

Colusa Local Agency Formation Commission

Regular Meeting Agenda

Thursday – September 2, 2021

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.colusalafco.org

Topic: Colusa LAFCo

Time: Sep 2, 2021 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87428037862?pwd=OGd4aExlY3hoMlo2RFc4NTZmbjZxZz09>

Meeting ID: 874 2803 7862

Passcode: 178628

One tap mobile

*+16699006833,,87428037862#,,, *178628# US (San Jose)*

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 874 2803 7862

Passcode: 178628

Find your local number: <https://us02web.zoom.us/u/kNUocPFap>

- 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

Merced Corona (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. Consider Minutes from August 5, 2021

- a. *Consider approving the August 5, 2021 LAFCo minutes*

3. 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

4. Consent Agenda

- a. *Payment of claims for the month of August 2021*

5. Correspondence:

6. Policies, Standards and Procedures Amendment regarding Indemnification and expiration of Applications

- a) *Receive Executive Officer's Report*
- b) *Consider Resolution 2021-0007 adding a policy regarding Indemnification Agreements and Expiration of LAFCo Proceedings*

Workshop

7. Calafco White Paper – “ The Metamorphosis of Special Districts: Current Methods for Consolidation, Dissolution, Subsidiary District Formation and Mergers

8. Executive Officer's Report:

- a) *Cheney Reorg: City of Colusa and Sacramento River Fire*
- b) *New Colusa LAFCo phone # (530) 619-5128*
- c) *Calafco Conference October 6-8, 2021*

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: November 4, 2021

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) 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

LOCAL AGENCY FORMATION COMMISSION
COLUSA COUNTY
MINUTES OF MEETING
August 5, 2021

PRESENT:

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

ALSO PRESENT:

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

1. Call to Order/Roll Call

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

2. Election of Chair and Vice-Chair for FY 2021-2022

a) Election of Chair

B. Ash nominated D. Carter as Chair for FY 2021-2022, second by S. Singh, motion carried by roll call vote.

a) Election of Vice-Chair

B. Ash nominated M. Corona as Vice-Chair for FY 2021-2022, second by G. Ponciano, motion carried by roll call vote.

3. Public Comment - None

4. Minutes for June 3, 2021

On motion of D. Carter, second by B. Ash, the commission approved minutes of the June 3, 2021, meeting, with G. Ponciano abstaining; motion carried by roll call vote.

5. Consent Agenda

On motion of D. Carter, second by M. Corona, the commission approved claims for the month of June 2021 and payment of claims for the month of July 2021; motion carried by roll call vote.

6. Correspondence: None

7. Policy Amendment regarding indemnity agreements and expiration of projects.

S. Browne presented the two proposed policy amendments. The first is the adoption of a voluntary indemnification. This is a totally voluntary

indemnification. They don't have to sign it, but if they don't, LAFCo does not have to defend a lawsuit if they get sued. There is a high probability that either at the beginning or if they get sued, LAFCo will get indemnified. That's the key to all of this; so Lafco doesn't have to pay for litigation. Staff recommends that the commission adopt this policy. It won't solve everything, but it will help.

The second policy refers to the termination of applications. Staff is recommending that a policy is adopted stating that if a project doesn't move forward and get to a hearing within two years, it's dead, unless they ask for an extension. We want it to be the presumption that it is dead, and they have to make an effort to keep it alive. This isn't harsh, it is necessary.

M. Corona moved to waive the first reading of the policy amendments, second by D. Carter, motion carried by roll call vote.

8. Calafco Annual Conference October 6-8 in Newport Beach

a) John stated that the conference will be held at the Orange County airport. There is no mobile workshop this year, but there will be a Lafco 101. The conference will focus on water. There is funding for those interested in attending. D. Carter has a conflict. G. Ponciano and S. Singh are both interested in attending. The commissioners will need to get their flight and hotel reservations, John will send in their conference reservations.

b) D. Carter moved to set the voting members as S. Singh primary and G. Ponciano alternate, B. Ash seconded, motion carried.

9. Discussion and possible action regarding phone service for Colusa LAFCo

John advised the commission that he is tired of paying \$50/month for two calls. He stated that he can add a line to his cell phone for Colusa and a couple other counties. The cost would be less because it will be \$45 split between three counties. The commission is supportive of John's plan to eliminate the land line and add a line to his cell phone. John will move forward with the plan.

10. Executive Officer's Report

City of Williams MSR and SOI – on hold this week

Upcoming Projects – John will look at the MSRs to determine which ones are due for an update. The annexation for CIP has been recorded. It now needs to be sent to the state.

11. Commissioner Reports - Discussion

G. Ponciano provided an update on the Cheney project. At the July 20th ad hoc meeting, the city and county agreed on a tax share and road improvements. The

County CAO is drafting the agreement to take to the Board of Supervisors. It will also need to go before the Colusa City Council.

12. Next Colusa LAFCo meeting: September 2, 2021, (virtual) 3:00 PM

There will not be an October LAFCo meeting.

Meeting adjourned 3:39 p.m.

Colusa Local Agency Formation Commission

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CLAIMS

August 2021

Authorize payment of the following claims:

FY 2021-2022 Expenses

Claims for August 2021:

Frontier Phone	August 7, 2021	\$ 47.98
Sept 1, 2021	Staff Svcs and Exp. -Aug 2021	\$ 4,304.92
7.16-21-8.15.21	Legal Svcs. P. Scott Browne	\$ 2,000.00
TOTAL:		\$ 7,392.90

DATED: Sept 2, 2021

APPROVED: Sept 2, 2021

**Denise Carter , Chair or Merced Corona , Vice-Chair
Colusa Local Agency Formation Commission**

Attest:

**John Benoit
Executive Officer**

Expenditure Category City Coding	Executive 7338	Off. Co 7320	Clerical 7016	Suppl 7321	Workers 7315	Com. Lgl 7315	Services 7339	Insurance 7322	Office Suppl 7322	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												
CALAFCo Dues 21-22												
Staff Svcs July 2021	-\$4,000.00											-\$1,308.00
Frontier phone forwarding	\$1.02											
Browne ending 7.15.21 #940												
Calafco Conf. Regist 2021 Corona and Ponciano												
Staff Svcs August 2021	-\$4,000.00	-\$175.00										-\$25.00
Browne ending 8.15.2021												
Frontier phone July 7, 2021												

Total Expended in FY 18-19	-\$7,998.98	-\$175.00	\$0.00	-\$4,000.00	-\$2,573.06	-\$24.95	\$0.00	-\$25.00	-\$1,308.00			
Total Remaining in FY 18-19	\$40,001.02	\$3,482.00	\$50.00	\$20,000.00	-\$75.84	\$350.05	\$500.00	\$725.00	\$500.00			

**Resolution 2021-0007
of the
Colusa Local Agency Formation Commission**

*A Resolution of the Colusa Local Agency Formation Commission
Amending its Policies, Standards and Procedures to include a policy regarding
Indemnification Agreements and Expiration of LAFCo Proceedings*

RESOLVED, the Colusa Local Agency Formation Commission in the County of Colusa, State of California, that

WHEREAS, policies, standards and procedures are necessary to guide the Colusa Local Agency Formation Commission in making determinations on future projects; and

WHEREAS, the Commission comprehensively reviewed, revised and updated its policies, standards and procedures adopted by LAFCO on June 4, 2020 and amended its policies on April 1, 2021; and

WHEREAS, In August 2021, the Commission conducted a workshop regarding the proposed Policies, Standards and Procedures amendments to include a policy regarding *Indemnification Agreements and Expiration of LAFCo Proceedings*; and

WHEREAS, this Commission called for and held a meeting on this Policies, Standards and Procedures amendment on September 2, 2021 and at the meeting, this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this amendment and the report of the Executive Officer.

NOW, THEREFORE, the Colusa Local Agency Formation Commission **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

1. The attached updated Policies, Standards and Procedures Amendment shall guide the Commission in compliance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended.
2. Replacing Section 6.4c and adding new Sections 6.4c and 6.4c1 regarding indemnification are hereby added to Colusa LAFCo's Policies, Standards and Procedures as shown in Exhibit A.
3. New Section 6.4e regarding expiration of applications is hereby added to Colusa LAFCo's Policies, Standards and Procedures as shown in Exhibit A.

Colusa Local Agency Formation Commission
Policies, Standards and Procedures Amendment (Indemnification and Expiration of Applications)
Resolution 2021-0007
September 2, 2021

4. Any conflicting LAFCO Policies, Standards and Procedures regarding Indemnification and expiration of applications previously approved by the Commission are hereby repealed in favor of this amendment.

The foregoing resolution was offered at a Regular Meeting of the COLUSA LOCAL AGENCY FORMATION COMMISSION on the 2nd day of September 2021, and adopted by the following vote of the Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Denise Carter, Chair
Colusa Local Agency Formation Commission

ATTEST:

John Benoit, Executive Officer
COLUSA LOCAL AGENCY FORMATION COMMISSION,

Exhibit A

Proposed Policy Amendment Language:

Delete existing 6.4 (c) (under application Requirements)

6.4 (c) **Delete** *“The application shall also include an agreement to pay costs and indemnification. The agreement to pay costs and indemnification must be signed by the applicant for the application to be deemed complete”.*

Replace with:

6.4 (c) : **Agreement to pay fees.** The application shall also include an agreement to pay costs. The agreement to pay costs must be signed by the applicant for the application to be deemed complete.

6.4 (c) 1: **Voluntary Indemnification Agreement.** As part of the application, applicant shall be asked to sign and submit the voluntary indemnification agreement approved by the Commission concurrent with the adoption of this policy for all reasonable expenses and attorney fees incurred from proceedings brought by a third party in connection with the application. While LAFCo retains the discretion in all cases to decide whether to defend an action, the Applicant’s voluntary agreement to indemnify LAFCo will provide applicant an opportunity to have significant input on LAFCo’s decision whether to defend its decision.

Add New Policy Section 6.4 (e) as follows:

6.4 (e) **Expiration of LAFCo Proceedings**

All applications that have not been to hearing and completed within two years of initial submittal shall automatically terminate and expire, unless extended by the Commission. Staff shall notify the applicant at least 30 days before termination and give them an opportunity to request an extension. If no extension is requested and granted the application shall terminate.