

Lake Local Agency Formation Commission

Special Meeting Agenda

Wednesday September 16, 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:

Topic: Lake LAFCo Sept. 16, 2020

Time: Sep 16, 2020 09:30 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89952114319?pwd=eWZrTG5tUG9tazRlaTlvRU1jenNrdz09>

Meeting ID: 899 5211 4319

Passcode: 678352

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 899 5211 4319

Passcode: 678352

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 – July 15, 2020
Action: Approve July 15, 2020 minutes

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 July and August 2020.*

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

a. *Receive presentation regarding the Review and Recommendation's Report by Mike Oliver and Dana Shigley*

b. *Identify LAFCo reserve fund as the funding source for \$11,700.00, and authorize the transfer from LAFCo's General Reserve to contact services*

- c. *Authorize a Budget Amendment thereby appropriating \$11,700.00 for contract services*
- d. *Authorize Chair to sign a contract with MSR for facilitation services on behalf of Lake LAFCo*

WORKSHOP

7. KONOCTI CO. WATER DISTRICT SERVICE REVIEW AND SPHERE UPDATE

- a. *Conduct workshop regarding the Konocti County Water District*

PUBLIC HEARING

8. Policy, Standards and Procedures update

- a. *Conduct Public Hearing regarding revised Policies, Standards and Procedures.*
- b. *Consider LAFCo Resolution 2020-0004 adopting updated Policies, Standards and Procedures for Lake LAFCo*

9. Designation of Chair to vote on behalf of Lake LAFCo for the Calafco Board of Directors

- a) *Authorize Chair to vote on behalf of Lake LAFCo*

10. 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*

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. Correspondence:

14. Adjourn to LAFCO's next regular meeting: Wednesday November 18, 2020 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 FORMATION COMMISSION
MINUTES
July 15, 2020 Special Meeting

#2

Members Participating

Bruno Sabatier, Chair, County Member
Stacy Mattina, City Member
Dirk Slooten, City Member
Stan Archacki, Special Districts
Jim Scholz, Special Districts
Ed Robey, Public Member
Moke Simon, Vice-Chair/County Member
Suzanne Lyons, Public Member Alternate.
Tina Scott, County Alternate

Staff Participating

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

Absent: Victoria Brandon, Special District Alternate, Joyce Overton, City Alternate.

Participating by telephone or Zoom: Kevin Ingram, City of Lakeport, Susan Parker, Assistant County Administrator, Jan Coppinger, Special Districts, Maurice Taylor

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

2. Election of Chair and Vice Chair for FY 2020-2021

Motion by Commissioner Slooten, seconded by Commissioner Archacki to retain Commissioners Sabatier and Simon as Chair and Vice-Chair respectively, of Lake County LAFCo for FY 2020-21. Motion carried by the following vote:

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

3. Approval of Minutes - Motion by Commissioner Simon, second by Commissioner Robey to approve the Minutes of the May 20, 2020 Special Meeting. Motion carried by the following vote:

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

4. Public Comment – None.

5. Consent Agenda

Motion by Commissioner Mattina, second by Commissioner Simon to review and authorize payment of expenses for May and June 2020. Motion carried by the following vote:

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

6. Konocti County Water District Service Review and Sphere Update

EO stated he had some difficulties obtaining information for the MSR. Commissioner Slooten expressed concern that the report lacks fire flow data. EO stated that the water district has not been tracking this data. EO stated that in obtaining information for the report he found that some of the other surrounding water providers do fire flow testing, but not KCWD. Also, the Fire Chief advised him that the fire district does not do fire flow testing. Additionally, he found that there are a few overlapping service boundaries and some areas that are not a part of any of the districts. However, overall, he found the Konocti County Water District to be well operated. As a public agency they have been able to obtain grant funding and have made substantial improvements within the district.

EO stated that he would contact the Fire Chief and the water district to obtain additional information for the final report. Commissioner Slooten restated his concern re: fire flow capacity and fire hydrant distancing and asked what action LAFCo can take. EO responded that LAFCo could make findings and recommendations that the fire flows do not meet current standards should that be the case.

Commissioner Scholz stated that the report supplied data and facts but lacks analysis or recommendations. Commissioner Lyons suggested including comparative data from other well-run districts, for example, rate comparisons, or other measures of service.

Commissioner Slooten asked that EO find out which agency handles the testing. Commissioner Robey asked if the fire district could test and provide the results to the water district and LAFCo. EO responded that, according to the Fire Chief the fire district used to conduct the fire flow testing but at some point, the water district took it over. EO concurred that the responsibility for testing needs clarification and he will follow up.

Chair further directed EO to obtain information on rates, costs, late fees, hookup fees, intake, and other data on operations from similar sized water agencies. Commission discussed benefits of a single water district to serve the area. EO will continue work on the data, analysis/recommendations and incorporate the information into the MSR/SOI for the next meeting. Chair continued the workshop to September 16, 2020. next meeting.

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

Chair continued this item until later in the meeting to take up item 8 as there are participants waiting to hear this item.

8. Status report on South Lakeport Annexation fiscal study

EO stated a draft report was received two weeks ago and sent to the city and county for review. Responses will be sent to Commissioners along with a draft report. EO stated the next step is the facilitated meeting to negotiate the tax sharing agreement. EO to prepare a checklist for the city and county of items that need to happen prior to the facilitated meeting. Chair directed matter be placed on the September 16th agenda.

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

Chair resumed discussion. EO apprised Commission of minor revisions. Mr. Browne spoke to the issue of stale applications and recommended the following provision be included in the update: "Any application that has not, within two years, proceeded to certificate of filing and setting of Commission hearing shall be deemed automatically terminated without notice or Commission action. Such action shall be without prejudice to filing a new application. The Commission prior to termination may authorize extension of the application."

Commissioners concur. EO will add to update.

9. Discussion on impacts of Covid-19 upon fire districts in Lake County.

The Commission discussed the effect on district operations of delayed property tax payments and defaults due to Covid 19.

10. LAFCo Conflict of Interest and 2020 Local Agency Biennial Notice

Motion by Commissioner Slooten, seconded by Commissioner Simon to authorize Executive Officer to sign and send Biennial Notice to the Clerk to the Board of Supervisors. Motion carried by the following vote:

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

11. Nominations for 2020/2021 Calafco Board of Directors

Calafco Election Committee is seeking nominations for a City Member and a Public Member to serve on the Calafco Board of Directors representing the Northern Region. Chair asked for nominations. None were heard.

12. 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
- e. Cobb Area Annexation

13. LAFCo Counsel's Report - None.

14. Commissioner Reports

15. Correspondence.

11:07 a.m. Meeting adjourned.

Next regular meeting: Wednesday September 16, 2020 9:30 a.m. in Clearlake. Note: Meeting may be conducted via teleconference/Zoom.

By: _____ Kathleen Moran, Clerk

Lake Local Agency Formation Commission

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CLAIMS July and August 2020

Expenses for FY 2020-2021:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
6.16.20-7.15.20	Browne Legal	\$ 1,837.00
July 15, 2020	Meeting Stipend	\$ 540.00
Aug 1, 2020	Staff Svcs July 2020	\$ 4,597.67
August 1, 2020	MSR and SOI July 2020	\$2,281.94
7.16. 2020- 8.15.20	Browne Legal	\$ 525.00
Sept 1, 2020	Staff Svcs & MSR Aug 2020	\$ 4,860.17
Sept 1, 2020	MSR and SOI Aug 2020	\$ 2,900.00
TOTAL:		\$ 17,705.74

Expenses for FY 2020-2021:

DATED: Sept 16, 2020
APPROVED: Sept 16, 2020

Bruno Sabatier, Chair or Moke Simon, Vice Chair
Lake Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

Lake Local Agency Formation Commission

Item 6

MEMORANDUM
September 16, 2020

TO: LAFCo Commission
FROM: John Benoit, Executive Officer
RE: Final Report and proposed agreement with MRG for Facilitation Services

Attachments:

1. Review and Recommendations regarding the proposed South Lakeport Annexation – Final Report
2. Proposal to Facilitate Negotiations for the South Lakeport Annexation

As you are aware, the City of Lakeport has requested annexation of 136.78 acres more or less of land (consisting of approximately 50 parcels) located south of the existing city limits, adjacent to South Main Street and Soda Bay Road, east of State Route 29 with an application to LAFCo on August 19, 2019. This annexation also includes a detachment from the Lake County Sanitation District.

On January 15, 2020 LAFCo authorized entering into an agreement with Municipal Resource Group, LLC (MRG) to prepare an independent report regarding the fiscal impacts for the reorganization for South Lakeport. This report had an estimated cost \$23,425.00 paid by the City of Lakeport.

In July 2020, MRG after consultation with the County, the City of Lakeport and LAFCo released a final report.

LAFCo, City and County staff believe both the City and the County would be best served by taking a fresh approach to the negotiations, seeking solutions that would benefit both jurisdictions. LAFCo staff requested a proposal from MRG to facilitate meetings with the City and County through a series of four sessions to demonstrate a commitment to taking time to find a solution to resolving any outstanding disagreements leading to a joint tax sharing resolution so LAFCo can bring the reorganization to a public hearing and file notice with the State Board of Equalization by December 1, 2021.

The cost of this agreement is \$11,700 including 4 facilitated meetings and support. As previously discussed, this cost would be paid by LAFCo using LAFCo reserve funds and setting up an appropriation to pay the cost.

Lake Local Agency Formation Commission

Recommendations:

1. Receive presentation regarding the Review and Recommendation's Report by Mike Oliver and Dana Shigley
2. Identify LAFCo reserve fund as the funding source for \$11,700.00, and authorize the transfer from LAFCo's General Reserve to contract services
3. Authorize a Budget Amendment thereby appropriating \$11,700.00 for contract services
4. Authorize Chair to sign a contract with MSR for facilitation services on behalf of Lake LAFCo

**Resolution 2020-0004
of the
Lake Local Agency Formation Commission**

A Resolution of Lake Local Agency Formation Updating Policies, Standards and Procedures

RESOLVED, the Lake Local Agency Formation Commission, State of California, that

WHEREAS, policies, standards and procedures are necessary to guide the Lake Local Agency Formation Commission in making determinations on future projects; and

WHEREAS, the Commission has reviewed, revised and updated the policies, standards and procedures originally adopted by Lake LAFCo on March 20, 2002 and subsequently amended; and

WHEREAS, this Commission called for and held a Public Hearing on the Policies, Standards and Procedures on September 16, 2020 and at the hearing, this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this proposal and the report of the Executive Officer.

NOW, THEREFORE, the Lake Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The attached updated Policies, Standards and Procedures shall guide the Commission in compliance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended.
2. All previously adopted Policies, Standards and Procedures and (or) LAFCO Policies previously approved by the Commission are hereby repealed in favor of this update.
3. That the amended updated Policies, Standards and Procedures attached as Exhibit "A" are hereby adopted.

The foregoing resolution was offered at a Regular Meeting of the LAKE LOCAL AGENCY FORMATION COMMISSION on the 16th day of September 2020, and adopted by the following vote of the Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

Bruno Sabatier, Chair
Lake Local Agency Formation Commission

ATTEST:

John Benoit, Executive Officer
LAKE LOCAL AGENCY FORMATION COMMISSION