

Colusa Local Agency Formation Commission

Special Meeting Agenda

Thursday – August 6, 2020

3:00 PM

Welcome to the Colusa LAFCo special meeting. This meeting will be via Zoom (conference call) only due to the COVID-19 virus. A roll call vote is required for all items on the agenda.

You may use your phone for this meeting and no computer is required. There will be video if you choose to use it.

The complete agenda, including backup materials and materials related to items on this Agenda submitted to the Commission after distribution of the Agenda Packet, is available for public inspection on the Colusa LAFCo website. www.colusalaftco.org

Topic: Colusa LAFCo 6 Aug 20

Time: Aug 6, 2020 03:00 PM Pacific Time (US and Canada)

Using a computer:

Join Zoom Meeting:

<https://us02web.zoom.us/j/84280705594?pwd=a05HZnpkSGM4akVuOWJGQzJyL2hvUT09>

Meeting ID: 842 8070 5594

Passcode: 160649

Using a telephone:

Dial: 1 669 900 6833 US (San Jose)

Meeting ID: 842 8070 5594

Passcode: 160649

1. Call to Order/Roll Call

Commissioners

Denise Carter (County)
John Loudon (Chair, County)
Brandon Ash (Public)
Greg Ponciano (Colusa, City)
Sajit Singh, (Williams, City)

Alternates

Merced Corona (County Alternate)
Tom Reische (City Alternate)
Mary Winters, (Public Member Alternate)

Staff

John Benoit, Executive Officer
P. Scott Browne, Legal Counsel
Lora Ceccon, Clerk to the Commission

2. Election of Chair and Vice-Chair for FY 2020-2021

- a) *Election of Chair*
- b) *Election of Vice Chair*

3. Consider Minutes from June 4, 2020

- a. *Consider approving the June 4, 2020 LAFCo minutes*

4. Public Comment

This is the time for the public to address the Commission on any matter not on the agenda. Testimony related to an item on the agenda should be presented at the time that item is considered

5. Consent Agenda

- a. *Payment of claims for the months of June 2020 and July 2020*

6. Correspondence: *Proof of Insurance SDRMA*

Workshop:

7. Fire and EMS Service Review and Sphere Update

- a) *Receive Executive Officer's Report and hold workshop*

8. Biennial Conflict of Interest Code Review

- a) *Review LAFCO's conflict of interest code and authorize the Executive Officer to sign and transmit the 2020 Annual Biennial notice to the Clerk to the Board.*

9. Election for the 2020-2021 Calafco Board of Directors

- a) *Consider a nomination for a Public Member and a City Member from Colusa LAFCo to represent Calafco's Northern District*

10. Letters of Opposition to SB 414

- a) *Authorize Chair to sign letters opposing SB 414 to the Chair of the Assembly Appropriations Committee and Senate Member Anna Caballero.*

11. Executive Officer's Report:

- a) *Agreement with the City of Williams*
- b) *Update City of Colusa Reorganization (2019-0001)*
- c) *Calafco cancels its Annual Conference in Monterey*

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. Next Colusa LAFCo meeting: September 3, 2020

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

Pursuant to Government Code Section 54954.2, Commission members may make a brief announcement or report on activities. Commission members may also provide a reference to staff or other resources for factual information, request staff to report back to the Commission at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

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).
- The total amount of time allotted for receiving public comment may be limited to 15 minutes.
- Any individual's testimony may be limited to 5 minutes. Time to address the Commission will be allocated on the basis of the number of requests received.

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 5 minutes. 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 Colusa County Clerk's office located at the Colusa County Courthouse 546 Jay Street, Colusa CA. [such documents are also available on the Colusa LAFCO website as noted below 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 56100.1, 56300(b), 56700.1, and 81000 et seq., and Colusa LAFCO's Policies and Procedures for the Disclosure of Contributions and Expenditures in Support of and Opposition to Proposals, any person or combination of persons who directly or indirectly contribute \$1000 or more or expend \$1000 or more in support of or opposition to a change of organization or reorganization that has been submitted to Colusa LAFCO must comply with the disclosure requirements approved by Colusa LAFCO. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information may be obtained at the Colusa County Elections Department 546 Jay Street, Colusa, CA 95932. (530) 458-0500

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) 458-0593 or by mail at Colusa LAFCO P.O. Box 2694, Granite Bay Ca 95746 or by email at lafo@countyofcolusa.com or j.benoit4@icloud.com

Webpage Reports, agendas, minutes and general information about LAFCO are available on the LAFCO Webpage at www.colusalafco.org

LOCAL AGENCY FORMATION COMMISSION
COLUSA COUNTY
MINUTES OF MEETING
June 4, 2020

PRESENT:

JOHN LOUDON, Chair, County Member
BRANDON ASH, Public Member
GREG PONCIANO, City Member
MERCED CORONA, County Alternate

ALSO PRESENT:

JOHN BENOIT, Ex. Officer
SCOTT BROWNE, Legal Counsel
MARY WINTERS, Public Alt.
LORA CECCON, Clerk

1. Call to Order/Roll Call

The meeting was called to order at 3:00 p.m. There was a quorum present.

2. Consider Minutes from April 2, 2020

On motion of B. Ash, second by M. Corona, the commission approved the meeting minutes of April 2, 2020; motion carried by roll call vote.

3. Public Comment – J. Loudon provided a brief update on COVID-19 and thanked all of the supervisors for doing a good job during all of this.**4. Consent Agenda**

John distributed a revised claim form; he has included the Calafco dues for 20/21.

A short discussion followed regarding insurance costs. Insurance costs have increased, so John suggested looking at some alternatives. He has looked into a couple other possibilities; we have nine months to consider an alternative.

On motion of M. Corona, second by B. Ash, the commission approved claims for the months of April and May 2020; motion carried by roll call vote.

5. Correspondence – None**6. Consider the FY 2020-2021 Final LAFCo Budget**

3:11 p.m. – Opened Public Hearing

John reviewed the 2020/2021 final budget. The majority of the budget has remained consistent. The Calafco dues and Liability Insurance have increased. Because the county A-87 costs increased by a substantial amount, we are now contracting with the City of Williams for financial services. The county runs two years in arrears, so we may get a bill next year and possibly one the following year. Lafco has a contingency fund, so probably do not need to change the budget. The City of Williams will be a fixed charge of \$3,000.

3:20 p.m. – closed public hearing

On motion of M. Corona, second by G. Ponciano, the commission moved to approve Resolution 2020-0002 adopting a final FY 2020-2021 LAFCo Budget; motion carried by roll call vote.

7. Consider LAFCo's Policies and Procedures Update 2020.

3:21 p.m. – opened public hearing

John completed the review of LAFCo's Policies and Procedures. He stated that there is a Revenue Neutrality policy for all proposals, and he feels that it is important to keep this policy included in the document. The General Policies have remained the same. From time to time changes will be made to keep the policies current.

3:25 p.m. – Closed Public Hearing

On motion of B. Ash, second by M. Corona, the commission moved to approve Resolution 2020-0003 amending and updating Policies, Standards and Procedures; motion carried by roll call vote.

8. Request for a second extension of LAFCo File 2016-0001 Glenn Colusa Irrigation District Willows Detachment until June 3, 2021

3:26 p.m. – Opened Public Hearing

This extension is requested in order to keep the detachment application alive. This is in regards to the request that certain territory in the City of Willows be taken out of the Glenn Colusa Irrigation District (GCID).

3:28 p.m. – Closed Public Hearing

On motion of M. Corona, second by B. Ash, the commission moved to approve the extension request for the GCID Detachment until June 3, 2021.

9. Workshop regarding the Fire and EMS service review for fire agencies in Colusa County

John stated that he has received comments back from everybody. There needs to be a discussion with all of the chiefs together to find out what the issues are. Due to COVID-19, the discussion was postponed. John thinks that August would be a better time for a workshop; he recommends August 6, 2020. All of the Fire Chiefs will be invited. John will insure that invites are sent.

10. Executive Officer's Report

- a. Agreement with the City of Williams -- John stated that the City Council approved the agreement; it is just a matter of getting a signature. The County Auditor will transfer the LAFCo funds.

11. Commissioner Reports – Discussion – G. Ponciano provided an update on the tax sharing agreement between the County and City of Colusa for the Colusa Industrial Park. Some discussion followed regarding development standards and sphere of influence.

12. Next Colusa LAFCo meeting: August 6, 2020

Meeting adjourned 3:52 p.m.

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Colusa Local Agency Formation Commission

CLAIMS

For June and July 2020

Authorize payment of the following claims:

FY 2020-2021 EXPENSES:

Claims for June and July 2020:

July 1, 2020	Staff Svcs and Exp. – June 2020	\$ 5,298.80
5.16-20-6.15.20	Legal Svcs. P. Scott Browne	\$ 2,000.00
June 7, 2020	Frontier Phone June 2020	\$ 46.26
July 1, 2020	Staff Services and Exp – July 2020	\$ 5,921.77
4.16.20-5.15.20	Legal Svcs. P. Scott Browne	\$ 2,000.00
July 7, 2020	Frontier Phone July 2020	\$ 46.40

TOTAL: **\$ 15,313.23**

DATED: **August 6, 2020**

APPROVED: **August 6, 2020**

John Loudon, Chair
Colusa Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

Expenditure Category	Executive Off. Cont	Clerical Support	Workers Comp	Lgl Services	Insurance	Office Supplies	Postage	Copies
City Coding	7338	7320	7016	7321	7315	7339	7322	7322
	\$48,000.00	\$3,657.00	\$50.00	\$24,000.00	\$2,325.00	\$375.00	\$500.00	\$750.00
SDRMA Insurance 20-21 pre-paid					-2,325.00			
CALAFCo Dues 20-21								
Staff SVCS June 2020	-4,000.00	-175.00					-4.26	-50.80
Browne Ending 6.15.20				-2,000.00				
Frontier Phone June 7, 2020								
Staff SVCS July 2020	-4,000.00							-10.00
Browne Ending 7.15.20				-2,000.00				
Frontier Phone July 7, 2020								

Total Expended in FY 18-19	-8,000.00	-175.00	\$0.00	-4,000.00	-2,325.00	\$0.00	-4.26	-60.80
Total Remaining in FY 18-19	40,000.00	3,482.00	\$50.00	20,000.00	\$0.00	\$375.00	\$495.74	\$689.20

[illegible]

-\$1,319.00	-\$92.00	\$0.00	\$0.00	-\$176.17	\$0.00	\$0.00	-\$2,805.00	\$0.00	\$0.00	-\$18,957.23
\$500.00	\$3,908.00	\$2,500.00	\$750.00	\$1,223.83	\$5,000.00	\$16,000.00	\$13,195.00	\$5,000.00	\$3,000.00	\$116,168.77
								TOTAL Expenses 2020-2021		-\$18,957.23
							Prepaid	Total Expenses 2020-2021		-\$18,957.23
							Final	Carry forward from 2019-2020		\$107,694.84
								Prepaid Exp pd by County		\$3,644.00
								TOTAL Project Revenue		\$0.00
								Total Interest Deposits		
								Total City/Co Contributions		
							PAID city/county contributions			
								TOTAL Cash Balance		\$96,025.61
								TOTAL Budget Balance		\$116,168.77
								TOTAL Contingency Balance		-\$8,957.23
								TOTAL RESERVE		\$60,000.00

June 26, 2020

Mr. John Benoit
Executive Officer
Local Agency Formation Commission of Colusa
Post Office Box 2694
Granite Bay, California 95746

Re: SDRMA 2020-21 Coverage Documents

Dear Mr. Benoit,

On behalf of the Special District Risk Management Authority (SDRMA) Board of Directors and our entire risk management team, it is my pleasure to extend our sincere appreciation for your participation in our Property/Liability Program. The new program year begins July 1, and the following coverage documents will be available July 1 in the MemberPlus Online™ web-based portal:

Property/Liability Program

- Member's Certificate of Coverage (copy attached)
- California Vehicle Identification Cards (available in MemberPlus Online™ to print out and place in vehicles)

Complete coverage documents will be available by August 1 in SDRMA MemberPlus Online™.

We are pleased to provide a copy of the newly released 2018-19 Annual Report. The report includes a current organization overview with important information on our programs and membership.

Reminders

For **Property/Liability Program Members**, SDRMA provides an Employer "Hotline" for questions related to Employment Law. Best Best & Krieger is providing this service to SDRMA members and is one of the most experienced and largest public agency law firms with eight offices in California. The "Hotline" provides upper level management access to complimentary Employment Law related legal services on behalf of your agency after initial screening and referral by SDRMA. The goal is to reduce the frequency and severity of employment related claims which will have a direct impact on our pool's claim liabilities and expenses.

If you have any questions, please contact our office at memberplus@sdrma.org or 800.537.7790.

Sincerely,
Special District Risk Management Authority



Laura S. Gill
Chief Executive Officer

Enclosures: Certificate of Coverage, 2020-21 Important Dates to Remember, 2018-19 Annual Report

MEMBER'S CERTIFICATE OF COVERAGE

#6

Issue Date
7/1/2020

Provider Special District Risk Management Authority
1112 'I' Street, Suite 300
Sacramento, California 95814
800.537.7790 www.sdrma.org



Member Local Agency Formation Commission of Colusa
Post Office Box 2694
Granite Bay, California 95746

Member Number: 7528

This is to certify that coverages listed below have been issued to the Member named above for the period indicated. This certificate is not an insurance policy or an agreement of coverage and does not amend, extend or alter the coverage afforded by the agreements listed herein. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage described herein is subject to all the terms, exclusions, and conditions of the specific coverage document. This certificate of coverage evidences the limits of liability in effect at the inception of the agreements shown; limits shown may have been reduced by paid claims. This certificate is issued as a matter of information only and confers no rights upon the certificate holder.

Type of Coverage	Policy Number	Effective Date	Expiration Date	Limits
General Liability	LCA-SDRMA-202021	7/1/2020	7/1/2021	Per Occurrence
Bodily Injury				\$ 2,500,000
Property Damage				\$ 2,500,000
Public Officials Personal				\$ 500,000
Employment Benefits				\$ 2,500,000
Employee/Public Officials E & O				\$ 2,500,000
Employment Practices Liability				\$ 2,500,000
Employee/Public Officials Dishonesty	EDC-SDRMA-202021			\$ 1,000,000
Auto Liability	LCA-SDRMA-202021	7/1/2020	7/1/2021	Per Occurrence
Auto Bodily Injury				\$ 2,500,000
Auto Property Damage				\$ 2,500,000
Uninsured Motorist	UMI-SDRMA-202021			Limits on File

Laura S. Gill - Chief Executive Officer

Description: All listed coverage is in effect only for the time period specified.

Colusa Local Agency Formation Commission

Memorandum

August 6, 2020

TO: LAFCo Commissioners

FROM: John Benoit, Executive Officer

SUBJECT: Conflict of Interest Code Biennial Review.

Attachments: Colusa LAFCO's Conflict of Interest Code
2020 Local Agency Biennial Notice

Government code section 87300 et. seq. (the Political Reform Act) requires each local government agency to keep a conflict of interest code and update it to reflect changes that occur in the organization of an entity. The Local Agency Formation Commission (as well as other local agencies) is required to review and amend its Conflict of Interest code on even-numbered years. A biennial notice is normally sent out by the County Clerk or other official designated by the Board of Supervisors during the summer of even numbered years to each agency required to review its Conflict of Interest Code. After review or approval of the Conflict of Interest Code, LAFCO is required to submit any proposed changes to the Board of Supervisors acting as the code reviewing body.

Government code section 87311 requires review of a conflict of interest code to be carried out under procedures which guarantee to officers, employees, members and consultants of the agency and to residents of the County adequate notice and a fair opportunity to present their views. A conflict of interest code was adopted on November 6, 2003. To engage the public, a notice of Public Hearing was published prior to LAFCO adopting amending its conflict of interest code (which was included in LAFCo's Bylaws on November 6, 2003 (Resolution 2003-04)). Since that time LAFCO has found no amendments to that code necessary.

Recommendation:

Direct the Executive Officer to sign and transmit the 2018 Local Agency Biennial Notice to the County Clerk (or person designated by the Board of Supervisors) declaring LAFCO has reviewed its Conflict of Interest code and no amendment is required at this time.

Colusa County
Local Agency Formation Commission

Conflict of Interest Code

The Political Reform Act, Government Code Section 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted Title 2, California Code of Regulations, Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings conducted by the Fair Political Practices Commission. Therefore, the terms of Title 2 California Administrative Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the following list of designated and disclosure requirements constitute the Conflict of Interest Code of the Local Agency Formation Commission of Colusa County.

Designated officers and employees shall file Statements of Economic Interest (Form 730) with LAFCO, who will retain copies, and forward the original Statements for all Commissioners and the Executive Officer to the Colusa County Clerk. The original statements for all other designated employees will be retained by LAFCO.

Designated Employees and Disclosure Requirements

Designated officers and employees include the following:

- A) All members and alternate members of this Commission
- B) The Executive Officer
- C) Legal Counsel to the Commission
- D) Consultants employed by the Commission. The Chair of the Commission may determine in writing that a particular consultant, although a "designated employee," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this Code. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Designated employees and officers shall disclose the following:

All investments, sources of income or interests in real property within the Colusa Local Agency Formation Commission jurisdiction and business positions in which the designated employee or officer is a director, officer, partner, trustee, employee or holds any position of management, and which business does any contracting with the Local Agency Formation Commission, or which is located within the Local Agency Formation Commission jurisdiction.

2020 Local Agency Biennial Notice

Name_of_Agency: Colusa LAFCo

Mailing_Address: P.O. Box 2694 Granite Bay, CA 96746

Contact Person: John Benoit Phone No. 530.458.0593

Email: j.benoit4@icloud.com Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (check one BOX):

☐ An amendment is required. The following amendments are necessary:

(Check all that apply.)

- ☐ Include new positions
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (describe) _____

☐ The code is currently under review by the code reviewing body.

☒ No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than October 1, 2020, or by the date specified by your agency, if earlier, to:

Ann Nordyke, Clerk of the Board of Supervisors
547 Market Street, Suite 102
Colusa CA 95932

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

July 7, 2020

To: Local Agency Formation Commission
Members and Alternate Members

From: Shiva Frentzen, Committee Chair
CALAFCO Board Election Committee
CALAFCO Board of Directors



RE: IMPORTANT UPDATE - Elections for 2020/2021 CALAFCO Board of Directors

As you know, nominations are now open for the fall elections of the CALAFCO Board of Directors. Please refer to the announcement and nomination packet sent out to you on June 19, 2020 for details on which seats are open and other important information.

In that announcement we advised you that if we are unable to have an in-person annual conference due to the COVID-19 pandemic, the elections will be conducted by all mail ballot. As the in-person annual conference has been cancelled, the 2020 Board of Directors elections will be an electronic ballot procedure.

- ✓ We will use the timelines outlined in CALAFCO policies as detailed in the June 19 announcement with some slight modifications as provided below.
- ✓ CALAFCO still needs the name of your voting delegate. Please also provide their title and email address as the ballot will be emailed directly to your voting delegate. The voting delegate will also cast votes on behalf of your LAFCo at whatever virtual annual business meeting we may have.

Since there will be no caucus, there is no ability to nominate a candidate from the floor. All nominations must come from the nomination packets submitted and acknowledged as received by the deadline of September 22, 2020 at 5:00 p.m.

Please inform your Commission that the CALAFCO Election Committee is accepting nominations until *Tuesday, September 22, 2020 at 5:00 p.m. and that this is the only way to get your name on the ballot and be considered for election.*

The election committee and CALAFCO staff will meet virtually the morning of October 22 for purposes of tabulating the results and certifying the election. All election documents will be available for member LAFCo inspection upon request.

- **June 19** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 22** – Completed Nomination packet due
- **September 22** – Voting delegate name and email address due to CALAFCO
- **October 7** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 7** – Distribution of ballots by email to voting delegate
- **October 21** – Ballots due to CALAFCO by 4:00 p.m. – NO LATE BALLOTS WILL BE ACCEPTED
- **October 22** – Elections tabulated by the Elections Committee and an announcement made to the membership

Please direct any questions you have about the election process to Executive Director Pamela Miller at pmiller@calafco.org or by calling her at 916-442-6536; or to the Election Committee Chair Shiva Frentzen at sfrentzen@calafco.org or by calling her at 530-621-5390.

June 19, 2020

To: Local Agency Formation Commission
Members and Alternate Members

From: Shiva Frentzen, Committee Chair
CALAFCO Board Election Committee
CALAFCO Board of Directors



RE: Nominations for 2020/2021 CALAFCO Board of Directors

Nominations are now open for the fall elections of the CALAFCO Board of Directors. Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal and operational issues that affect us all. The Board meets four to five times each year at alternate sites around the state. Any LAFCo commissioner or alternate commissioner is eligible to run for a Board seat.

CALAFCO's Election Committee is accepting nominations for the eight (8) seats noted below on the CALAFCO Board of Directors. There are two (2) open in each region as follows:

Central Region

County Member
District Member

Southern Region

City Member
Public Member

Northern Region

City Member
Public Member

Coastal Region

County Member
District Member

The election will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 22, 2020 at the Hyatt Regency in Monterey, CA. *If we are unable to have an in-person annual conference due to the COVID-19 pandemic, the elections will be conducted by all mail ballot. This means there will be no nominations from the floor as part of the usual caucus procedures.*

Please inform your Commission that the CALAFCO Election Committee is accepting nominations for the above-cited seats until *Tuesday, September 22, 2020 at 5:00 p.m.*

Incumbents are eligible to run for another term. Nominations received by September 22 will be included in the Election Committee's Report and will be on the ballot. The Report will be distributed to LAFCo members no later than October 7, 2020 and ballots made available to Voting Delegates at the Annual Conference. Nominations received after this date will be returned; however, nominations will be permitted from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCos who cannot send a representative to the Annual Meeting an electronic ballot will be made available if requested in advance. **The ballot request must be made no later than Tuesday, September 22, 2020. Completed absentee ballots must be returned by 8:00 a.m., Monday, October 19, 2020.**

Should your Commission nominate a candidate, the Chair of your Commission must complete the attached Nomination Form and the Candidate's Resume Form or provide the specified information in another format other than a resume. Commissions may also include a letter of recommendation or resolution in support of their nominee.

The nomination forms and materials must be received by the CALAFCO Executive Director no later than Tuesday, September 22, 2020 at 5:00 p.m. Here is a summary of the deadlines for this year's nomination process:

- **June 23** – Nomination Announcement and packet sent to LAFCo membership and posted on the CALAFCO website.
- **September 22** – Completed Nomination packet due
- **September 22** – Request for an absentee/electronic ballot due
- **September 22** – Voting delegate name due to CALAFCO
- **October 7** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 7** – Distribution of requested absentee/electronic ballots.
- **October 19** – Absentee ballots due to CALAFCO
- **October 22** - Elections

Returning the nomination form prior to the deadline ensures your nominee is placed on the ballot. Names will be listed in the order nominations were received should there be multiple candidates. Electronic filing of nomination forms and materials is encouraged to facilitate the recruitment process. Please send e-mails with forms and materials to Info@calafco.org. Alternatively, nomination forms and materials can be mailed or faxed to the address or fax number below. Please forward nominations to:

CALAFCO Election Committee c/o Executive Director
California Association of Local Agency Formation Commissions
1020 12th Street, Suite 222
Sacramento, California 95814
FAX: 916-442-6535
EMAIL: info@calafco.org

Questions about the election process can be sent to the Chair of the Committee, Shiva Frentzen, at sfrentzen@calafco.org or by calling her at 530-621-5390. You may also contact CALAFCO Executive Director Pamela Miller at pmiller@calafco.org or by calling 916-442-6536.

Members of the 2020/2021 CALAFCO Election Committee are:

Shiva Frentzen, Chair sfrentzen@calafco.org	El Dorado LAFCo (Central Region) 530-621-5390
David Couch dcouch@cityofarcata.org	Humboldt LAFCo (Northern Region) 530-242-1112
Jo MacKenzie jmackenzie@calafco.org	San Diego LAFCo (Southern Region) 858-614-7755
Tom Murray tmurray@calafco.org	San Luis Obispo LAFCo (Coastal Region) 805-781-5795

Attached please find a copy of the CALAFCO Board of Directors Nomination and Election Procedures as well as the current listing of Board Members and corresponding terms of office.

Please consider joining us!

Enclosures

Colusa Local Agency Formation Commission

August 6, 2020

The Honorable Lorena Gonzalez
Chair, Appropriations Committee
California State Assembly
State Capitol, Room 2114
Sacramento, CA 95814

RE: SB 414 – Small System Water Authority Act of 2020 – OPPOSE PROPOSED AMENDMENTS

Dear Chair Gonzalez:

The Colusa Local Agency Formation Commission (LAFCo), joins the California Association of Local Agency Formation Commissions (CALAFCO) to oppose the proposed pending amendments for **SB 414** (Caballero). The bill is currently being held in your committee. While there are vast policy issues with the proposed amendments, this letter will focus our concerns to you and your committee on the fiscal issues of the proposed amendments.

According to the sponsors, in an effort to reduce costs associated with the bill, the role of LAFCos that exist in the current version of the bill (dated June 25, 2019) is being drastically reduced. The proposed amendments strip LAFCos of their authority in the formation of the new water authority – a public agency that would otherwise be formed at the discretion of and by the authority of LAFCo. Additionally, they remove LAFCos' authority to dissolve a public water system as authorized by the State Water Resources Control Board (SWRCB) and as part of the formation process of the new authority.

The sponsors have also indicated the proposed amendments that change numerous processes in SB 414 are intended to reflect closer alignment with processes and SWRCB authority existing in SB 88 (2015, Committee on Budget & Fiscal Review) and AB 2501 (2018, Chu). These laws deal with consolidation of existing water systems, whereas SB 414 creates a new type of public water system and reflects the formation of a new public entity (as well as dissolving existing public and private systems). One simply should not be compared to the other.

The current version of the bill, as noted in last fiscal analysis on August 21, 2019 in your committee, reflects a cost of up to \$10.65 million to LAFCos for authority formations, which represents only 11.5% of the total cost estimate of \$89.15 million. Using the fiscal projections in the current bill, the costs associated with LAFCo are far below every other entity and related provision (with one exception) of the dissolutions; formations; administration; SWRCB support and support for the authorities once formed. The cost for LAFCos to perform the dissolution of public water systems and to form the new authority are far likely to be less than having the SWRCB perform these functions. Consequently, we believe this creates a false perception that the overall cost will be reduced by removing LAFCo from the process. Transitioning these processes to a state agency rather than keeping them at the local level does not in fact reduce costs – it simply transfers the cost from the local level to the state level. Further, we would assert the cost is less at the LAFCo level.

Finally, the proposed pending amendments require LAFCos to (1) review the proposed plan and provide recommendations to the SWRCB; (2) hold a public hearing to allow for public comment on the dissolution of the public water system mandated by the SWRCB for dissolution and provide all

comments to the SWRCB: (3) hold two public hearings to receive input on the proposed plan for the new authority, summarize comments received and provide a report to the SWRCB; (4) review a report on the authority's performance for the first three years; (5) hold a public hearing as directed by the SWRCB if the new authority is failing to comply with the plan to review the authority's performance and provide a report back to the SWRCB on comments received at the hearing.

The proposed pending amendments remove all the funding for LAFCo for all the actions still required by the bill as noted above. Section 78038(a) adds a clause to address funding for only the two public hearings to consider the draft conceptual plan and prepare the required report – and only if – they (LAFCo) *“incur extraordinary costs over and above its normal budgeted operating expenses for conducting the public hearing and preparing the report to the state board”*. All of the LAFCo expenses related to SB 414 are over and above normal operating budget costs and in order to cover them should the state not, it is likely we will have to increase fees to the local government agencies that pay into the LAFCo annually (cities, counties, and special districts).

LAFCos need to be added to the language in Section 78115 (a)(1). All other entities, including the Public Utilities Commission, have some level of funding in the proposed pending amendments. To eliminate the funding for the one local agency involved and retain funding for all state agencies involved is inappropriate and puts the collection of that funding on the backs of local government.

For these fiscal reasons, we oppose the proposed pending amendments to **SB 414** and strongly urge your committee to reject the amendments and hold the bill.

Please do not hesitate to contact me if you have any questions about our OPPOSE position to the proposed amendments on **SB 414**.

Yours Sincerely,

Chair
Colusa LAFCo

cc: Members, Assembly Appropriations Committee
Honorable Senator Caballero
Jennifer Galehouse, Assembly Appropriations Committee Deputy Chief Consultant
Suzanne Sutton, Consultant, Senate Republican Caucus
Pamela Miller, Executive Director, CALAFCO

Colusa Local Agency Formation Commission

August 6, 2020

The Honorable Anna Caballero
California State Senate
State Capitol, Room 5052
Sacramento, CA 95814

RE: SB 414 – Small System Water Authority Act of 2020 – OPPOSE PROPOSED AMENDMENTS

Dear Senator Caballero:

The Colusa Local Agency Formation Commission (LAFCO), joins the California Association of Local Agency Formation Commissions (CALAFCO) in opposing the proposed pending amendments for your bill **SB 414**. It is our understanding you are planning amendments to be done in Assembly Appropriations where the bill is currently being held in Suspense.

We support efforts to ensure all Californians have safe, affordable drinking water. However, the proposed amendments have such a substantive negative impact to local agency formation commission (LAFCos) that we must now oppose them.

It is our understanding these changes are an effort to reduce the cost of the bill, and to closer align processes and State Water Resources Control Board (SWRCB) authority existing in SB 88 (2015, Committee on Budget & Fiscal Review) and AB 2501 (2018, Chu). These laws deal with consolidation of existing water systems, whereas SB 414 creates a new type of public water system and reflects the formation of a new public entity (as well as dissolving existing public and private systems). One simply should not be compared to the other.

The proposed amendments strip LAFCos of their part and authority in the formation of the new water authority – a public agency that would otherwise be formed at the discretion of and by the authority of LAFCo. Additionally, they remove LAFCos' authority to dissolve a public water system as authorized by the SWRCB and as part of the formation process of the new authority. As you know, formation of a new, local public agency has been the authority of LAFCo since 1963 when the Legislature created them. To now turn that authority over to the SWRCB in an effort to "save money" or "streamline the process", we believe, creates a false perception that the cost will be reduced and sets a dangerous precedent.

SECTION 1 of the bill is being completely stricken and therefore divests LAFCo of all involvement in the formation process and it removes LAFCo from the process of dissolving any public water system identified by the SWRCB as mandated for dissolution and inclusion into the new authority except for holding a public hearing on the matter. Not only does this removal divest LAFCo of their authority and give it to the SWRCB, it eliminates the Plan for Service requirements to be included in the draft conceptual formation plan. All other public agencies are subject to submit a comprehensive Plan for Service when applying to provide services and exempting the authority from doing so sets a precedent.

Code Section 78038(b) proposes to give quasi-legislative authority to the SWRCB in the action to form the new authority. The Legislature created LAFCo as a quasi-legislative body decades ago to do this very thing. While the Legislature has exercised its authority to create new service providers in the past, until

now there has been no state agency with that authority. We fail to understand the need to create an entity at the state level to do something LAFcos have been effectively doing for 57 years – forming new districts – that happen at the local level.

LAFco is being excluded from several critical notification points:

- Code Section 78033(a)(1) excludes LAFco from the list of entities the SWRCB is to notify of their intent to form the authority. *LAFco needs to be included in the list of other local agencies receiving such notification* (such as cities, county, water districts, etc.). Further, this section allows the SWRCB to invite other public water suppliers to consider dissolving and join the authority. Without including LAFco on the notification under this section, we would be in the dark regarding those local districts (both independent and dependent) that may consider dissolving.
- Code Section 78033(a)(2)(A) excludes LAFco notification from an entity wishing to consolidate into a proposed authority. *LAFco needs to be included in this notification.*
- Code Section 78033(a)(2)(B) provides that customers of an entity wishing to join a proposed authority petition the SWRCB directly. Not only does this keep LAFco in the dark, it is a run-around of the current service provider as there appears to be no notification to them.
- Code Section 78033(b) allows the governing board of a county or city dependent special district to notify the formation coordinator they wish to opt into the new authority. Here again, without LAFco receiving this notification there is no way for us to know of the pending dissolution.

In addition to removing LAFcos' existing authority from the formation process of a public agency service provider, we are concerned about Code Section 78037(a)(3) which requires the LAFco to hold a public hearing to allow for public comment on the dissolution of the public water system mandated for dissolution by the SWRCB and requires the LAFco to provide all comments back to the SWRCB for consideration (without the funding to do either). The section also states the dissolution shall be ordered upon completion of the public hearing. We question the purpose of reporting back the public comments to the SWRCB for consideration if the dissolution is ordered immediately upon closure of the public hearing.

If one of the goals of these amendments is to closer align processes with SB 88, then it would stand to reason the SWRCB would be the entity conducting the public hearing (pursuant to Code Section 116682 of the Health and Safety Code), especially given the fact that with these amendments, the LAFco no longer has any other part in the actual dissolution.

Ordering a dissolution for a service provider who is currently providing service requires a successor agency to assume the delivery of service as well as all the assets and liabilities of the entity being dissolved. Code Section 78037(a)(4) requires the order of dissolution to make appropriate equitable arrangements for the interim operation of the public water system until the formation of the authority is complete, and they are prepared to take over service delivery. While that "interim" service provider may be identified in the draft conceptual formation plan, 78037(a)(4) does not explicitly state to whom the service, assets and liabilities should be transferred. We suggest language be added to explicitly state the interim operator as identified in the approved conceptual formation plan.

Proposed amendments to the draft conceptual plan

We have a few concerns relating to the draft conceptual plan as noted below.

- Code Section 78035(c) requires the formation coordinator to submit the draft conceptual formation plan to the SWRCB and any applicable LAFco for comments within 60 days of its receipt. Further, the formation coordinator shall finalize the plan for public comment no later than 30 days after receiving comments from the SWRCB. What is left out of this section are the comments on the plan from the LAFco. Undoubtedly, as the local agency who is responsible for the formation of public agencies, LAFcos know what to look for and consider when reviewing formation plans. *The LAFco comments need to be considered by the SWRCB and the formation coordinator before the document is available for public comment.*

- Code Section 78038 requires LAFCo to hold two public hearings on the draft conceptual formation plan and to subsequently submit a report to the SWRCB summarizing public comment and any recommendations the LAFCo may have for the SWRCB on the plan. *We would like to see amendments requiring the SWRCB to specifically adopt or reject each of our recommendation on the draft plan and explain their response for those decisions.*

Removing funding for LAFCo mandates

The current version of the bill reflects a cost of up to \$10.65 million to LAFCos for authority formations, which represents only 11.5% of the total cost estimate of \$89.15 million. Using these projections, the costs associated with LAFCo are far below every other entity and related provision (with one exception) of the dissolutions; formations; administration; SWRCB support and support for the authorities once formed. The cost for LAFCos to perform the dissolution of public water systems and to form the new authority are far likely to be less than having the SWRCB perform these functions. Consequently, we believe this creates a false perception that the overall cost will be reduced by removing LAFCo from the process. Transitioning these processes to a state agency rather than keeping them at the local level does not in fact reduce costs – it simply transfers the cost from the local level to the state level. Further, we would assert the cost is less at the LAFCo level.

Finally, the proposed pending amendments require LAFCos to (1) review the proposed plan and provide recommendations to the SWRCB; (2) hold a public hearing to allow for public comment on the dissolution of the public water system mandated by the SWRCB for dissolution and provide all comments to the SWRCB; (3) hold two public hearings to receive input on the proposed plan for the new authority, summarize comments received and provide a report to the SWRCB; (4) review a report on the authority's performance for the first three years; and (5) hold a public hearing as directed by the SWRCB if the new authority is failing to comply with the plan to review the authority's performance and provide a report back to the SWRCB on comments received at the hearing.

The proposed pending amendments remove all the funding for LAFCo for all the actions still required by the bill as noted above. Section 78038(a) adds a clause to address funding for only the two public hearings to consider the draft conceptual plan and prepare the required report – and only if – they (LAFCo) “incur extraordinary costs over and above its normal budgeted operating expenses for conducting the public hearing and preparing the report to the state board”. All of the LAFCo expenses related to SB 414 are over and above normal operating budget costs and in order to cover them should the state not, it is highly likely we will have to increase fees to the local government agencies that pay into the LAFCo annually (cities, counties, and special districts).

We strongly believe LAFCos need to be added to the language in Section 78115 (a)(1). All other entities, including the Public Utilities Commission, have some level of funding in the proposed pending amendments. To eliminate the funding for the one local agency involved and retain funding for all state agencies involved puts the collection of that funding on the backs of local government.

Please do not hesitate to contact me if you have any questions about our OPPOSE position to the proposed amendments on **SB 414**.

Yours Sincerely,

Chair
Colusa LAFCo

Cc: Assembly Local Government Committee
Assembly Environmental Safety & Toxic Materials Committee
Senate Governance and Finance Committee
Senate Environmental Quality Committee
Pamela Miller, Executive Director, CALAFCO