

**Lassen Local Agency Formation Commission**

**Regular Meeting Agenda**

**MONDAY – December 13, 2021**

**3:00 PM**

**Note Permanent Location Change**

**City of Susanville City Hall  
66 North Lassen St.  
Susanville, CA.**

*(All meeting materials are available on LAFCo's Website: [www.lassenlafco.org](http://www.lassenlafco.org))*

**1. Call to order: Pledge of Allegiance**

Commissioners

Todd Eid, Chair, Public Member

Kevin Stafford, City Member

Mendy Schuster, Vice-Chair City Member

Jeff Hemphill, County Member

Chris Gallagher, County Member

Alternate Members

Gary Bridges, County Member Alt.

Quincy McCourt, City Member Alt.

Vacant, Public Alt.

LAFCO Staff

John Benoit, Executive Officer

Jennifer Stephenson, Deputy Executive Officer

Ruth McElrath, Clerk

John Kenny, LAFCO Counsel

**2. Approval of Agenda (Additions and Deletions)**

**3. Correspondence:**

**4. Approval of the October 18, 2021 LAFCo minutes**

*a) Approve the October 18, 2021 LAFCo minutes*

**5. Public Comment**

This is the time set aside for citizens to address the Commission on any item of interest to the public that is within the subject matter jurisdiction of the Commission. For items that are on the agenda, public comment will be heard when the item is discussed. If your comments concern an item that is noted as a public hearing, please address the Commission after the public hearing is opened for public testimony. The Chairman reserves the right to limit each speaker to three (3) minutes. Please understand that by law, the Commission cannot make decisions on matters not on the agenda.

6. **Discussion with Fire Agencies regarding Fire services going forward in Lassen County.**
  - a) *Continued Discussion with Lassen Fire Agencies*
7. **Introduction of the Lassen Municipal Utility District MSR and SOI update**
  - a) *Review and comment on the Draft MSR and SOI and continue to a workshop until to a workshop at the February 14, 2022 LAFCo meetin*
8. **LAFCo Policy Amendment regarding proposed language regarding MSR follow up as part of the MSR review process**
  - a) *Review, discuss and amend proposed policy language*
  - b) *Conduct first reading of the policy*
9. **Set LAFCo regular meeting schedule for 2022**
  - a) *Adopt regular meeting schedule for 2022*
10. **Authorize payment of claims**
  - a) *Authorize payment of claims for October and November 2021.*
11. **Executive Officer's Monthly Report**
  - a) *New LAFCo phone # 530.619.5128*
  - b) *AB 361 signed by Governor Newsom: The provisions enacted by AB 361 provide flexibility to meet remotely during a proclaimed emergency will sunset on January 1, 2024. However, LAFCo will need to pass a resolution. This is subject to change if a future Legislature and Governor elect to extend the sunset or make the provisions permanent.*
12. **Commissioner Reports - Discussion**

*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 the next meeting on Monday February 14, 2022 at 3:00 P.M.**

***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***

*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.*

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:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject 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).

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 a specified time. 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 in the Clerk's office located at the City of Susanville, 66 North Lassen Street, Susanville CA, and the Lassen Co. Community Development Office located at 707 Nevada Street, Susanville CA. [such documents are also available on the Lassen LAFCo website ([www.lassenlafco.org](http://www.lassenlafco.org)) 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

Pursuant to Government Code Sections 56700.1 and 57009 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, and 82015 and 82025 of the Political Reform Act applicants for LAFCO approvals and those opposing such proposals are required to report to LAFCo all political contributions and expenditures with respect to a proposal that exceeds \$1,000. LAFCO has adopted policies to implement the law, which are available on the Commission's webpage. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information may be obtained by calling the 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 (530) 619.5128 or by email at [lafco@co.lassen.ca.us](mailto:lafco@co.lassen.ca.us). Copies of reports are located on the LAFCO webpage at: [www.lassenlafco.org](http://www.lassenlafco.org)

**LASSEN COUNTY LOCAL AGENCY FORMATION COMMISSION**  
City Council Chambers      66 N. Lassen St.      Susanville, CA 96130

REGULAR MEETING  
Monday, October 18, 2021 – 3 p.m.

Meeting called to order at 3:04 p.m.

Members present: Mendy Schuster, Jeff Hemphill, Kevin Stafford, Chris Gallagher, and Todd Eid. Absent: None.

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

**Correspondence:** None

**Approval of June 7, 2021, and August 9, 2021 minutes** Motion by Commissioner Gallagher, second by Commissioner Hemphill to approve the June 7, 2021, meeting minutes. Motion carries: Ayes: Gallagher, Hemphill, Schuster, Stafford, and Eid. Abstain: Gallagher.

Motion by Commissioner Schuster, second by Commissioner Stafford to approve the August 9, 2021, meeting minutes. Motion carries: Ayes: Schuster, Stafford, Hemphill, and Schuster. Abstain: Gallagher.

**Public Comment:** None

**Discussion with Fire Agencies regarding Fire services going forward in Lassen County**

Mr. Benoit explained there are only certain things LAFCo can do. It is the only forum in the County where they can all get together and talk, but unless the districts get to a point where they want to consolidate, have a change in organization, or manage things differently, LAFCo can't do anything with them. It can initiate a consolidation, but it will run into roadblocks, and it's expensive.

There are a tremendous number of fire agencies in the County, with very little consolidations. Mr. Benoit stated it continues to be a statewide problem. Many of the local districts formed in the 40s, and there has been several changes in legislation that require them to do a lot more in administration than the past.

Mr. Benoit reiterated LAFCo can be a forum for the districts, but that is about the extent of what it can do.

Commissioner Gallagher agreed and said Herlong is a great example of how two organizations were interested in coming together. He continued that LAFCo is also good at getting dysfunctional districts back to a functional state.

**Workshop and public hearing regarding the Spalding and Stones-Bengard CSD Service Review and Sphere of Influence update: regarding the Spalding and Stones-Bengard CSD Service Review and Sphere of Influence Update**

Mr. Benoit explained they have been working on the service review for several months. There are now two separated MSR's, one for Spalding and one for Stones-Bengard. The reports were combined, but it was pointed out they are separate districts.

He continued that Spalding requested there should be some discussion of the laws they have to comply with, such as the Brown Act, so he referenced the Special Districts Laws Reference Guide. He also commented on a few more corrections that were made in the report.

Public Hearing opened at 3:20 p.m.

Kay Oring, former president of Stones-Bengard Community Services District, said they were pleased the districts were allowed to remain separate. She also introduced the new Stones-Bengard District Manager, Jack Thomas, who briefly shared about himself.

Motion by Commissioner Gallagher, second by Commissioner Hemphill to approve Resolution 2021-004 adopting a Service Review for the Spalding Community Services District. Motion carries: Ayes: Gallagher, Hemphill, Stafford, Schuster, and Eid.

Motion by Commissioner Gallagher, second by Commissioner Stafford to approve Resolution 2021-005 updating the Sphere of Influence for the Spalding Community Services District. Motion carries: Ayes: Gallagher, Stafford, Hemphill, Schuster, and Eid.

Motion by Commissioner Gallagher second by Commissioner Stafford, to approve Resolution 2021-006, adopting a Service Review for the Stones-Bengard Community Services District. Motion carries: Ayes: Gallagher, Stafford, Hemphill, Schuster, and Eid.

Motion by Commissioner Stafford, second by Commissioner Gallagher to approve Resolution 2021-007 updating the Sphere of Influence for the Stones-Bengard Community Services District. Motion carries: Ayes: Stafford, Gallagher, Hemphill, Schuster, and Eid.

**Authorize payment of claims for August 2021 and September 2021** Motion by Commissioner Hemphill, second by Commissioner Schuster. Motion carries: Ayes: Hemphill, Schuster, Gallagher, Stafford, and Eid.

**LAFCo 201 – the metamorphosis of special districts** – Mr. Benoit explained Calafco issued a technical memorandum, a report for staff and commissioners and is much more advanced.

He continued that throughout the memorandum there is reference to protest hearings. If LAFCo initiates a consolidation, it first needs to do an MSR or a special study. The problem is it can be protested by 10 percent of the voters within the area, which is why these are almost dead-on arrival, because it's easy to get 10 percent of the constituency to oppose something.

The technical memorandum states that Calafco is going to be working with the California Special District's Association to change the protest provisions, because they are onerous and counterproductive.

**Executive Officer's Monthly Report**

Mr. Benoit explained Assembly Bill 361 took effect immediately and requires special districts to pass a resolution within 30 days of holding a virtual meeting. There's two ways to get around the Brown Act with an executive order or with AB 361, which does have a sunset date.

LAFCo has had several virtual meetings but would only continue to do so if the City has some restrictions on the use of council chambers due to a COVID emergency, stated Mr. Benoit. He also added clarification that the resolution can be approved during the meeting, so the Commission doesn't have to worry about passing a resolution, and then having a meeting, he explained.

Mr. Benoit continued his report and said he has been working on the Lassen Municipal Utility District MSR.

In closing, Ms. Stephenson added the CSDA is doing a membership drive, which is a pay only what you can membership fee. Any special district that has a budget below \$250,000 can decide how much they can provide as a membership fees.

Motion by Commissioner Gallagher, second by Commissioner Stafford to adjourn at 3:44 p.m.

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Todd Eid, Commissioner

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Ruth McElrath, Building Permit Technician

Approved \_\_\_\_\_

## Service Review (MSR) Follow-up Policy

### 3.3 (e) Service Review (MSR) Follow up

Upon adoption of a service review (MSR) LAFCo staff shall initiate a follow-up regarding the adopted Service Review (MSR) determinations with the agency (ies) responsible for providing the service (s). The purpose of this procedure is to assist the district in providing improved service to its customers. The service provider will be asked to attend a LAFCo meeting within a year (more or less) to inform the Commission how it is addressing the determinations made by LAFCo during the time since the Service Review was adopted. At that time the Commission may make further recommendations regarding the service (s) provided.

# LASSEN LAFCO

## 2022 - LAFCO Regular Meeting Schedule

3:00 p.m.  
City of Susanville – City Hall  
66 North Lassen Street  
Susanville, California

### ***Meeting Date***

**February 14<sup>th</sup>**

**April 11<sup>th</sup>**

**June 13<sup>th</sup>**

**August 8<sup>th</sup>**

**October 10<sup>th</sup>**

**December 12<sup>th</sup>**

Regular meetings of the Commission are scheduled for the second Monday of every **other** month at 3:00 p.m. in the Susanville City Council Chambers, 66 N. Lassen St, Susanville, California. **Regular meetings are scheduled during the months of June, August, October, December, February and April. Alternate regular meeting dates are scheduled in July, September, November, January, March and May at the same time and location as regular meetings.** In the event of a scheduled holiday, the regular meeting shall be held at the same place upon the first succeeding Monday which is not a holiday, commencing at the same hour, in which event all hearings, applications, petitions and other matters before the Commission are continued to the same hour of the next succeeding day which is not a holiday. 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. A minimum 24 -hour notice is required for a Special Meeting.



# Lassen Local Agency Formation Commission

## CLAIMS

Item # 10

October 2021 and November 2021

Authorize payment of the following claims:

FY 2021-2022 Expenses:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
Dec 13, 2021	October 2021 Staff Services	\$ 4,204.67
Dec 13, 2021	November 2021 Staff Svcs	\$ 4,346.99
	<b>TOTAL:</b>	<b>\$ 8,530.11</b>

DATED: Dec 13, 2021

APPROVED: Dec 13, 2021

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Todd Eid, Chair or Mendy Schuster, Vice-Chair  
Lassen Local Agency Formation Commission

Attest:

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John Benoit  
Executive Officer