

Lassen Local Agency Formation Commission

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AGENDA

Special Meeting

MONDAY – June 27, 2016

6:00 PM

Herlong Chapel, 160 DS Hall Avenue, Herlong, CA

Commissioners

Todd Eid, Chair, Public Member
Brian Wilson, City Member, Vice Chair
Rod De Boer, City Member
Jeff Hemphill, County Member
Jim Chapman, County Member

Alternate Members

Bob Pyle, County Member Alt.
Kathie Garnier, City Member Alt.
Andrew Wellborn, Public Member Alt.

LAFCO Staff: John Benoit, Executive Officer
John Kenny, LAFCO Counsel
Gwenna MacDonald, Clerk

1. **Call to Order**
2. **Approval of Agenda (Additions and Deletions)**
3. **Correspondence:**
4. **Approval of Minutes:** *June 13, 2016*
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. **Public Hearing regarding the Consolidation of the Herlong Public Utility District and the West Patton Village Community Services District.**
 - a. *Discuss and conduct Public Hearing re: dissolution of the West Patton Village CSD and the Herlong Public Utility District and reforming the Herlong Public Utility District (HPUD as Consolidated) as the successor agency for services currently provided by the WPVCSD and HPUD.*
 - b. *Consider Resolution 2016-0003 ordering the Dissolution of the West Patton Village Community Services District and the Herlong Public Utility District and forming the Herlong Public Utility District as a successor and consolidated agency.*

7. **Consider Bylaw Amendment to adopt policy regarding Legislative Process Participation for Lassen LAFCo.**
 - a. *Consider Resolution 2016-0004 adopting a Lassen LAFCo Bylaw Amendment thereby adding Section 5.11 to include a Legislative Participation Process Policy.*
8. **Adjourn. Next regular meeting August 8, 2016 at 3:00 pm at the Lassen County Board of Supervisor's Chambers located at 707 Nevada Street.**

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) 257-0720 or by email at lafco@co.lassen.ca.us. Copies of reports are located on the LAFCO webpage at: www.lassenlafco.org

LASSEN COUNTY LOCAL AGENCY FORMATION COMMISSION
Board of Supervisors Chambers 707 Nevada Street Susanville, CA 96130
REGULAR MEETING
June 13, 2016 - 3:00 p.m.

Meeting was called to order at 3:00 p.m. by Chairperson Eid.

Roll call of members present: Jim Chapman, Jeff Hemphill, Brian Wilson, Kathie Garnier and Chairperson Todd Eid.

Staff Present: John Benoit, Executive Officer and Gwenna MacDonald, Clerk.

Motion by Commissioner Chapman to approve the agenda as submitted; Commissioner Hemphill provided a second and the motion carried unanimously. Ayes: Hemphill, Garnier, Chapman, Wilson and Eid.

Correspondence

There was no correspondence.

Minutes

Motion by Commissioner Hemphill to approve the minutes of the April 11, 2016 meeting; Commissioner Wilson provided a second and motion carried with Commissioner Garnier abstaining. Ayes: Chapman, Hemphill, Wilson and Eid. Abstain: Garnier.

Public Comments

There were no public comments.

6. PUBLIC HEARING: Final Lassen LAFCO Budget: 2016-2017 Mr. Benoit reported that a recommended 2016-2017 budget was presented at the April 11, 2016 meeting for review and was approved by the Commission. A budget justification report was prepared, and at this time, it is anticipated that there would be no changes to the final budget. Mr. Benoit invited questions and comments from the Commission.

Commissioner Garnier requested an explanation regarding the increase in the carry-over amount.

Mr. Benoit explained that at the end of the year, whatever remains unspent from the prior year is rolled over into the new budget, and the balance represents a savings that accumulates with each year.

Commissioner Chapman added that the carry over amount used to be quite large, and the Commission voted to use part of the carry over balance to reduce the contributions required from the City and County.

There were no further questions.

Motion by Commissioner Wilson to approve Resolution No. 16-0002 approving a Final Budget for Fiscal Year 2016-2017; Commissioner Garnier provided a second and the motion carried unanimously. Ayes: Chapman, Garnier, Hemphill, Wilson and Eid.

7. Payment of Claims: April 2016 and May 2016

Mr. Benoit reviewed the claims presented for April and May, 2016.

Commissioner Chapman asked about the difference in costs for Executive Officer services, noting that April was higher than May.

Mr. Benoit explained that the resolution for the Herlong HPUD and WPVCSD consolidation took a significant amount of time. He noted that HPUD mailed the required notifications which resulted in savings to LAFCO.

Motion by Commissioner Hemphill, second by Commissioner Wilson, to authorize payment of claims for April 2016 and May 2016 in the amount of \$8,208.41; motion carried unanimously. Ayes: Hemphill, Garnier, Chapman, Wilson and Eid.

8. Records Retention Policy

Mr. Benoit reviewed the Bylaw Amendment regarding the proposed Records Retention policy which was adopted December 2013, and discussed the process of digitalizing the existing records. He has procured the services of a qualified individual to implement the process and has budgeted \$5,000 to complete the update.

The Commission discussed the retention policy and the exceptions to maintenance of historic records. Commissioner Chapman provided an example of the foundation documents for the Honey Lake TV district that were given to him, and that any such documents should be provided to and maintained by the respective District as opposed to being digitized and shredded.

9. Executive Officer Report

Mr. Benoit discussed the public hearing scheduled for June 27, 2016 at 6:00 p.m. in Herlong. The meeting would be held to provide an opportunity for residents to comment on the consolidation of the Herlong Public Utility District and the West Patton Village Community Services District.

Mr. Benoit provided the following updates:

- Fall River Mills FPD/McArthur FPD Consolidation: Mr. Benoit stated that he has talked with the Auditor's office, and the tax exchange agreement has held up the consolidation process. The agreement needs to show that there will be zero tax exchange, and Shasta County has to see in the agreement that Lassen County will not be paying any property taxes as a result of the consolidation.
- Honey Lake RCD: Mr. Benoit explained that he is waiting to receive comments on the proposed MSR and will be scheduling a workshop to review and discuss the document. The increase in water this year has created additional discussion within the District.
- Southern Cascades CSD status The process is moving forward now that the voters have approved the formation of the District and to assess a special tax to provide funding, and the certification will be recorded on Wednesday.

11. Commissioner Reports

Commissioner Garnier noted that there was a resolution included in the packet regarding a bylaw amendment, but it was not listed on the agenda.

Mr. Benoit replied that it had been an oversight and the item would be continued to the next meeting.

Motion by Commissioner Chapman, second by Commissioner Hemphill to adjourn until June 27, 2016 in Herlong; motion carried unanimously. Ayes: Chapman, Hemphill, Garnier, Wilson and Eid.

The meeting adjourned at 3:19 p.m.

Todd Eid, Chairperson

Approved _____
Gwenna MacDonald, Recording Secretary

**BEFORE THE LASSEN LOCAL AGENCY FORMATION COMMISSION
COUNTY OF LASSEN, STATE OF CALIFORNIA**

IN RE:

**RESOLUTION AMENDING BYLAWS)
TO ADOPT A POLICY FOR)
LEGISLATIVE PROCESS)
PARTICIPATION)**

RESOLUTION NO. 2016-0004

WHEREAS, the Lassen Local Agency Formation Commission has determined that it is in the best interest of the public for the Commission to operate in accordance with approved Bylaws and therefore has adopted Bylaws on November 10, 2003 by adopting Resolution #2003-0008 and has subsequently amended its Bylaws on August 9, 2004 by adopting Resolution #2004-0006; on November 14, 2005 by adopting Resolution #2005-0008; on June 13, 2011 by adopting Resolution #2011-0004; and on December 9, 2013 by adopting Resolution 2013-0013.

WHEREAS, the Lassen Local Agency Formation Commission believes it is important to develop and implement a policy for participating in the legislative process.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED by the Lassen Local Agency Formation Commission as follows:

1. The Lassen Local Agency Formation Commission hereby amends its Bylaws to adopt a new policy on Legislative Policy Participation
2. Section 5.11, in LAFCo's Bylaws is hereby added to include to include a policy to participate in the legislative Process to read as follows:

Section 5.11 Legislative Process Participation

- a. *In situations when a legislative bill affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the Chair, is authorized to provide written or email comments communicating the Commission's position.*
- b. *The Chair would review the letter or email prior to it being submitted for consideration.*
- c. *The Executive Officer will forward the email or letter to the*

Commissioners as soon as possible.

d. The item will be discussed at the Commission's next regular meeting.

3. The Lassen Local Agency Formation Commission finds this action exempt based on the General Rule exemption 15061 (b) 3 and 15308 activities for the protection of the environment since these bylaws are for internal management purposes only so LAFCo may carry out its functions.
4. Any previously adopted conflicting Bylaws are hereby repealed in favor of this amendment.
5. This bylaw amendment is hereby adopted.

PASSED AND ADOPTED at a regular meeting of the Lassen Local Agency Formation Commission in the County of Lassen, State of California, on June 27, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Todd Eid, CHAIR
LASSEN LOCAL AGENCY FORMATION
COMMISSION

ATTEST:

John Benoit
LAFCO Executive Officer