

LASSEN LOCAL AGENCY FORMATION COMMISSION
Lassen County Fairgrounds Susanville, CA 96130

SPECIAL MEETING
August 10, 2020 - 3:00 p.m.

Meeting was called to order at 3:05 p.m. by Chair Pro-Tem (Commissioner) Teeter.

Staff Present: John Benoit, Executive Officer, Officer and Ruth McElrath, Clerk

Commissioners Schuster, Hemphill and Stafford approve Commissioner Teeter to act as Chair pro tem in absence of Chair Eid and Vice Chair Gallagher.

Approval of Agenda

Motion by Commissioner Stafford, second by Commissioner Schuster to approve the agenda as submitted. Motion carried. Ayes: Stafford, Schuster, Hemphill and Teeter. Absent: Eid and Gallagher.

Election of Chair and Vice Chair for FY 2020-2021 Matter tabled and to be reconsidered when current chair and vice chair are in attendance.

Correspondence: None

Approval of Minutes: Item tabled

Public Comment: None

CONTINUED PUBLIC HEARING: Fire District Service Review (MSR) and Sphere of Influence (SOI)

Mr. Benoit explained the item was continued from the previous meeting since the last meeting, the Lassen County District Attorney issued a report regarding the Standish Litchfield Fire Protection District and wanted the item daylighted so other agencies can see what could happen.

Mr. Benoit continued that he wasn't going to act as a judge on the report and LAFCo doesn't monitor the day-to-day operations of any district. It does, however, look at things like compliance with the Brown Act and Public Records Act, but it does not handle personnel matters.

The report could provide some teeth if the fire district wanted an annexation, because then LAFCo could respond that it couldn't happen until the district gets in order.

Citing the District Attorney's recommendation that the Standish Litchfield Fire Protection District be dissolved, Mr. Benoit explained there are several things that have to happen including a public hearing, and an environmental analysis and the City and County would be paying the costs which would be upward of \$50,000.

Consolidations can work, but both districts' board of directors must agree and pass substantially similar resolutions. A lot of districts, however, don't want to consolidate because a district that is working well may not want to take on a district that is not.

Mr. Benoit stated there are a lot of implications of not being in a fire district such as insurance rates and not being able to divide land. He added that when people call to complain about a board member, he advises them those people are elected and they can elect new members.

He detailed the process of changing an organization, which can be initiated by LAFCo, an effected local agency or a petition of landowners, or registered voters, but it must be determined there is a successor agency.

Commissioner Teeter also commented that each of the special districts have an elected board and that is the final say in how those districts are run. If people are unhappy with the way the district is running, the first and most American recourse is the ballot.

He continued explaining that the largest problems for special fire districts is the amount of revenue that they have doesn't allow them to operate in a professional manner and prohibits them from having a web site or pay for audits.

Public Hearing opened at 3:33 p.m.

Chris Cole, public member, stated the matter is an ongoing criminal investigation and asked the board to keep an eye on the situation.

Commissioner Teeter responded that with the issue being an ongoing criminal matter it is therefore the jurisdiction of the district attorney. He continued that the Board of Supervisors plan to take up the matter, but explained that in dealing with elected bodies, the Supervisors have a limited scope of responsibility and power.

Paul Smith, public member, commented that the board members were appointed and never went through an election process.

Sandy Raffleson, of the Herlong Public Utility District, shared that the California Special Districts Management Authority offers members free ethics and sexual harassment training. She continued that when a board member leaves, the board has a choice to appoint, but that individual must run in the next election. Being part of two special districts, Standish and Herlong, Ms. Raffelson offered her assistance with getting any training done.

Public Hearing continued at 3:43 p.m. to the next LAFCo meeting.

Continue Public Hearing. Policy, Standards and Procedures Update

Mr. Benoit stated that at the last meeting the Commission went through the policies and procedures and he provided a draft Resolution.

Public Hearing opened at 3:44 p.m.

Public Hearing closed at 3:44 p.m.

Motion by Commissioner Hemphill, second by Commissioner Stafford to adopt Resolution 2020-0003. Motion carries. Ayes: Hemphill, Stafford, Schuster and Teeter. Absent: Eid and Gallagher.

Authorize payment of claims:

Motion by Commissioner Hemphill, Second by Commissioner Stafford to authorize payment of claims for June 2020 and July 2020.

Biennial Conflict of Interest Code Review

Mr. Benoit explained the Conflict of Interest code needs to be updated every two years, if necessary. The code was last adopted in 2018 and his recommendation is to authorize him to sign the notice that no changes are necessary and send it to the Clerk of the Board.

Motion by Commissioner Hemphill, second by Commissioner Stafford for executive officer to sign the 2020 biennial notice and send it to the clerk of the board. Motion carries: Ayes: Hemphill, Stafford, Schuster and Teeter. Absent: Eid and Gallagher.

Letters of Opposition to SB 414

Mr. Benoit summarized Senate Bill 414 and stated that it would create another water district and force LAFCo to be involved, but not have any authority. He explained everything would be turned over to the State and that it circumvents LAFCo and will cost the cities, counties and districts that pay for LAFCo a lot of money in the future.

Motion by Commissioner Stafford, second by Commissioner Schuster to approve signing the letter opposing Senate Bill 414. Motion carries. Ayes: Stafford, Schuster, Hemphill and Teeter.

Election for the 2020-021 Calafco Board of Directors

- A. Consider a nomination for a Public Member and a City Member from Lassen LAFCo to represent Calafco Northern District. Mr. Benoit explained Tom Cooley, is a City member on the Plumas County LAFCo and is interested representing the Calafco Northern District.
- B. Authorize the Chair to vote for Northern District representatives on behalf of Lassen LAFCo. Motion by Commissioner Hemphill, second by Commissioner Schuster to Authorize chair Eid to vote on behalf of the Northern District representatives on behalf of Lassen LAFCo.

Executive Officer’s Monthly Report Mr. Benoit reported he is working on the service reviews and Sphere of Influences for Leavitt Lake, Stones Bengard and Spalding Community Services Districts.

Commissioner Reports: None

Motion by Kevin Stafford, second by Jeff Hemphill to adjourn at Meeting adjourned at 4:49 p.m.

David Teeter, Commissioner

Approved , Ruth McElrath, Clerk