

Lake Local Agency Formation Commission

Regular Meeting Agenda

Wednesday November 18, 2020 -- 9:30 am

Welcome to the LAKE LAFCo special meeting. This meeting will be via Zoom (conference call) only due to the COVID-19 virus. A roll call vote is required for all items on the agenda.

You may use your phone for this meeting and no computer is required. There will be video if you choose to use it.

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

Instructions for joining meeting via Zoom are as follows:

John Benoit is inviting you to a scheduled Zoom meeting.

Topic: Lake LAFCo

Time: Nov 18, 2020 09:30 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87382853596?pwd=Uk5WS2xsc2w1VE9aM3RnZVIKeUdpUT09>

Meeting ID: 873 8285 3596

Passcode: 486042

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 873 8285 3596

Passcode: 486042

Find your local number: <https://us02web.zoom.us/j/87382853596>

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

Items may be considered at any time during the meeting. All items are listed in accordance with the Ralph M. Brown Act. Members of the public are encouraged to participate in this teleconference meeting either by email prior to the meeting at j.benoit4@icloud.com or by phone by dialing the number above. You may listen to the meeting by dialing the teleconference number.

This meeting is being agendized to allow staff and the public to participate via teleconference, pursuant to the Governor's Executive Orders N-25-20 & N-29-20 and dated March 12, 2020 & March 17, 2020. These Executive Orders authorizes local legislative bodies to hold a public meeting via teleconference or other electronic means and to make public meetings accessible

to telephonically to all members of the public and staff in effort to observe Social Distancing Recommendations in effect for the entire country.

(All meeting materials are available on LAFCo's Website:

www.lakelafco.org

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

Commissioners

Commission Alternate Members

Dirk Slooten, (City)
Stan Archacki, (Special Dist.)
Jim Scholz (Special District)
Ed Robey, (Public Member)
Moke Simon, Vice Chair (County)
Bruno Sabatier Chair (County)
Stacey Mattina (City)

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

Staff

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

1. **Call to Order – Roll Call**
2. **Approval of Minutes – Sept 16, 2020**
Action: Approve Sept 16, 2020 minutes

3. **Public Comment.**

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

4. **Consent Agenda**

- a. *Review and authorize payment of expenses for September and October 2020.*
- b. *Adopt resolution 2020-0005 transferring funds in the amount of \$11,700 from the General Reserve to Professional Services per action taken on September 21, 2020.*

PUBLIC HEARING

5. KONOCTI CO. WATER DISTRICT SERVICE REVIEW (MSR) AND SPHERE (SOI) UPDATE

- a. *Conduct public hearing regarding the Konocti County Water District MSR and SOI*
- b. *Consider Resolution 2020-0006 adopting a Service Review for services provided by the Konocti County Water District.*
- c. *Consider Resolution 2020-0007 adopting a Sphere of Influence Update for the Konocti County Water District.*

6. Regular LAFCo meeting schedule for 2021

- a) *Adopt LAFCo's regular meeting schedule for 2021*

7. Executive Officer' s report.

- a. *CSDA membership*
- b. *Cemetery District MSR and SOI*
- c. *Carlisle Annex to Clearlake Oaks Co. Water District*
- d. *South Lakeport Annexion*
- e. *Callayomi Co. WD Annexion*
- f. *Calafco Activities*

Calafco Virtual Regional Roundtable – Northern Region Wednesday, December 9, 2020 9:00 am to 10:30 pm

Proactively Navigating Economic and Service Crisis Realities. Date: Thursday, November 19 – 1:30 p.m. – 3:00 p.m.

LAFCos' Critical Role in Moving Forward in the Crisis Realities of 2020 and Beyond. Date: Monday, December 7 from 1:30 p.m. – 3:00 p.m.

8. LAFCo Counsel's report

9 Commissioner Reports

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

10. Correspondence:

Notice of CEQA Action regarding the Guenoc Valley Mixed Use Planned Development Project. Center for Biological Diversity v. County of Lake

11. **Adjourn to LAFCO's next regular meeting: Wednesday January 20, 2021
9:30 AM in Clearlake or zoom**

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



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

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

matter jurisdiction.

- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).
- The total amount of time allotted for receiving public comment may be limited to 15 minutes.
- Any individual's testimony may be limited to 5 minutes. Time to address the Commission will be allocated on the basis of the number of requests received.

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to 5 minutes. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

Agenda Materials

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda are available for review for public inspection at the City of Lakeport and City of Clearlake Community Development Departments office located at City Hall in Lakeport and Clearlake [such documents are also available on the Lake LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting].

Accessibility

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting. The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Lake LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.

A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

Contact LAFCO Staff LAFCO staff may be contacted at (707) 592-7528 or by mail at Lake LAFCO c/o John Benoit, Executive Officer P.O. Box 2694, Granite Bay, CA 95746 or by email at j.benoit4@icloud.com. Agenda packets are located on the Lake LAFCO Webpage at www.lakelafco.org

LAKE LOCAL FORMATION COMMISSION
MINUTES
September 16, 2020 Special Meeting

Members Participating

Stacy Mattina, City Member
Ed Robey, Public Member
Dirk Slooten, City Member
Stan Archacki, Special Districts
Jim Scholz, Special Districts
Joyce Overton, City Alternate.

Staff Participating

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

Absent: Bruno Sabatier, Chair, County Member, Moke Simon, Vice-Chair/County Member
Victoria Brandon, Special District Alternate, Suzanne Lyons, Public Member Alternate.
Tina Scott, County Alternate

Participating by telephone or Zoom: Kevin Ingram, City of Lakeport, Mike Oliver, Dana Shigley, Municipal Resource Group, LLC, Frank Costner, General Manager, Konocti County Water District, Megan Estep and Richard Sisco, Highlands Mutual Water District.

EO reported that the Chair and Vice-Chair are unable to participate in today's meeting due to a scheduling conflict re: County Budget Hearing. Commissioner Mattina agreed to serve as chair pro tempore.

1. **Call to Order** - Chairman Mattina called meeting to order at 9:30 a.m. via teleconference and Zoom.

2. **Approval of Minutes** - Motion by Commissioner Slooten, second by Commissioner Scholz to approve the Minutes of the July 15, 2020 Special Meeting. Motion carried by the following vote:

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

3. **Public Comment** – None.

4. Consent Agenda

Motion by Commissioner Robey, second by Commissioner Slooten to review and authorize payment of expenses for July and August 2020. Motion carried by the following vote:

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

5. Final Report prepared for the South Lakeport Annexation Project and consider agreement with MRG for Facilitation Services

Mr. Oliver reviewed the information in the report, a key point being LAFCo's Policy of Revenue Neutrality (LAFCo policy section 2.13), which requires fiscal neutrality in such actions. Ms. Shigley noted that both of the consultants that worked on the city and county analysis agreed that this policy did apply. Discussion was held. EO outlined the next steps and stated that the information in the report is key in the preparation of an updated tax agreement.

Motion by Commissioner Robey, second by Commissioner Slooten to identify LAFCo Reserve Fund as the funding source for \$11,700.00 and authorize the transfer from LAFCo's General Reserve to Contract Services. Motion carried by the following vote:

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

Motion by Commissioner Slooten, second by Commissioner Scholz to authorize budget amendment appropriating \$11,700.00 for contract services. Motion carried by the following vote:

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

Motion by Commissioner Slooten, second by Commissioner Robey to authorize the Chair to sign contract with MSR for facilitation services on behalf of Lake LAFCo. Motion carried by the following vote:

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

6. Workshop - Konocti County Water District Service Review and Sphere Update

EO reviewed the updates and additions made at the request of the Commission at the last meeting, such as detailed information in Section 3.2.14 on Fire Flows. Commissioners expressed thanks for the updated information. EO stated Public Hearing on the Service Review and Sphere Update is set for November 18.

7. Policy, and Procedures update (workshop #2)

Chair opened hearing on the update. No comments were heard.

Motion by Commissioner Robey, seconded by Commissioner Scholz to adopt Resolution No. 2020-0004 Adopting Updated Policies, Standards and Procedures for Lake County LAFCo and authorize the Chairman to sign. Motion carried by the following vote:

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

8. Designate Chair to vote on behalf of Lake LAFCo for the Calafco Board of Directors

Motion by Commissioner Slooten, seconded by Commissioner Archacki to authorize the Chair to vote on behalf of Lake County LAFCo for the Calafco Board of Directors. Motion carried by the following vote:

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

ABSTAIN: None.

9. Executive Officer's Report

- a. Upper Lake County Water District MSR and SOI.
- b. Cemetery District MSR and SOI
- c. Carlisle Annex to Clearlake Oaks Co. Water District
- d. Callayomi Co. WD annexations

13. LAFCo Counsel's Report - none

14. Commissioner Reports - none

15. Correspondence – none

10:45 a.m. Meeting adjourned.

Next regular meeting: Wednesday November 18, 2020 9:30 a.m. in Lakeport. Note: Meeting may be conducted via teleconference/Zoom.

By: Kathleen Moran, Clerk

Lake Local Agency Formation Commission

4A

CLAIMS

September and October 2020

Expenses for FY 2020-2021:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
8.16.20-9.15.20	Browne Legal	\$ 1,837.00
Sept 16, 2020	Meeting Stipend	\$ 420.00
Oct 1, 2020	Staff Svcs Sept 2020	\$ 4,597.67
October 1, 2020	MSR and SOI Sept 2020	\$ 2,086.50
9.16. 2020- 10.15.20	Browne Legal	\$ 525.00
Nov 1, 2020	Staff Svcs Oct 2020	\$ 4,597.67
Nov 1, 2020	MSR and SOI Oct 2020	\$ 2,500.00
TOTAL:		\$ 16,712.45

Expenses for FY 2020-2021:

DATED: Nov 18, 2020
APPROVED: Nov 18, 2020

Bruno Sabatier, Chair
Lake Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

Amount Budgeted	Comm Stipend	Supplies	Membership	Books&Pendr	Attorney Service	LAFCo Clerk	Office Stipen	Staff Svcs	Legal Notices	Trans Travel	Conf Rept	Gen Reserve	Contingency	Insurance	GIS Mapping	Webpage	Auditor	SOI	MSR	
2020-2021 Adopted Budget	880,014.12	880,22.70	880,20.00	880,22.72	880,23.98	880,23.75	880,23.79	880,24.00	880,23.78	880,23.50	880,23.50	880,00	880,00	880,00	880,23.78	880,23.50	880,23.50	880,23.70	880,23.79	
Calico Dates 2020-2021	\$ 5,590.00	\$ 250.00	\$ 1,901.00	\$ 2,000.00	\$ 18,633.00	\$ 4,000.00	\$ 7,000.00	\$ 48,488.00	\$ 1,000.00	\$ 5,500.00	\$ 2,500.00	\$ 70,000.00	\$ 10,000.00	\$ 1,400.00	\$ 1,000.00	\$ 150.00	\$ 45,000.00	\$ 10,000.00	\$ 10,000.00	
July 15, 2020 Payrol																				
Staff Svcs July 2020																				
Staff Svcs ending 9/15/20																				
Browne Ending 9/15/20																				
RR - Clo PSP adoption																				
Payrol Sept. 16, 2020 mtg																				
Browne Ending 9/15/2020																				
BUDGET TRANSFER																				
Staff Svcs November 2020																				
RR-CLO KCWD reser and sal																				
Browne ending 10/15/2020																				

Remaining in Account	\$ 4,320.00	\$ 250.00	\$ 1,901.00	-\$1,761.00	\$ 13,965.00	\$ 3,737.50	\$ 4,800.00	\$ 32,297.32	\$ 650.93	\$ 5,500.00	\$ 2,500.00	\$ 50,300.00	\$ 10,000.00	\$ 1,400.00	\$ 5,450.00	\$ 150.00	\$ 22,500.00	\$ 10,000.00	\$ 10,000.00
Expended	\$ (960.00)	\$ -	\$ -	\$ 0.20	\$ (4,724.00)	\$ (282.50)	\$ (2,200.00)	\$ (16,190.89)	\$ (349.07)	\$ -	\$ -	\$ (11,700.00)	\$ 0.00	\$ 0.00	\$ (650.00)	\$ -	\$ 0.00	\$ 0.00	\$ 0.00
	\$ 3,360.00	\$ 250.00	\$ 1,901.00	-\$1,761.20	\$ 9,241.00	\$ 3,455.00	\$ 2,600.00	\$ 16,106.43	\$ 301.86	\$ 5,500.00	\$ 2,500.00	\$ 38,600.00	\$ 10,000.00	\$ 1,400.00	\$ 4,800.00	\$ 150.00	\$ 22,500.00	\$ 10,000.00	\$ 10,000.00

unaudited

BEFORE THE LAKE LOCAL AGENCY FORMATION COMMISSION

RESOLUTION No. 2020 - 0005

Resolution of the Lake Local Agency Formation Amending the Adopted Budget for the 2020-2021 Authorizing an Increase in Expenditures for Professional Services in the Amount of \$11,700.00

WHEREAS, Section 56381 of California Government Code requires the Lake Local Agency Formation Commission to adopt a draft and final budget; and

WHEREAS, the Commission on September 16, 2020 authorized and entered into an agreement with Municipal Resource Consultants for \$11,700.00 to prepare mediation services for the City of Lakeport and the County of Lake regarding the South Lakeport Annexation (LAFCo File 2019-0006; and

WHEREAS, the Commission also authorized a budget transfer of \$11,700 from the General Reserve account to the Professional Services Account.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Lake Local Agency Formation Commission that the 2020-2021 Fiscal Year Budget be amended as follows:

- (1.) Revenue Account Number 880.23.79 is increased by \$11,700.00 for this service
- (2.) General Reserve Account Number 880.00 is reduced by \$11,700.00.

BE IT FURTHER RESOLVED that this Commission hereby directs the Executive Officer of this Commission to forward a copy of this resolution to the City of Clearlake Finance Department.

PASSED AND ADOPTED at a regular meeting of the Lake Local Agency Formation Commission, on the 18th day of November 2020 by the following vote:

AYES:

NOES:

ABSTAINS:

ABSENT:

**BRUNO SABATIER, CHAIR
LAKE LOCAL AGENCY
FORMATION COMMISSION**

ATTEST: JOHN BENOIT

John Benoit, Executive Officer

**Resolution 2020-0006 of the
Lake Local Agency Formation Commission**

*Approving a Municipal Service Review of Services Provided by the Konocti County Water District, and
Adopting Written Determinations Thereon*

WHEREAS, California Government Code Section 56425 requires that a Local Agency Formation Commission ("LAFCO") adopt and periodically review Sphere of Influence Plans for all agencies in its jurisdiction; and,

WHEREAS, California Government Code Section 56430 requires that a LAFCO conduct a review of the municipal services provided by and within an agency prior to updating or adopting its Sphere of Influence Plan; and,

WHEREAS, the Sphere of Influence Plan is the primary planning tool for LAFCO and defines the probable physical boundaries and service area of a local agency as determined by LAFCO; and,

WHEREAS, on April 17, 2002, the Commission adopted its Work Plan and included a schedule for initiation of Municipal Service Reviews (MSRs) and Spheres of Influence; and

WHEREAS, the Commission adopted guidelines for conducting MSRs, which applies to this MSR for services provided by the Konocti County Water District; and,

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission for water services provided by the Konocti County Water District, including approval of the report and adoption of the written determinations contained therein; and,

WHEREAS, the Commission hereby determines that the hearing draft of the Municipal Service Review for water services provided by the Konocti County Water District is otherwise consistent with the purposes and responsibility of the Commission for planning the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities; and,

WHEREAS, in making this determination, the Commission has considered the documentation on file in this matter; and,

WHEREAS, the Commission has heard all interested parties desiring to be heard and has considered the proposal and report by the Executive Officer and all other relevant evidence and information presented at said hearing;

NOW, THEREFORE, the Lake Local Agency Formation Commission hereby resolves, orders and determines the following:

- 1) The Municipal Service Review for Services provided by the Konocti County Water District attached hereto as Exhibit A, is approved and the written determinations presented in the Municipal Service Review report are hereby adopted.
- 2) That all previously adopted Municipal Service Reviews for the Konocti County Water District are hereby superseded in favor of this November 2020 service review.
- 3) LAFCO staff is further ordered to forward copies of this resolution containing the adopted Municipal Service Review to the Konocti County Water District.

4) The foregoing resolution was duly passed by the Lake Local Agency Formation Commission at a regular meeting held on November 18, 2020, by the following roll call vote:

Ayes:

Noes:

Absentions:

Absent:

Signed and approved by me after its passage this 18th day of November 2020.

Bruno Sabatier, Chair, Lake LAFCO

Attest:

John Benoit, Executive Officer
LAKE LOCAL AGENCY FORMATION COMMISSION,

Resolution No. 2020-0007

LAKE LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving A Sphere of Influence Update for the Konocti County Water District

WHEREAS, Government Code Section 56425 requires each Local Agency Formation Commission to adopt and periodically review and update a sphere of influence for each local governmental agency within its jurisdiction; and

WHEREAS, the Lake Local Agency Formation Commission, in compliance with the aforementioned requirement, is providing a "plan for the probable physical boundaries and service " for the Konocti County Water District; and

WHEREAS, the Commission has set the initial hearing date of November 18, 2020 for the update of the sphere of influence for the Konocti County Water District and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56150, et seq.; and

WHEREAS, the Commission has heard and adopted a Municipal Services Review of services provided by the Konocti County Water District in accordance with Gov. Code section 56430; and

WHEREAS, the Commission has reviewed and considered the proposed Sphere of Influence update report and the proposed Sphere of Influence Update Map which are attached hereto and incorporated herein; and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the proposed sphere of influence update, including, but not limited to, those factors specified in Government Code Section 56425, et seq., and has heard from interested parties and considered requests for amendment and/or revision of the proposed updated sphere boundary, if any;

NOW, THEREFORE, BE IT RESOLVED that the Lake Local Agency Formation Commission does hereby find and determine as follows:

1. That the proposed sphere of influence update with respect to the Konocti County Water District, complies with the provisions of Government Code Section 56000, et seq.
2. That the Konocti County Water District shall have an annexable Sphere of Influence.
3. That no significant protests have been received regarding the establishment of this Sphere of Influence update.
4. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Study are attached hereto and incorporated herein.
5. The Commission has reviewed and adopts a Notice of Exemption prepared for this Sphere of Influence update and makes a specific finding that there is no substantial evidence in light of the whole record before the Lake Local Agency Formation Commission that this Sphere Update for the Konocti County Water District may have a significant adverse effect on the environment and no unusual circumstances exist.
6. Pursuant to Government Code Section 56425 (i) the Konocti County Water District is

authorized to provide domestic water within the territory set forth in Attachment "A". Other services a County Water District may provide shall be considered a new service and LAFCO approval shall be required.

7. All previously adopted Sphere of Influence updates and (or) amendments are hereby repealed in favor of this Sphere of Influence Update.
8. That the Sphere of Influence Update Report, Executive Officer's Report, and Map for the Konocti County Water District updated Sphere is hereby adopted and approved as set forth in Attachment "A".

The foregoing resolution was duly passed by the Lake Local Agency Formation Commission at a regular meeting held on November 18, 2020, by the following roll call vote:

Ayes:

Noes:

Abstentions:

Absent:

Signed and approved by me after its passage this 18th day of November 2020

Bruno Sabatier, Chair, Lake LAFCO

Attest:

John Benoit, Executive Officer
LAKE LOCAL AGENCY FORMATION COMMISSION

Lake LAFCO

2021 Regular Meeting Schedule

3rd Wednesday at 9:30 AM

Regular Meeting Dates:		<i>Alternative Meeting Dates (only as needed):</i>	
January 20	Clearlake	<i>February 17</i>	<i>Lakeport</i>
March 17	Lakeport	<i>April 21</i>	<i>Clearlake</i>
May 19	Clearlake	<i>June 16</i>	<i>Lakeport</i>
July 21	Lakeport	<i>August 18</i>	<i>Clearlake</i>
September 15	Clearlake	<i>October 20</i>	<i>Lakeport</i>
November 17	Lakeport	<i>December 15</i>	<i>Clearlake</i>

Regular meetings of the Commission are scheduled for the third Wednesday of every month at 9:30 a.m. in the Lakeport City Council Chambers, 225 Park St, Lakeport, California or the Clearlake City Council Chambers 14050 Olympic Dr. Clearlake, California. The specific location of each meeting shall be in accordance with the meeting schedule adopted at the January LAFCO meeting. Alternative meeting dates shall remain on the schedule and shall be considered regular meeting dates. For meetings in Lakeport, if the Lakeport Council Chambers are not available, the meeting will occur at the Lake County Board of Supervisor's Chambers, 255 N. Forbes St. Lakeport, CA. The Commission may, at its own discretion, meet at a different time or place from time to time, provided that public notice of such time and place is given in accordance with the Open Meeting Law, Government Code Section 54954 and applicable provisions of the LAFCO Act.

The Chair or Executive Officer may call a special meeting of the Commission. The Chair shall call a special meeting if requested by two or more Commissioners. Any special meetings of the Commission shall be called in the manner provided by Section 54956 of the Government Code. The order calling the special meeting shall specify the time and place of the meeting and the business to be conducted and no other business shall be conducted at that meeting. The special meeting may be called for any day prior to the date established for the next regular meeting of the Commission.

7 d.

A Citizen's Guide to City Annexations

LAKE LAFCO: NOVEMBER 2020

INTRODUCTION

Note: This guide is provided by the Local Agency Formation Commission information to residents within Cities (incorporated areas) and the County who are affected by the annexation process. It is revised periodically to reflect changes in local annexation policies and procedures as well as the State law governing annexation. The guide is intended only to provide a broad, general overview of the proceedings related to annexations initiated by a city or special district and may not be interpreted or construed to be complete, conclusive, or as legal advice. Specific and complete requirements as well as additional references to applicable State law may be obtained from:

The Lake Local Agency Formation Commission (LAFCo)
P.O. Box 2694
Granite Bay, CA
95746 (707) 592-
7528
Email: j.benoit4@icloud.com
Website: www.lakelafco.org

Note: Specific legal advice should be sought from an attorney.

There are many types of jurisdictional changes -- annexation, detachment, consolidation, dissolution, divestiture of powers and so forth. This document provides a broad overview of the process for annexing an inhabited area (an area in which there resides 12 or more registered voters) to a city when a city has initiated the annexation. The requirements for all jurisdictional changes are specified by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Government Code Section 56000. The LAFCo Act is administered and enforced by the Local Agency Formation Commission (LAFCo or Commission) through its approval and denial authority. Although many time frames are specified throughout the Act (and noted in this document), pursuant to Section 56106 most of the time frames are not mandatory.

In Lake County, the Commission is composed of two members from city councils, two members from the County Board of Supervisors, two members from independent special districts, and one public member (§56328.5) and one alternate per category of commissioner. An Executive Officer, appointed by the Commission, and a clerk/analyst to provide the administrative support needed by the Commission as well as legal counsel.

Among the purposes of LAFCo are discouraging urban sprawl, preserving agricultural and open space lands, and encouraging the orderly formation and development of local government agencies based upon local conditions and circumstances (§ 56301). The Commission regulates, through approval and denial, the boundary changes proposed by other public agencies or individuals. In reviewing proposals for boundary changes, the Commission is required to consider certain factors such as the conformity between city and county plans, current service levels and the need for future services to the area the

social, physical, and economic effects that agency boundary changes present to the community.

In most cases, persons affected by an annexation have the opportunity to testify and express their views at a public hearing before the Commission. Written materials may be submitted and oral testimony is received at a public hearing. In some cases, there is a "protest hearing" (conducting authority proceedings) where registered voters' and landowners' written protests are counted.

In addition to an overview of the annexation process, this document also includes a glossary of terms commonly used in procedures for jurisdictional changes. All code sections in this document reference the Government Code unless otherwise stated.

GLOSSARY OF TERMS

Annexation: A process whereby territory is incorporated into a city

CEQA: California Environmental Quality Act (Public Resources Code § 21000 et seq)

Change of Organization: A jurisdictional change included in Section 56021.

Chief Petitioners: Those persons so designated on a petition or resolution for organizational change, to a maximum of three

Commission: Local Agency Formation Commission (see LAFCo)

Detachment: A process whereby territory is removed from a city

EIR: An Environmental Impact Report (EIR) is required under CEQA after an initial study reveals that significant environmental impacts may occur due to a project.

Executive Officer: The Commission appointed Executive Director

Governing Body: The governing board or commission of a local agency, either elected by the voters or appointed by a parent governing body

Inhabited Territory: Territory within which 12 or more registered voters reside

Island: Unincorporated territory, inhabited or uninhabited, that is partially or completely surrounded by incorporated territory

LAFCo: The Lake Local Agency Formation Commission, a governing body that is responsible for ensuring the laws related to organizational changes are followed, and is responsible for making determinations regarding services provision, land use compatibility, boundaries, and other such issues when organizational changes are proposed.

Lead Agency: The agency responsible for preparing an environmental document per CEQA

Local Agency: Any local governmental entity--city, county, special district, agency--created by State law.

Negative Declaration: If a project under CEQA is determined to have no significant impact on the environment, a Negative Declaration is filed. A jurisdictional boundary change is considered a "project" under CEQA.

Protest Hearing: A public hearing conducted by the Executive Officer or designee, where citizens have their only opportunity to officially protest annexation through a written protest letter

Reorganization: Alteration to the boundaries involving two or more changes of organization in one single proposal.

Responsible Agency: An agency responsible for reviewing and commenting on completed environmental documents per CEQA.

OUTLINE OF TYPICAL ANNEXATION PROCESS

1. City Council passes a Resolution of Application and files the signed application, LAFCo fee deposits and signed agreement to pay form with the Local Agency Formation Commission .
2. The City and the County determine a property tax exchange as initiated by LAFCo staff per (Revenue and Taxation Code 99b).
3. The Local Agency Formation Commission's Executive Officer reviews the city's application documents and the resolutions effecting the property tax exchange, LAFCo's policies and procedures, consistency with the Sphere of Influence and, if all is in order, issues a Certificate of Filing.
4. The Local Agency Formation Commission conducts a public hearing on the application. Written and oral testimony is received at the hearing. The Commission adopts a Resolution Making Determinations either approving, denying, or modifying the annexation proposal. If the application is approved, in some cases, LAFCo will establish a protest hearing or may waive the conducting authority proceedings.
5. If the conducting authority proceedings are not waived, the Executive Officer or designee will conduct a "protest hearing." Written and oral Testimony is received at the hearing. This is the only hearing where written protests are received. Depending on the number of written protests received from registered voters and/or landowners, the Commission orders the annexation, orders the annexation subject to an election, or terminates the annexation.
6. If the Commission orders the annexation, the executive officer issues a Certificate of Completion after receipt and review of the required documents and requirements stated in the adopting LAFCo resolution.

APPLICATION FOR ANNEXATION

The annexation process normally begins after a city council passes a resolution of application to annex certain territory. The application is filed with LAFCo, along with the certified resolution for annexation. By statute, the resolution must include certain language and be accompanied by prescribed documentation, such as a statement as to the nature of the proposal, a description of how services will be provided to the area proposed for annexation called a Plan for Services (§56653), a geographic description and map of the territory drafted by a Licensed Land Surveyor, various maps, and California Environmental Quality Act (CEQA) compliance documentation (§ 56652). LAFCo proceedings officially begin on the date the LAFCo Executive Officer issues a certificate of filing to the applicant (§56651).

Resolution for Transfer of Property Taxes: When a city annexes territory, the County and City may transfer a share of its property tax entitlement to that city (other types of taxes or agreements may also be considered in this process) in consideration of the service responsibility being transferred. The process to be followed is contained in Revenue and Taxation Code section § 99b.

LAFCo PROCEEDINGS

Application Review: The Executive Officer of LAFCo reviews the application package and, normally within 30 days, determines if the petition /resolution meets the legal requirements, the project's requirements under CEQA, evidence that a satisfactory exchange of property tax has taken place within the time prescribed by law, and whether the application package is complete (§ 56658). If the application is determined not to be complete, LAFCo sends a letter to the applicant indicating deficiencies and requesting any necessary additional information.

Notice of Filing: If all of the documents are in order, the Executive Officer issues a Certificate of Filing and within 90 days sets a date for a public hearing of the Commission where the annexation proposal is to be considered (§ 56658). Notwithstanding § 56106, this hearing date is mandatory.

Public Hearing: In most cases, a notice of public hearing before the Commission, is published in the newspaper and posted near the door of the hearing room or upon any official bulletin board used for the purpose of posting public notices by or pertaining to the legislative body or Commission at least 21 days before the hearing (§ 56153, 56154, 56158, 56159). Additionally, notices are mailed to each affected agency, the chief petitioners, any person requesting special notice, all registered voters and property owners in or within 300 feet of the area proposed for annexation, and each city within three miles at least 21 days before the hearing (§ 56830, 56155, 56156, 56157). This notice must be posted on the Web site at least 21 days before the hearing (§ 56154).

Determination of Commission: At the Commission's public hearing, which can be continued for up to 70 days (§ 56666), the Commission considers the recommendations of the Executive Officer on a number of factors included in §56668), LAFCo's policies and the Commission also receives oral and written comments from citizens and other public agencies.

Adoption of Resolution Making Determinations: Within 35 days after the hearing, the Commission must adopt a resolution making determinations either approving, denying, or modifying the annexation application proposal (§ 56880). The Commission may also include specific terms and conditions in the resolution (§ 56885, 56886). Additionally, the resolution by the Commission initiates protest proceedings (§ 56881). The Commission may authorize proceedings to conclude without any further notice, hearing, or election

RECONSIDERATION

Unique to LAFCo is a process whereby any person or affected agency may file a written request LAFCo reconsider a decision. The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could have not been presented previously are claimed to warrant the reconsideration. This request shall be filed within 30-days of LAFCo adopting a resolution to be timely. LAFCo proceedings are tolled pending resolution and a public hearing regarding the reconsideration request (Gov. Code 56895).

CONDUCTING AUTHORITY PROCEEDINGS AND PROTESTING AN ANNEXATION

Notice of Public Protest Hearing: The Commission sets the annexation proposal for a conducting authority proceeding within 35 days of the Commission's resolution date and gives notice at least 21 but not more than 60 days in advance of the hearing (§ 57002). The Commission may grant a continuance of the protest hearing for cause. Prior to the protest hearing, contact LAFCo for guidance on submitting a request for a continuance. This public hearing is commonly referred to as a "protest hearing". Notices are mailed to each affected agency, city, or county, chief petitioners, and persons requesting special notice. Additionally, the hearing notice is published in a newspaper of general circulation and is required to be posted. The hearing notice must only be published once per Section 6061. Mailed notices to individual landowners are only required in specific circumstances, which are noted under the section below entitled "Protesting an Annexation." if there is 100% consent of the landowners.

Written Protests: Any written protests must be filed with the Commission prior to the conclusion of the protest hearing (§ 57051).

Adoption of Resolution: Pursuant to Government Code § 57075, for inhabited territory the Commission adopts a resolution doing one of the following:

1. Ordering the annexation if less than 25% of the registered voters OR if less than 25% of the landowners owning less than 25% of the assessed value of land file written protests.
2. Ordering the annexation subject to an election if at least 25% but less than 50% of the registered voters file a written protest OR if at least 25% of the number of owners of land who also own at least 25% of the assessed value of the land file a written protest.
3. Terminating the proceeding if written protests are received from 50% or more of the registered voters residing in the inhabited territory.

If a proposed annexation consists of two or more distinct communities as defined in the County General Plan, Census designation, or other commonly recognized community designation as determined by the Commission, and if one of the communities has at least 250 registered voters, protests shall be counted separately for each community (§ 57078.5).

If a proposal is terminated, the same proposal cannot be resubmitted to LAFCo before one year from the date of adoption of the Commission's certificate of termination (§ 57090).

Citizens affected by an annexation have an opportunity to protest the annexation at a protest hearing, conducted by the Executive Officer. Under the law, this protest hearing is an opportunity where citizens and property owners are affected by an annexation and have the right to file a **written protest** with the Commission and have that protest counted to determine whether the annexation will occur.

Hearing Notices

- The Commission is required to publish a notice of the protest hearing once in a newspaper of general circulation.
- The notice of the protest hearing must be mailed to all registered voters and owners of record within the annexation territory.
- In the case of a proposed change of organization or reorganization that would result in the extension of any previously authorized special tax or benefit assessment to the affected territory, the executive officer of the commission shall give mailed notice to each landowner within the affected territory (57025c)

COMPLETION AND EFFECTIVE DATES

Notwithstanding a reconsideration request) immediately after proceedings ordering an annexation without an election or after a majority of voters approve an annexation in an election, the Commission has a Certificate of Completion recorded. The recorded Certificate of Completion is forwarded to the governing bodies of the affected agencies and a statement of boundary change is filed with the State Board of Equalization. The recorded Certificate of Completion including LAFCo's adopting resolution and property tax sharing resolution(s) are transmitted to the County Auditor, County Assessor, County Surveyor, all affected agencies, and County Elections.

Upon recordation of the Certificate of Completion affected agencies the completion of the jurisdictional change (annexation) and the appropriate transfer of responsibilities such as police protection, building inspection, animal control, and planning are assumed by the annexing entity.

Filing a Protest

- To be officially counted, a protest letter or petition must be filed with the Commission **after** Publication of the protest hearing notice, but before the conclusion of the protest hearing meeting the requirements of section § 57051.
- Each **registered voter** and **each land owner** in an area proposed for annexation is eligible to protest an annexation. This means that an individual who is both a registered voter and

a property owner may file a protest under each designation. If more than one person owns a piece of property, each owner is eligible to file a protest.

Effect of Written Protests

If at least 25% but less than 50% of the registered voters in the territory file a written protest, an election on the matter must be held.

If at least 25% of the number of owners of land who also own at least 25% of the assessed value of the land file a written protest, an election on the matter must be held.

If at least 50% of the registered voters in the area proposed for annexation file a written protest to the annexation, the annexation proceeding is terminated.

If less than 25% of the registered voters OR if less than 25% of the landowners owning less than 25% of the assessed value file a written protest, the annexation moves forward.

State the name and address of the landowner, or the name and address of the registered voter as they appear on the affidavit of registration and/or the assessment (property tax) roll. If the address of the landowner is different than the affected property location or address, this information must also be included.

Be signed and dated. The date of the signature must be a date after the publication date of the notice of protest hearing.

The protest letter must be filed with the Commission before the conclusion of the protest hearing.

The Commission's Executive Officer is responsible for determining the validity of the protests received.



**CALAFCO 2020 Virtual Regional Roundtable
Northern Region Agenda Guideline
Wednesday, December 9, 2020
9:00 a.m. – 10:30 a.m.**

<https://us02web.zoom.us/j/87294178834?pwd=T1Z2eG03NnRiVlloeDBmVFZZazM2dz09>

Meeting ID: 872 9417 8834

Passcode: 967732

Phone: 669-900-6833

Everyone in attendance will be asked by the host to identify themselves upon entry into the meeting from the waiting room. This is to preserve the integrity of the region's meeting.

1. Welcome and introductions in large group

Self-introductions with identification of LAFCo, position and tenure (ie: Commissioner, EO, Clerk, etc.)

2. CALAFCO update from Board Member and EO regional representative in large group

3. Breakout groups discussions

1. *What are the 3 biggest challenges your LAFCo faced the past 9 months and how were they overcome?*
2. *What are 2 positive things that have resulted from the last 9 months for your LAFCo?*
3. *How has your LAFCo budget been impacted in the current FY and what do you anticipate for the next FY because of the economic downturn?*
4. *How might you use a "shared services" model with other LAFCOs in your region to gain fiscal and human resources efficiencies?*
5. *Do you have any cities or districts that are in severe fiscal distress as a result of the Pandemic and/or fires and if so, are you reaching out to them?*

4. Report out by breakout rooms in large group

5. Large group discussion:

In this new world of inter-related and regional challenges and even crisis, does LAFCo have a new and evolving role to play as political boundaries are increasingly less useful and natural boundaries (watersheds, air quality basins, fire terrain, SGMA basins, flood plains, etc) become more so?

6. Other comments by individual LAFCOs

7. Feedback for CALAFCO

8. Wrap up and thank you

#10

Callayomi County Water District
P.O. Box 623
Middletown, CA 95461

Re: Notice of CEQA action where you have been identified as a potential responsible/trustee agency

To Whom It May Concern:

Please take notice that the Center for Biological Diversity (“Petitioner”) has filed a lawsuit under the California Environmental Quality Act (“CEQA”) challenging the decision of Lake County and its Board of Supervisors (“Respondents”) to approve the Guenoc Valley Mixed Use Planned Development Project (“Project”) and certify the Environmental Impact Report (“EIR”) for the Project.

Pursuant to California Public Resources Code section 21167.6.5, the County has identified your agency as a potential responsible agency and/or an agency that may have jurisdiction over a natural resource affected by the Project. Accordingly, pursuant to Public Resources Code section 21167.6.5(c), we are providing your agency with notice of this action, *Center for Biological Diversity v. County of Lake et al.*, Lake County Superior Court Case No. CV421152. I will provide you with a copy of our Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief in this action on request.

Please contact me if you have any questions about this notice or about our legal action.

Sincerely,



Peter Broderick
Counsel for Petitioner
Center for Biological Diversity
1212 Broadway, Suite 800
Oakland, CA 94612
Pbroderick@biologicaldiversity.org