

Colusa Local Agency Formation Commission

Regular Meeting Agenda

Thursday – July 7, 2022

**Board of Supervisors Chambers
546 Jay Street
Colusa, CA.**

3:00 PM

This will be a Physical Meeting
(A Zoom option is available for the public)

(All meeting materials are available on LAFCo's Website: www.colusalafco.org)

In person meeting: Required for all Commissioners. The Colusa LAFCO meeting will be open to in-person attendance. To remain in compliance with the state's public health guidance and CalOSHA COVID-19 Emergency Temporary Regulations [8 CCR §3205], masks will be encouraged to be worn by individuals who are not fully vaccinated while inside the County Administration building and while in the Board Chambers.

Zoom meeting: The Commission proceedings are available via Zoom. Pursuant to Government Code section 54953, local legislative bodies may hold public meetings via teleconference. Additionally, even when members of the local legislative body are attending meeting in person the local legislative body may make public meetings accessible telephonically or otherwise electronically to all members of the public. Members of the public are encouraged to observe and participate in the teleconference.

Oral public comments will be subject to a three-minute time limitation indicated below.

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

ZOOM INFORMATION

Topic: Colusa LAFCo

Time: Jul 7, 2022 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84583912808?pwd=PwOvB99-Ckw5zXQOxoJ1CCPbZPO3IO.1>

Meeting ID: 845 8391 2808

Passcode: 369313

One tap mobile

+16694449171,,84583912808#,,, *369313# US

+16699006833,,84583912808#,,,,*369313# US (San Jose)

Dial by your location

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

Meeting ID: 845 8391 2808

Passcode: 369313

Find your local number: <https://us02web.zoom.us/j/kcPKm9xt37>

1. Call to Order/Roll Call

Commissioners

Sajit Singh, (Williams, City)

Denise Carter (Chair, County)

Merced Corona (Vice-Chair County)

Brandon Ash (Public)

Greg Ponciano (Colusa, City)

Alternates

Kent Boes (County Alternate)

Tom Reische (City Alternate)

John Loudon, (Public Member Alternate)

Staff

John Benoit, Executive Officer

P. Scott Browne, Legal Counsel

Lora Ceccon Clerk

2. Election of Chair and Vice-Chair for Fiscal Year 2022-2023

a. Election of Chair

b. Election of Vice-Chair

3. Consider Minutes from May 5, 2022

a. The May 5th, 2022 LAFCo minutes will be on the next available agenda

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 (two items)

a. Payment of claims for the months of May and June 2022

b. Consider Resolution 2022-0006 regarding remote teleconferencing meetings.

5. Correspondence:

Public Hearing:

6. Public Hearing regarding a MSR and Sphere report prepared for the Cemetery Districts in Colusa County including the Arbuckle, Colusa, Cypress Hill, Grand Island, Maxwell, Princeton, Stonyford-Indian Valley and the Williams Cemetery Districts.

- a) *Open Public Hearing and receive comment and close public hearing*
- b) *Consider Resolution 2022-0007 adopting a Municipal Service Review for Cemetery Districts in Colusa County*
- c) *Consider Resolution 2022-0008 adopting a Sphere of Influence for Cemetery Districts in Colusa County.*

7. Calafco Conference Matters

- a. *Consider nomination of a City Member or a Public Member for the Calafco Board of Directors*
- b. *Consider Attendance at the Calafco Annual conference in Santa Ana – Oct 19-21st*
- c. *Designate voting delegate and alterante to represent and vote on behalf of LAFCo at the Calafco Annual Conference*
- d. *Authorize the expenditure of funds to attend the Calafco Annual Conference.*
- e. *Calafco Achievement Awards Nominations.*

8. Executive Officer’s Report:

*Comprehensive Bylaw Update
SB 938 Action for Governor’s Signature*

9. 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

10. Next Colusa LAFCo meeting: August 4, 2022

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 56331.4

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) 619-5128 or by mail at Colusa LAFCO P.O. Box 2694, Granite Bay Ca 95746 or by email at lafco@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

RESOLUTION NO. 2022-0006

A RESOLUTION OF THE COLUSA LAFCO OF THE AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE COMMISSION PURSUANT TO GOVERNMENT CODE SECTION 54953(e)

WHEREAS, Government Code section 54953(e), as amended by Assembly Bill No. 361, allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined, by majority vote, pursuant to option 2, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the Governor of California proclaimed a state of emergency pursuant to Government Code section 8625 on March 4, 2020; and

WHEREAS, the COLUSA LAFCO desires to hold its public meetings by teleconference consistent with Government Code section 54953(e).

NOW, THEREFORE, THE COLUSA LAFCO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Conditions are Met. The COLUSA LAFCO hereby finds and declares the following, as required by Government Code section 54953(e)(3):

1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect.
2. The reasons for adopting this resolution are one or more of the following:
 - a. State or local officials have imposed or recommended measures to promote social distancing.

- b. The legislative body is holding the meeting for the purpose of determining whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
- c. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

PASSED AND ADOPTED by the Colusa LAFCo, this 7th day of July 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Denise Carter, Chair

Colusa Local Agency Formation Commission

ATTEST:

John Benoit, Executive Officer

COLUSA LOCAL AGENCY FORMATION COMMISSION,

Colusa Local Agency Formation Commission

CLAIMS

May and June 2022

Authorize payment of the following claims:

FY 2021-2022 EXPENSES:

FY 21-22 Claims for May and June 2022:

6.1.22	Pioneer Review Final 22-23 Budget	\$ 54.00
4.16.22-5.15.22	Legal Svcs. P. Scott Browne	\$ 2,000.00
June 1, 2022	Staff Svcs and Exp May 22	\$ 5,054.60
July 1, 2022	Staff Svcs and Exp. –June 2022	\$ 4,747.03
5.16-22-6-15.22	Legal Svcs. P. Scott Browne	\$ 2,000.00
June 7, 2022	Pioneer Review	\$ 60.00
TOTAL:		\$ 13,915.63

Claims for FY 2022-2023 bills to be paid

July 1, 2022	Calafco Dues FY 22-23	\$ 1,372.00
July 1, 2022	SDRMA Liability Insurance FY 22-23	\$ 2,824.92
TOTAL:		\$ 4,196.92

DATED: July 7, 2022

APPROVED: July 7, 2022

Denise Carter , Chair
Colusa Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

Expenditure Category City Coding	Executive Off. 7338	Co Clerical Supp 7320	Workers Com 7016	Lgl Services 7321	Insurance 7315	Office Suppli 7339	Postage 7322	Copies 7322	Memberships 7319
	\$48,000.00	\$3,657.00	\$50.00	\$24,000.00	\$2,497.22	\$375.00	\$500.00	\$750.00	\$1,808.00
SDRMA Insurance 21-22					-\$2,573.06				
CALAFCo Dues 21-22									-\$1,308.00
Staff Svcs July 2021	-\$4,000.00					-\$24.95			
Frontier phone forwarding Browne ending 7.15.21 #940				-\$2,000.00					
Calafco Conf. Reglst 2021 Corona and Ponciano Staff Svcs August 2021	-\$4,000.00	-\$175.00						-\$25.00	
Browne ending 8.15.2021				-\$2,000.00					
Frontier phone July 7, 2021 Staff Svcs September 2021	-\$4,000.00	-\$175.00						-\$10.00	
Browne ending 9.15.21				-\$2,000.00					
Staff Svcs October 2021	-\$4,000.00							-\$10.00	
Browne ending 10.15.2021				-\$2,000.00					
2022 CSDA Membership Renewal									-\$500.00
Reimbursement from Front Phone Browne ending 11.15.21				-\$2,000.00					
Staff Svcs Nov 2021	-\$4,000.00	-\$175.00					-\$1.80	-\$50.00	
Staff Svcs December 2021	-\$4,000.00						-\$2.56	-\$10.00	
Browne ending 12.15.21				-\$2,000.00					
REVENUE Cheney Annex									
Staff Svcs January 2022 22-013	-\$4,000.00	-\$175.00				-\$66.04			
Browne ending 1.15.22				-\$2,000.00					
Browne ending 2.15.2022				-\$2,000.00					
Staff Svcs Feb 2022 22-0017	-\$4,000.00								
Pioneer Review Prop 22-23 budget									
Staff Svcs March 2022	-\$4,000.00	-\$175.00				-\$83.33		-\$9.20	
Browne ending 3.15.22				-\$2,000.00					
Staff Svcs April 2022	-\$4,000.00								
Browne ending 4.15.2022				-\$2,000.00					
Pioneer Review Final 22-23 Budget									
Browne ending 5.15.22				-\$2,000.00					
Staff SVCS May 2022	-\$4,000.00					-\$52.09		-\$15.00	
Staff Svcs June 2022	-\$4,000.00	-\$175.00						-\$10.00	
Browne ending 6.15.22				-\$2,000.00					
Pioneer Review Cem Dists MSR&SOI									
Total Expended in FY 21-22	-\$48,000.00	-\$1,050.00	\$0.00	-\$24,000.00	-\$2,573.06	-\$226.41	-\$4.36	-\$139.20	-\$1,808.00
Total Remaining in FY 21-22	\$0.00	\$2,607.00	\$50.00	\$0.00	-\$75.84	\$148.59	\$495.64	\$610.80	\$0.00

Resolution 2022-0007 of the
Colusa Local Agency Formation Commission

*Approving a Municipal Service Review of Cemetery Services Provided within Colusa County and
Adopting Written Determinations Thereon*

WHEREAS, California Government Code Section 56425 requires that a Local Agency Formation Commission (“LAFCO”) 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 3rd, 2004, the Commission adopted its Work Plan and included a schedule for initiation of Municipal Service Reviews (MSRs) and Spheres of Influence; and

WHEREAS, the Commission adopted Resolution 2004-03 on March 4th, 2004 establishing guidelines for conducting MSRs, which applies to this MSR for services provided by Cemetery Districts within Colusa County; 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 Cemetery services provided within Colusa County, including approval of the report and adoption of the written determinations contained therein; and,

WHEREAS, the Commission hereby determines that the hearing draft of the Municipal Service Review for Cemetery services provided within Colusa County and written determinations contained therein will provide information for updating the Sphere of Influence for Cemetery Districts within Colusa County, 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 Colusa Local Agency Formation Commission hereby resolves, orders and determines the following:

- 1) The Municipal Service Review for Cemetery Services provided in Colusa County, 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 Cemetery services.
- 3) LAFCO staff is further ordered to forward copies of this resolution containing the adopted Municipal Service Review to all cemetery agencies within Colusa County and specifically the following:
 - Arbuckle Cemetery District
 - College City Cemetery District
 - Colusa Cemetery District
 - Cypress Hill Cemetery District
 - Grand Island Cemetery District
 - Maxwell Cemetery District
 - Princeton Cemetery District
 - Stonyford-Indian Valley Cemetery District
 - Williams Cemetery District

The foregoing resolution was duly passed by the Local Agency Formation Commission of Colusa County at a regular meeting held on July 7, 2022, by the following roll call vote:

Ayes:

Noes:

Absentions:

Absent:

Signed and approved by me after its passage this seventh day of July 2022.

Denise Carter, Chair
Colusa LAFCO

Attest:

John Benoit, Executive Officer
Colusa LOCAL AGENCY FORMATION COMMISSION,

Resolution No. 2022-0008

LOCAL AGENCY FORMATION COMMISSION OF COLUSA COUNTY

A Resolution Making Determinations and Approving A Sphere of Influence Update for the Arbuckle Cemetery District, the College City Cemetery District, the Colusa Cemetery District, the Cypress Hill Cemetery District, the Grand Island Cemetery District, the Maxwell Cemetery District, the Princeton Cemetery District, the Stonyford-Indian Valley Cemetery District, and the Williams Cemetery 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 Colusa, in compliance with the aforementioned requirement, is providing a "plan for the probable physical boundaries and service area" for the Arbuckle Cemetery District, the College City Cemetery District, the Colusa Cemetery District, the Cypress Hill Cemetery District, the Grand Island Cemetery District, the Maxwell Cemetery District, the Princeton Cemetery District, the Stonyford-Indian Valley Cemetery District, and the Williams Cemetery District; and

WHEREAS, the Commission has set the hearing date of July 7, 2022, for the update of the sphere of influence for the Arbuckle Cemetery District, the College City Cemetery District, the Colusa Cemetery District, the Cypress Hill Cemetery District, the Grand Island Cemetery District, the Maxwell Cemetery District, the Princeton Cemetery District, the Stonyford-Indian Valley Cemetery District, and the Williams Cemetery 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 cemetery services provided by the Arbuckle Cemetery District, the College City Cemetery District, the Colusa Cemetery District, the Cypress Hill Cemetery District, the Grand Island Cemetery District, the Maxwell Cemetery District, the Princeton Cemetery District, the Stonyford-Indian Valley Cemetery District, and the Williams Cemetery 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 Map which are attached hereto and incorporated herein; and

WHEREAS, Colusa LAFCO prepared and a notice of exemption for such action since there is no change in the proposed boundaries; 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 Colusa Local Agency Formation Commission does hereby find and determine as follows:

1. That the proposed sphere of influence update with respect to the, the Arbuckle Cemetery District, the College City Cemetery District, the Colusa Cemetery District, the Cypress Hill Cemetery District, the Grand Island Cemetery District, the Maxwell Cemetery District, the Princeton Cemetery District, the Stonyford-Indian Valley Cemetery District, and the Williams Cemetery District complies with the provisions of Government Code Section 56000, *et seq.*
2. That no significant protests 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. That the Sphere of Influence Update Report, Executive Officer's Report, and Map for the Cemetery Districts updated Sphere of Influence is hereby adopted and approved as set forth in Attachment "A".

PASSED AND ADOPTED at a regular meeting of the Colusa Local Agency Formation Commission, on the 7th day of July 2022, by the following vote:

AYES:

NOES:

ABSENT

ABSTAIN:

Denise Carter, Chair
Colusa Local Agency Formation
Commission

Attest:

John Benoit, Executive Officer, Colusa LAFCo

COLUSA LAFCO
FOURTH AMENDMENT TO AGREEMENT FOR
THE PROVISION OF LAFCO STAFF SERVICES

This is the fourth Amendment to the Agreement for the Provision of LAFCo Staff Services between the Colusa Local Agency Formation Commission, a public agency, and John Benoit, Contractor, dated March 6th, 2003, first amended on July 5th, 2007 and second amended on July 1, 2017 and third amended on July 1, 2021.

Article 2, Section 2.1.1 is amended to read in its entirety as follows:

2.1.1 LAFCo shall pay Contractor the monthly amount of \$4,256.00 for general services together with reimbursement for office expenses as provided in Section 2.2 below. Funding for this Agreement is included in the adopted LAFCo Budget and payment shall be made upon monthly submission of an invoice. General services do not include the items specified as special projects set forth in Section 2.1.2 below nor monthly hosting costs and other out of pocket costs, if any, of maintaining the LAFCo website.

Except as specifically set forth herein, all remaining terms and conditions of the Agreement for Executive Officer Services dated March 6th, 2003, and the hereinabove referenced amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on July 7, 2022.

LAFCo

CONTRACTOR

Denise Carter, Chair

John Benoit, Contractor

APPROVED AS TO FORM:

P. Scott Browne, LAFCO Counsel

COLUSA LAFCO
THIRD AMENDMENT TO AGREEMENT FOR
LEGAL SERVICES

This is the Third Amendment to the Agreement for Legal Services between the COLUSA Local Agency Formation Commission, a public agency, and P. Scott Browne, Attorney at Law, dated JULY 3RD, 2003, amended on JULY 5th 2007, and July 1, 2017.

Section II – Paragraphs A and B are amended to read in their entirety as follows:

A. Compensation

LAFCo shall pay Contractor Two-Thousand One Hundred and Twenty Eight dollars per month (\$2,128.00) effective July 1, 2022 for legal services rendered pursuant to this Agreement. Funding for the Agreement is included in the LAFCo budget and payment shall be made upon monthly submission of an itemized statement.

B. Compensation for Litigation

Contractor shall be paid at a rate of Two Hundred Sixty Six Dollars (\$266.00) per hour for litigation, effective July 1, 2022.

Except as specifically set forth herein, all remaining terms and conditions of the agreement for Professional Services dated July 3rd, 2003, and the hereinabove referenced amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on July 7, 2022.

LAFCo

CONTRACTOR

Denise Carter Chair

P. Scott Browne, Contractor

APPROVED AS TO FORM:
P. Scott Browne, LAFCO Counsel

Colusa Local Agency Formation Commission

July 7, 2022

The Honorable Gavin Newsom
Governor, State of California
State Capitol
Sacramento, CA 95814

Re: REQUEST FOR SIGNATURE

SB 938 (Hertzberg): The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000: protest proceedings: procedural consolidation.

Dear Governor Newsom:

The Colusa Local Agency Formation Commission (LAFCo), respectfully requests your signature on Senate Bill 938 by Senate Majority Leader Emeritus Hertzberg. The California Association of Local Agency Formation Commissions (CALAFCO) is the sponsor of this important measure, which unanimously passed both the Senate and Assembly and has broad stakeholder support. SB 938 represents a collaborative three-year effort to clean up, consolidate, and clarify existing statutory provisions associated with consolidations and dissolutions, as well as codify the conditions under which a Local Agency Formation Commission (LAFCo) may initiate dissolution of a district at the 25% protest threshold.

The statutes related to protest provisions and the disparate protest thresholds established for LAFCo-initiated actions (10%) and all other initiated actions (25%) make addressing necessary and appropriate special district consolidations and dissolutions considerably more difficult when initiated by a LAFCo. Further, they serve as a deterrent for LAFCo to initiate action, even if meaningful efficiencies in the provision of public services could be achieved or if a district is failing to meet its statutory requirements. A statewide study conducted by CALAFCO in 2018 found that the 10% protest threshold was the second-most common deterrent for LAFCos initiating action (the first being the lack of funding).

In response to a recommendation made in the 2017 Little Hoover Commission report after a year-long study (Special Districts: Improving Oversight and Transparency), CALAFCO initiated a working group of stakeholders in early 2019 to examine the protest process for consolidations and dissolutions of special districts. After three years of work (delayed due to the pandemic), the working group came to consensus on the redraft of existing protest statutes and a new process that allows LAFCos to initiate dissolution of a district at the 25% protest threshold under specific circumstances.

The overarching goal of these changes is to ensure that LAFCos have the tools they need to carry out their statutory obligations to ensure orderly and functioning local government services and to create greater consistency in the statute. The specific circumstances under which a dissolution may be initiated are more than reasonable and the subsequent process includes three noticed public hearings, a minimum 12-month remediation period, and a 60-day protest period, all of which are extremely practical. Additionally, the proposed process for LAFCo-initiated actions at the 25% protest threshold applies only to dissolutions, making the scope of use exceptionally narrow.

The 18-member working group consisted of a broad group of stakeholder representatives from CALAFCO (including Executive Officers and legal counsel), the California Special Districts Association (CSDA) (including board members and staff from water, resource conservation and fire protection districts, as well as legal counsel), a shared CALAFCO-CSDA Board member, and representatives from the League of California Cities, California State Association of Counties (CSAC), and the Senate Governance and Finance and Assembly Local Government

Committees. CALAFCO greatly appreciates the working group participants for their hard work and dedication to this endeavor.

SB 938 makes much needed and long-awaited improvements to The Act through the restructure and clarification of existing protest provisions, and addition of a fair and appropriate process that offers LAFcos additional tools necessary to effectively fulfill their statutory obligations.

Colusa LAFCo appreciates your most positive consideration of SB 938 when it comes before you for action.

Sincerely,

Denise Carter
Chair, Colusa Local Agency Formation Commission

cc: The Honorable Robert Hertzberg, California State Senate
Ms. Ronda Paschal, Deputy Legislative Secretary to the Governor
Ms. René LaRoche, Executive Director, CALAFCO