

Lassen Local Agency Formation Commission

Regular Meeting Agenda

MONDAY – October 18, 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)

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) Calafco letter and information

b) Public Member Alt. Recruitment Notice

4. Approval of the June 7th and August 9, 2021 LAFCo minutes

a) Approve the June 7th and August 9, 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*

WORKSHOP AND PUBLIC HEARING

7. Workshop and Public Hearing regarding the Spalding and Stones-Bengard CSD Service Review and Sphere of Influence Update

- a. *Review DRAFT MSR and SOI for each Spalding CSD and Stones-Bengard CSD and hold the public hearing on the MSR and SOI regarding services provided*
- b. *Consider LAFCo Resolution 2021-0004 adopting a Service Review for the Spalding Community Services District*
- c. *Consider LAFCo Resolution 2021-0005 updating the Sphere of Influence for the Spalding Community Services District*
- d. *Consider LAFCo Resolution 2021-0006 adopting a Service Review for the Stones Bengard Community Services District*
- e. *Consider LAFCo Resolution 2021-0007 updating the Sphere of Influence for the Stones-Bengard Community Services District*

8 Authorize payment of claims

- a) *Authorize payment of claims for August 2021 and September 2021.*

9. LAFCo 201 - The Metamorphosis of Special Districts - time permitting

- a) *Review detailed procedures for reorganizations .*

10. Executive Officer's Monthly Report

- a) *LMUD MSR and SOI*
- b) *New LAFCo phone # 530.619.5128*
- c) *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.*

11. 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.

12. Adjourn to the next meeting on Monday December 13th , 2021 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) 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

Events Calendar – Special Sessions

MARK YOUR CALENDARS NOW!

Session details will be announced soon

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CALAFCO BUSINESS & BOARD

OCTOBER

- 7 CALAFCO Elections (virtual) @ 8:00 a.m.
- 7 CALAFCO Annual Business Meeting (virtual) @ 9:00 am
- 8 CALAFCO Board of Directors Meeting (virtual) @ 11:00 am
- 22 CALAFCO Legislative Committee (virtual)

NOVEMBER

- 5 CALAFCO Legislative Committee (virtual)
- 12 CALAFCO Board of Directors Meeting (Sacramento)

DECEMBER

- 3 CALAFCO Legislative Committee (virtual)
- 8 Northern Region Roundtable (virtual) @ 8:30 – 10:00 am
- 8 Central Region Roundtable (virtual) @ 10:30 am – 12 pm
- 15 Southern Region Roundtable (virtual) @ 1:00 – 2:30 pm
- 15 Coastal Region Roundtable (virtual) @ 3:00 – 4:30 pm

SPECIAL EDUCATION SESSIONS FROM THE CONFERENCE PROGRAM

OCTOBER

- 8 **Infrastructure and Cyber Security: What You Need to Know (webinar) @ 9:00 – 10:30 am**
Featuring speakers from the Department of Homeland Security
- 28 **Post-pandemic Workforce Best Practices for Hiring Staff (webinar) @ 1:00 – 2:30 pm**
Featuring speakers from Staffing/Recruiting firm and LAFCo legal counsel

NOVEMBER

- 3 **The New Era: State of the State in Terms of Extreme Water & Fire Issues and What it Means for LAFCo (webinar) @ 10:30 am – 12:00 pm**
Featuring speakers from DWR, DPR, CAL Fire and LAFCo legal counsel

DECEMBER

- 6 **Throw Out the Historic Water Framework: What do LAFCos Do Now? (webinar) @ 1:30 – 3:00 pm**
Featuring speakers from the Water Board, LAFCo Commissioner and LAFCo Executive Officer

JANUARY 2022

- 10 **You Can't Always Get What You Want – But You Can Make Sure You Got What You Agreed to Receive (webinar) @ 1:00 – 2:30 pm**
Featuring speakers from HdL Coren & Cone, Former Asst. City Manager and Special District Board member/LAFCo Commissioner

For current information and other CALAFCO resources
please visit www.calafco.org



September 7, 2021

Dear CALAFCO Membership:

We continue to live in challenging times, dealing with the myriad of disruptive changes thrust upon us and our agencies including navigating our way through the roller coaster ride of the pandemic, the drought, unprecedented heat waves, another record-setting wildfire season, and figuring out how to maintain or increase current services with less resources. We remain proud of you, our members and business partners, who continue to demonstrate courage, resilience and leadership in the face of all these challenges.

As we planned our Annual Conference in Newport Beach for October 6 – 8 this year, and time marched on, it became very clear with only five weeks until the Conference that our registration numbers were going to be at an all-time low, with less than half of our normal attendance. After hearing from many of you, we understand there is hesitancy to travel and gather in large numbers with the various strains of COVID-19 continuing to increase. We are also keenly aware that this year many of you have slashed training and travel in your budgets.

After careful thought and consideration, CALAFCO has decided to cancel this year's in-person Annual Conference which was scheduled for October 6 – 8 in Newport Beach.

The Board met in a special meeting on September 2, 2021 and after considering all the facts (the staff report is posted on the CALAFCO website in the Board of Directors meeting area), unanimously voted to cancel the in-person event this year. The Board of Directors and Executive Director believe CALAFCO has an ethical and corporate responsibility to our members, guests, speakers, and their families. This responsibility includes mitigating as much as possible the spread of the virus and being responsible in our decisions to aid in the containment and protect the health and safety of our members. It also means mitigating any significant financial loss CALAFCO may incur by holding the event.

In addition to our concern for your health and safety, the substantial reduction in attendance would require CALAFCO to withdraw Fund Reserves of over \$33,000 to cover the loss caused by such low registration numbers. At any time, especially in these challenging fiscal times, that is not a responsible financial practice, and we believe we must continue to practice fiscal responsibility as the trusted steward of the Association's finances.

CALAFCO's primary mission is education and providing educational opportunities for our members. The Annual Conference is our signature event and one of the best ways we do that. And, this year is CALAFCO's 50th anniversary. Not holding the event this year is another year away from you, our membership. And we miss you!

We thank those of you who registered or planned to register and attend the Conference. We thank all of you who chose to sponsor this year's Conference. We also thank all our speakers who were busy preparing and working on their presentations. As we take our mission seriously and the program being planned was a good one, we plan to bring as many of those educational and networking opportunities as possible to you in a virtual format.

So, what's next?

CONFERENCE 2021 & 2022

- Staff successfully negotiated moving the 2021 event with the Hyatt Regency Newport Beach John Wayne Airport to next year with no penalty fees, and no increase in the contracted room rate from this year. We will keep the same dates as we had scheduled for 2022 which is October 19 – 21, 2022. The contract for 2022 which was with Tenaya Lodge in Yosemite was successfully moved to 2024 without penalty. Check the CALAFCO website for locations and dates for the next several years.

- We will celebrate CALAFCO's 50th + 1 next year!
- We will work with each of you to refund all registration payments made online in their entirety without any penalties.
- Any registrations received in the mail with a check will be returned (most checks were held and not cashed).
- For any registration checks received that were deposited, a full refund will be issued.
- We will also work with all our sponsors to do the same.
- All hotel reservations at the Hyatt must be cancelled. You are responsible for cancelling your own reservations, and you are encouraged to do that ASAP to avoid any possible late cancellation fee or no-show charges because this was a detail left undone.

DELIVERY OF EDUCATION SESSIONS

- Staff is working to schedule planned sessions (with exception of topical roundtables and legislative update) over the course of the next several months (October through January).
- A full schedule will be published as soon as we have confirmation from all our speakers on this change.

ANNUAL BUSINESS MEETING - BOARD ELECTIONS - BOARD MEETING - ACHIEVEMENT AWARDS - REGIONAL ROUNDTABLES

- The annual business meeting will be held as planned on October 7, 2021 at 9:00 a.m. It will be held virtually. The announcement, agenda and packet for the business meeting will be published shortly.
- Board elections will be held by all electronic ballot, just as was done in 2020. Watch for details coming out this week. The election committee will meet virtually October 7, 2021 at 8:00 a.m. to count the votes and certify the election (just before the annual business meeting).
- The Board meeting scheduled for in person October 8 at 7:30 a.m. will be held on October 8 at 11:00 a.m. virtually. The meeting agenda and packet will be published towards the end of September.
- The Achievement Awards will be presented during the Annual Business meeting on October 7, 2021 at 9:00 a.m.
- Regional Roundtables are being scheduled for early December (all LAFCo meeting schedules were checked in this planning). Watch for them to be included in the master program schedule.

If you have any questions, please contact Executive Director Pamela Miller. You can reach her at pmiller@calafco.org.

On behalf of the Board, we thank you for your understanding, patience and support of the Association. We are proud to be of service to you, our members.

Yours sincerely,



Michael Kelley
Chair of the Board



Pamela Miller
Executive Director

CC: CALAFCO Board of Directors

**OPENING FOR A CITIZEN TO SERVE AS THE PUBLIC MEMBER ALTERNATE ON
THE LAFCO COMMISSION**

Due to expiring term of office the Lassen Local Agency Formation Commission (LAFCo) has an opening for Lassen County residents to serve as a Public Member Alternate. LAFCo is an agency created by state legislation to ensure that changes in governmental organization occur in a manner, which promotes efficient, quality services and preserves open space and agricultural land resources. LAFCo is charged with applying the policies and provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 in its decisions regarding annexations, incorporations, reorganizations, and other changes of local government. LAFCo's webpage is: www.lassenlafco.org

LAFCo normally meets every other month at the Lassen County Board of Supervisor's chambers in Susanville, California.

This appointment is for a Public Member Alternate who resides anywhere within Lassen County including the territory in the city limits of Susanville for a term ending in May 2025. A Public Member must be able and available to attend Commission meetings. No officer or employee of the county or any city or independent special district whose boundaries include any territory within Lassen County is allowed to sit as a Public Member on the Commission. LAFCo's Public Members, as are all other Commissioners, are required to file an annual Statement of Economic Interest and complete mandated ethics training as a public official.

If you are interested, we invite you to send a letter or email describing your background and reasons for wanting to become the selected Public Member or Alternate to serve on the Lassen Local Agency Formation Commission. This recruitment will remain open until a public member alternate is selected by the LAFCo Commission. If you have any questions, please do not hesitate to call John Benoit, Executive Officer at (530) 619-5128 or email lafco@co.lassen.ca.us Please send your letter of interest Lassen LAFCo, P.O. Box 2694 Granite Bay, CA 95746 or by email to lafco@co.lassen.ca.us . Potential applicants will be invited to the next available LAFCo meeting.

Dated: August 23, 2021

Lassen LAFCO
John Benoit
EXECUTIVE OFFICER

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LASSEN COUNTY LOCAL AGENCY FORMATION COMMISSION

66 N. Lassen St. Susanville, CA 96130

SPECIAL MEETING

Monday, June 7, 2021

Meeting called to order at 3:00 p.m.

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

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

Correspondence: Mr. Benoit gave a brief presentation regarding Calafco Awards.

Approval of April minutes Motion by Commissioner Stafford, second by Commissioner Schuster to approve the April 12 minutes. Motion carries: Ayes: Stafford, Schuster and Gallagher. Absent: Hemphill and Eid.

Public Comment: None

Public Member and Public Member Alternate Recruitment

Mr. Benoit explained that Chair Eid's term is expiring and was advertised in the newspaper and various other places. Mr. Eid responded, and his letter was in the board packet. He stated that there is an alternate vacancy and Mandy Smith applied in the Fall 2020. Mr. Benoit stated he sent an email asking if she was still interested, but he never received a response.

Commissioner Gallagher stated he was comfortable with appointing Mr. Eid and holding off on the alternate vacancy.

Motion by Commissioner Schuster, second by Commissioner Stafford to appoint Mr. Eid to a four-year term. Motion carries. Ayes: Schuster, Stafford, and Gallagher.

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

Mr. Benoit explained LAFCo's role is to do changes of organizations and service review on the fire districts' capabilities. There are various alternatives on how to manage fire districts, many of which were formed in the 1940s and 1950s. He continued there is a lot of fear about LAFCos consolidating fire districts, but LAFCo does not have that power, the people have the power in the vote.

He continued there are various types of associations that fire districts may have, such as a joint power authority for EMS, which is the most common. Mr. Benoit said he has worked with a few cities who have JPAs with adjacent fire districts, which is one alternative.

One advantage is there is only one board of directors, one disadvantage is there is a perception you lose local control, but it depends on how the fire districts are organized.

Mr. Benoit stated a MSR was done for Lassen County and LAFCo took the position that while the districts are small, they're independent, and in remote areas, it is hard to have a large fire protection district. He further explained LAFCo suggested that one of the adjacent fire districts take over Herlong, but no one was interested, and as a Public Utility District, Herlong recently formed its own fire department several years ago.

He added that he has done quite a few consolidations because the people and boards of directors wanted it, forcing the issue would be futile. They are also inundated with a tremendous number of state laws and if anyone read the grand jury report on the Standish-Litchfield Fire Department, the grand jury did a good job listing all of them.

Commissioner Gallagher stated the discussion came up after doing a review for the Spalding/Stones MSR and Paul Smith, of the Standish-Litchfield Fire Protection District, suggested there was a need for a county-wide fire department.

Michael Patrick, a public member, asked who would make the decision for getting the item on the ballot. Mr. Benoit explained the process which would include each districts' board of directors passing a resolution, filing an application and business plan with LAFCo, noticing other county agencies, holding a public hearing for the Commission to review. If more than 1000 voters and properties are involved, a protest hearing is set and there requires 25 percent of the registered voters to cause an election.

Mr. Benoit also said another way to consolidate fire districts is if 25 percent of the registered voters file an application with LAFCo, however, it is very expensive and time consuming.

Mr. Smith provided a brief narrative regarding the consolidation going on with Eastern Plumas County's fire districts.

Mr. Gallagher asked Mr. Smith to elaborate on why he brought the recommendation to the board.

Mr. Smith explained volunteers go up and down and all the fire districts have an opportunity to make money. If the money were put into the County coffers, there could be an opportunity to hire several full-time firefighters. Some outlying districts may suffer, whether training, grant writing, and equipment, but Mr. Smith they would have help and there are still things that would benefit those districts.

There was general discussion regarding noticing and Mr. Benoit stated notices have to be published in the Modoc Record since the local newspaper is no longer open.

Tony Shaw, Assistant County Administrator Officer, explained a person can ask the elected body to send a notice of the regular, special and emergency agendas and the clerk of that body is obligated to send an agenda to that person.

Sandy Raffleson, of the Herlong Public Utility District, provided a scenario of what a consolidation would look like if several fire district boards signed resolutions. While the process can get quite hairy, there could be benefits. She continued that if Herlong were to lose its Fire Department, it would lose Prop. 218 funding. People don't like paying more taxes but having a fire department also helps the ISO rating, which helps property insurance.

Commissioner Gallagher told the audience that hopefully that was enough information they could bring back to their boards.

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

Mr. Benoit stated both districts provided responses to the draft MSR, and the purpose is to discuss the payment of medical calls when one district goes into another district.

Bob Larivee, Stones-Bengard Vice Chair, cited a list of concerns he had with the report and provided some recommendations. He stated that the recommendation for consolidation would be counter-productive, and he would like to see it removed.

Mr. Benoit said it is a service review of the service district and not the extemporaneous stuff.

Commissioner Gallagher explained he was the general manager for two community services districts and it's that person's responsibility to review the report and correct any inaccuracies.

Martin Balding, former Stones-Bengard General Manager, said he did receive a copy of the report, marked it up and returned it to the board prior to his retirement.

Ken Coffey, of Spalding, stated it is not their intent to infringe or combine fire personnel and he wants to make sure their partnership remains open and helping each other with fire coverage.

Cheryl McCormick, Stones-Bengard president, also provided a few clarifications.

Ryan Barney, Stones-Bengard Fire Department Assistant Fire Chief, explained they have a very small fire department with six volunteers. He opened dialogue with Spalding as they are neighbors in a remote area and they intend to move forward in acting as neighbors.

Cliff Spediacci confirmed the dialogue with Stones-Bengard, and offered to help them anyway they can.

Commissioner Gallagher said the matter came up because LAFCo had received complaints about Spalding responding to calls in Stones because there was no one trained to respond. These special districts have difficulty getting money to respond out of their area especially as far as Stones is from Spalding. The discussion about consolidation had more to do about costs and getting some reimbursement.

Mr. Balding stated it's extremely challenging, with state mandates, rules and regulations it is impossible to operate in this county with the funds we have and actually meet every legal requirement, but we need to meet the public needs as best we can. He thanked Spalding for all the times it showed up to help. The goal is to serve the community to the best of our ability.

Kay Orring, a former Stones Bengard board member, also provided some comments regarding the report. She added she thought it would be difficult to combine the fire districts without first separating out the service district which provides wastewater.

Public hearing 2021-2022 LAFco budget.

Mr. Benoit explained there were no changes from the proposed budget and final notices were sent to the City and County. The only change is a \$20 decrease in Calafco dues.

Public hearing opened at 4:30 p.m.

No comments.

Public hearing closed at 4:31 p.m.

Motion by Commissioner Schuster, second by Commissioner Stafford to approve the 2021 budget. Motion carries: Ayes: Schuster, Stafford, and Gallagher. Absent: Hemphill and Eid.

Authorize payment of claims for April and May 2021

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

LAFco 101 – All about LAFco – Part 1

The matter was tabled.

Executive Officer’s Monthly Report

Mr. Benoit stated there are LAFco files that need to be scanned and purged and there is money in the budget for it.

He provided an update on the case San Luis Obispo v. Pismo Beach. He explained LAFco will not be able to use the indemnity clause anymore because there is legislative authority to do that. The Supreme Court is determining if it will review it and it puts a stay on it. Lassen LAFco doesn’t have a reserve fund to it wouldn’t get through a year of litigation.

There was a brief discussion regarding where to hold LAFco meetings. Commissioners were in favor of moving to City Council Chambers.

Commissioner Items: None

Meeting adjourned at 4:35 p.m.

Chris Gallagher, Commissioner

Ruth McElrath, Building Permit Technician

Approved _____

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 Raffleson, 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 _____

Resolution 2021-0004 of the**Lassen Local Agency Formation Commission***Approving a Municipal Service Review of Services Provided by and within the Spalding Community Services 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 2003-07 on September 15, 2003 establishing guidelines for conducting MSRs which applies to this MSR for services provided by the Spalding CSD; 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 Spalding CSD, 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 Spalding CSD 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 Spalding CSD, 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 Spalding CSD.
- 3) LAFCO staff is further ordered to forward copies of this resolution containing the adopted Municipal Service Review to the Spalding CSD.

The foregoing resolution was duly passed by the Local Agency Formation Commission of Lassen County at a regular meeting held on October 18, 2021 by the following roll call vote:

Ayes:

Noes:

Absentions:

Absent:

Signed and approved by me after its passage this 18th day of October 2021.

Todd Eid, Chair
Lassen LAFCO

Attest:

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

Resolution No. 2021-0005

LASSEN LOCAL AGENCY FORMATION COMMISSION

A Resolution Making Determinations and Approving A Sphere of Influence Update for the Spalding Community Services District

WHEREAS, Government Code Section 56425 requires each Local Agency Formation Commission to adopt and periodically review and update a sphere of influence for each local governmental agency within its jurisdiction; and

WHEREAS, the Local Agency Formation Commission of the County of Lassen, in compliance with the aforementioned requirement, is providing a “plan for the probable physical boundaries and service area” for the Spalding Community Services District; and

WHEREAS, the Commission has set the hearing date of October 18, 2021 for the update of the sphere of influence for the Spalding Community Services District and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56150, *et seq.*; and

WHEREAS, the Commission has heard and adopted a Municipal Services Review of services provided by the Spalding Community Services District in accordance with Gov. Code section 56430; and

WHEREAS, the Commission has reviewed and considered the proposed Sphere of Influence update report and the proposed Sphere of Influence Update report which are attached hereto and incorporated herein; and

WHEREAS, LASSEN LAFCO has prepared and published a notice of exemption pursuant to the requirements of the California Environmental Quality Act since the Sphere of Influence will not contain additional territory (Section 21000 *et seq* of the Public Resources Code); and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the proposed sphere of influence update, including, but not limited to, those factors specified in Government Code Section 56425, *et seq.*, and has heard from interested parties and considered requests for amendment and/or revision of the proposed updated sphere boundary, if any;

NOW, THEREFORE, BE IT RESOLVED that the Lassen Local Agency Formation Commission does hereby find and determine as follows:

1. That the proposed sphere of influence update with respect to Spalding Community Services District complies with the provisions of Government Code Section 56000, *et seq.*
2. That no significant objections have been received regarding the establishment of this Sphere of Influence update.
3. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Study are attached hereto and incorporated herein.

4. The Spalding CSD is authorized to provide, fire and EMS and Wastewater collection and treatment and Recreational services including a boat launch facility. All other services shall be considered a new and different service and is required to be approved by LAFCo.
5. The Commission has reviewed and considered a Notice of Exemption prepared for this Sphere of Influence update and makes a specific finding that there is no substantial evidence in light of the whole record before Lassen Local Agency Formation Commission that this Sphere Update for the Spalding Community Services District may have a significant adverse effect on the environment.
6. That the Sphere of Influence Update Report including a Sphere of Influence Map for the Spalding Community Services District Sphere of Influence is hereby adopted and approved as set forth in Attachment "A".

PASSED AND ADOPTED at a regular meeting of the Lassen Local Agency Formation Commission of the County of Lassen, State of California, on the October 18, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Todd Eid, Chair
Lassen Local Agency Formation Commission

Attest:

John Benoit
Lassen LAFCo Executive Officer

NOTICE OF EXEMPTION

TO: County Clerk
County of Lassen
Susanville, CA

FROM: LAFCO of Lassen County
P.O. Box 2694
Granite Bay, CA 95746

PROJECT TITLE: Spalding CSD – Sphere of Influence Update

PROJECT LOCATION: Spalding CSD – Eagle Lake in Lassen County

DESCRIPTION OF PROJECT:

The proposed project would involve the update of a Sphere of Influence. Said Sphere of Influence is contiguous with the existing district boundaries

NAME OF PUBLIC AGENCY APPROVING PROJECT:

Lassen Local Agency Formation Commission

NAME OF PERSON OR AGENCY CARRYING OUT THE PROJECT:

Lassen Local Agency Formation Commission

EXEMPT STATUS:

Class 20 Categorical Exemption, “Changes in Organization of Local Agencies,” CEQA Guidelines Section 15320.

REASONS WHY PROJECT IS EXEMPT:

The proposed project involves an update of a Sphere of Influence for the Spalding CSD. CEQA Guidelines Section 15320 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. There is no change to the Sphere boundary nor do any unusual circumstances exist.

CONTACT PERSON:
John Benoit
LAFCO Executive Officer

TELEPHONE NUMBER:
(530) 619-3400

By: _____

Date: Oct 18, 2021

Resolution 2021-0006 of the

Lassen Local Agency Formation Commission

Approving a Municipal Service Review of Services Provided by and within the Stones-Bengard Community Services 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 2003-07 on September 15, 2003 establishing guidelines for conducting MSRs which applies to this MSR for services provided by the Stones-Bengard CSD; 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 Stones-Bengard CSD, 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 Stones-Bengard CSD 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 Stones-Bengard CSD, 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 Stones-Bengard CSD.
- 3) LAFCO staff is further ordered to forward copies of this resolution containing the adopted Municipal Service Review to the Stones-Bengard CSD.

The foregoing resolution was duly passed by the Lassen Local Agency Formation Commission at a regular meeting held on October 18, 2021 by the following roll call vote:

Ayes:

Noes:

Absentions:

Absent:

Signed and approved by me after its passage this 18th day of October 2021.

Todd Eid, Chair
Lassen LAFCO

Attest:

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

Resolution No. 2021-0007

LASSEN LOCAL AGENCY FORMATION COMMISSION

*A Resolution Making Determinations and Approving A Sphere
of Influence Update for the Stones-Bengard Community Services District*

WHEREAS, Government Code Section 56425 requires each Local Agency Formation Commission to adopt and periodically review and update a sphere of influence for each local governmental agency within its jurisdiction; and

WHEREAS, the Local Agency Formation Commission of the County of Lassen, in compliance with the aforementioned requirement, is providing a “plan for the probable physical boundaries and service area” for the Stones-Bengard Community Services District; and

WHEREAS, the Commission has set the hearing date of October 18, 2021 for the update of the sphere of influence for the Stones-Bengard Community Services District and has noticed this hearing at the times and as otherwise prescribed by Government Code Section 56150, *et seq.*; and

WHEREAS, the Commission has heard and adopted a Municipal Services Review of services provided by the Stones-Bengard Community Services District in accordance with Gov. Code section 56430; and

WHEREAS, the Commission has reviewed and considered the proposed Sphere of Influence update report and the proposed Sphere of Influence Update report which are attached hereto and incorporated herein; and

WHEREAS, LASSEN LAFCO has prepared and published a notice of exemption pursuant to the requirements of the California Environmental Quality Act since the Sphere of Influence will not contain additional territory (Section 21000 *et seq* of the Public Resources Code); and

WHEREAS, the Commission has considered those factors determined by it to be relevant to the proposed sphere of influence update, including, but not limited to, those factors specified in Government Code Section 56425, *et seq.*, and has heard from interested parties and considered requests for amendment and/or revision of the proposed updated sphere boundary, if any;

NOW, THEREFORE, BE IT RESOLVED that the Lassen Local Agency Formation Commission does hereby find and determine as follows:

1. That the proposed sphere of influence update with respect to Stones-Bengard Community Services District complies with the provisions of Government Code Section 56000, *et seq.*
2. That no significant objections have been received regarding the establishment of this Sphere of Influence update.
3. That, pursuant to Government Code Section 56425, the Commission makes and adopts those determinations set forth in the Sphere of Influence Study are attached hereto and incorporated herein.

4. The Stones-Bengard CSD is authorized to provide, fire and EMS and Wastewater collection and treatment services as well as a boat launch facility. All other services shall be considered a new and different service and is required to be approved by LAFCo.
5. The Commission has reviewed and considered a Notice of Exemption prepared for this Sphere of Influence update and makes a specific finding that there is no substantial evidence in light of the whole record before Lassen Local Agency Formation Commission that this Sphere Update for the Stones-Bengard Community Services District may have a significant adverse effect on the environment.
6. That the Sphere of Influence Update Report including a Sphere of Influence Map for the Stones-Bengard Community Services District Sphere of Influence is hereby adopted and approved as set forth in Attachment "A".

PASSED AND ADOPTED at a regular meeting of the Lassen Local Agency Formation Commission of the County of Lassen, State of California, on the October 18, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Todd Eid, Chair
Lassen Local Agency Formation Commission

Attest:

John Benoit
Lassen LAFCo Executive Officer

NOTICE OF EXEMPTION

TO: County Clerk
County of Lassen
Susanville, CA

FROM: LAFCO of Lassen County
P.O. Box 2694
Granite Bay, CA 95746

PROJECT TITLE: LAFCO Stones-Bengard CSD – Sphere of Influence Update

PROJECT LOCATION: Stones-Bengard CSD – Eagle Lake in Lassen County

DESCRIPTION OF PROJECT:

The proposed project would involve the update of a Sphere of Influence. Said Sphere of Influence is contiguous with the existing district boundaries

NAME OF PUBLIC AGENCY APPROVING PROJECT:

Lassen Local Agency Formation Commission

NAME OF PERSON OR AGENCY CARRYING OUT THE PROJECT:

Lassen Local Agency Formation Commission

EXEMPT STATUS:

Class 20 Categorical Exemption, “Changes in Organization of Local Agencies,” CEQA Guidelines Section 15320.

REASONS WHY PROJECT IS EXEMPT:

The proposed project involves an update of a Sphere of Influence for the Stones-Bengard CSD. CEQA Guidelines Section 15320 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. There is no change to the Sphere boundary nor do any unusual circumstances exist.

CONTACT PERSON:
John Benoit
LAFCO Executive Officer

TELEPHONE NUMBER:
(530) 619-3400

By: _____

Date: Oct 18, 2021

Lassen Local Agency Formation Commission

CLAIMS

Item # 8

August 2021 and September 2021

Authorize payment of the following claims:

FY 2021-2022 Expenses:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
Oct 1, 2021	August 2021 Staff Services	\$ 4,204.67
Oct 1, 2021	September 2021 Staff Svcs	\$ 4,346.99
	TOTAL:	\$ 8,530.11

DATED: Oct 18, 2021

APPROVED: Oct 18, 2021

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

Attest:

John Benoit
Executive Officer

2021-2022 Expenditures

Lassen LAFCO

Item	Insurance	Office Expense	copies	ommunication	Postage	Memberships	Legal Svcs	Ex. OFF. Svcs	Brown Act	Publications	Travel
4521	\$1,000.00	\$ 4610	4550	4530	4641	4830	4310	4331	4332	4540	4580
Total Budgeted	\$1,000.00	\$ 250.00	\$ 750.00	\$1,000.00	\$ 300.00	\$ 1,403.00	\$ 2,500.00	\$ 30,000.00	\$ 3,500.00	\$ 400.00	\$ 1,500.00
Calafco Dues 2021-2022						\$ (1,403.00)					
JB Staff Svcs July 2021		\$ (24.98)	\$ (15.00)	\$ (84.67)				\$ (2,580.00)	\$ (500.00)		
JB Staff Svcs August 2021		\$ (10.00)	\$ (5.00)	\$ (129.72)	\$ (1.40)			\$ (2,547.00)	\$ (500.00)		
JB Staff Services Sept 2021			\$ (25.00)	\$ (59.99)	\$ (2.00)			\$ (2,250.00)			



TOTAL EXPENDED	\$ -	\$ (34.98)	\$ (45.00)	\$ (274.38)	\$ (3.40)	\$ (1,403.00)	\$ -	\$ (7,377.00)	\$ (1,000.00)	\$ -	\$ -
TOTAL REMAINING	\$ 1,000.00	\$ 215.02	\$ 705.00	\$ 725.62	\$ 296.60	\$ -	\$ 2,500.00	\$ 22,623.00	\$ 2,500.00	\$ 400.00	\$ 1,500.00

2021-2022 Expenditures

Lassen LAFCO

Training	MSR's	S01	Mapping	Tech SVCS	File Scar	Fin Svcs	Clerk-City	TOTAL	Contingency
4580	4342	4330	4340	4340	4340	4333	4334	BUDGET	4451
\$500.00	\$14,000.00	\$4,000.00	\$2,000.00	\$5,000.00	\$5,000.00	\$1,722.30	\$1,500.00	\$71,325.30	\$6,954.83
		\$ (1,000.00)						(1,403.00)	
	\$ (1,000.00)							(4,204.65)	
	\$ (2,000.00)							(4,183.12)	
								(4,346.99)	
									(8,530.11)

\$0.00

\$0.00

\$0.00

\$ (3,000.00)	\$ (1,000.00)	\$ -	\$ -	\$ -	\$ -	\$ 1,722.30	\$ 1,500.00	\$ (14,137.76)	
\$500.00	\$11,000.00	\$3,000.00	\$2,000.00	\$5,000.00	\$5,000.00	\$1,722.30	\$1,500.00	\$57,187.54	

\$0.00
\$61,457.83

\$0.00
\$33,348.70
\$0.00
\$94,806.53

Agency

Project Rev
CARROVER

Unaudited

INVOICE September 2021

John Benoit

Invoice number: **2021-0069**

Invoice date: 1-Oct-21

P.O. Box 2694
 Granite Bay, CA 95746
 Tel: (530) 257-0720
 Fax (530) 797-7631

Vender ID #

Client name: Lassen LAFCO c/o City of Susanville
 Address: 66 North Lassen Street
 City, state, postal code: Susanville, CA 96130-3904

Telephone:
 Fax:
 PO number:

Lafco Staff	Hours		Start / End Date	Amount
John Benoit	49.00	Staff Svcs	Sept 1-30, 2021	\$4,250.00
Jennifer Stephenson				\$ -
Dennis Miller				
Christy Leighton				
File Scanning project				
Cheryl Kolb				
MSR and SOI				
	49.00			
Total activity cost:				\$4,250.00

Materials / Other Expenses	Reason / Vendor	Amount
Reproduction Costs	Print and copy packets	\$25.00
Postage	post mail packet	\$2.00
Phone & Communications	Comm Sept 2021	\$ 59.99
Office Supplies	Misc Office Supplies	\$10.00
Travel Exp.		
Web Domain		
Clerk		
Total materials cost:		\$96.99
Total billing:		\$ 4,346.99