Lakes                                        | Dec 17 2008      | Dec 17 2009      |
| CSA #6 Finley                                                     | Dec 17 2008      | Dec 17 2009      |
| CSA #7 Bonanza Springs                                            | Dissolved        | Dissolved        |
| CSA #13 Kono Tayee                                                | Dec 17 2008      | Dec 17 2009      |
| CSA #16 Paradise Valley                                           | Dec 17 2008      | Dec 17 2009      |
| CSA # 18 Starview Cobb                                            | Dissolved        | Dissolved        |
| CSA #20 Soda Bay                                                  | Dec 17 2008      | Dec 17 2009      |
| CSA #22 Mt. Hannah                                                | Dissolved        | Dissolved        |
| CSA #23 Konocti Bay                                               | Dec 17 2008      | Dec 17 2009      |
| CSA #21 North Lakeport                                            | Feb 18 2009      | Feb 18 2009      |
| Lighting Districts                                                | Nov 20, 2019     | Nov 20, 2019     |
| Hidden Valley Lake CSD                                            | Sept 20, 2017    | Sept 17, 2017    |
| Anderson Springs CSD                                              | Feb 17, 2010     | Feb 17, 2010     |
| Butler-Keys CSD                                                   | Feb 17 2010      | Feb 17 2010      |
| Kelseyville Fire Protection District                              | July 15, 2015    | July 15, 2015    |
| Lake Pillsbury Fire Protection District                           | July 15, 2015    | July 15, 2015    |
| Lakeport Fire Protection District                                 | July 15, 2015    | July 15, 2015    |
| Lake County Fire Protection District                              | July 15, 2015    | July 15, 2015    |
| Northshore Fire Protection District                               | July 15, 2015    | July 15, 2015    |
| South Lake County Fire Protection District                        | July 15, 2015    | July 15, 2015    |
| Redbud Healthcare District                                        | Mar 21 2012      | Mar 21 2012      |
| Scotts Valley Water Conservation District<br>Lake County Resource | July 16, 2014    | July 16, 2014    |