

## LASSEN COUNTY LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING  
April 12, 2021- 3:00 p.m.

Meeting was called to order at 3:10 p.m. by Chair Eid.

Roll call of members present Kevin Stafford, Chris Gallagher, Jeff Hemphill, Mendy Schuster and Todd Eid.

Staff Present: John Benoit, Executive Officer, Jennifer Stephenson, Deputy Executive Officer, and Ruth McElrath, Building Permit Technician.

### **Approval of Agenda**

Motion by Commissioner Gallagher, second by Commissioner Stafford to approve the agenda as submitted. Motion carries: Gallagher, Stafford, Hemphill, Schuster and Eid.

### **Correspondence**

Mr. Benoit explained an issue arose over the fact LAFCo must pay attorney fees in a lawsuit brought against an applicant. Unless the Supreme Court reviews this, or there is a petition to be published approved by the Supreme Court, LAFCo may get stuck holding the bills for lawsuits brought forth by potential applicants. At this point, indemnity agreements have been ruled invalid for LAFCo.

Mr. Benoit stated this puts LAFCos in a very bad position, while there are provisions in the law for City and County Planning, they were overlooked when the LAFCo law was written in 1993 and changed over the years. There is a legislative solution to it, although that can be problematic if the League of California Cities or California Special Districts Association opposes.

So, it is quite the conundrum for LAFCo Mr. Benoit said. If it is finalized, LAFCo will have to have a substantial reserve, which it does not have. That means we will have to pass the hat around or require each applicant to get a bond.

He stated that fortunately, Lassen County LAFCo has never been sued, however, if we have to pay a bunch of attorneys' fees, the budget will be wiped out. LAFCo will have to ask the County for a loan and the City and County will have to pay it, so it is not a good situation.

Chair Eid asked if they had received a public member alternate application.

Mr. Benoit responded they only received one before he readvertised the notice and decided to postpone the matter.

### **Approval of the February 8, 2021 LAFCo minutes**

Motion by Commissioner Hemphill, second by Commissioner Gallagher to approve the February 8, 2021 minutes. Motion carries: Ayes: Hemphill, Gallagher, Stafford, Schuster and Eid.

### **Public Comment**

Paul Smith said he felt it was time to start looking at a county wide fire department. He cited numerous benefits, including the possibility of a better insurance rating for the community and the equipment, training and maintenance standards would be the same.

Chair Eid responded the matter is not for LAFCo to push forward, it is really something for each fire department to look at.

Mr. Benoit stated it would be interesting to see what the Fire Chief Association says.

Mr. Smith added it has also been a challenge trying to find competent people to sit on the fire district boards. The Standish Litchfield Fire Protection District is a five-member board, but there are currently three members. If one person misses a meeting, there isn't a quorum so no action can be taken.

He continued it would also help with grants as they go by population and area. We have a large county, with a lot of square footage, but not a big population. Writing grants independently is a struggle and takes a lot of time and effort.

The Commissioners held a general discussion regarding the matter.

Commissioner Gallagher stated it is going to have to go to the voters and questioned what kind of costs they are going to want to bear because this is going to be expensive.

Chair Eid said he did believe the county could benefit from consolidation and the comments were 100 percent valid, but he did not know if they could sell it.

Commissioner Gallagher stated he did not think voters would pass a tax increase. Susan River has tried three times to increase their fire fee, but it has not been voted in.

Mr. Smith stated he had been on the Standish board for more than 12 years. After not being on the board for four years, he was asked to come back because things were falling apart. He explained the district is up and running well, staff is getting trained, crews are responding to calls and bills are being paid.

Ms. Stephenson commented that Plumas County currently has six agencies that are trying to reorganize. They have established a study group through a Memorandum of Understanding and outlined the process they went through including identifying the costs to go full force because they are looking at forming an entire new district. She said Tom Cooley is on the Portola City Council and could provide that information.

#### **Public Member and Public Member Alternate Recruitment**

Mr. Benoit stated the matter will be continued to the next meeting.

#### **Continued workshops regarding the Spalding and Stones-Bengard CSD Service Review and Sphere of Influence update**

Mr. Benoit explained he received correspondence from Spalding, but he hadn't received anything from Stones-Bengard. He did speak with a representative who sent a punch list of items that need to be changed.

He continued the Spalding letter explained their crews responded to a call in the Stones area. Stones Bengard arrived, but then left and now there is a dispute going on about payment. Mr. Benoit said he advised them they need an agreement.

Mr. Benoit said he wants to have a special meeting on June 7 to get the districts talking.

Commissioner Gallagher stated that Spalding has the qualified firefighters and Stones has three to four firefighters left, and at times, there is nobody to respond to calls and Spalding makes the 20-minute drive to a medical call. He added that Mr. Benoit did a good job with both MSR's and what he suggested is appropriate.

**Public hearing regarding the 2021-2022 Proposed LAFCo Budget**

Mr. Benoit explained Calafco dues have been reduced to \$1,423 to \$1,403 and that is the only change he is proposing in the budget.

Public hearing open at 3:31 p.m.

Public hearing closed at 3:32 p.m.

Motion by Vice Chair Schuster, second by Commissioner Gallagher to adopt the 2021-2022 proposed LAFCO budget. Motion carries: Ayes: Schuster, Gallagher, Stafford, Hemphill, and Eid.

**Authorize payment of claims for February 2021 and March 2021**

Motion by Commissioner Commissioner Hemphill, second by Commissioner Gallagher, second by Vice Chair Schuster to approve the claims for February 2021 and March 2021. Motion carries: Ayes: Gallagher, Schuster, Hemphill, Stafford, and Eid.

**LAFCo 101 – All about LAFCo** The matter was continued until the next meeting

**Executive Officer's Monthly Report**

Mr. Benoit commented about the public member recruitment and stated the Commission does not have to select a candidate, and the vacancy can be readvertised.

He added that LAFCo will start with the MSR's in the next budget cycle, and one will be done on the Lassen Municipal Utility District.

**Commissioner Reports:** None

Motion by Commissioner Gallagher, second by Commissioner Stafford to adjourn at 3:35 p.m.

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Todd Eid, Chair

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Approved \_\_\_\_\_  
Ruth McElrath, Building Permit Technician