

LASSEN LOCAL AGENCY FORMATION COMMISSION

66 N. Lassen St. Susanville, CA 96130

Monday, August 9, 2021

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

Members present: Mendy Schuster, Jeff Hemphill, and Todd Eid. Absent: Kevin Stafford and Chris Gallagher.

Staff Present: John Benoit, Executive Officer and Ruth McElrath, Building Permit Technician.

Election of Chair and Vice Chair for FY 2021-2022 Motion by Commissioner Schuster, second by Commissioner Hemphill to appoint Mr. Eid as Chair. Motion carries; Ayes: Schuster, Hemphill, and Eid. Absent: Stafford and Gallagher.

Motion by Commissioner Hemphill, second by Chair Eid to appoint Schuster as Vice Chair. Motion carries: Ayes: Hemphill, Eid, and Schuster. Absent: Stafford and Gallagher.

Approval of Agenda No changes

Correspondence Mr. Benoit shared the Calafco conference was scheduled to be held in Santa Ana from Oct. 6 through Oct. 8. Commissioners and staff declined to attend this year's event.

Approval of June 7, 2021 minutes Item tabled.

Public Comment None

Public Member and Public Member Alternate Recruitment

Mr. Benoit provided an update on the recruitment, and the Commission directed staff to readvertise the position.

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

Mr. Benoit said since last meeting, he read a grand jury report from Sutter County, who is having similar problems that stems from lack of funding and lack of volunteers.

Mr. Benoit continued that there are five districts in Eastern Plumas County that want to consolidate, and a Request for Proposal has been released.

He concluded that fire protection in rural communities is a big problem.

Continued Workshop regarding the Spalding and Stones-Bengard CSD Service Review and Sphere of Influence Update

Kay Oring spoke as an appointed representative of Stones-Bengard, as she explained the board was holding its regularly monthly meeting at that moment.

Ms. Oring said she was disappointed with how her comments were summarized in the June 7 meeting unapproved minutes. She explained her real concern is that in the previous report it stated Spalding wanted to return to receiving compensation if it provided services in Stones. She continued they recently completed purging records and found there was never any formal compensation contract with Spalding, but Stones always gave a donation, and that is what her point was.

At one point, there was the Eagle Lake Special District which included all the communities, Spalding, Bucks Bay and Stones, but it changed by a vote of the people in the late 80s, and Stones has no interest in going back to a combined district, Ms. Oring said.

Stones now has an enthusiastic, young fire chief, and due to the pandemic, younger people are moving to Stones to live full- time, and she believes that will change the complexion of the community.

Ms. Oring said the real issue is the operating budget, and they are limited by the State mandates from Proposition 4. The district didn't have a fire chief for a long time and, they didn't find out until last Fall that mutual agreements hadn't been redone.

Chair Eid clarified that both districts want mutual aid, they want to stay as two separate entities, but both want agreements for when those services are provided and the money flows in both directions.

Ms. Oring confirmed his statements.

There was general discussion regarding LAFCo's role in the matter.

Mr. Benoit commented that contracts and the day-to-day issues are the purview of the districts, LAFCo does not tell them how to operate.

Ms. Oring asked about some of the recommendations in the report, specifically regarding establishing the requirements for future annexations. She said there is no interest in increasing the sphere of influence.

Mr. Benoit responded the proposed sphere is coterminous with the boundaries and he would remove that recommendation because there is no need for it right now.

Ms. Oring asked if she could assure her board that LAFCo would not be seeking consolidation.

Mr. Benoit responded this would be a bad consolidation.

Sheryl Alvernaz, of the Spalding CSD, stated they also do not want to see an enjoining of the two districts or any other district. She continued that LAFCo is required to promote orderly development and collaboration with local officials. She stated she would like the reports to address the legal requirements of board members, following the Brown Act, and filling out 700 forms.

Spalding is having a rough time, Ms. Alvernaz said, and as part of growing and developing, they need LAFCo's help. There are a lot of issues that need to be addressed and LAFCo's report is the only one that goes to these districts. She said she would like to see some structured and measurable ideas in the MSR/SOI that the board can follow.

Sandy Raffleon, of the Herlong Public Utilities District, stated the California Special Districts Association currently has open enrollment for free membership, and they can certainly help.

Mr. Benoit also added 2020 Lassen County Grand Jury Report had a report about a local fire district and there was a good laundry list of what fire districts are supposed to do.

The Commission and audience held further discussion regarding Spalding needing help and LAFCo's role.

Mr. Benoit stated LAFCo has a lot of authority when a district changes its boundaries and have some power to deny or make changes.

Chair Eid recommended they should speak with their supervisor who can assist in different ways.

The Commission will hold another workshop regarding the item.

Resolution changing location for Lassen LAFCo regular meetings

Motion by Supervisor Hemphill, second by Commissioner Schuster to approve Resolution 2021-0003, changing the regular meeting location to the Susanville City Council Chambers for Lassen LAFCo regular meetings. Motion carries: Hemphill, Schuster, and Eid. Absent: Stafford and Gallagher.

Discussion regarding Policy Amendments: Indemnification Agreements and Application processing timelines and provide direction to staff

Mr. Benoit explained if an applicant sues LAFCo based on a decision it made, LAFCo cannot require the applicant to pay its attorney fees, and LAFCo would be on the hook for its own legal costs. The Supreme Court denied review of the case.

One remedy is having a large reserve fund, however, LAFCo got rid of its reserve fund about 10 years ago. If we get sued, there will be a budget deficit for years to come, and the County and City will ultimately have to pay it.

Calafco is proposing legislation to get LAFCo's to enter into indemnity agreements.

Mr. Benoit continued that Lassen LAFCo is probably not an issue unless a developer doesn't like its decision. He also added if they did deny a project and got sued, they can choose to not defend it.

Authorize Commissioners to attend the Calafco Annual Conference Oct. 6-8 at the John Wayne Airport in Newport Beach Item addressed under Correspondence.

Authorize payment of claims for June and July

Motion by Commissioner Hemphill, second by Commissioner Schuster to approve claims for June and July 2021. Motion carries: Ayes: Hemphill, Schuster, and Eid. Absent: Stafford and Gallagher.

LAFCo 101 – All about LAFCo – Part 1

The item was tabled.

Executive Officer's Monthly Report

LAFCo Files: Mr. Benoit stated the County wants the LAFCo files moved.

Meeting location change and zoom meetings: Mr. Benoit explained with the new COVID strain, LAFCo, may move to Zoom meetings, but it will follow City policy.

Commissioner Items: None

Motion by Commissioner Schuster, second by Commissioner Hemphill to adjourn meeting at 3:53 p.m.

Todd Eid, Chair

Ruth McElrath, LAFCo Clerk

Approved _____