

Lake Local Agency Formation Commission

Regular Meeting Agenda

Wednesday May 18, 2022 -- 9:30 am

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

City of Clearlake – City Council Chambers

14050 Olympic Dr. Clearlake, California

Website: www.lakelafco.org

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

In person meeting: Required for all Commissioners.

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.

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:

Topic: Lake LAFCo

Time: May 18, 2022 09:30 AM Pacific Time (US and Canada)

Join Zoom Meeting

https://us02web.zoom.us/j/82616001952?pwd=I_BtWqwr2U9fadBUFVRHddq5Z8g4qZ.1

Meeting ID: 826 1600 1952

Passcode: 195287

One tap mobile

+16699006833,,82616001952#,,,,*195287# US (San Jose)
+12532158782,,82616001952#,,,,*195287# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 826 1600 1952

Passcode: 195287

Find your local number: <https://us02web.zoom.us/j/khPThv1ab>

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 – March 16, 2022 and March 30, 2022**
Action: Approve March 16, 2022 and March 30, 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 March and April 2022.*
- b. *Resolution 2022-0009 authorizing a teleconference meeting for LAFCo for May 18, 2022*

5. Consider Resolution 2022-0006 containing results of the South Lakeport Annexation (File 2019-0006) Protest Proceeding and requesting the City to Conduct an Election.

- a. *Consider Resolution 2022-0006 - A Resolution Making Determinations and Approving the Proposed South Lakeport subject to confirmation of the registered voters.*

PUBLIC HEARING

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

- a) *Receive Executive Officer's Report*
- b) *Consider LAFCo Resolution 2022-0007 adopting a final 2022-2023 Budget for Lake LAFCo*

ACTION ITEMS:

7. Consider Resolution 2022-0008 authorizing an increase in meeting Stipends for LAFCO Commissioners

- a) *Consider Resolution 2022-0008 Amending the amount of Commissioner meeting Stipends*

8. Consider Contract Amendments for LAFCo Staff and Counsel:

- a. *Consider sixth amendment to agreement for Legal Services.*
- b. *Consider seventh amendment to agreement for Executive Officer (staff) services.*

9. Executive Officer' s report.

- a. *Upper Lake area MTBE (Methyl tert-butyl ether) Drinking Water Contamination*
- b. *Special District Members and Alternate expiring terms of office*

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 Correspondence: Special District Member Recruitment – Due May 20th

13. Adjourn to LAFCO's next regular meeting: Wednesday July 20, 2022 9:30 AM in Lakeport

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.



Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1

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

LAKE LOCAL AGENCY FORMATION COMMISSION
Minutes
March 16, 2022

Members Participating

Bruno Sabatier, Chair, County Member
Stacey Mattina, Vice-Chair, City Member
Ed Robey, Public Member
Moke Simon, County Member
Stan Archacki, Special Districts
Jim Scholz, Special Districts
Victoria Brandon, Special District Alternate
Suzanne Lyons, Public Alternate
Kenny Parlett, City Alternate

Staff Participating

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

1. Chairman Sabatier called meeting to order at 9:30 a.m. in the City Council Chambers, City of Lakeport. This meeting was conducted in person with teleconference and Zoom options available.
2. Approval of Minutes - Motion by Commissioner Robey, seconded by Commissioner Archacki to approve the Minutes of the January 19, 2022 Regular Meeting. Motion carried by the following vote:

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

NOES: None.

ABSENT: Commissioner Slooten.

3. Chair declared Period of Public Comment. None were heard.
4. Consent Agenda

Motion by Commissioner Mattina, seconded by Commissioner Robey to approve Consent Agenda items as follows:

- a. Authorize payment of expenses for January and February 2022.
- b. Adopt Resolution 2022-0003 - A Resolution of the Lake LAFCo Authorizing a remote Teleconference Meeting of the Commission Pursuant to Government Code Section 54953(e) and authorize the Chairman to sign.

Motion carried by the following vote:

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

NOES: None.

ABSENT: Commissioner Slooten

5. PUBLIC HEARINGS

Chairman Sabatier opened Public Hearing to consider an annexation of South Lakeport to City of Lakeport, property consisting of 136.78 acres more or less.

Mr. Benoit reviewed his Staff Report and noted that all reports and documents relative to the proposed annexation were posted for public review on the Lake LAFCo Website. He stated that the details and fiscal concerns of the proposed annexation have been facilitated and the City and County have reached an agreement. He stated that meetings had full involvement of City and County leaders, representatives, and staff. All agencies were invited to provide input. Mr. Benoit reported that both City and County want to move forward with the annexation to better provide essential services such as water and fire protection.

The Chair asked that it be noted that LAFCo communicated with all parties to bring them together on the annexation deliberations and requested that this verbiage be included in the Resolution.

Mr. Ingram, City Manager, City of Lakeport, requested approval. He stated that the project was on his desk when he began employment with the city seven years ago, but it's history goes back much further. He stated that at this point, the timing of the approval is critical to progress on the South Soda Bay Corridor/South Lakeport Project, and that the City is in the best position to provide water services to this project.

Mr. Ingram stated that the road project being conducted in the area is unrelated to the annexation and will move forward regardless of the annexation, however, the water services portion would be more efficiently executed if completed in conjunction with the road work. He made further statement regarding the advantages and benefits of the annexation. He stated that the city is committed to working with the county to assure a smooth transition of services.

Mr. Ingram referenced a comment letter received from Terre Logsdon on behalf of the Scotts Valley Tribe expressing concern for water capacity, and noted that these are legitimate concerns, but, overall the City has not seen a drastic increase in what is pulled from the Scotts Valley Basin and that the annexation will not create an additional draw on the Basin. He stated that the City is committed to working with the Scotts Valley Band of Pomo Indians to address any concerns.

10:15 a.m. Chair called for a break.

10:20 Chairman Sabatier called the hearing to order and opened public comment.

Nancy Ruzicka requested clarification on the protest and election process, and who would be a qualified voter. Mr. Benoit stated the process allows both property owners and registered voters to cast a ballot.

Mr. Browne clarified that if no written objections are submitted there will be no protest or election.

Justin Ratcliffe, property owner, Premier Flooring, spoke in opposition to the annexation.

Scott Lauder, owner of Lakeport Cinema and Lakeport Auto Movies, spoke in support of annexation.

Lakeport resident, Doug Morris, voiced his concerns with the road improvement project. Mr. Ingram will contact him outside the meeting regarding those concerns.

Jeff Thomas, Fire Chief, City of Lakeport spoke in strong support of the annexation, citing reasons such as significant potential fire concerns along the corridor, such as propane storage tanks, evacuation routes, and water services. He stated that the annexation is keeping with the mission and the vision of the department to mitigate and prevent catastrophic events.

Mr. Ratcliffe asked for clarification on submitting a formal objection, and voting qualifications. He then submitted a written objection to Mr. Benoit.

11:20 a.m. Hearing no further comments, Chair closed Public Hearing.

11:25 a.m. Chair called for a break and called meeting to order at 11:38 a.m.

Extensive discussion was held.

Commissioner Scholz stated that the objections appear to be based on the road project and not the annexation. Commissioner Mattina suggested that, in order to keep the work moving forward for the other properties the Commission consider removing Mr. Ratcliffe's property from the annexation plan.

Chairman Sabatier stated that he favors a complete annexation over partial annexation and does not support exclusion of properties.

Mr. Benoit stated that two objections have been filed. One by Justin Ratcliffe, and one by Kathleen Miller, which was filed after the close of the Public Hearing making it invalid. Mr. Benoit reviewed the protest process. He advised the Commission that they have the authority to add, remove or modify the territory in the annexation if they choose to, as long as the action is in compliance with LAFCo policies.

Mr. Browne stated objections have already been received, and that he would have to research the matter to determine if excluding at this point would invalidate any portion of the process prescribed by law.

Commissioner Simon asked if removal of the property would change the Tax Sharing

Agreement. Mr. Ingram responded that Mr. Ratcliff's property, Premium Flooring, was not included in the analysis as they were not operating yet, exclusion would not change the Agreement.

Commissioner Mattina stated that she favors excluding the property and moving forward with annexation.

Commissioner Parlett made strong statement in support of moving forward with the annexation. He stated that the objections received today are not specific to the annexation.

Chairman Sabatier stated that the Commission needs to be certain of their authority to exclude the property at this juncture. He does not recommend moving forward without that knowledge. Mr. Browne concurred and suggested that the Commission conduct a straw vote to see if there is interest in excluding the properties and, if so, allow him time to research the procedure. He recommended continuing the proceeding.

Commissioner Mattina asked Mr. Browne about the validity of the objections as they were written and submitted during the meeting. Mr. Browne stated it they are valid as long as they were received before the close of the hearing. Mr. Benoit stated that Kathleen Miller's objection was submitted after the close of the public hearing. Chair then confirmed there is just one valid objection, submitted by Mr. Ratcliffe.

Chair asked for a straw poll vote to determine if the Commission wishes to direct Mr. Browne to research the option of excluding Mr. Ratcliffe's property from the proposed annexation in order to move forward with the process.

Results of the straw polls were as follows:

Commissioner Archacki:	YES
Commissioner Scholz:	YES
Commissioner Robey:	YES
Commissioner Simon:	YES
Commissioner Sabatier:	NO
Commissioner Mattina:	YES
Commissioner Parlett:	YES

Mr. Browne will research the option of approving Mr. Ratcliffe's request that his property be excluded from the proposed annexation, to move forward with the annexation, or to proceed with the protest process.

Mr. Ingram asked about the timeframe for Mr. Browne's response. Mr. Browne stated that it depends on what his research shows, but that he would need at least a few days.

Discussion was held on timeliness of receiving the information.

Chair set a Special Meeting for March 30 at 9:30 a.m. in Lakeport for Mr. Browne to present findings.

6. Proposed Budget 2022-2023

Mr. Benoit reviewed Memorandum outlining Lake LAFCo's Proposed Budget for FY 2022-23 highlighting proposed 6.4% increases in several items due to inflation, including Commissioner Compensation, membership increase (CALAFCo), Attorney Contracts, Clerk Services, Office Expense, and Executive Officer Compensation.

Mr. Benoit then reviewed proposed Revenue account increases, and stated that the total proposed budget amount is \$269,000, a total increase of \$100 over last year, and includes the annual \$10,000 increase in Reserves.

Brief discussion was held. Chair asked if there were comments from the audience. None were heard.

Chairman Sabatier asked that, since there is a carry over, year by year, will a 6.4% increase be requested of the City, County and Special Districts. Mr. Benoit responded that it would not be passed along this year.

Motion by Commissioner Mattina seconded by Commissioner Archacki to adopt Resolution No. 2022-0004, A Resolution of Lake Local Agency Formation Commission Adopting a Proposed Budget for FY 2022-2023 and authorize the Chair to sign. Resolution passed adopted by the following vote:

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

NOES: None.

ABSENT: Commissioner Slooten.

7. Letter of Support for SB 938 regarding protest proceedings: procedural consolidations.

Motion by Commissioner Mattina, seconded by Commissioner Simon to authorize letter to Senator Robert Hertzberg expressing the Lake LAFCo Commission's support for SB 938 and authorize the Chair to sign. Motion carried by the following vote:

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

NOES: None.

ABSENT: Commissioner Slooten.

8. Executive Officer's Report

- a. Upper Lake area MTBE (Methyl tera-butyl ether) Drinking Water Contamination
- b. 700 Forms due April 1, 2022 to Lake County Clerk
- c. Special District Members and Alternate terms expiring. Notices sent and posted.

Betsy Cawn spoke to the Commission, via Zoom re: the Upper Lake MTBE issue not going smoothly. She expressed concern for the lack of information and that meeting information is not filtering down to property owners. Chairman Sabatier stated that he will follow up with Mr. Benoit.

9. LAFCo Counsel's Report - Mr. Browne will continue to participate in meetings via Zoom.

10. Commissioner Reports - None.

11. Correspondence - None.

Meeting adjourned 12:30 p.m.

Next Meeting: Special Meeting March 30, 2022 at 9:30 a.m. in Lakeport.

Next Regular Meeting: Wednesday May 18, 2022 at 9:30 a.m. in Clearlake.

By: Kathleen Moran, Clerk

LAKE LOCAL AGENCY FORMATION COMMISSION
Special Meeting Minutes
March 30, 2022

Members Participating

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

Staff Participating

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

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

Commissioner Archacki entered the meeting at 9:39

2. Resolution 2022-0005 authorizing a teleconference meeting for LAFCo for March 30th, 2022

A Motion was made by Robey and Seconded by Mattina

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

NOES: None.

ABSENT: None

3. Determination regarding the South Lakeport Annexation to the City of Lakeport consisting of 136.78 acres more or less

Scott Browne, Lafco Attorney reviewed his legal opinion concerning the Validity of opposition after the close of the public hearing and advice regarding reducing the annexation area to exclude protesting landowners. Anita Grant, Lake County Counsel believed that public protest can be received until the completion of LAFCo proceedings not the close of the public hearing.

Public Comment was opened by the Chair. Extensive discussion was held. Several Members of the public spoke in opposition of the proposed annexation including Robert Peters Lisa Wiler, Paul Racine, Kathleen Miller, Rob Pindell and Justin Ratcliff . Elizabeth Larson said there was no public notice, Benoit explained there was public notice and it was published in the Record Bee.

The Commission had discussion regarding the matter. Scott Browne noted ambiguity in the law regarding timely protests and reversed his advice to the Commission stating conducting authority proceedings would be appropriate due opposition received.

Upon Motion by Commissioner Mattina seconded by Commissioner Robey to adopt Resolution No. 2022-0004, A Resolution of Lake Local Agency Formation Commission approving the South Lakeport Annexation subject to conducting authority proceedings.

Resolution was passed and adopted by the following vote:

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

NOES: None.

ABSENT: None

Meeting adjourned 10:45 a.m.

Next Regular Meeting: Wednesday May 18, 2022 at 9:30 a.m. in Clearlake.

By: John Benoit, Executive Officer

Lake Local Agency Formation Commission

ITEM 4a

CLAIMS March and April 2022

Expenses for FY 2021-2022:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
2.16.22 - 3.15.22	Browne Legal	\$ 1,837.00
March 30, 2022	Meeting Stipend	\$ 600.00
March 16, 2022	Meeting Stipend	\$ 540.00
April 1, 2022	Staff Svcs March 2022	\$ 9,837.17
3.16.2022 - 4.15.22	Browne Legal	\$ 1,837.00
May 1, 2022	Staff Svcs Mar 2022	\$ 6,458.97
TOTAL:		\$ 21,110.14

DATED: May 18, 2022

APPROVED: May 18, 2022

Bruno Sabatier, Chair
Lake Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

RESOLUTION NO. 2022-0009

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 18th day of May 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,

Resolution 2022-0006

Lake LAFCo

A Resolution Making Determinations and Approving the Proposed South Lakeport subject to confirmation of the registered voters

WHEREAS, on August 13, 2022 a Resolution of Application (City of Lakeport Resolution 2725 (2019)) was adopted and subsequently submitted to the Lake Local Agency Formation Commission (LAFCo) by the City of Lakeport requesting an annexation of territory including 136.78 acres more or less to the City, and said application complied with all the requirements of law and the Commission; and,

WHEREAS, on March 16, 2022 Lake LAFCo held a duly noticed public hearing and later on March 30, 2022 Lake LAFCo approved this annexation subject to terms and conditions and adopted LAFCo Resolution 2022-0004; and,

WHEREAS, Included in adopted Resolution 2022-0004; Lake LAFCo adopted Term and Condition #11 as follows: The Commission received written protest prior to the conclusion of the LAFCo proceedings, further protest proceedings are not waived and the Commission orders the 136.78-acre annexation to the City of Lakeport pursuant to Part 4 of Division 3 of the California Government Code commencing with Section 57000 subject to conducting authority proceedings. Satisfactory proof has been given that the subject territory is inhabited, that all landowners and registered voters within the affected territory have not given their written consent to the proposal. All affected agencies have not objected in writing to the waiver of conducting authority proceedings (Section 56663 of Government Code). Therefore, The Commission does hereby approve and authorize the conducting authority to annex the territory described in Exhibits "A" and "B" to the City of Lakeport subject to Conducting Authority proceedings since written protest has been received by LAFCo prior to the conclusion of the LAFCo proceedings. ; and,

WHEREAS, on April 13, 2022, LAFCo gave notice of a protest hearing to be conducted on Friday May 6, 2022 to receive written protest against the City of Lakeport annexing 136.78 acres more or less; and

WHEREAS, Written protests were received by LAFCo up to 11:15 am on Friday May 6, 2022 and were delivered to the Lake County Registrar of Voters and the Lake County Assessor on Monday May 9, 2022; and,

WHEREAS, on May 11, 2022, the results of the written protests received were provided to Lake LAFCo and are attached as Exhibit "A" to this resolution.

NOW, THEREFORE, the Lake Local Agency Formation Commission determines the following:

- A. The territory includes 18 registered voters and is found to be inhabited (having 12 or more registered voters) as defined in §56046 of the Government Code.

The Territory contains 50 landowners with a total assessed value of \$26,661,753.

- B. LAFCo received 4 valid voters and 3 invalid voters as included in Exhibit "A", which is less than the 25% threshold needed for Registered Voters.
- C. From the Assessor, LAFCo received 18 protests with a valuation of \$9,618,750 which is 36 percent of the landowners and 36 percent of the assessed value which requires an election.
- D. As stated in Gov. Code 57075 for inhabited territory if at least 25% of the registered voters protest or 25% of the number of landowners who also own 25% of the assessed value of land within the affected territory.

NOW THEREFORE, the Lake Local Agency Formation Commission determines the following:

- 1. Due to Landowner protests, this proposal is approved subject to confirmation of the voters and upon the terms and conditions stated in Resolution 2022-0004 of the Lake Local Agency Formation Commission.
- 2. The City of Lakeport is hereby requested to conduct an election for this annexation and provide LAFCo with the certified results.
- 3. LAFCo shall not record the Certificate of Completion until the annexation is approved by the registered voters and all terms and conditions stated in Resolution 2022-0004 are satisfied.

PASSED AND ADOPTED at a regular meeting of the Lake Local Agency Formation Commission, on the 18th day of May 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Bruno Sabatier, Chair
LAKE LOCAL AGENCY FORMATION
COMMISSION

ATTEST:

John Benoit, Executive Officer

Exhibit A: List of Parcels and Addresses within South Lakeport Annexation Area
LAFCO 2019-0006

	PARCEL NO.	ADDRESS	ACRES	AC_MPTS	TRA	NET VALUE TAXROLL	PROTEST-OWNER	PROTEST-REG VOTER
1	005-035-10	2725 South Main Street	1.46	1.46	057-042	\$1,499,289		
2	005-049-08	2329 South Main Street	2.91	2.91	057-042	\$120,679		
3	005-049-11	2305 South Main Street	0.7	0.7	057-042	\$401,490		
4	005-049-12	2325 South Main Street	0.76	0.74	057-042	\$276,404		
5	005-052-03	2335 South Main Street	0.89	0.89	057-042	\$330,973	PROTEST	REG VOTER
6	005-052-05	2345 South Main Street	1.51	1.51	057-042	\$393,710		
7	005-052-07	2449 South Main Street	0.2	0.2	057-042	\$266,672		
8	005-052-13	2480 South Main Street	0.38	0.38	057-032	\$912,240		
9	005-052-19	2447 South Main Street	0.14	0.14	057-042	\$137,271	PROTEST	
10	005-052-20	2351 South Main Street	0.89	0.89	057-042	\$219,761		
11	005-052-25	2440 South Main Street	1.25	1.25	057-032	\$509,623	PROTEST	
12	005-052-27	2465 South Main Street	4.54	4.54	057-042	\$2,421,360		
13	005-053-18	2575 South Main Street	2.97	2.97	057-042	\$853,042		
14	005-053-19	2585 South Main Street	0.91	0.91	057-042	\$449,324		
15	005-053-20	2595 South Main Street	0.96	0.96	057-042	\$525,359		
16	005-053-21	2615 South Main Street	0.9	0.88	057-042	\$186,048		
17	005-053-22	2617 South Main Street	0.88	0.88	057-042	\$0		
18	008-001-01	2598 South Main Street	8.41	8.41	057-032	\$369,500	PROTEST	REG VOTER UNKNOWN ADDRESS
19	008-001-02	2600 South Main Street	9.1	9.1	057-032	\$1,674,502	PROTEST	
20	008-001-03	32 Soda Bay Road	0.85	0.85	057-032	\$33,234	PROTEST	REG VOTER
21	008-001-25	52 Soda Bay Road	26.12	26.12	057-032	\$2,550,000		
22	008-003-02	2510 South Main Street	2.23	2.23	057-032	\$147,746		
23	008-003-04	2570 South Main Street	7.41	7.3	057-032	\$1,376,510		
24	008-003-05	2590 South Main Street	1.43	1.43	057-032	\$1,059,763	PROTEST	REG VOTER OUTSIDE ANNEX
25	008-003-12	2530 South Main Street	0.78	0.78	057-032	\$720,260		
26	008-003-13	2550 South Main Street	12.38	12.38	057-032	\$11,322	PROTEST	
27	082-092-01	41 Soda Bay Road	1.08	1.03	057-032	\$114,857		
28	082-092-02	43 Soda Bay Road	0.51	0.49	057-032	\$402,171		
29	082-092-03	47 Soda Bay Road	0.92	0.92	057-032	\$10,292		
30	082-092-04	53 Soda Bay Road	1.61	1.19	057-032	\$160,829	PROTEST	
31	082-092-06	59 Soda Bay Road	0.82	0.82	057-032	\$215,091		
32	082-092-07	63 Soda Bay Road	1.38	1.36	057-032	\$190,279		
33	082-092-08	65 Soda Bay Road	0.75	0.73	057-032	\$131,669		
34	082-092-09	73 Soda Bay Road	0.44	0.42	057-032	\$74,011		
35	082-092-10	75 Soda Bay Road	0.56	0.53	057-032	\$316,150	PROTEST	REG VOTER OUTSIDE ANNEX
36	082-092-11	83 Soda Bay Road	0.58	0.58	057-032	\$285,730		
37	082-092-12	87 Soda Bay Road	0.61	0.61	057-032	\$194,066		
38	082-092-13	91 Soda Bay Road	0.03	0.03	057-032	\$6,432		
39	082-092-14	93 Soda Bay Road	1.34	1.24	057-032	\$611,871	PROTEST	
40	082-093-03	72 Soda Bay Road	0.99	0.87	057-032	\$406,536		
41	082-093-04	74 Soda Bay Road	0.85	0.83	057-032	\$378,885		
42	082-093-05	78 Soda Bay Road	1.9	1.95	057-032	\$393,708	PROTEST	2 REG VOTER
43	082-093-08	92 Soda Bay Road	1.77	1.89	057-032	\$1,063,027	PROTEST	
44	082-093-09	96 Soda Bay Road	1.76	1.59	057-032	\$830,722	PROTEST	
45	082-093-10	100 Soda Bay Road	3.48	3.3	057-032	\$526,841	PROTEST	
46	082-093-11	350 Sylva Way	0.67	0.67	057-032	\$70,458	PROTEST	
47	082-093-13	82 Soda Bay Road	1.86	1.86	057-032	\$840,939		
48	082-093-14	90 Soda Bay Road	0.7	0.6	057-032	\$331,120	PROTEST	
49	082-093-15	62 Soda Bay Road	1.08	1.08	057-032	\$472,151		
50	082-093-16	64 Soda Bay Road	6.99	7.54	057-032	\$1,187,836	PROTEST	
						\$26,661,753	\$9,618,750	

PROTEST-OWNERS/TOTAL OWNERS = 18/50
PROTEST VALUE/TOTAL VALUE =

36.0%
36.0%

LAKE LAFCO

Item # 6

EXECUTIVE OFFICER'S REPORT

May 18, 2022

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

A proposed budget and Budget Justification Report were submitted for consideration at the March 17, 2022 budget hearing. The proposed budget was adopted and there have been no events requiring changes during that time.

Please refer to the aforementioned Budget Justification Report for detailed information on each of the items below.

SUMMARY OF EXPENSES:

Commission Stipend Commission allocated \$5,617.92 for this item. This is adequate to cover Commissioner stipends at \$60.00 per member, per attended meeting. A discussion was held about raising the Commissioner Stipends to \$100 each per meeting attendance. This budget is now proposed to be \$6,600.00

Supplies \$250 allocated. No change from prior year.

Memberships The Commission recommended in its proposed budget \$1,982.00 for Calafco dues, an increase of \$193.00 from this year.

Books and Periodicals \$200.00 allocation to cover the cost of incidental publications, when needed.

Attorney Contracts The Commission recommended in its proposed budget \$23,454.82 for this item an increase of 6.4 percent.

Clerk/Analyst Support The Commission recommended in its proposed budget \$4,256.00 for this item for this item an increase of 6.4 percent.

Office Expenses The \$7,200 allocation amount based on \$600.00 per month includes communications, computer, phones, most copy and postage costs (notwithstanding changes of organization requiring multiple public notices, mileage and misc. office expenses.) This represents a \$50.00 increase per month.

Staff Services [Executive Officer Services] The Commission recommended in its proposed budget \$51,591.23 for this item. Notwithstanding a very complex reorganization or incorporation project for Lake LAFCO, this amount should cover

LAFCO administration. Complex projects would be fee supported thereby increasing revenue to LAFCO to offset an increase in this expenditure. This figure represents a 6.4% increase from this year.

Legal Notices/Publications Commission recommended \$1,400 based on number of anticipated projects and related publication costs.

Conference Registration and Transportation and Travel The Commission recommended in its proposed budget \$8,000 for these items. This includes miscellaneous travel costs for the Calafco Annual Conference, Staff training and the annual staff workshop. The Calafco conference this year is at the Orange County Airport from October 19th through October 21st. It is anticipated to cost approximately \$2,000 per person including transportation, lodging, and conference registration. As well as the annual staff workshop in April 2023 in Calaveras County.

Insurance \$1,400 allocated. No change from prior year.

Records Retention and Mapping As discussed at the April 15, 2021 meeting \$6,000 was allocated for mapping and for processing and scanning Lake County's LAFCo files, to be conducted in accordance with LAFCo's adopted Records Retention Policy.

Web Site Maintenance Commission recommended \$150 for site maintenance, updates, and changes. No change from prior year.

Finance Agreement Commission recommended \$2,500 for this item per agreement with the City of Clearlake. This amount will be paid to the City of Clearlake for being LAFCo's banker. No change from prior year.

Sphere of Influence Updates Commission allocated \$20,000 for Sphere of Influence updates as required by the LAFCO Act.

Municipal Service Reviews Commission allocated \$21,000 to initiate and continue Service Reviews for the upcoming year.

Special and Complex projects Upper Lake MTBE project The State has secured a grant to prepare a MSR and SOI, Annexation and BOE fees because of Upper Lake's MTBE problem. The amount of the grant \$24,500.00.

Contingency Fund \$10,000.00

General Reserve \$80,000 allocated to General Fund Reserves, an increase of \$10,000.00.

SUMMARY OF ANTICIPATED REVENUE

The Commission recommended in its proposed budget anticipated revenue of \$10,000. To help reduce general fund contributions by the Cities, Districts and the County unanticipated revenues have been placed into expenditures for municipal service reviews and sphere updates.

The Final Expenditure Budget will be \$270,484.05 (including a \$80,000 reserve and \$10,000 contingency and \$24,000 for paid special projects), the amount to be requested from the Cities, the County and the Independent Special Districts will be \$ 135,484.05 (The County, Cities and Independent Special Districts will each pay \$45,161.35). The apportionment categories are: Cities – 33%, County - 33%, and Independent Special Districts – 33%.

Recommendation:

- a. Review, discuss, amend, and consider the 2022-2023 Final Budget. A budget justification report for FY 2022-2023 including a Service Review and Sphere of Influence work plan was prepared by staff for the adopted proposed budget at the March 2022 meeting.
- b. Adopt LAFCO Resolution 2022-0007 approving a final budget for Fiscal Year 2022-2023.

Resolution 2022-0007

of the

Lake Local Agency Formation Commission

Resolution of the Lake Local Agency Formation Commission of Adopting

its Final Budget for 2022-2023

WHEREAS, Lake LAFCO is required by Government Code Section 56381(a) to adopt annually, following a noticed public hearing, a proposed budget by May 1st and a final budget by June 15th ; and,

WHEREAS, the Commission has prepared a proposed budget for public review which was adopted on March 16, 2022; and,

WHEREAS, the Executive Officer has prepared a final budget including a budgeted carryover, and contingency; and

WHEREAS, the Executive Officer has given notice of hearing in the form and manner specified by law for adoption of the final budget and upon the date, time and place specified in said notice of hearing, the Commission heard, discussed and considered all oral and written testimony submitted including, but not limited to, the approved budget priorities for Fiscal Year 2022-2023 and the Executive Officer's report and recommendations; and

WHEREAS, the Commission has considered the attached Budget in light of the requirements of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000;

NOW THEREFORE, Lake Local Agency Formation Commission does hereby determine, resolve, and order the following:

1. That Lake LAFCO hereby adopts the attached final 2022-2023 budget totaling \$270,484.05 in which \$180,484.05 are operational expenditures for LAFCO and \$90,000.00 to consist of carryovers and encumbrances from the FY 2021-2022 budget as shown in Exhibit A.
2. Directs the Executive Officer to transmit the final budget to the Auditor and all parties specified in Government Code Section 56381 (a) as promptly as possible.
3. To implement a Commission directive, establish a reserve account and direct the Executive Officer to deposit 20% of any unallocated rollover into said reserve account up to \$100,000 once the final rollover (carryover from previous budgets) once the audited carryover balance is determined.

4. Request the Lake County Auditor collect the funds as required in Section 56381 of the