

Lake Local Agency Formation Commission

Regular Meeting Agenda

Wednesday March 16, 2022 -- 9:30 am

This will be a Physical Meeting at the City Council Chambers in LAKEPORT
(A Zoom option is available for the public)

City of Lakeport – City Council Chambers

225 Park Street Lakeport, California

Website: www.lakelafco.org

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

In person meeting: Required for all Commissioners. The Lake LAFCO meeting will be open to in-person attendance. To remain in compliance with the state’s public health guidance and CalOSHA COVID-19 Emergency Temporary Regulations [8 CCR §3205], masks will be encouraged to be worn by individuals who are not fully vaccinated while inside the Government Center and while in the Board Chambers.

Zoom meeting for public: Even when members of the local legislative body are attending meeting in person the local legislative body may 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.

Public comment will also be accepted by email at j.benoit4@icloud.com Please list the item number you wish to comment on and submit your written comments 24 hours prior to the start of the meeting. Written comments will be distributed to the Commission prior to the meeting but not read at the meeting and are limited to 500 words

Oral public comments will be subject to a three-minute time limitation indicated below.

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

Zoom Meeting Information:

John Benoit is inviting you to a scheduled Zoom meeting.

Topic: Lake LAFCo

Time: Mar 16, 2022 09:30 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82487119605?pwd=Z1AxcHk1VVhTY21JWk9IRkVBRDF4dz09>

Meeting ID: 824 8711 9605

Passcode: 101458

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 824 8711 9605

Passcode: 101458

Find your local number: <https://us02web.zoom.us/u/kc6VKDikyu>

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

This meeting is also being agendized to allow staff and the public to participate via teleconference, pursuant to the Governor's Executive Orders These Executive Orders authorize 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.

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

Commissioners

Commission Alternate Members

Dirk Slooten, (City)

Victoria Brandon (Spec. District Alternate)

Stan Archacki, (Special Dist.)

Suzanne Lyons (Public Alternate)

Jim Scholz (Special District)

Tina Scott (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 19, 2022**
Action: Approve January 19, 2022 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 January and February 2022.*
- b. *Resolution 2022-0003 authorizing a teleconference meeting for LAFCo for March 16, 2022*

PUBLIC HEARINGS

5. Public Hearing regarding the South Lakeport Annexation to the City of Lakeport consisting of 136.78 acres more or less.

- a) *Receive Executive Officer's Report*
- b) *Conduct Public Hearing*
- c) *Consider LAFCo Resolution 2022-0004 approving the South Lakeport Annexation.*

6. Public Hearing regarding a Proposed 2022-2023 Lake LAFCo Budget

- a) *Receive Executive Officer's Report*
- b) *Consider LAFCo Resolution 2022-0005 adopting a proposed 2022-2023 Budget for Lake LAFCo*

OTHER ITEMS:

7. Authorize chair to sign letter of support for SB 938 regarding protest proceedings: procedural consolidations

- a) *Review letter of support for SB 938 to Senator Robert Hertzberg*

8. Executive Officer's report.

- a. *Upper Lake area MTBE (Methyl tert-butyl ether) Drinking Water Contamination*
- b. *700 Forms Due April 1, 2022 to Lake County Clerk*
- c. *Special District Members and Alternate expiring terms of office*

9. LAFCo Counsel's report

10. Commissioner Reports

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters.

11 Correspondence:

12. Adjourn to LAFCO's next regular meeting: Wednesday May 18, 2022 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. Agenda packets are located on the Lake LAFCO Webpage at www.lakelafco.org

LAKE LOCAL FORMATION COMMISSION
MINUTES
January 19, 2022

Item #2

Members Participating

Bruno Sabatier, Chair, County Member
Stacey Mattina, City Member
Ed Robey, Public Member
Dirk Slooten, City Member
Moke Simon, County Member
Stan Archacki, Special Districts
Jim Scholz, Special Districts
Russ Perdock, City Alternate (via Zoom)
Victoria Brandon, Special District Alternate (via Zoom)

Staff Participating

John Benoit, Executive Officer
Marsha Burch, Legal Counsel

Absent: Tina Scott, County Alternate

1. Call to Order and Pledge of Allegiance - Chairman Sabatier called meeting to order at 9:35 a.m. in the City Council Chambers, City of Clearlake. A roll call was as follows: Slooten, Archacki, Scholz, Simon, Robey, Mattina and Sabatier are present. Alternates Brandon and Perdock are also present.

2. Approval of Minutes - Motion by Commissioner Sabatier, second by Commissioner Robey to approve the minutes the November 17, 2021 meeting. Motion carried by the following vote:

AYES: Commissioners Slooten, Archacki, Scholz, Simon, Robey, Mattina and Sabatier.
NOES: None.
ABSTAIN: None

3. Public Comment – None.

4. Consent Agenda

Motion by Commissioner Robey, second by Commissioner Sabatier to review and authorize payment of expenses for November and December 2021 and to adopt Resolution 2022-0001 authorizing teleconferencing for the January 19, 2022 LAFCo meeting. Motion carried by the following vote:

AYES: Commissioners Slooten, Archacki, Scholz, Robey, Simon, Mattina and Sabatier
NOES: None.
ABSTAIN: None.

5. LAFCo Policy Amendment regarding proposed language regarding MSR follow up as part of the MSR review process

Benoit presented the language for the Policy Amendment to include follow up for MSRs and read the policy.

January 19, 2022

Upon motion of Commissioner Robey and seconded by Commissioner Simon to approve resolution 2022-0002 adopting a follow-up policy for Municipal Services Reviews

Motion carried by the following vote:

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

NOES: None.

ABSTAIN: None.

6. Continued discussion regarding Domestic Water Providers in Clearlake.

Benoit stated the discussion regarding Domestic Water Providers in Clearlake will be continued until the May 2022 meeting in Clearlake. Benoit will contact the City of Clearlake water providers.

7. General Discussion of fire flows, possible grant funding and other issues facing water districts throughout Lake County and clarification of LAFCo's role.

Benoit explained his background and LAFCo's limited role in obtaining grant funding. Commissioner Simon discussed the Risk Reduction Authority's activities.

8. Executive Officer's report.

- a. *South Lakeport Annexation update Lakeport and the County met and adopted a joint tax sharing resolution. If possible, this item will be on the March 16, 2022 LAFCo Agenda.*
- b. *Upper Lake area MTBE (Methyl tert-butyl ether) Drinking Water Contamination and discussed the timeline and funding for LAFCo to update the Sphere of Influence, MSR and annexation to the Upper Lake Annexation*
- c. *Anticipated Projects: Middletown Rancheria and Konocti County Water District.*

9 LAFCo Counsel's report

Nothing to report

10. Commissioner's Report

No report

11. Correspondence

No report

12. **Adjourn to LAFCO's next regular meeting: Wednesday March 16, 2022 9:30 AM in Lakeport**

10:14 a.m. Meeting adjourned.

By: John Benoit, Ex Officio LAFCo Clerk

Lake Local Agency Formation Commission

CLAIMS

January and February 2022

Expenses for FY 2021-2022:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
12.16.21 - 1.15.22	Browne Legal	\$ 1,837.00
Jan 19, 2022	Meeting Stipend	\$ 540.00
Feb 1, 2022	Staff Svcs Jan 2022	\$ 5,897.67
1.16.2022 - 2.15.22	Browne Legal	\$ 1,837.00
Feb 1, 2022	Staff Svcs Feb. 2022	\$ 6,431.67
Feb 9, 2022	RB-CLO So. Lkpt Annex	\$ 265.90
Feb 25, 2022	RB-CLO 22-23 Prop Budget	\$ 103.74
TOTAL:		\$ 16,912.98

DATED: March 16, 2022

APPROVED: March 16, 2022

Bruno Sabatier, Chair
Lake Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

RESOLUTION NO. 2022-0003

A RESOLUTION OF THE LAKE LAFCO OF THE AUTHORIZING A REMOTE TELECONFERENCE MEETING OF THE COMMISSION PURSUANT TO GOVERNMENT CODE SECTION 54953(e)

WHEREAS, Government Code section 54953(e), as amended by Assembly Bill No. 361, allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined, by majority vote, pursuant to option 2, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the Governor of California proclaimed a state of emergency pursuant to Government Code section 8625 on March 4, 2020; and

WHEREAS, the LAKE LAFCO desires to hold its public meetings by teleconference consistent with Government Code section 54953(e).

NOW, THEREFORE, LAKE LAFCO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Conditions are Met. The LAKE LAFCO hereby finds and declares the following, as required by Government Code section 54953(e)(3):

1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect.
2. The reasons for adopting this resolution are one or more of the following:
 - a. State or local officials have imposed or recommended measures to promote social distancing.
 - b. The legislative body is holding the meeting for the purpose of determining whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

- c. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

PASSED AND ADOPTED by the Lake LAFCo, this 16th day of March 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Bruno Sabatier, Chair

Lake Local Agency Formation Commission

ATTEST:

John Benoit, Executive Officer

LAKE LOCAL AGENCY FORMATION COMMISSION,

LAKE LOCAL AGENCY FORMATION COMMISSION

ITEM 6

MEMORANDUM

March 16, 2022

TO: Local Agency Formation Commission
FROM: John Benoit, Executive Officer
RE: Proposed Budget for FY 2022-2023

Attachment: LAFCo resolution adopting a proposed 2022-2023 Budget

Work Program for 2022-2023

Direct Projects – Projected

1. Small and medium reorganizations - For the 2022-2023 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 CSA 20 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 in 2022-2023

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. Consolidations may occur upon completion of the Cemetery District service review.
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

Budget Justification Report

Lake LAFCO

March 16, 2022

preparation of claim forms for both the Commission and the County Auditor's office is included 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 for the Community of Lakeport where a major project may be occurring. Other workshops 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 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 \$1,889.00 to \$1,982.00 an increase of \$93.00

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

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: