

Lassen Local Agency Formation Commission

Regular Meeting Agenda

MONDAY – February 14, 2022

3:00 PM

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

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

a. RCRC regarding rural telecommunications

b. Notice regarding new Williamson Act Contract

4. Approval of the December 13, 2021 LAFCo minutes

a) Approve the December 13, 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 and EMS services going forward in Lassen County (Continued).**
 - a) *Continued Discussion with Lassen Fire and EMS Agencies and Discussion regarding Joint Powers Agencies and Agreements.*
7. **Public Hearing regarding the Lassen Municipal Utility District MSR and SOI update**
 - a) *Conduct Hearing on the Hearing Draft MSR and SOI review and discuss and close hearing.*
 - b) *Consider Resolution 2021-0001 adopting a Municipal Service Review for the Lassen Municipal Utility District*
 - c) *Consider Resolution 2022-0002 adopting a Sphere of Influence update for the Lassen Municipal Utility District*
8. **LAFCo Policy Amendment regarding proposed language regarding MSR follow up as part of the MSR review process**
 - a) *Review, discuss and consider Resolution 2022-0003 adopting an amendment to LAFCo's Policies, Standards and Procedures and adding Section 3.3e regarding a new policy regarding MSR follow.*
9. **Discussion and possible action regarding the storage of LAFCo Files**
 - a) *The County CD department is asking LAFCo to remove the LAFCo files from their present Location at 707 Nevada Street.*
 - b) *Provide direction to staff regarding in-county storage of LAFCo Files.*
10. **Authorize payment of claims**
 - a) *Authorize payment of claims for December 2021 and January 2022..*
11. **Executive Officer's Monthly Report**
 - a) *700 forms due by April 1, 2022*
 - b) *Budget for FY 2022-2023*
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 April 11, 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 are 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) 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. Copies of reports are located on the LAFCO webpage at: www.lassenlafco.org



February 1, 2022

John Benoit, Executive Officer
Lassen LAFCO
P.O. Box 2694
Granite Bay, CA 95746
jbenoit4@icloud.com

Maurice L. Anderson, Director
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
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email: landusc@co.lassen.ca.us
website: www.co.lassen.ca.us

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Environmental Health
Messages: 530 251-8528
email: EHE@co.lassen.ca.us

NOTICE OF PUBLIC HEARING
LASSEN COUNTY BOARD OF
SUPERVISORS

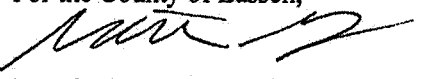
The Lassen County Planning Commission held a public hearing on December 7, 2021, and is recommending that the Board of Supervisors approve the following rezone, and the Land Conservation Committee held a meeting on December 3, 2021, and is recommending that the Board of Supervisors disapprove the following Land Conservation (Williamson Act) contract:

- Applicant:** Paul F. Raquel and Sherilyn A. Raquel; Edward J. Stuart Jr. and Lilia P. Stuart
- File No.:** RZ#2021-001 & AA#2021-001
- Project:** Rezone lands within Lassen County into an Agricultural Preserve Combining District (A-P) and allow these lands to be entered into a new Land Conservation (Williamson Act) contract. If approved, the rezone and contract will affect one assessor's parcel and approximately 640 acres of contiguous, nonirrigated land. The project is exempt from California Environmental Quality Act under Section 15317 (Class 17) of the CEQA Guidelines.
- Location:** The project site is located approximately eight miles southwest of Bieber, CA, via Highway 299 and Muck Valley Road.
- General Plan Designation:** The subject parcel is designated "Extensive Agriculture" by the *Lassen County General Plan, 2000*.
- Existing Zoning:** U-C-2 (Upland Conservation/Resource Management District)
- Proposed Zoning:** U-C-2-A-P (Upland Conservation/ Resource Management Agricultural Preserve Combining District).
- A.P.N.:** 013-080-010
- Staff Contact:** Nancy McAllister, Senior Planner

A complete copy of the proposed ordinance to effect the rezone will be available for public review no later than five days prior to the Board of Supervisor's public hearing in the office of the Clerk of the Board of Supervisors.

The Board of Supervisors will hold a public hearing to receive the recommendations of the Planning Commission and Land Conservation Committee, consider adoption of the proposed ordinance, and make a determination on the land conservation contract at 10:05 a.m. on Tuesday, February 15, 2022, in the Board Chambers, 707 Nevada Street, Susanville. All interested persons and agencies are invited to attend the meeting and be heard, or to submit comments to the Board of Supervisors prior to the meeting, c/o Department of Planning and Building Services, 707 Nevada Street, Suite 5, Susanville, CA 96130.

For the County of Lassen,


Maurice L. Anderson, Secretary
Lassen County Planning Commission



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

January 5, 2022

Dear LAFCO Executive Officer,

Rural County Representatives of California (RCRC) represents the collective unique interests of its 38 member counties in lobbying and advocacy and through the implementation of innovative programs and services. The county that you represent is a member of RCRC and has recently, by a vote of the County Board of Supervisors, elected to join the Golden State Connect Authority (GSCA) Joint Powers Authority (JPA).

The Board of Directors of RCRC voted unanimously to approve the formation of Golden State Connect Authority JPA on August 18, 2021, for the purpose of expanding broadband access and quality in rural counties. The official formation meeting of GSCA was held on December 9, 2021. Thirty-seven of RCRC's 38 member counties have voted to join the JPA. (Santa Barbara County's membership in RCRC was approved by the RCRC Board on December 9, 2021. They are now eligible to become a member of GSCA. This is the only RCRC member county which is not currently a member of GSCA.)

As with RCRC, the proposed new entity will be governed by delegate Supervisors from each member county. Initial areas of focus for broadband work on behalf of Member Counties will include:

- *Foundational Readiness*: Ensure all member counties have broadband strategic plans
- *Capacity Building*: Equip rural counties with information and resources about innovative models and approaches to broadband deployment
- *Demonstration Projects*: Implement open-access municipal broadband projects

Attached to this letter is a copy of the documents that were filed with the Secretary of State and the State Controller's Office. If you have any questions about GSCA, please do not hesitate to contact me.

Sincerely,

BARBARA HAYES
Chief Economic Development Officer

Cc: RCRC Member County Delegate

Attachments: Golden State Connect Authority Joint Exercise of Powers
Registry of Public Agencies (SF-405) and Notice of a Joint Powers Agreement (SF-404A)
Golden State Connect Authority Member Counties

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | Fax: 916.448.3154

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LASSEN COUNTY LOCAL AGENCY FORMATION COMMISSION

City Council Chambers 66 N. Lassen St. Susanville, CA 96130

REGULAR MEETING

Monday, December 13, 2021

Meeting called to order at 3:05 p.m.

Members present: Commissioner Hemphill, Commissioner Bridges, Vice Chair Schuster. Absent: Commissioner Stafford and Chair Eid.

Staff Present: John Benoit, Executive Director called into meeting via phone. Ruth McElrath, Building Permit Technician.

Approval of Agenda Motion by Commissioner Hemphill, second by Commissioner Bridges to approve the agenda as submitted. Motion carries: Hemphill, Bridges, and Schuster.

Correspondence: None

Approval of October 18, 2021, minutes Motion by Commissioner Hemphill, second by Commissioner Bridges to approve the October 18, 2021, meeting minutes. Motion carries: Ayes: Hemphill, Bridges and Schuster.

Public Comment: None

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

Mr. Benoit explained the topic was brought up last summer, after hearing from the local fire agencies on how LAFCo can help them.

Paul Smith, Standish-Litchfield Fire Protection District Chief, spoke about the advantages of having a county-wide fire department including sharing equipment and submitting one grant application instead of all the districts competing against each other, having one person in charge would be a benefit, and there would be less time on County staff for billing the numerous districts. He concluded that it costs about \$3,500 to \$3,800 for each district to perform an audit, and that money could be better spent for equipment and training.

Joel Erlich, Janesville Volunteer Fire Department Chief, shared some concerns about having a county-wide fire department. He explained Janesville's tax dollars purchased a brand-new fire engine, and he didn't think the Janesville community would appreciate their tax dollars over on the other side of the valley.

He continued there would have to be a full-time chief with full-time benefits and retirement. He questioned how they would consolidate eight chiefs. There is a lot to think about, it's not a one size fits

all. Mr. Erlich concluded he is all for helping, and his board would be as well, but there's a lot to think about before we jump into all this.

James Moore, Susanville Fire Department Chief, stated he has done his homework on this conversation with respect to the City's future. The best solution is looking at a Joint Powers Agreement. With a JPA being formed, the districts wouldn't lose their boundaries. The JPA is contracted by that board for that district to provide a service into that district.

In his research, that was the most palatable, and there are areas in California that have already done it. Chief Moore added a big report wouldn't have to be done because you aren't moving boundaries and it would be cost-effective for LAFCo. The board will still have to come together to pay the JPA, so it wouldn't lose the control in that model and there is value there.

Commissioner Hemphill responded his concern is there are successful districts, but there are smaller districts that have trouble raising \$100,000 because there is no population. So, one district goes into another area to cover.

Chief Moore responds that already happens. With that model, another district would back fill that district. Right now, he doesn't see anyone willing to take over the little districts. There is not a population model to make it work ... and that's a failure that will continue until it is addressed.

Mr. Hemphill continued he sees redundancy where all the districts must separately pay for an audit and questioned whether you can cut out some of the bureaucracy with a JPA.

Mr. Benoit explained audits are required for the districts regardless of a JPA.

Chair Eid arrives at 3:24 p.m.

There was further discussion regarding sharing equipment.

Mr. Benoit stated he would draft the benefits, negatives, and the process of forming a JPA, and bring it back to the next meeting.

Mr. Erlich said he would like to hear the benefits of a JPA, he believes that is the direction they need to go if we are going to do something.

Introduction of the Lassen Municipal Utility District MSR and SOI update

Mr. Benoit explained LAFCo is required to do a service review of all the districts in the County, and it is LMUD's turn. As part of the report, he looks at the financial and governance capability. There were also a few new additions to the law regarding disadvantaged communities, which most of Lassen County qualifies for and were included.

He determined LMUD is doing its job and there were no negative findings.

One question Mr. Benoit said he is curious is about, is how does LMUD's rates compare with other utilities in California. He stated LMUD is competitive, but it is some information he is going to try to get from the district.

Commissioner Bridges stated LMUD did recently vote to put in the line for Nevada, as well as rate increases to mostly cover that new construction.

LAFCo Policy Amendment regarding proposed language regarding MSR follow up as part of the MSR review process

Mr. Benoit stated he drafted language of a policy amendment, and explained he does the MSR's, and creates a report, which immediately ends up on the shelf. The policy amendment calls for initiation of a follow-up procedure for the MSRs. There are districts in the county that do have a deficiency of some sort, and it's recommended if we find something wrong, we would like to send it to them and have them come back to explain what they've done to correct the problem.

It would also be beneficial to the district and the idea is to get better services for the citizens out there, Mr. Benoit concluded.

Set LAFCo regular meeting schedule for 2022

After some discussion, the commission changed the October 10, 2022, meeting to October 17, 2022, due to a City-recognized holiday.

Authorize payment of claims

Motion by Commissioner Hemphill, second by Commissioner Bridges, to authorize payment of claims for October and November 2021. Motion carries: Hemphill, Bridges, Schuster, and Eid.

Executive Officer's Monthly Report

Mr. Benoit told the Commissioner's he has a new phone number.

He continued his report by explaining AB 361 requires a resolution be adopted when a board or commission wants to do a remote meeting.

Commissioner Reports None

Motion by Commissioner Bridges to adjourn meeting at 3:46 p.m. Motion carries.

Todd Eid, Commissioner

Ruth McElrath, Building Permit Technician

Approved _____

MEMORANDUM
February 14, 2022

TO: LAFCo Commission
FROM: John Benoit, Executive Officer
SUBJECT: Discussion of Joint Power's Agreements, Agencies and Authorities for Fire and EMS Services in Lassen County

There are several small fire and EMS agencies in Lassen County. These districts suffer from declining number of volunteers, challenges with compliance with California statutes and the lack of funding. Several Districts have low property tax allocations due to having low budgets before the passage of Proposition 13 in 1978. The State's response to Prop 13 was the passage of AB-8 in 1979 thereby allocating property taxes among taxing agencies. The bottom line for taxing agencies is if your agency had a low property tax rate prior to 1978, you will have a low property tax allocation into the future. Since proposition 13, many annexations or changes of organization have resulted in the allocation and exchange of no additional taxes.

Proposition 218 was passed to ensure voters or landowners had the right to vote on taxes and charges. For fire districts, a 2/3rds vote became needed to impose a special tax (also includes property related fees and charges) Meanwhile over the past four decades for example several new mandates have been passed requiring agencies to comply. There are several other laws that affect revenues local government agencies may rely upon but are not discussed here.

Therefore Fire and EMS agencies are constrained in raising revenue without voter approval.

Local Fire Service providers in Lassen County are the Big Valley Fire Protection District, Clear Creek Community Services District, Doyle Fire Protection District, Herlong Public Utility District, Janesville Fire Protection District, Lake Forest Estates Fire Protection District, Little Valley Community Services District, Madeline Fire Protection District, Milford Fire Protection District, Spalding Community Services District, Standish-Litchfield Fire Protection District, Stones-Bengard Community Services District, Susan River Fire Protection District, City of Susanville Fire Department, Westwood Community Services District and the Hallelujah Junction Fire Protection District.

Forming a Joint Powers Agency (JPA) A JPA may take several forms it is a tool for two or more government agencies to join in providing a specific service. For fire and EMS, a JPA's may include a city and a Fire and EMS service provider (a fire district or Community Services District or Public Utility District, County, City or other public agency) who has a common interest in working together to provide the service. Examples may be training, EMS or an agency whose purpose is to seek grant funding, for example. Some JPA's operate to provide all the functions of its member agencies. (note: the member agencies are still required to do an audit and have a Board of Directors and function as a governmental agency).

FORMING A Joint Powers Authority

A Joint Power's Agreement is needed before forming the Joint Power's Authority or Agency. The purpose of the creation of a JPA is to cut costs, be more efficient, reduce overlapping services and (or) to share services.

Joint Powers Authorities are legally created entities that allow two or more public agencies to jointly exercise common powers. Forming such entities may not only provide a creative approach to the provision of public services, but also permit public agencies with the means to provide services more efficiently and in a cost-effective manner. Public agencies may enter into (JPA) agreements to jointly exercise common powers. A joint powers agreement may establish a joint powers agency or take the form of an operating agreement. A public agency may not acquire new functions or powers through a joint powers agreement.

The Joint Exercise of Powers Act, as codified in California Government Code section 6500, governs JPAs. Under the Act, JPAs are restricted to use by public agencies only. The Act authorizes two kinds of JPA arrangements.

The first allows two or more public agencies to contract to jointly exercise common powers.

The second allows two or more public agencies to form a separate legal entity. This new entity has independent legal rights, including the ability to enter into contracts, hold property and sue or be sued. Forming a separate entity can be beneficial because the debts, liabilities and obligations of the JPA belong to that entity, not the contracting parties.

To enter into a JPA (either to jointly exercise common powers or to form a separate legal entity), the public agencies must enter into an agreement. This agreement must state both the powers of the JPA and the manner in which it will be exercised. The governing bodies of all the contracting public agencies must approve the agreement.¹

Steps needed to develop a Joint Powers Agreement and form a Joint Powers Authority. **It is highly advisable to retain independent counsel.** LAFCo's do not regulate JPA's and are not in a position to give Legal advice to those forming a JPA

A JPA committee needs to be formed initially and determine the role and function of the Authority

Among other things, the JPA Agreement needs to include:

- Who are the participating agencies?*
- What are the authority's boundaries?*
- What will be the powers of the Authority?*
- An effective date?*
- The Governing Body?*
- Office of the authority?*
- Meetings of the authority?*
- Composition of the Board of Directors?*
- Board officers?*
- Quorum and Votes?*
- Who is responsible for administration of the authority?*
- Financials? Budget, contributions and Audit?*
- Termination provisions?*
- Other?*

The LAFCo Webpage www.lassenlafco.org contains the following reference materials:

¹ Paula de Souza, BB&K Law

JPA Government Code 6500 et. seq.
California Citizen's Guide to JPA's 2007
Calaveras Consolidated Fire JPA
JPA Master Agreement Calaveras County Fire
Lakeshore JPA
Wheatland Fire Authority JPA
Williams Fire Authority JPA
Sample JPA bylaws

Resolution 2022-0001 of the

**Lassen Local Agency Formation Commission
Lassen County, California**

Approving a Municipal Service Review of Services Provided by and within the Lassen Municipal Utility District and Adopting Written Determinations Thereon

WHEREAS, California Government Code Section 56425 requires a Local Agency Formation Commission (“LAFCO”) to 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 June 14, 2004, the Commission adopted its Work Plan and included a schedule for completion of Municipal Service Reviews (MSRs) and Spheres of Influence; and

WHEREAS, the Commission adopted Resolution 2020-0003 on August 10, 2020 amending its Policies for conducting MSRs which applies to this MSR for services provided by the Lassen Municipal Utility 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 the services provided by the Lassen Municipal Utility District, including approval of the report and adoption of the written determinations contained therein; and,

WHEREAS, the Commission hereby determines that the final draft of the Municipal Service Review for services provided by the Lassen Municipal Utility District and written determinations contained therein will provide information for updating the sphere of influence for the District, and 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 Lassen Local Agency Formation Commission hereby resolves, orders and determines the following:

- 1) The Municipal Service Review of Services provided by the Lassen Municipal Utility District, attached hereto as Exhibit A, is approved and the written determinations presented in the Municipal Service Review report are hereby adopted.
- 2) LAFCO staff is further ordered to proceed as appropriate with update to the Sphere of Influence Plan for the Lassen Municipal Utility District.

- 3) LAFCO staff is further ordered to forward copies of this resolution containing the adopted Municipal Service Review to the Lassen Municipal Utility District.
- 4) This Resolution does not change or alter the Sphere of Influence for the District and does not change the District Boundary.

The foregoing resolution was duly passed by the Local Agency Formation Commission of Lassen County at a regular meeting held on the 14th day of February 2022 by the following roll call vote:

- Ayes: -
- Noes: -
- Absentions: -
- Absent: -

Signed and approved by me after its passage this 14th day of February, 2022.

Todd Eid, Chair
Lassen LAFCO

Attest:

John Benoit, Executive Officer
LOCAL AGENCY FORMATION COMMISSION,
Lassen County