

LOCAL AGENCY FORMATION COMMISSION
COLUSA COUNTY
MINUTES OF MEETING
June 3, 2021

PRESENT:

MERCED CORONA, County Member Alt.
DENISE CARTER, County Member
SAJIT SINGH, Chair, City Member
BRANDON ASH, Public Member

ALSO PRESENT:

JOHN BENOIT, Ex. Officer
SCOTT BROWNE, Legal Counsel
LORA CECCON, Clerk
KENT BOES, County Alt.
JOHN LOUDON, Public Alt.
BEVERLY BURR
GREG PLUCKER, County

1. Call to Order/Roll Call

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

2. Public Comment - None

3. Minutes for March 4, 2021, and April 1, 2021

On motion of M. Corona, second by B. Ash, the commission approved minutes of the March 4, 2021 and April 1, 2021 meetings, with S. Singh abstaining; motion carried by roll call vote.

4. Consent Agenda

On motion of B. Ash, second by D. Carter, the commission approved claims for the month of April 2021 and payment of claims for the month of May 2021; motion carried by roll call vote.

5. Correspondence: Calafco Achievement Awards Packet

John explained the different Calafco awards. The commission had none to submit this year. John stated that nominations for the Calafco Board would be on the next agenda.

John advised members that the executive orders regarding COVID-19 and zoom meetings have not been repealed. He feels there is a place for zoom meetings, and there could be legislation in the future regarding this issue.

6. Public Hearing regarding the Final 2021-2022 LAFCo Budget

John stated that there was only one change to the proposed budget and that is an increase in the CSDA insurance budget line item from \$2,325 to \$2,497.22.

3:11 Opened Public Hearing

3:12 Closed Public Hearing

On motion by D. Carter, second by M. Corona, the commission moved to approve Resolution 2021-0006 adopting the Final 2021-2022 LAFCo Budget; motion carried by roll call vote.

7. Discussion regarding an updated Area of Concern for the City of Colusa

Beverly Burr pointed out the areas of concern on the map provided, stating that the pink areas are the existing area of concern; outside the city limits and SOI. The light blue areas are the proposed area of concern except for the area marked AOC exclusion area 1.

If the commission approved the proposed area of concern, John would be required to notify the city of any proposals in the area. A draft resolution is included in today's packet.

After discussion regarding the proposed area of concern, the commission agreed that now is not the time to expand the area of concern. No action taken.

8. Contract Amendment with John Benoit for Staff Services

John reviewed amendment #3 to the agreement for the provision of Lafco staff services, stating that the current language does not work because of mandated timelines. We do not know how complicated a project could be until it is set for a hearing. D. Carter asked if the first 10 hours are included in the fee. John responded, yes. Executive Officer's compensation, in excess of ten hours, shall be billed at the hourly staff rates approved by the commission.

On motion of M. Corona, second by B. Ash, the commission approved contract amendment #3 with John Benoit for staff services; motion carried by roll call vote.

9. Executive Officer's Report

City of Williams MSR and SOI – included in next year's budget.
Upcoming Projects – City of Colusa annexation

S. Browne provided information on a City of Pismo Beach annexation project that Lafco denied due to a lack-of-water. Lafco got sued and the Court of Appeals supported Lafco's decision. Lafco sent a \$400,000 bill to the city. The city refused to pay and Lafco sued. Trial Court found for the city and developer and Lafco appealed to the Court of Appeals. A decision was issued stating there is no legal authority for Lafco to require indemnification. There can only be indemnification by contract or statute and there is no contract here. Lafco is required by statute to process applications regardless of indemnification. The case

has gone to the California Supreme Court, and it could be 1 1/2 to 2 years before a decision is made.

S. Browne presented possible options for the commission including, self-insure, requiring applicants to submit an attorney's fee deposit (about \$100,000), increase the litigation reserve, or voluntary indemnification (do not require them to sign, but if Lafco gets sued, Lafco may choose not to defend it).

S. Browne's recommendation is for the commission to give direction for the staff to come back with a voluntary indemnification policy and contract for adoption and use henceforth regarding applications.

He stated that if they take no action, then they are essentially self-insuring. The commission determined to take no action at this time.

10. Commissioner Reports - Discussion

S. Singh stated that he met with Beverly Burr to discuss the MSR for the City of Williams and it was very insightful.

11. Next Colusa LAFCo meeting: July 7, 2021, 3:00 PM

Meeting adjourned 4:01 p.m.