

## MEETING AGENDA

### Del Norte Local Agency Formation Commission VIDEO/TELECONFERENCE MEETING November 23, 2020 4:00 pm

#### **LISTEN TO THE MEETING AND COMMENT REMOTELY:**

##### **Join Zoom Meeting:**

<https://us02web.zoom.us/j/87028437905?pwd=WmFUSIBva0l6elhPOTdKWIRmV0tXdz09>

**Meeting ID:** 870 2843 7905

**Passcode:** 765547

**Or call in to the following telephone number and use the Meeting ID and Password above:** 1 (669) 900-6833 (use \*6 to mute and unmute)

Due to the ongoing COVID-19 issues, the Governor of the State of California has issued Executive Order N-29-20 and Order N-25-20 establishing social distancing measures and suspending provisions of the Brown Act. For this reason we ask that you:

PLEASE SUBMIT ANY PUBLIC COMMENTS AHEAD OF TIME IF AT ALL POSSIBLE. Please send comments to [eo@delnortelafo.org](mailto:eo@delnortelafo.org). Your comment will be limited to 3000 characters. Your comment will be read aloud during the public comment period. Comments for general public comment and specific agenda items may be submitted until 2 p.m. on Monday November 23, 2020. Please submit only one comment per agenda item and only one general public comment. Comments for general public comment and specific agenda items may also be mailed to Del Norte LAFCo, 1125 16<sup>th</sup> Street Suite, 202 Arcata, CA 95521. Written comments must be received by 2 p.m. Monday November 23, 2020.

IF YOU REQUIRE AN ACCOMMODATION DUE TO DISABILITY under the Americans with Disability Act that does not allow you to participate remotely please notify LAFCo Executive Officer [eo@delnortelafo.org](mailto:eo@delnortelafo.org) or phone number (707) 825-9301. If you know you require an accommodation, please let LAFCO know as soon as possible no later than 24 HOURS before the meeting in order to make other arrangements for viewing the meeting and/ or comment.

1. Call to Order/Roll Call

Pledge of Allegiance

Certificate of Appreciation for Roger Gitlin (ATTACHMENT 1A)

2. Public Hearings

A. Del Norte LAFCo Fees and Deposits Schedule – Adopt Resolution 20-05 (ATTACHMENT 2A)

3. Regular Business

A. Approval of August 24, 2020 Draft Minutes (ATTACHMENT 3A)

B. Adopt Resolution 20-06 Finding Insufficient Protest, and Confirming and Ordering the Hunter Valley Community Services District: Park and Recreation Latent Powers Activation (ATTACHMENT 3B)

**Del Norte Local Agency Formation Commission**  
**VIDEO/TELECONFERENCE MEETING**  
**August 24, 2020 4:00 pm**

C. CALAFCO Update –Board Elections (verbal report)

Webinar December 7 2021: LAFCos' Critical Role in Moving Forward in the Crisis Realities of 2020 and Beyond (ATTACHMENT 3C)

4. Inquiries, Correspondence, Application Status and Referrals

- A. Staff - The Executive Officer will provide a report of current projects, issues of interest, and pending legislation.
- B. Commission - On their own initiative, Commission members may make brief announcements or reports on their own activities. They may ask questions for clarification, make a referral to staff or request a business matter for a future agenda per Government Code Section 54954.2 (a).
- C. Public - Public comment on items of interest within LAFCo subject matter jurisdiction, and not otherwise appearing on the agenda. No action may be taken on any item not appearing on the agenda.

5. Adjournment

Next Regular Meeting Scheduled for January 25, 2021.

DEL NORTE LOCAL AGENCY FORMATION COMMISSION

# Certificate of Appreciation

is hereby awarded to

**Roger Gitlin**

In recognition of service to the Commission as a County Member and commitment to the principles of the Cortese-Knox-Hertzberg Act.

November 23, 2020  
Del Norte County, California

COMMISSION CHAIR

  
EXECUTIVE OFFICER

**DEL NORTE  
LOCAL AGENCY FORMATION COMMISSION**  
1125 16<sup>th</sup> Street, Suite 202  
Arcata, California 95521  
TEL (707) 825-9301 FAX (707)825-9181  
eo@delnortelaftco.org

**AGENDA ITEM 2A**

**MEETING DATE:** November 23, 2020  
**TO:** Del Norte Local Agency Formation Commission  
**FROM:** George Williamson AICP, Executive Officer  
**SUBJECT:** Del Norte LAFTCo Fee Schedule Update - Adopt Resolution 20-05

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**RECOMMENDATION**

The following procedures are recommended for the Commission's consideration of this item:

- Receive verbal report from staff;
- Open the public hearing and invite testimony; and
- Discuss item and - if appropriate - close the hearing and consider recommendation:  
Adopt Resolution 20-05 - Updated Schedule of Fees and Deposits.

**DISCUSSION**

Government Code Section 56383 allows LAFTCos to recover costs by charging fees, provided they do not exceed actual cost of providing those services for which the fee is charged. LAFTCo collects application fees, in the form of deposits, for review of boundary changes, sphere of influence requests, out-of-boundary service extensions, and other LAFTCo services. Cost-accounting to reflect the actual application processing costs. Should the cost be less than the deposit, the difference is refunded to the applicant. Should the cost exceed the deposit, the applicant is notified that an additional deposit is required.

Del Norte LAFTCo Fees were last updated in 2004. Staff is recommending deposit amounts be increased for certain proposals in order to eliminate the need to request additional funds from applicants. As with the current cost accounting practice, any unexpended portion of the deposit will be returned to applicants upon completion of the proceedings. The proposed Schedule of Fees and Deposits with updated application amounts is attached.

**Updated Fees & Deposits**

Resolution 20-05 approves a deposit increase to cover increased processing costs. Fees have been maintained at the same level. Proposed increases are:

- Deposit for Annexations/Detachments/Reorganization increase from \$1,000 - \$2,500
- Deposit for Consolidation/Dissolution increases from \$2,000 - \$2,500
- Deposit for Out of Agency service contract increases from \$700 - \$900

Attachment A: Resolution 20-05 - Updated Schedule of Fees and Deposits

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**RESOLUTION 20-05**

**RESOLUTION OF THE DEL NORTE LOCAL AGENCY FORMATION COMMISSION ADOPTING THE  
SCHEDULE OF FEES AND DEPOSITS**

WHEREAS, California Government Code Section 56383 allows for a Local Agency Formation Commission to establish a schedule of fees for the costs of proceedings; and

WHEREAS, the Commission determines that fees should be based on actual processing costs plus indirect and administrative costs; and

WHEREAS, the Executive Officer gave notice of this matter in the manner required by law; and

WHEREAS, the Commission discussed and considered all oral and written testimony for and against this matter including, but not limited to, the LAFCo Staff Report and recommendation; and

WHEREAS, the Executive Officer gave sufficient notice of a public hearing to be conducted by the Commission in the form and manner prescribed by law; and

WHEREAS, the Commission heard and fully considered all evidence presented at a public hearing on November 23, 2020; and

WHEREAS, the Commission considered all the factors required under California Government Code Section 66016.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. Pursuant to Government Code Section 66016, the Commission makes written statement of determinations for the proposed Schedule of Fees and Deposits, hereby ATTACHED.
2. The Commission, as Lead Agency, determines the FEES & SCHEDULE UPDATE exempt from further review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). This finding is based on the Commission determining with certainty the update will have no possibility of significantly effecting the environment given no new land use or municipal service authority is granted.
3. The Executive Officer shall revise the official records of the Commission to reflect the updated Fees & Schedules.

**PASSED AND ADOPTED** at a meeting of the Del Norte Local Agency Formation Commission, State of California, on the 23<sup>rd</sup> day of November 2020, by the following vote:

DEL NORTE  
LOCAL AGENCY FORMATION COMMISSION  
1125 16<sup>th</sup> Street, Suite 202  
Arcata, California 95521  
TEL (707) 825-9301 FAX (707)825-9181  
eo@delnortelafo.org

AYES: Commissioners:  
NOES: Commissioners:  
ABSENT: Commissioners:  
ABSTAIN: Commissioners:

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Jason Greenough, Chair

Attest:

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George Williamson, Executive Officer

Attachment: Exhibit A



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**Proposed Schedule of Fees and Deposits**

(All fees are initial deposits, unless otherwise noted)

<b>Application Type</b>	<b>Deposit Amount</b>
Annexation of single-family residence for reasons of public health and safety	\$1,000
Annexation/Detachment/Reorganization	\$2,500 + CEQA & BOE fees
Consolidation/ Dissolution	\$2,500 + CEQA & BOE fees
District Formation	\$5,000 + CEQA & BOE fees
Out of Agency Service Contract Request	\$900
Incorporation	\$15,000 + CEQA & BOE fees
Reconsideration of LAFCO Determination	\$1,000
Sphere of Influence Amendment	\$1,500
Activation of Latent Powers	\$1,000

**Other Fees**

Prep-Application Consultation	No charge limited to one half hour of staff time, then actual cost
Special Meetings	\$400 Deposit towards Total Cost
Copies of Staff Reports & Other Documents	\$0.10 /page

**Deposits:** All deposits are initial payments toward the actual cost of processing proposals ("project cost") and must be paid at the time an application is submitted. Project cost is defined as staff time plus materials. Staff work time, which includes overhead costs, is tracked on an hourly basis. Materials include, but are not limited to, charges for advertisement of hearings, as well as fees charged for project reviews by affected agencies.

Staff time will be monitored against the deposit on file with LAFCO. If actual costs exceed the deposit amount, LAFCo will invoice the applicant for the additional costs.

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Processing of the application may be suspended until payment is received. All final bills must be paid by the applicant prior to filing of the Certificate of Completion. Any portion of the deposit not used for processing is refunded after LAFCo completes its final filings.

**Legal Counsel Fees:** Applicants will be charged the actual costs of fees associated with legal consultation or review.

**Environmental Document (CEQA) Fees:** When LAFCo is the lead agency environmental document preparation and associated California Department of Fish and Wildlife and County filing fees shall be paid by the applicant.

**State Board of Equalization Fees:** Applicants are also responsible for payment of appropriate State Board of Equalization (BOE) fees. A schedule of processing fees for the BOE is available on their website or from LAFCo staff.

**Outside Assistance Fees:** If the Executive Officer determines that the processing of an application requires LAFCo to contract with another agency, private firm, or individual for services that are beyond the normal scope of LAFCo staff work (e.g., drafting of an Environmental Impact Report or Comprehensive Fiscal Analysis), the applicant shall be responsible for all costs associated with that contract or service. The applicant shall provide LAFCo with a deposit sufficient to cover the cost of the contract or an amount determined by the Executive Officer to be a reasonable estimate of the costs.



## MEETING MINUTES

### Del Norte Local Agency Formation Commission VIDEO/TELECONFERENCE MEETING August 24, 2020 4:00 pm

#### REMOTE MEETING:

Due to the ongoing COVID-19 issues, the Governor of the State of California has issued Executive Order N-29-20 and Order N-25-20 establishing social distancing measures and suspending provisions of the Brown Act. Meeting held by teleconference.

**Members present:** Jason Greenough (City Member & Chair), Bob Berkowitz (County Member & Vice-Chair), Blake Inscore (City Member), Roger Gitlin (County Member), Judy Dobbs (Alternate Public Member)

**Members absent:** Sparky Countess (Public Member)

**Others present:** George Williamson (Executive Officer), Vanessa Blodgett (Analyst/Administrator), Joel Campbell-Blair (Legal Counsel); Emily Morris (Service Specialist)

#### 1. Call to Order/Roll Call

Chairman Greenough called the meeting to order at 4:00 p.m. A voice roll call was taken. Commissioner Berkowitz led the Pledge of Allegiance

#### 2. Public Hearings

- A. Hunter Valley Community Services District Park & Recreation Services Activation – Adopt Resolution 20-04

Commission Chair Greenough convened the public hearing for the Hunter Valley Community Services District Park & Recreation Services Activation.

Executive Officer Williamson provided a telephonic report on the Park & Recreation Services Activation as proposed by the Hunter Valley Community Services District, LAFCO staff recommends approving the activation by Resolution 20-04.

Commission Chair Greenough opened the public hearing and invited testimony. Hunter Valley Community Services District representatives were on the conference call and commented on community support for the services activation,

The Commission discussed the item. Commission Chair Greenough closed the public hearing.

On a motion by Commissioner Gitlin, seconded by Commissioner Berkowitz and carried by a 5-0 vote the Commission adopted Resolution 20-04 approving the Hunter Valley Community Services District Park & Recreation Services Activation.

#### 3. Regular Business

- A. Approval of April 20, 2020 Draft Minutes

**Del Norte Local Agency Formation Commission**  
**VIDEO/TELECONFERENCE MEETING**  
**August 24, 2020 4:00 pm**

On a motion by Commissioner Gitlin, seconded by Commissioner Berkowitz and carried by a 5-0 vote the Commission approved the April 20, 2020 Minutes.

**B. Approval of June 1, 2020 Draft Minutes**

On a motion by Commissioner Inscore, seconded by Commissioner Berkowitz and carried by a 5-0 vote the Commission approved the June 1, 2020 Minutes

**C. Fiscal Year 2019-2020 Year End Financial Report**

This is a receive and file report, no Commission action necessary.

**D. Fiscal Year 2020-2021 Meeting Dates and Compliance Work Plan**

This is a receive and file report, no Commission action necessary.

**E. CALAFCO Update – Annual Conference and Board Elections**

On a motion by Commissioner Berkowitz seconded by Commissioner Greenough, and carried by a 5-0 vote the Commission approved submitting Commissioner Inscore's name for the Northern Region CALAFCO City representative Board Position

**4. Inquiries, Correspondence, Application Status and Referrals**

- A. Staff - The Executive Officer will provide a report of current projects, issues of interest, and pending legislation. No report.
- B. Commission - On their own initiative, Commission members may make brief announcements or reports on their own activities. They may ask questions for clarification, make a referral to staff or request a business matter for a future agenda per Government Code Section 54954.2 (a). No report.
- C. Public - Public comment on items of interest within LAFCo subject matter jurisdiction, and not otherwise appearing on the agenda. No action may be taken on any item not appearing on the agenda. No report.

**5. Adjournment**

Chairman Greenough adjourned the meeting at 4:45 p.m Next Regular Meeting Scheduled for September 28, 2020.

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**AGENDA ITEM 3B**

**MEETING DATE:** November 23, 2020  
**TO:** Del Norte Local Agency Formation Commission  
**FROM:** George Williamson AICP, Executive Officer  
**SUBJECT:** Adopt Resolution 20-06 Finding Insufficient Protest, and  
Confirming and Ordering the Hunter Valley Community Services  
District: Park and Recreation Latent Powers Activation

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**RECOMMENDATION**

Staff recommends the Commission Adopt Resolution 20-06 of the Del Norte Local Agency Formation Commission Acting as the Conducting Authority, Finding Insufficient Protest, and Confirming and Ordering the Activation of Park and Recreation Powers for the Hunter Valley Community Services District.

**BACKGROUND**

Del Norte LAFCo approved the Hunter Valley CSD parks and recreation powers activation on August 24, 2020. Approval triggered a 30-day reconsideration period followed by a protest hearing. The protest hearing was conducted on October 19, 2020 to allow landowners and registered voters within the affected territory to file a written protest against the Commission's action with the Executive Officer.

Pursuant to State law, an election would be called if 25-50% of registered voters protest or 25% or more of landowners protest. The 25% threshold for landowner protest refers to both the number of owners and the assessed value of land. Furthermore, the powers activation would be terminated if 50% or more of registered voters protest in accordance with this notice. If there is less than 25% protest, the Commission action is confirmed.

**DISCUSSION**

The LAFCo Executive Officer was delegated authority by the Commission to conduct the protest hearing, which was held on October 19, 2020 at 4:00 p.m. via Zoom web conference. Notices for the protest hearing were mailed 21-days in advance to registered voters and property owners within the affected territory, published in the Triplicate and posted on the LAFCo website.

At the hearing, the Executive Officer summarized the proposal and opened the public hearing. No public comments were received, and one landowner protest was filed by the closing of the hearing. Based on the determination that insufficient written protests were submitted by both registered voters and landowners, it is recommended that the Commission order the parks and recreation powers activation without an election in accordance with Government Code Section 57075(a)(3). The powers activation will not become effective until conditions are fulfilled to the satisfaction of the LAFCo Executive Officer, which must occur prior to the recordation of the Certificate of Completion. Staff will keep the Commission apprised of the District's progress with fulfilling the conditions.

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**ATTACHMENT**

Attachment 1: Resolution 20-06 Finding Insufficient Protest, and Confirming and Ordering the Activation of Park and Recreation Powers for the Hunter Valley Community Services District

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**RESOLUTION 20-06**

**RESOLUTION OF THE DEL NORTE LOCAL AGENCY FORMATION COMMISSION  
FINDING INSUFFICIENT PROTEST, AND CONFIRMING AND ORDERING THE ACTIVATION OF  
PARK AND RECREATION POWERS FOR THE HUNTER VALLEY COMMUNITY SERVICES DISTRICT**

WHEREAS, the Del Norte Local Agency Formation Commission, hereinafter referred to as the "Commission," adopted Resolution No. 20-04, subject to terms and conditions, on August 24, 2020 after holding a public hearing, making determinations, and approving the activation of park and recreation powers for the Hunter Valley CSD in accordance with proceedings taken pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56650, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000); and

WHEREAS, the Commission serves as the conducting authority for proceedings taken pursuant to Part 4, Division 3, Title 5 of the California Government Code (commencing with Section 57000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000) to determine whether the proposal outcome, in the case of uninhabited territory, is to be confirmed, terminated, or subject to an election based on written protests received from landowners and registered voters within the affected territory in accordance with California Government Code Section 57075(a); and

WHEREAS, the Commission delegated authority to the LAFCo Executive Officer to order, hold, and report on conducting authority proceedings pursuant to California Government Code Section 57000(c); and

WHEREAS, the Executive Officer held a virtual public hearing on October 19, 2020, after providing sufficient notice of the hearing in the form and manner prescribed by law; and

WHEREAS, at said hearing, the Executive Officer summarized the Commission's determinations and conditions included in Resolution No. 20-04, and heard and received all oral and written protests, objections, and evidence presented; and

WHEREAS, upon conclusion of the protest hearing, the Executive Officer determined the value of written protests filed and not withdrawn, which consisted of one written protest from a landowner and registered voter. In such cases, pursuant to California Government Code Section 57075(a)(3), the Commission is directed to confirm the activation of powers without an election.

**NOW, THEREFORE, BE IT RESOLVED** by the Commission as follows:

1. The Commission, acting as the conducting authority, hereby confirms and orders the Activation of Park and Recreation powers for the Hunter Valley CSD.

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THE FOREGOING RESOLUTION was passed and duly adopted at a regular meeting of the Del Norte LAFCO Commission on November 23, 2020 by the following votes:

AYES: Commissioners:  
NOES: Commissioners:  
ABSENT: Commissioners:  
ABSTAIN: Commissioners:

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Jason Greenough, Chair

Attest:

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George Williamson, Executive Officer

## Envisioning and Planning the Future - A Special CALAFCO Webinar Offering **LAFCo's Critical Role in Moving Forward in the Crisis Realities of 2020 and Beyond**

### ABOUT THIS SESSION

CALAFCO is pleased to offer a variety of webinars at no cost to our Membership through the end of 2020. We are committed to continuing to provide you educational and professional development opportunities even during the pandemic. Each of these unique webinars will be recorded and placed in the Members section of the website for on-demand viewing.

**DATE: Monday, December 7, 2020**

**TIME: 1:30 p.m. to 3:00 p.m.**

**Registration closes November 30, 2020 at 5:00 p.m.**

Join us for another CALAFCO special session as we explore LAFCo's role in rebuilding and revitalizing our communities. In light of the economic fallout of the pandemic, historic wildfire season and other factors, LAFCo has an important role to play in guiding the local recovery process. The pandemic exposed and highlighted old paradigms and existing inequities such as access to services (including healthcare), broadband, healthy food, clean water and access to outdoor parks and open space. In this session, we will explore LAFCo's role with respect to these access issues and what LAFCo powers intersect with these issues.

We will have the provocative and necessary conversation of LAFCo's value and the need for proactive LAFCo leadership now more than ever. Our panel, along with attendees, will look at what it means for LAFCo to step into the role of convener and facilitator to be a local government champion and rebuild communities, along with the tools LAFCo has to do so. This includes leading conversations without bias, developing more efficient services (including looking at how the content and process of conducting Municipal Service Reviews and what factors should be considered in the review of a Proposal and how they can be adapted to more effectively meet the changing external factors), partnering to rebuild local economies in a balance way, and making the difficult decisions of taking crisis actions together with stressed agencies.

Join us as we hear from State Legislators and local LAFCo Commissioners and staff on the critical role of LAFCo in these unprecedented times.

### Presenters:

- Senator Robert Hertzberg (invited)
- Assemblymember Cecilia Aguilar-Curry
- Supervisor John Leopold, Commissioner, Santa Cruz LAFCo
- Mr. Gary Bell, Shareholder, Colantuono Highsmith & Whatley
- Ms. Erin Gilhuly, Owner & President, CV Strategies

**Moderator:** Ms. Pamela Miller, Executive Director, CALAFCO

Approved for 1.5 AICP CM Credits



### REGISTRATION INFORMATION

**NO REGISTRATION FEE IS REQUIRED FOR THIS SESSION FOR MEMBERS OF CALAFCO. ONLY MEMBERS OF CALAFCO ARE ELIGIBLE TO REGISTER AND ATTEND.**

Click on the link below to register.

<https://www.eventbrite.com/e/lafcos-critical-role-in-moving-forward-tickets-125074823163>

**Registration must be received by 5:00 p.m. November 30, 2020.**

**No late registrations will be accepted.**

Once you register on Eventbrite you will receive the Zoom Registration link with your confirmation email. You will then need to use that Zoom Registration link prior to the session to get the Webinar link to join that session. **DO NOT WAIT UNTIL THE LAST MINUTE TO DO THIS STEP.**

You can also find this information on the CALAFCO website at [www.calafco.org](http://www.calafco.org).

For additional information or questions, please contact Christine Crawford at [christine.crawford@yolocounty.org](mailto:christine.crawford@yolocounty.org), Pamela Miller at [pmiller@calafco.org](mailto:pmiller@calafco.org), or Jeni Ticker at [jticker@calafco.org](mailto:jticker@calafco.org).



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