

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

REGULAR MEETING
Monday, December 12, 2022

1. Meeting called to order at 3:16 p.m.

Members present: Commissioner Bridges, Commissioner McCourt, Commissioner Stafford, and Vice Chair Gallagher. Absent: Chair Eid.

Staff Present: Jennifer Stephenson Executive Officer, and Ruth McElrath, Building Permit Tech.

2. **Approval of Agenda:** Motion by Commissioner Stafford, seconded by Commissioner Bridges to approve the agenda. Motion carries: Stafford, Bridges, McCourt and Gallagher. Absent: Eid.

3. **Correspondence:** Ms. Stephenson said she received a request for comments on the Draft Safety Element and Draft Initial Study. She included it in the board packet and handed out the drafted response.

There was also a public records request for the Oct. 17, 2022, meeting recording, and a letter to the Spalding Community Services District (CSD) regarding some of the financial concerns identified in the audited financial statement. She continued that after distributing the agenda, staff received letters from Spalding CSD itemizing many of the community's concerns.

4. **Approval of the October 17, 2022, meeting minutes** Motion by Commissioner Bridges, seconded by Commissioner Stafford to approve the October 17, 2022, minutes. Motion carries: Ayes: Bridges, Stafford, McCourt and Gallagher. Absent: Eid.

5. **Public Comment:** None

6. **Calafco 2022 Conference presentation:** Ms. Stephenson stated she included the program from the conference. It was nice to be back as it has been three years since the conference was held. The program was well-written and one of the trends was fire and fire reorganization. The presentation she most benefitted from regarded the new law regarding the new protest thresholds.

Commissioner McCourt said one of the things he appreciated was a strong opportunity to be creative in solving any challenges that we experience. He continued saying that working together and encouraging all of us to go the extra mile with customer service results in the highest success rates.

7. **Establish regular meeting schedule for 2023**

Ms. Stephenson explained that two meetings, April 17, and October 17, are scheduled for the third Monday of the month rather than the second Monday due to holidays.

8. Discuss MSR and SOI prioritization *Item moved and discussed after Item 10A*

9. Authorize payment of claims and budget item transfer

- (a) Authorize payment of claims for October 2022 and November 2022
- (b) Authorize transfer of \$500 from Brown Act fund (4332) to Transportation and Travel fund (4580)

Ms. Stephenson explained the transfer is to cover transportation and travel for the conference that went over by about \$7.00 from the budgeted amount.

Motion by Commissioner Stafford, seconded by Commissioner McCourt to authorize payment of claims and authorize transfer of funds; Motion carries: Ayes: Stafford, McCourt, Bridges and Gallagher. Absent: Eid.

10. Executive Officer's Monthly Report

Ms. Stephenson said a fire reorganization town hall meeting was scheduled to be held at the Janesville Fire Station that evening. She would be presenting options, pros and cons, what the next steps might be, and then open up to questions and answers.

She continued that LAFCo still does not have a public member alternate. If they knew of anyone who does not hold office with any special district or City, they would be eligible to be a public member alternate.

Ms. Stephenson concluded her report explaining AB 2429 and explained the governor is sunsetting the state of emergency and all agencies previously operating under remote meetings will have to transition to the new legislation that will control how items are agendaized and how commissions or members of the governing body can participate remotely.

She said a quorum of the board must be present in person, the in-person location must be open to the public, the public must be provided the option to participate via teleconference and members choosing to teleconference must make a request and receive approval from the governing body and teleconferencing members must participate through audio and video technologies. A member cannot teleconference for more than three consecutive meetings. Ms. Stephenson concluded if there was ever a need, such as a snowstorm, we can consider that option.

The Commission held general discussion regarding Zoom being an appropriate method for video conferencing.

Ms. Stephenson said Plumas and Modoc use Zoom for video conferencing. However, she said one challenge is the speaker system.

8. Discuss MSR and SOI prioritization

Ms. Stephenson said she knew the item was reviewed during budget time in April, but she would like input from the Commission regarding any agencies that would necessitate an MSR at this point.

She explained that considering the concerns of the Spalding CSD, it was last reviewed in 2021, but if there is a change in circumstances, it doesn't preclude us from re-reviewing at this time. Other agencies are Westwood, Clear Creek and Little Valley CSDs, which could be lumped together because they were last

reviewed in 2013 and 2012. Ideally there is a five-year schedule for these as needed in support of a Sphere of Influence update.

Chair Eid enters the room at 3:40 p.m.

Vice Chair Gallagher agreed that the three completed in 2013 and 2012 should be done. There have been some struggles with Clear Creek although some of those issues have been resolved. Given the fact there have been a number of complaints and issues with Spalding, that would be a good one to do as well.

He stated it appears the Susanville Consolidated Sanitary District has not been done as well. There was discussion whether it would be done in conjunction with the City as their spheres align considerably and Susanville's was done in 2017.

Vice Chair Gallagher added that with the prison closing it might not be a bad idea to look at that.

Ms. Stephenson said there is \$14,000 budgeted for MSRs and Sphere updates and only half of the fiscal year remains. It's important to consider what is most immediate for this fiscal year and for next fiscal year.

Commissioner McCourt asked how much it would cost to do the Sanitary District MSR.

Ms. Stephenson responded it shouldn't take too much time as the last one was detailed. It will depend on the district and their response and assistance in that. She estimated the cost to be in the realm of \$6,000.

Commissioner McCourt said the Susanville Sanitary District seems to be the priority.

Ms. Stephenson added the City's would be in the realm of \$12,000. There is no way to be done with all of them by the end of the fiscal year anyway. It's OK to plan out for the next six months and then move onto the next list of priorities the next fiscal year. The CSD's are smaller and easier to do if the information is available. They are more in the realm of \$4,000 each.

Commissioner McCourt asked if the funds reset each fiscal year.

Ms. Stephenson responded yes and added there is no way to be done with them by the end of the fiscal year, it's OK to plan out for the next six months.

Able to begin recommendations including Susanville Sanitary District, the City of Susanville and recharge when the new fiscal year begins.

Ms. Stephenson said she could begin, but doubted the City's would be completed by the end of the fiscal year. She could make use of the money for the next six months.

Commissioner McCourt said he is less interested in the City's and more the Sanitary District but sees a benefit of both.

Sheryl Alvernaz, Spalding resident, stated she was unsure if a LAFCo MSR was ever completed as they have never seen evidence that it was done. She explained Ms. Stephenson received between 15 and 18 emails with documentation of problems they are having in Spalding. In addition to financial issues there are also political practice issues and threats to new board members. We need LAFCo's intervention at this point, we can't keep going the way we are going. It's not in the best interest of the community financially, politically, or any other way.

A Spalding resident and re-elected board member identified as Randy stated a lot of the wells are going dry. Spalding is a mud flat, not a lake. His concern is if the lake level has any impact on the aquifer we might be in trouble and maybe if he got the information they could apply for a grant for a water study.

There was discussion regarding the CSD not having control of the water supply.

Ms. Stephenson said it's something that could come out in the MSR under the fire services section.

Will Turner also expressed concerns about the board stating citizens have been denied the opportunity to speak.

Tammy LoBue stated there is no professionalism or accountability.

Chair Eid stated that since Commissioner Gallagher is familiar with the processes of the Spalding CSD, he thinks they should have a meeting to know where they were and where they are now.

Ms. Stephenson said a letter was sent to the CSD asking for their response regarding the findings in the audited financial statements that were of concern. The response, however, was requested prior to the next meeting in February. As far as the MSR/SOI, LAFCo could send out an initial request for information and consider it in February, if LAFCo wants to continue with a new MSR a year later.

Chair Eid said they will wait for the response and asked if Ms. Stephenson could send the information to the board prior to the next meeting so they could review it.

Ms. Stephenson said they can review what was previously done and reconsider the direction in February.

The board held a general discussion regarding the longevity of the Spalding board members.

Commissioner McCourt asked what is LAFCo capable of doing.

Ms. Stephenson responded depending on the information that is provided, perhaps the review needs to be updated to highlight every major concern. Particularly if there is any criminal behavior, the district will have to respond and tell LAFCo its plans to address it. In a sphere update, LAFCo can adopt a provisional update for a shorter time-period rather than a five-year planning horizon. That would force LAFCo to re-review the sphere of influence in one year and the district would have to return and explain how they have addressed the issues identified in the MSR.

If neither helps address the issue, there is a possibility of giving them a zero sphere and dissolving them if they are acting in an illegal manner. They can also be directed to the district attorney or the grand jury.

In conclusion, Ms. Stephenson said readdressing the item in February and giving the district time to respond is a good idea. As far as MSR prioritization goes, she would start with Susanville Sanitary District and wait to decide on the second MSR.

Chair Eid agreed and said if each Commissioner makes a list they can discuss which one is a priority beyond the Sanitary District and the Spalding CSD.

11. Commissioner Reports: None

12. Adjourn: Motion by Vice Chair Gallagher, seconded by Commissioner Bridges to adjourn at 4:10 p.m. Motion carried. Ayes: Gallaher, Bridges, McCourt, Stafford and Eid.

Todd Eid, Chair

Ruth McElrath, Building Permit Technician

Approved _____