

**Lake Local Agency Formation Commission**

**Regular Meeting Agenda**

**Wednesday November 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](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)*

***In person meeting:*** Required for all Commissioners.

Topic: Lake LAFCo

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

Join Zoom Meeting

<https://us02web.zoom.us/j/87507702006?pwd=cURZcUUwNWJTU29hekkrL2INa0hMZz09>

Meeting ID: 875 0770 2006

Passcode: 633611

One tap mobile

+16694449171,,87507702006#,,,,\*633611# US

+16699006833,,87507702006#,,,,\*633611# US (San Jose)

Meeting ID: 875 0770 2006

Passcode: 633611

Find your local number: <https://us02web.zoom.us/j/87507702006?pwd=cURZcUUwNWJTU29hekkrL2INa0hMZz09>

***“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)

Ken Parlet (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** – The Sept 21<sup>st</sup> 2022 minutes will be adopted at the next lafco meeting.

**4. 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.*

**5. Consent Agenda**

- a. *Review and authorize payment of expenses for September and October 2022.*
- b. *Renew authorization by adopting Resolution 2022-0014 for remote (teleconference/videoconference) meetings by finding, pursuant to Assembly Bill 361, that (a) the COVID-19 pandemic state of emergency is ongoing, and (b) meeting in person would present imminent risks to the health or safety of attendees.*

**Public Hearing:**

**6. Consider revisions to LAFCo's fee deposit schedule and application of a cost escalator to the Lake LAFCO staff hourly rates for all billable projects based upon the Employment Cost Index for State and Local Governments as published by the United States Department of Labor, Bureau of Labor Statistics or Consumer Price Index (CPI)**

**Action:**

- a. Adopt Resolution No. 2022-15 approving a cost escalator to the Lake LAFCO staff hourly rate for all billable projects and updated fee deposit schedule for various LAFCo projects.*

**OTHER ITEMS:**

**7. Regular LAFCO meeting schedule for 2023**

- a) Review and Adopt Regular 2023 meeting schedule*

**8. Discussion regarding Legislation and legislation the Commission may propose in 2023**

- a) Hold discussion*

**9. Discussion regarding the Calafco Annual Conference held on October 19, 20 and 21, in Orange County California.**

- a) Hold Discussion*

**10. 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. Lower Lake CWD MSR and Sphere*
- c. LAFCo Projects – Middletown Rancheria. So. Lakeport, Out of Agency Agreement for KCWD, and Dorn Annex to CSA 20*
- d. Zoom meetings*

**11. LAFCo Counsel's report**

**12. 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.*

**13. Adjourn to LAFCO's next regular meeting: Wednesday January 18, 2023  
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 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

5a

## CLAIMS

September and October 2022

### Expenses for FY 2022-2023:

| <u>Date of Claim</u> | <u>Description</u>         | <u>Amount</u> |
|----------------------|----------------------------|---------------|
| 8.16.22 - 9.15.22    | Browne Legal               | \$ 1,954.57   |
| Sept 21, 2022        | Meeting Stipend            | \$ 500.00     |
| Oct 1, 2022          | Staff Svcs Sept 2022       | \$ 5,112.07   |
| 9.16.2022 - 10.15.22 | Browne Legal               | \$ 1,954.57   |
| Nov 1, 2022          | Staff Svcs Oct 2022        | \$ 6,262.03   |
| Oct 12, 2022         | Public Notice – Fee Update | \$ 139.00     |
| Oct 21, 2022         | Conf Reimb Robey Oct 21    | \$ 360.97     |
|                      | TOTAL:                     | \$ 16,283.21  |

DATED: Nov 16, 2022

APPROVED: Nov 16, 2022

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

Attest:

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

**RESOLUTION NO. 2022-0014****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 November 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST:

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John Benoit, Executive Officer

LAKE LOCAL AGENCY FORMATION COMMISSION,

# M E M O R A N D U M

TO: Local Agency Formation Commission

FROM: John Benoit, Executive Officer

SUBJECT: Amendment to LAFCo's Fee Schedule: Hourly Charge-out Rates Based Upon the Employment Cost Index

DATE: November 16, 2022

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## Summary

During the Budget Hearings for FY 2022-2023, the Commission reviews the current staff charge-out rates, which are the hourly charge-out rates established for LAFCo. The Commission has expressed a desire to review and amend the hourly charge out rates based on the Employment Cost Index and to review LAFCo charge out rates for LAFCo Actions.

The current fee schedule and hourly charge-out rates were adopted in April 2010 and are:

|                   |                |
|-------------------|----------------|
| Executive Officer | \$ 160.00/hour |
| LAFCo Counsel     | \$ 249.00/hour |

The Commission wishes to implement application of an annual cost escalator ensuring that the hourly charge-out rate be continuously adjusted for inflation or deflation on July 1st of each calendar year based on the latest released data from the Employment Cost Index for the first quarter of each year as published by the U.S. Department of Labor, Bureau of Labor Statistics.

On Friday, July 29, 2022, the latest data from the Employment Cost Index (ECI) (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor, Bureau of Labor Statistics was released and is as follows:

|   |                               |            |
|---|-------------------------------|------------|
| Employment Cost Index<br>U.S. Department of Labor, Bureau of Statistics<br>(Data Released on July 29, 2022) |                               |            |
| Year  | First Quarter (July 29, 2022) | % Increase |
| 2022  | 154.0                         | 4.1        |

In pursuing the Commission's direction, staff has determined based on the Employment Cost Index that the Index' percentage between the Second Quarter of 2021 and the Second Quarter of 2022 resulted in an annual 4.1% increase. The ECI is indexed into a 2005 base you which equals 100.00 points. The table below reflects LAFCo's current hourly charge-out rates, along with a calculated percentage increase of 4.1% (rounded to the nearest dollar), as reflected within the Employment Cost Index. Note the currently hourly rates were established in 2010.

|                         |                         |               |
|-------------------------|-------------------------|---------------|
|                         | 2021/22 (First Quarter) |               |
| Current Hourly Rate*    | Percentage              | Adjusted Rate |
| Executive Officer \$160 | 4.1                     | 166.56        |
| Counsel \$249           | 4.1                     | 258.96        |

\*Note: The Hourly rates charged are lower. Based on the Calculations for 2010, the charge out rate for LAFCo staff was



\$256.83 and for Counsel was \$440.73 per hour, however, these were reduced to \$160 and 249 respectively

| Proposed Hourly Rate        | January 16, 2022 |               |
|-----------------------------|------------------|---------------|
|                             | Percentage       | Adjusted Rate |
| Executive Officer \$ 295.69 |                  |               |
| Counsel \$486.33            |                  |               |
| Clerk \$152.85              |                  |               |

**ACTION REQUESTED:**

Adopt Resolution No. 2022-15 approving an amendment to the fee schedule to reflect current hourly charge-out rates as noted above and authorizing an annual increase to be determined based on the second quarter (ending on June 30<sup>th</sup> 2023) in which an increase is to take effect on July 1<sup>st</sup> each year thereafter based on the Employment Cost Index.

Many of the fee deposits have been updated to reflect new legislative requirements since 2010 and the cost of doing business. See the Fee update matrix explaining the basis for the Staff Rates at \$295.69, \$486.33 and \$152.85. These rates are the maximum LAFCo may charge. The Commission has discretion to adopt lower rates.

Attachment: Resolution No. 2022-15  
Fee update matrix  
Proposed Updated LAFCo Fee Schedule

RESOLUTION # 2022-16

A RESOLUTION OF THE LAKE LOCAL AGENCY FORMATION COMMISSION  
IMPLEMENTING AN ANNUAL ADJUSTMENT  
TO LAFCO STAFF HOURLY CHARGE-OUT RATES  
BASED UPON THE EMPLOYMENT COST INDEX AND  
UPDATED FEE DEPOSIT SCHEDULE

RESOLVED, by the Lake Local Agency Formation Commission, that

WHEREAS, the Lake Local Agency Formation Commission is an independent agency under the provisions of Government Code §56000 et seq.; and

WHEREAS, the Lake Local Agency Formation Commission, pursuant to Government Code §56383 and Government Code §66016 adopted Resolution 2010-0005 establishing hourly charge-out rates consistent with an approved Hourly Fee Study; and

WHEREAS, the Lake Local Agency Formation Commission determined at their meeting of September 21, 2022, that LAFCO staff hourly charge-out rates should be adjusted annually to keep pace with inflationary movements of the economy; and

WHEREAS, the Lake Local Agency Formation Commission at their meeting of November 16, 2022 desires to implement an annual adjustment beginning each fiscal year to the staff hourly charge-out rate based on the latest released data from the Employment Cost Index (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor's Bureau of Labor Statistics and review and consider amendments to LAFCo's fee deposit schedule: and.

WHEREAS, the Lake Local Agency Formation Commission desires to implement an initial annual Employment Cost Index adjustment to be applied beginning on July 16th, 2023 and each fiscal year thereafter and revisions to the adopted fee deposit schedule 60 days from November 16, 2022 both of which will be based on the latest released data from the Employment Cost Index for the previous March (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor's Bureau of Labor Statistics; and

WHEREAS, the increase in the flat hourly charge-out rates do not exceed the estimated reasonable costs of providing the services in accordance with Government Code §66013 and 66014; and

WHEREAS, the proposed increase in the flat hourly charge-out rates do not constitute a project as defined by §15378(b)(4) of the California Environmental Quality Act Guidelines; and

WHEREAS, the proposed increase in the flat hourly charge-out rates was duly noticed.

WHEREAS, the Commission held a public hearing on amending the flat hourly charge-out rates and fee deposit amounts on November 16, 2022; and

WHEREAS, the Commission considered written and verbal comments from the public and made amendments to the fee schedule as deemed appropriate by the Commission.

NOW, THEREFORE, BE IT RESOLVED that the Lake Local Agency Formation Commission, amend the staff hourly charge-out rates to provide for annual adjustments of the hourly charge out rates for LAFCo Staff as of July 1<sup>st</sup> of each year based on latest released data from the Employment Cost Index (Not Seasonally Adjusted, State and Local Government Employees, Index Workers, All Employees), as published by the U.S. Department of Labor's Bureau of Labor Statistics as well as update its fee deposit schedule (see Exhibit A LAFCo's Fee Deposit Schedule).

BE IT FURTHER RESOLVED, that the LAFCO staff hourly charge-out rates are hereby adjusted be rounded down to the nearest dollar and become effective sixty (60) days from the date of adoption of this Resolution:

| Current Hourly Rate         | Adopted Adjusted Rate |
|-----------------------------|-----------------------|
| Executive Officer \$ 177.91 | 295                   |
| Counsel \$260.00C           | 486                   |
| Clerk                       | 152                   |

BE IT FURTHER RESOLVED, that the LAFCo Schedule of Fees and Deposits are amended as shown in Exhibit A to this resolution.

BE IT FURTHER RESOLVED, Adjusted rates shall be placed on LAFCo's consent agenda at the first meeting of the fiscal year for ratification of the Commission.

**PASSED AND ADOPTED** at a regular meeting of the Lake Local Agency Formation Commission, on the 16<sup>th</sup> day of November 2022 by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

\_\_\_\_\_  
Bruno Sabatier, CHAIR or Stacey Mattina,  
Vice Chair

LAKE LOCAL AGENCY

FORMATION COMMISSION

\_\_\_\_\_  
ATTEST: JOHN BENOIT

EXECUTIVE OFFICER

**Part 1 - Calculate Administrative Overhead**

Formula: Adjusted Administrative Overhead = Budget - specific project processing costs - 1/2 of Long Term Planning Costs

\$ 155,984 2022-2023 Expenditures

|                  |           |                             |           |   |
|------------------|-----------|-----------------------------|-----------|---|
| Assistance Staff | 51,591    | Exec. Officer and Staff     | 25,796    | Assumed Staff Time Allocations for 2009-10                |
|                  | 4,256     | Clerk                       | 2,128     | 50% Exec. Officer/Staff Cost allocated to direct projects |
|                  | 23,455    | Legal Counsel               | 17,591    | 75% Attorney Costs allocated to direct projects           |
| \$ -             | \$ 79,302 | Total Annual Personnel Cost | \$ 45,515 | <b>Total Billable Personnel Costs</b>                     |

\$ 41,000 Service Reviews/Sphere Updates \$ 20,500 1/2 Long-Term Planning Costs

\$ 89,969 Adjusted Admin. Overhead

**Part 2 - Correct Administrative Overhead for Public Service Costs**

Formula: Target Administrative Overhead = Adjusted Administrative Overhead - Unrecoverable Public Service Costs

\$ 80,972 Maximum Recovery Amount - total overhead less 10% general public 100% of Maximum Recoverable Amount

**Part 3 - Calculate Staff Rate**

Formula: Staff Rate = Target Administrative Overhead / Billable LAFCo Personnel Costs

|                                |       |             |
|--------------------------------|-------|-------------|
| Target Admin. O.H.             | 80972 | Rate Factor |
| Billable LAFCO Personnel Costs | 45515 | 1.78        |

| Staff       | Annual Hrs | Public Time (percentage) | Admin. Time | Billable Time | Max Annual Billable Hours | Hourly Cost | staff rate @ 100% a.o. recovery | Recommended Staff Rate |
|-------------|------------|--------------------------|-------------|---------------|---------------------------|-------------|---------------------------------|------------------------|
| LAFCO Staff | 500.00     | 0.10                     | 0.40        | 0.50          | 250.00                    | \$ 106.40   | \$ 295.69                       |                        |
| Clerk       | 75.00      | 0.00                     | 0.40        | 0.50          | 37.50                     | \$ 55.00    | \$ 152.85                       |                        |
| Counsel     | 113.00     | 0.00                     | 0.25        | 0.75          | 84.75                     | \$ 175.00   | \$ 486.33                       |                        |

MSR Costs 688.00

372.25 \$ 55.07

**Lake Local Agency Formation Commission  
Schedule of Fees and Deposits**

**1. Action**

|  |  |                                      |
|--|--|--------------------------------------|
| Annexation of single-family residence for reasons of public health or safety | <del>\$ 1,000</del> \$1,500  | Initial Deposit toward Project Cost  |
| Annexation/Detachment/Reorganization   | \$3,500  | Initial Deposit toward Project Cost  |
| Consolidation  | <del>\$3,000</del> \$3,500.00  | Initial Deposit toward Project Cost  |
| Dissolution  | \$ 2,000   | Initial Deposit toward Project Cost  |
| District Formation   | \$ 5,000   | Initial Deposit toward Project Cost  |
| Out of Agency Service Contract Requests                                      | \$1,500  | Initial Deposit toward Project Cost  |
| Disincorporation   | \$15,000   | Initial Deposit toward Project Cost* |
| Incorporation  | \$15,000   | Initial Deposit toward Project Cost* |
| Reconsideration of a LAFCO Determination                                     | <del>\$ 1,000</del> \$3,500  | Initial Deposit toward Project Cost  |
| Sphere of Influence Amendment  | <del>\$ 2,500</del> \$3,000  | Initial Deposit toward Project Cost  |
| Sphere of Influence Update   | \$ 4,000   | Initial Deposit toward Project Cost  |
| Municipal Service Review   | \$ 5,000   | Initial Deposit toward Project Cost  |
| <b>Other LAFCo Services not listed</b>                                       | <b>Initial Deposit Costs shall be estimated prior to providing the service</b> |                                      |
| Use of Latent Powers (new and different services)                            | \$3,000  | Initial Deposit toward Project Cost  |

*\*Incorporation and Disincorporation proposals include additional costs of elections, environmental studies, special Legal Counsel and financial reports.*

*Note: All deposit amounts are subject to increase, if the Executive Officer determines that the magnitude of the project justifies the increase.*

- A) All deposits are initial payments toward the total cost of processing (“project cost”). Project cost is defined as staff time plus materials. Staff charge-out rates are listed below, and include personnel costs plus a percentage of LAFCo administrative overhead and municipal service review and sphere of influence update costs. In addition Materials include, but are not limited to, charges for advertisement of hearings, mapping, petition reviews, as well as fees charged for project reviews by affected agencies.
- B) Applicants are also responsible for payment of appropriate including but not limited to State Board of Equalization fees, County Surveyor, EIR preparation fees, Fish and Game fees, and County Recording Fees. A schedule of processing fees for the State Board of Equalization is included in the LAFCO application packet.
- C) Staff time and materials will be monitored against the deposit on file with LAFCO; if the cost of processing an application begins to exceed (85%) the deposited amount, additional deposits will be required. Any hearing on the application may be continued pending receipt of the additional deposit.
- D) If extensive staff assistance is required prior to receipt of an application, a deposit will be required at the time the work is requested.
- E) Absent compelling circumstances, the Commission will not normally adjust or waive deposits and/or fees. Staff will not waive fees for any reason.