

****AGENDA****

AMADOR LOCAL AGENCY FORMATION COMMISSION

**5:00 P.M. – THURSDAY JULY 15, 2021
810 COURT STREET, JACKSON
BOARD OF SUPERVISORS CHAMBERS**

Please Note: All LAFCO meetings are recorded.

The Amador Local Agency Formation Commission will be conducting its meeting via Zoom teleconference. The public may participate via the following link on any computer, tablet or phone:

<https://us02web.zoom.us/j/88936053720?pwd=emNtQ1duYXVQU3QvZlJsb2VGRVRFZz09>

You may also call in by telephone using the following number: 1-669-900-6833. The meeting ID # is 889 3605 3720 and the passcode is 850624.

The Chairman will, at certain times, invite the public to comment. Public comment will also be accepted by email at nmees.lafco@gmail.com. All emails must be received by 4:00 P.M. on July 15 and will be read aloud into the record, and shall be subject to the same rules as would otherwise govern speaker comments at the Commission meeting.

Meeting Materials are available for Public Review on the Amador LAFCO website at <https://www.amadorgov.org/government/lafco/lafco-meetings-minutes-agendas>.

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA FOR JULY 15, 2021**
- 4. APPROVAL OF THE MINUTES OF MAY 20, 2021**
- 5. APPROVAL OF CLAIMS TO JULY 15, 2021**
- 6. PUBLIC FORUM – PUBLIC COMMENT**

Any person may address the Commission on any subject within the jurisdiction of LAFCO which is not on the agenda. No action may be taken at this meeting. There is a five (5) minute limit.

- 7. FINAL MUNICIPAL SERVICE REVIEW AND DETERMINATIONS FOR AMADOR FIRE PROTECTION DISTRICT, LAFCO PROJECT #337, (LAFCO RESOLUTION #2021-09)**

Consideration of the Amador Fire Protection District MSR, including findings and determinations. CEQA: Exempt, Public Resources Code Sections 21102 and 21150, descriptive and planning study for possible future action for which funding has not been committed.

**8. CHANGE OF SCHEDULED STARTING TIME FOR LAFCO MEETINGS
(no written materials)**

9. EXTENSION OF TIME FOR COMPLETION OF LAFCO PROJECT #298

10. MODIFICATION OF INDEMNIFICATION AGREEMENT

Consideration of modified wording for the indemnification agreement submitted with all applications to LAFCO, consistent with a recent court decision.

11. OTHER BUSINESS, REPORTS

- a. Commissioner Announcements
- b. Correspondence, CALAFCO Calendar
- c. Executive Officer's Report
- d. Budget Report – available at the dais
- e. Legislation Update: The commission will review legislation and may take a position on bills pending before the state legislature.

**12. CLOSED SESSION-PERSONNEL MATTERS: -PERFORMANCE
EVALUATION: EXECUIVE OFFICER (Section 54957(b) (1)**

ADJOURNMENT

Note: The next regular LAFCO meeting is scheduled for August 19, 2021.



Roseanne Chamberlain
Executive Officer

All persons are invited to testify and submit written comments to the Commission. If you challenge a LAFCO action in court you may be limited to issues raised at the public hearing or submitted as written comments prior to the close of the public hearing. All written materials received by staff 48 hours before the hearing will be distributed to the Commission. If you wish to submit written material at the hearing, please supply 10 copies.

NOTE: State law requires that a participant in LAFCO proceedings who has a financial interest in the decision and who has made a campaign contribution to any Commissioner in the past year must disclose the contribution. If you are affected, please notify commission staff before the hearing.

**PLEASE DO NOT REMOVE POSTING BEFORE:
JULY 16, 2021**

AMADOR LAFCO



LOCAL AGENCY FORMATION COMMISSION

810 COURT STREET ♦ JACKSON, CA 95642 ♦ (209) 223-6380

MINUTES

May 20, 2021

DRAFT

This meeting was available via video conference and was digitally recorded.

1. Call to Order, Pledge of Allegiance & Roll Call

The May 20, 2021, meeting of the Amador Local Agency Formation Commission (LAFCO), held via video conference, was called to order by Chairman Crew at 6:00 p.m.

2. Roll Call

Members Present:

Pat Crew, Chairman
Jim Vinciguerra, Vice Chairman
Brian Oneto, County Member
Dominic Atlan, City Member
Bob Stimpson, City Member
Russell Robinson, City Member Alternate

Staff Present:

Roseanne Chamberlain, Executive Officer
Nancy Mees, Clerk to the Commission

3. Approval of Agenda for May 20, 2021

Motion: It was moved by Commissioner Oneto, seconded by Commissioner Stimpson, and carried unanimously to approve the agenda as submitted.

4. Approval of the Minutes of April 15, 2021

Motion: It was moved by Commissioner Vinciguerra, seconded by Commissioner Stimpson, and carried unanimously to approve the Minutes of April 15, 2021, as submitted.

5. Approval of Claims to May 20, 2021

Motion: It was moved by Commissioner Stimpson, seconded by Commissioner Atlan, and carried unanimously to approve the Approval of Claims – Meeting Final, as submitted.

6. Public Forum – Public Comment

Commissioner Stimpson requested that the LAFCO meetings be held earlier than 6:00 p.m. Executive Officer Chamberlain explained that historically the meetings have been at that time to allow members of the public to attend after the workday is over. However, although the next meeting will be in-person, attendance via Zoom will still be available. Therefore, that

accommodation may not be as necessary as in the past. There was then some discussion among the Commissioners as to what the preferred time might be, but Chairman Crew stated it would probably be best to put this item on the next agenda for discussion and Ms. Chamberlain added that a vote would make any change of time a more formal action.

There was no public comment.

7. Kuffel Annexation to Pine Grove CSD (LAFCO Project #335, LAFCO Resolution 2021-07)

Annexation of a single parcel, 5.2 +/- acres for water service to a proposed single-family residence; CEQA-exempt Public Resources Code Section 15319, annexation of existing facilities and lots for exempt facilities. (100% landowner consent, exempt from the requirements for notice and public hearing.)

Executive Officer Chamberlain explained that the final map will be completed later. She added that the conditions on this project are standard and that the district has an existing line adjacent to this parcel, so there will be no need for an extension of service. The district has already approved a resolution accepting the proposed annexation.

There was no public comment.

Motion: It was moved by Commissioner Oneto, seconded by Commissioner Stimpson, and carried unanimously to approve Resolution #2021-07 as presented, approving the annexation of the parcel to Pine Grove CSD, with direction to staff to carry out the recommendations in the staff report.

8. Public Review Draft Municipal Service Review for Amador Fire Protection District

Staff will present the Amador Fire Protection District draft MSR and it will be circulated for comment. A public hearing and action on the MSR are planned for a future LAFCO meeting. CEQA:-Exempt, Public Resources Code Sections 21102 and 21150, descriptive and planning study for possible future action for which funding has not been committed.

Executive Officer Chamberlain reported that the plan is to present the final MSR at the next meeting, but that there is no time requirement on when that must be, so waiting until July is fine. Ms. Chamberlain has only had comments from the district itself so far, and it consisted mostly of clarifying language. She is still waiting on some updated references from the Planning Department for some footnotes. Ms. Chamberlain stated that AFD staff, from Chief White on down, is very organized and has been extremely helpful.

Commissioner Oneto pointed out that on page 14 the MSR refers to the Plymouth station as district-owned, but it was his understanding that that station was not owned by the district. Chief White, who was in attendance, stated he believes that station is owned by the city of Plymouth and the District leases it. Ms. Chamberlain added that there may be some confusion due to the fact that one station is located in Willow Springs but has a Plymouth zip code and that could be added in in parentheses.

Commissioner Oneto then asked about the reference to possible consolidation discussions on page 16, and said he thought such discussions had also included Ione and Jackson Valley. Chief White responded that there had only been preliminary talks.

There was no other public comment.

By consensus, the Board received the Draft MSR and directed staff to circulate it for comment.

9. **Adoption of Final Budget for Fiscal Year 2021-22; Resolution 2021-08 (public hearing).**

Chairman Crew opened the Public Hearing.

Clerk Mees explained that the Final Budget is the same as the Draft budget approved at the April 15 meeting, which was option 1 of the three options proposed at that meeting. Executive Officer Chamberlain added that the draft had been circulated and no comments had been received.

Commissioner Oneto asked whether it would be possible to get an updated budget showing actual expenses to date for each meeting. Ms. Chamberlain replied that that was achieved by providing the Commissioners with the monthly auditor reports at each meeting and doing a mid-year budget report where the actual to-date revenues and expenses are shown on the budget itself.

Motion: It was moved by Commissioner Oneto, seconded by Commissioner Atlan, and carried unanimously to close the Public Hearing.

Motion: It was moved by Commissioner Vinciguerra, seconded by Commissioner Stimpson, and carried unanimously to approve Resolution 2021-08 adopting the final LAFCO budget for fiscal year 2021-22, with direction to staff to carry out the recommendations in the staff report.

10. **Agreement for Professional Services; Fiscal Analysis of Fire Protection Services in Amador County**

Agreement with consultant Beverly Burr for fiscal analysis of fire agencies to support Municipal Services Reviews of fire service provider agencies.

Executive Officer Chamberlain reported that Ms. Burr has worked for many fire providers, and that the financial analysis aspect of the fire MSRs completed in Amador LAFCO's latest round of reviews has not been dealt with to any great extent. The proposed analysis will compare all the fire districts in the county. She added that the proposed cost is reasonable, and that a portion of the cost will come from the remaining 2020-21 budget, while the second part of the work will be paid out of the 2021-22 budget. She expects the analysis should be completed by July.

Chairman Crew asked if the analysis would be looking for cost savings, and Ms. Chamberlain responded that it would, and would also be looking at which districts are getting funding from what sources. She is hoping the data and analysis will give direction as to what is being spent and what can be cut.

Commissioner Oneto asked why LAFCO should bear the cost of such an analysis. Ms. Chamberlain replied that the MSRs have not contained such analyses, but that they should and that it requires someone with more experience in fire expense analysis. She added that this was done in the 2008 round of MSRs, but not the last round, and that she had been asked for such information by the Grand Jury last year. The Board of Supervisors and various county staff have also requested financial analysis information. There is currently nowhere that this information is laid out for the fire districts or public to see. Commissioner Atlan asked whether the districts could share in this cost. Ms. Chamberlain responded that it would probably be hard to get most

districts to contribute any money and that LAFCO has made savings in its budget over the last year that would allow it to afford the cost. Commissioner Vinciguerra asked why it is LAFCO's responsibility to provide such an analysis. Ms. Chamberlain stated that LAFCO's statutory responsibility for performing MSRs requires LAFCO to be the point of contact for information across all districts within the county. In addition, the Little Hoover Commission had determined that LAFCOs need to more closely examine the costs agencies incur and any efficiencies that could be made. Chairman Crew added that there has always been public discussion as to possible savings districts could make, but without any data, it is hard to determine which items are or are not unnecessary expenses or savings, and therefore, if anyone is going to supply that data, it is probably LAFCO. Commissioner Atlan concluded by saying he felt LAFCO should still investigate some reimbursement method if possible.

There was no public comment.

Motion: It was moved by Commissioner Atlan, seconded by Commissioner Vinciguerra, and carried unanimously to approve the agreement for professional services for a fiscal analysis of fire protection services in Amador County.

11. Other Business, Reports

- a. Correspondence – Executive Officer Chamberlain stated that the Commissioners had been emailed a copy of the coalition letter sent to the governor requesting that local government be given a 30-day period to implement any Covid requirements or changes with respect to public meetings.
- b. Commissioner Announcements – Commissioner Oneto stated that the county building would be open to the public as of May 24, but still with a mask requirement.
- c. Executive Officers Report – Ms. Chamberlain again stated that the next meeting will be in person, although it will still be available via Zoom. She also reported that she had some good discussions with the county about the AB8 process. However, communications with the new county surveyor have not been as good as it is difficult for her, as well as applicants, to get responses from him. She is hoping to talk with the Surveyor's Office to remedy this issue as she has many completed projects that are simply waiting on the final map.
- d. Project Status Report – Executive Officer Chamberlain reported that LAFCO has had more annexation projects this past year than in the prior five years combined. The Project #336 annexation will probably be on the next agenda.

Chairman Crew stated that the County Surveyor had told him he was caught up on map work. Ms. Chamberlain replied that maybe due to his lack of communication, he did think he was caught up, but that she had had to personally pick up a map because he would not advise the company that made the map as to how to send it to him.

- e. Legislation Report – Ms. Chamberlain reported that there would be a CALAFCO Board meeting the following day and that there would be more legislation information available once that occurred and she could therefore provide a better update at the next meeting. She added that the Omnibus bill is still alive.
- f. Monthly Budget Reports – provided in the meeting packet.

DRAFT

Adjournment

Chairman Crew asked whether there would be a June meeting, and Ms. Chamberlain replied that she would know better within the coming week.

The next regular LAFCO meeting is scheduled for June 17, 2021, and will be in person with Zoom available. Chairman Crew adjourned the meeting at 6:49 p.m.

Pat Crew, Presiding Officer
LOCAL AGENCY FORMATION COMMISSION

ATTEST: _____
Nancy Mees, Clerk to the Commission

APPROVAL OF CLAIMS - PACKET DRAFT

AGENDA OF July 15, 2021

APPROVAL OF CLAIMS TO July 15, 2021

Agenda Item 5

<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>INV.DATE</u>	<u>AMOUNT</u>
R Chamberlain 5/17/2021-6/30/2021	Consulting Services Labor	6/30/2021**	\$ 4,005.00
	Expense Total, (mileage, PO Box, phone)	6/30/2021**	\$ 672.31
N Mees 5/20/2021-6/30/2021	Clerical & Admin Labor	6/30/2021**	\$ 432.00
	Expense Total	6/30/2021**	\$ -
CALAFCO	Annual Dues	6/22/2021**	\$ 1,524.00
Amador County	GSA Support Charges	4/30/2021**	\$ 117.80
LAFCO Board	Meeting Stipends (Maximum of 5 @ \$50.00)		\$ 250.00
	TOTAL		\$ 7,001.11

** Note: Denotes any invoices paid prior to Commission Approval, per Policy 2.3.7

CHAIR:

Presiding Officer

ATTEST:

Nancy Mees
CLERK TO THE COMMISSION

Agenda Item #7

FINAL MUNICIPAL SERVICE REVIEW FOR AMADOR FIRE PROTECTION DISTRICT

Consideration of the Amador Fire Protection District MSR, including findings and determinations. CEQA: Exempt, Public Resources Code Section 21102 and 21150, descriptive planning study for possible future action for which funding has not been committed.

Attached: Resolution 2021-09

AFPD Final MSR (In separate Packet-Agenda Item 7 for emailed packets)

Notice of Exemption

AMADOR LAFCO
LOCAL AGENCY FORMATION COMMISSION

810 COURT STREET ♦ JACKSON, CA 95642-95334 ♦ (209) 418-9377

**RESOLUTION MAKING DETERMINATIONS AND FINDINGS RELATED TO THE
2021 UPDATE OF THE AMADOR COUNTY FIRE PROTECTION DISTRICT
MUNICIPAL SERVICES REVIEW**

LAFCO RESOLUTION NO. 2021-09

WHEREAS, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act, commencing with §56000, et seq., of the Government Code, specifically in accordance with §56430, requiring a review of municipal services provided in the county; and

WHEREAS, LAFCO initiated and conducted a service review of all municipal services in all areas of Amador County in 2008, and prepared a comprehensive update and review of agencies and services in 2014, and has now completed a review and update of the services of Amador County Fire Protection District (AFPD); and

WHEREAS, the Commission held a public hearing of the Public Review Draft Municipal Services Review on May 20, 2021, circulated the Public Review Draft and further received and heard testimony and comment related to the report, its findings and determinations on July 15, 2021;

NOW, THEREFORE, BE IT HEREBY RESOLVED, DETERMINED AND ORDERED as follows:

1. The Amador County Fire Protection District Municipal Service Review of 2021 is found to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21102 and 21150 in that it is a descriptive and planning study for possible future action for which funding has not been committed.
2. The Amador County Fire Protection District Municipal Service Review is found to be adequate and complete pursuant to the requirements of Government Code Section 56430. Determinations regarding municipal services are approved as set forth and described in the attached “Exhibit A” and by this reference incorporated herein.
3. The Executive Officer is hereby directed to file a Notice of Exemption in compliance with the California Environmental Quality Act and local ordinances implementing the same.

DRAFT

The foregoing resolution was duly passed and adopted by the Local Agency Formation Commission of the County of Amador at a regular meeting thereof, held on the 15th day of July, 2021, by the following vote:

AYES:

NOES:

ABSENT:

Patrick Crew, Chairman

ATTEST:

Nancy Mees, Clerk to the Commission
Amador Local Agency Formation Commission
Amador County, California

SUMMARY OF FINDINGS & DETERMINATIONS

Growth and population projections

- ❖ AFPD serves 85% of the unincorporated area in the County. Growth in AFPD's boundary area since 2010 was moderate at 4.04 percent.
- ❖ Moderate growth is expected to continue, through proposed and approved residential applications, nearby community growth, and general tourism.
- ❖ AFPD successfully serves a diverse range of uses, including urbanized areas, one city, unincorporated communities and town centers, undeveloped areas, and commercial and industrial uses. These areas include a number of high fire risks.
- ❖ New residents and businesses may desire or expect higher levels of fire and emergency service than that historically provided throughout the county.

The Location and Characteristics of Disadvantaged Unincorporated Communities Within or Contiguous to the Agency's SOI

- ❖ There are three disadvantaged unincorporated communities within the District's boundaries based upon mapping information provided by the State of California Department of Water Resources. The identified communities are River Pines, Drytown, and Martell.
- ❖ All are legacy communities under DWR standards. The District, along with other regional providers, does provide services for fire and emergency response to disadvantaged communities on the same basis and at the same levels as those services provided within the cities and within the District boundaries.
- ❖ With reference to LAFCO Policy 7.6, services provided by AFPD are adequate and equivalent to those services provided within city boundaries.

Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies

- ❖ AFPD offices are open and staffed during all normal business hours in the County Administration Center.
- ❖ Amador Fire Protection District (AFPD) has the only organized labor workforce in Amador County among the local government fire agencies. Volunteers are well trained, supervised and managed. Testing standards are extensive.
- ❖ AFPD plans to expand its capacity in Pine Grove to address current and anticipated growth. The locations of additional fire stations in the more densely populated western part of the county should be coordinated among fire providers to maximize efficiencies and benefits to citizen within and outside AFPD.

- ❖ Proposed and current planning efforts by the district will help enable it to respond to future demand for services.
- ❖ Numerous state and national programs provided through AFPD significantly benefit all county citizens/residents, including those in other fire and emergency service agencies.
- ❖ The Amador Fire Protection District (AFPD) maintains policies, practices, protocols and procedures that are current, legally compliant, and represent industry best practices.
- ❖ Available new public services from AFPD include, or will soon include:
 - Child Passenger Safety Technicians (CPST) and a CPST instructor;
 - Promoting and assisting the formation/registration of Firewise Community organizations (three new Firewise Communities registered);
 - Establishing Safe Surrender Baby sites, in addition to Sutter Amador Hospital;
 - Deputy Fire Marshall and Fire Investigator; and
 - Accreditation to provide Advanced Life Support (ALS).

Financial ability of agencies to provide services

- ❖ Financial information from the District is available, easily understood, and demonstrates accountability to the public. Reserves for six months of operating expenses are adequate.
- ❖ Amador LAFCO anticipates preparing a detailed financial analysis of all fire service providers in 2021. Determinations regarding financial matters for fire service providers will be made when that comparative information is known.
- ❖ AFPD utilizes a wide range of available revenue sources. It has the current capacity to serve its district constituents. However, available finances may not provide for desired staffing levels at all staffed stations.
- ❖ The structure and allocation of Measure M funding as currently administered does not enhance cooperation among fire agencies and may contribute to competition for funding. The failure of AFPA to fulfill its mission as detailed in the Grand Jury Report of 2019-20 further undermines collaboration and operational efficiencies.
- ❖ AFPD uses budget for near-term financial planning efforts; five-year capital improvement plan (CIP); and expects to conduct a future community-based strategic planning effort as part of its best practices program.
- ❖ AFPD realizes significant staffing benefits through California Joint Apprenticeship Committee (CALJAC). AFPD is the only local agency in Amador County eligible to participate. Open, continuous recruitment for pre-qualified district firefighters occurs through CALJAC. Additional benefits of the CALJAC program are access to the eligibility list, training resources, student contact hours, etc.
- ❖ The District effectively recruits, retains and relies on volunteers for some of the services it provides. While this is currently a cost-effective arrangement, the long-

term availability of able volunteers can be uncertain and could affect the sustainability of service provision.

- ❖ AFDPD effectively provides support services to other fire providers and also supports the services provided by other government agencies through contracts, agreements and cooperative efforts.
- ❖ Reorganization and/or consolidation of services with those agencies may further improve the financial ability of AFDPD and all fire service providers to offer the highest level of services at the lowest possible cost to citizens.
- ❖ Revenue and funding for all Amador County fire protection providers is unlikely to be adequate in the long term and would not accommodate increases in service demand.

Status of, and opportunities for, shared facilities

- ❖ AFDPD absorbed fire services from Pine Acres Community Services District, Pine Grove Community Services District, Volcano Community Services District, and CSA 1.
- ❖ AFDPD collaborates with other fire providers in the County through membership in Amador Fire Protection Authority, as well as extensive automatic aid and mutual aid agreements.
- ❖ Opportunities for sharing and cost efficiencies could be enhanced through an enhanced role of Amador Fire Protection Authority (AFPA).
- ❖ Cost efficiencies will result with greater cooperation and sharing among existing fire protection agencies. Reorganizations or functional consolidations could allow higher levels of service at lower total cost to citizens/residents throughout Amador County.
- ❖ The similarity of challenges faced by each fire protection agency, and the potential cost savings offered by consolidation or reorganization suggest that fire agencies will need to consider opportunities for reorganization of services and boundaries, including functional consolidation where possible.
- ❖ Consolidation/reorganization or further functional consolidation with other fire service providers will likely offer increased opportunities for shared resources, including facilities and vehicles, as well as pooled finances to hire full-time staff.

Accountability for community service needs, including governmental structure and operational efficiencies

- ❖ AFDPD demonstrated accountability and transparency by promptly disclosing financial and service-related information in response to LAFCO requests.
- ❖ The District achieved an ISO rating of 4/4 as of the last grading, significantly improved over the prior rating of 6/8.
- ❖ AFDPD has achieved greater efficiency in the provision of services through internal reorganization into three battalions.
- ❖ AFDPD effectively uses its website and social media to reach a large number of citizens, to communicate and educate the public.

- ❖ Job descriptions and written internal task assignments for all admin staff are clearly defined, however, hours budgeted may be insufficient time allocations for the scope and difficulty of these tasks.
- ❖ Historically, volunteerism and the close cooperation among the agencies enhanced the level of service provided.
- ❖ There has historically been a close working relationship among the fire providers in Amador County. The similarity of challenges faced by each agency and potential cost savings offered by consolidation or reorganization suggests that fire agencies will need to review opportunities for reorganization in some form, including functional consolidation.
- ❖ AFPD's network of services and service support functions with other fire and emergency providers affirm that reorganization and/or consolidation, including functional consolidation, is a feasible option.

AMADOR LAFCO
LOCAL AGENCY FORMATION COMMISSION

DRAFT

Notice of Exemption

TO: _____ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814
 County Clerk
County of Amador

FROM: Public Agency:
Amador LAFCO
810 Court Street, Jackson, 95642
Contact: 209-418-9377
amador.lafco@gmail.com

Project Title: Amador Fire Protection District Municipal Services Review Pursuant to Government Code 56430

Project Location – Amador County, entire district

Project Location - County: Amador

Description of Project: Review of local government service provider

Name of Public Agency Approving Project: Amador LAFCO

Name of Person or Agency Carrying out Project: Amador LAFCO

Lead Agency Contact Person: Roseanne Chamberlain, Executive Officer (209) 418-9377

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1);15268);
- Declared Emergency (Sec.21080(b)(3);15269(a);
- Categorical Exemption. State type and selection number:
- Statutory Exemptions. State code number: 21102, 21150

Reasons why project is exempt: Descriptive and Planning Studies for Possible Future Action for which funding has not been approved.

Signature: _____ Date: 2/18/21 Title: Executive Officer

Signed by Lead Agency Date received for filing at OPR: _____
 Signed by Applicant

POSTED ON:

AGENDA ITEM # 9

TO: ALL COMMISSIONERS, ALTERNATES
FROM: ROSEANNE CHAMBERLAIN, EXECUTIVE OFFICER
SUBJECT: EXTENSION OF TIME FOR LAFCO PROJECTS #298 TO ALLOW COMPLETION OF MAPPING
DATE: MEETING OF JULY 15, 2021

BACKGROUND:

LAFCO approved the Bowers Annexation (Project #298) to the city of Sutter Creek on October 17, 2019. The project is complete and ready to record except for the final map and legal description. Unless the commission grants an extension of time, the boundary changes may be deemed terminated if the final documents, including map and legal description, are not recorded within 12 months of commission approval.

DISCUSSION:

The Bowers Annexation included right-of-way for road and utilities extension between Valley View Way and Independence Drive. The area to be annexed will become part of adjacent APN 044-020-095 which is already within the city of Sutter Creek. Apparently there have been delays coordinating with Sutter Creek, exacerbated by Covid restrictions. The applicants are now actively working to resolve the outstanding issues.

Boundary change maps must meet the requirements of the county recorder's office and the State Board of Equalization before the certificate of completion can be recorded. The maps are reviewed by the county surveyor to ensure these technical requirements are satisfied.

Government Code Section 57001 specifies that any boundary change is deemed terminated unless recorded and finalized within 12 months of the date of the commission's approval. "If a certificate of completion for a change of organization or reorganization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed terminated unless prior to the expiration of that year the commission authorizes an extension of time for that completion. The extension may be for any period deemed reasonable to the commission for completion of necessary prerequisite actions by any party."

RECOMMENDATION:

Grant an additional six-month extension for recording LAFCO Project #298 to allow sufficient time for the map and legal description to be completed and reviewed by the county surveyor.

AGENDA ITEM #10

TO: ALL COMMISSIONERS, ALTERNATES
FROM: ROSEANNE CHAMBERLAIN, EXECUTIVE OFFICER
SUBJECT: MODIFICATION OF INDEMNIFICATION AGREEMENT
DATE: MEETING OF JULY 15, 2021

BACKGROUND & SUMMARY:

Most LAFCOs require applicants to sign an agreement to indemnify LAFCO in the event that their project triggers litigation. A recent court decision has found that these types of indemnification agreements cannot be enforced by LAFCO.

CALAFCO was a party to an amicus brief requesting the matter be appealed to the Supreme Court, but the Court declined to take the case and declined to de-publish the decision. Legislation will likely be submitted next session to modify the law to allow LAFCO to require and enforce indemnification agreements.

The current thinking is that a voluntary indemnification agreement signed by applicants will allow LAFCO some recourse on projects where litigation might be likely. It would be more consistent with the court decision. Amador LAFCO has never been sued and most of our boundary change decisions are less likely to incite litigation. However, we need to maximize any and all protections that can be put in place.

Butte LAFCO, working with their legal counsel, has developed the attached voluntary indemnification form. Our legal counsel has tracked the court case and decisions and reviewed the Butte LAFCO wording. He confirms it would be prudent to modify the current indemnification agreement to the language used by Butte LAFCO.

EXECUTIVE OFFICER'S RECOMMENDATIONS:

1. Direct staff to modify the current indemnification agreement to the language used by Butte LAFCO
2. Add the modified indemnification form to the materials provided to applicants for boundary changes and related proposals.

Attachments: Butte LAFCO indemnification agreement



Voluntary Indemnification Agreement
(Approved June 3, 2021 as a component of all applications)

LAFCo may not condition acceptance of an application upon requiring the Applicant to indemnify LAFCo. However, LAFCo has complete discretion whether to defend any lawsuit that is filed to challenge its decisions. With its limited budget, LAFCo will usually be reluctant to allocate resources to defend challenged decisions. If the Applicant desires to assure that LAFCo will consult with Applicant before determining how to proceed on a legal challenge and increase the likelihood that LAFCo will defend its decision on Applicant's proposal, Applicant may enter into the following voluntary contractual agreement to indemnify LAFCo in the event of legal challenge:

1. FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged. The Applicant shall defend, indemnify and hold harmless, LAFCo, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought by a third party, the purpose of which is to attack, set aside, void, or annul LAFCo's decision with respect to Applicant's proposal or any required findings or determinations under CEQA made as part of that decision. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity other than the applicant, arising out of or in connection with LAFCo's approval of the Applicant's proposal, whether or not there is concurrent, passive, or active negligence on the part of LAFCo, its agents, officers, attorneys, employees and contractors/consultants.
2. Applicant agrees that LAFCo shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest subject to the provisions of this agreement, and that such actions shall not relieve or limit Applicant's obligations to indemnify and reimburse defense costs.
3. In exchange for such indemnity, LAFCo agrees to the following:
 - a. To immediately notify the Applicant of any litigation or administrative proceeding with respect to the Applicant's application in which LAFCo is named as a party.
 - b. In the event that the Applicant is not joined in the action or proceeding, LAFCo agrees to support a motion by the Applicant to intervene in the action or proceeding.
 - c. To consult with Applicant before making any decision whether to defend the legal challenge. If Applicant desires to defend the case and confirms in writing its commitment to reimburse LAFCo for its defense costs and provides a deposit for such costs as LAFCo shall reasonably determine, LAFCo will proceed to defend unless it has reasonable cause not to do so. If a determination is made to defend the action, LAFCo counsel will consult and reasonably cooperate with Applicant's counsel in the defense of the action. LAFCo shall not enter into any settlement of all or a part of the action without consulting with Applicant.

APPLICANT:

I/We have reviewed the Voluntary Indemnification Agreement and choose not to sign.

I/We have reviewed and agree to the Voluntary Indemnification Agreement as presented above.

Date: _____

By: _____
Project Proponent Authorized Signer

Butte LAFCo:

Date: _____

By: _____
Stephen Lucas, LAFCo Executive Officer

2021 Events Calendar

JANUARY

- 8 CALAFCO Legislative Committee (Virtual)
- 19 CALAFCO Monthly EO meeting (Virtual)
- 21 CALAFCO Board of Directors Strategic Planning Session (Virtual)
- 22 CALAFCO Board of Directors Meeting (Virtual)
- 21-22& League New Mayor & Council Academy (Virtual)
- 28-29 (Virtual)
- 27-28 CA Assn. of Sanitation Agencies Conference (Virtual)

FEBRUARY

- 16 CALAFCO Monthly EO meeting (Virtual)
- 19 CALAFCO Legislative Committee (Virtual)

MARCH

- 17-19 CALAFCO Staff Workshop (Cancelled)
- 26 CALAFCO Legislative Committee (Virtual)

APRIL

- 19 CALAFCO Monthly EO meeting (Virtual)
- 13-14 Fire District Assn. Annual Meeting (Virtual)
- 21-23 CA State Assn. of Counties Leg Days (Virtual)
- 30 CALAFCO Board of Directors Meeting (Virtual)

MAY

- 7 CALAFCO Legislative Committee (Virtual)
- 12-13 Assn. of CA Water Agencies Conference (Virtual)
- 17 CALAFCO Monthly EO meeting (Virtual)
- 18-19 CA Special Districts Assn. Leg Days (Virtual)

JUNE

- 7 CALAFCO U Session (Virtual)
- 18 CALAFCO Legislative Committee (Virtual)
- 23 CALAFCO Board of Directors Special Meeting (Virtual)
- 28 CALAFCO Monthly EO meeting (Virtual)

JULY

- 14 CALAFCO U Session (Virtual)
- 23 CALAFCO Legislative Committee (Virtual)
- 30 CALAFCO Board of Directors Meeting (Virtual)

AUGUST

- 3 CALAFCO Monthly EO meeting (Virtual)
- 9 CALAFCO U Session – Part I of IV (Virtual)
- 11-13 CA Assn. of Sanitation Agencies Annual Conference (San Diego)
- 16 CALAFCO U Session – Part II of IV (Virtual)
- 23 CALAFCO U Session – Part III of IV (Virtual)
- 26 CALAFCO U Session – Part IV of IV (Virtual)
- 30 CA Special Districts Assn. Conference (Monterey)

SEPTEMBER

- 1-2 CA Special Districts Assn. Conference (Monterey)
- 7 CALAFCO Monthly EO meeting (Virtual)
- 22-24 League Annual Conference (Sacramento)
- 29-30 Regional Council of Rural Counties Annual Conference (Monterey)

OCTOBER

- 6-8 CALAFCO Annual Conference (Newport Beach)
- 7 CALAFCO Annual Business Meeting (Newport Beach)
- 8 CALAFCO Board of Directors Meeting (Newport Beach)
- 22 CALAFCO Legislative Committee (2022) (Virtual)

NOVEMBER

- 1 CALAFCO Monthly EO meeting (Virtual)
- 5 CALAFCO Legislative Committee (Sacramento)
- 12 CALAFCO Board of Directors Meeting (Sacramento)
- 30 CA State Assn. of Counties Annual Conference (Monterey)
- 30 Assn. of CA Water Agencies Conference (Pasadena)

DECEMBER

- 1-3 CA State Assn. of Counties Annual Conference (Monterey)
- 1-3 Assn. of CA Water Agencies Conference (Pasadena)
- 3 CALAFCO Legislative Committee (San Diego)
- 6 CALAFCO Monthly EO meeting (Virtual)

Sharing Information and Resources

CALIFORNIA ASSOCIATION OF
LOCAL AGENCY FORMATION
COMMISSIONS

1020 12th Street, Suite 222
Sacramento, CA 95814

916-442-6536

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

Updated June 15, 2021



Date: May 24, 2021

To: CALAFCO Members
LAFCo Commissioners and Staff
Other Interested Organizations

From: CALAFCO Achievement Awards Committee

Subject: **2021 CALAFCO Achievement Award Nominations**



On behalf of the Association, we are pleased to announce the newly updated CALAFCO Achievement Awards program and the opening of the nomination period. During the past year while the Committee and program were in hiatus due to the pandemic, the program underwent a comprehensive review and update. On April 30, 2021, the Board of Directors unanimously approved and adopted the program.

Each year, CALAFCO recognizes outstanding achievements by dedicated and committed individuals and/or organizations from throughout the state at the Annual Conference Achievement Awards Ceremony. This year's ceremony will be on October 7 at the Hyatt Regency Newport Beach John Wayne Airport, during the awards banquet.

Recognizing individual and organizational achievements is an important responsibility. It provides visible recognition and support to those who go *above and beyond* in their work to advance the principles and goals of the Cortese-Knox-Hertzberg Act. We invite you to use this opportunity to nominate the individuals and organizations you feel deserve this important recognition based on the criteria outlined. *Please carefully review the nomination instructions and the criteria for each category. Incomplete nominations will not be considered by the Committee, nor will nominations that do not adhere to the submittal guidelines.*

For this year only, the nomination period covers the 2020 and 2021 timeframe. This is because there were no awards last year. This will be a one-time only expansion of the timeframe. ***SPECIFICALLY, THAT IS JULY 1, 2019 THROUGH JUNE 30, 2021. Please ensure your nomination highlights achievements only during this timeframe.***

To make a nomination, please use the following procedure:

1. Nominations may be made by an individual, a LAFCo, a CALAFCO Associate Member, or any other organization.
2. Each nomination must meet the specific award category criteria for consideration. The Committee will not consider any nomination for an award for any category other than the one for which it was submitted. Duplicate nominations *will not be considered by the Committee.*
3. Nominations ***must be submitted with a completed nomination form.*** Please use a separate form for each nomination. The form is your opportunity to highlight the most important points of your nomination.
4. Nomination *Executive Summaries* must be ***limited to no more than 250 words in length.*** Nomination *Summaries* must be ***limited to no more than 1,000 words or 2 pages in length maximum.*** You are encouraged to write them in a clear, concise and understandable manner. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount ***will not be considered by the Committee.***

5. All supporting information (e.g. reports, news articles, etc.) must be submitted with the nomination. ***Limit supporting documentation to no more than 3 pages.*** If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount ***will not be considered by the Committee.***
6. All nomination materials must be submitted at one time and must be received by the deadline. No late nominations will be accepted – no exceptions. Electronic submittals are required and must be submitted as pdf document, using the fillable pdf document provided.
7. **Nominations and supporting materials must be received no later than 3:00 p.m., Friday, August 13, 2021.** Send nominations via e-mail to:

Stephen Lucas, CALAFCO Executive Officer
slucas@buttecounty.net

AND

Christine Crawford, CALAFCO Deputy Executive Officer
christine.crawford@yolocounty.org

Please contact Steve Lucas, CALAFCO Executive Officer, at slucas@buttecounty.net or (530) 538-7784 with any questions.

Members of the 2021 CALAFCO Board of Directors Awards Committee

Board Members:

Anita Paque, Committee Chair (Calveras LAFCo, Central Region)

Daron McDaniel (Merced LAFCo, Central Region)

Jo MacKenzie (San Diego LAFCo, Southern Region)

Margie Mohler (Napa LAFCo, Coastal Region)

Josh Susman (Nevada LAFCo, Northern Region)

apaque@calafco.org

dmcdaniel@calaco.org

jmackenzie@calafco.org

mmohler@calafco.org

jsusman@calafco.org

Regional Officer Members:

Christine Crawford, CALAFCO Deputy Executive Officer (Central Region)

Steve Lucas, CALAFCO Executive Officer (Northern Region)

Martha Poyatos, CALAFCO Deputy Executive Officer (Coastal Region)

Gary Thompson, CALAFCO Deputy Executive Officer (Southern Region)

christine.crawford@yolocounty.org

slucas@buttecounty.net

mpoyatos@smcgov.org

gthompson@lafco.org

Included as attachments:

- Achievement Awards Program Summary
- 2021 Achievement Award nomination form
- Achievement Award categories, nomination and selection criteria
- Listing of prior Achievement Award recipients



AMADOR LAFCO



LOCAL AGENCY FORMATION COMMISSION

P.O. BOX 22-1292 ♦ SACRAMENTO, CA 95822
810 COURT STREET ♦ JACKSON, CA 95642-95334 ♦ (209) 418-9377

June 22, 2021

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

**RE: Request to Sign AB 1581
Assembly Local Government Committee Omnibus Bill**

Dear Governor Newsom:

The Amador Local Agency Formation Commission (LAFCo) respectfully requests that you sign **Assembly Bill 1581** (Assembly Local Government Committee) which is now before you for action. **AB 1581** makes changes and clarifications to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

This annual bill includes technical changes to the Act which governs the work of local agency formation commissions. These changes are necessary as commissions implement the Act and small inconsistencies are found or clarifications are needed to make the law as unambiguous as possible. **AB 1581** makes several minor technical changes, corrects obsolete and incorrect code references, and makes minor updates to outdated sections. Without making any policy changes, the revised language greatly clarifies the laws and eliminates outdated and confusing language thereby creating a significant increase in the clarity of the Act for all stakeholders.

Because this legislation helps insure that the Cortese-Knox-Hertzberg Act remains a vital and practical law that is consistently applied around the state, and clearer to all who use the Act, we respectfully urge you to sign **AB 1581**.

Yours sincerely,

Patrick Crew
Commission Chairman, Amador LAFCO

cc: Honorable Cecilia Aguiar-Curry, Chair, Assembly Local Government Committee
Jimmy MacDonald, Consultant, Assembly Local Government Committee
Ronda Paschal, Deputy Legislative Secretary to the Governor
Pamela Miller, Executive Director, CALAFCO