

MEETING AGENDA



Del Norte Local Agency Formation Commission
REGULAR MEETING
In Person: Del Norte County Board of Supervisors Chambers
Flynn Center - 981 H St. Crescent City, CA 95531
February 26, 2024, 4:00 pm

1. Call to Order/Roll Call/ Commission Introductions & Appointments
 - A. Pledge of Allegiance
 - B. Election of Chairperson & Vice-Chairperson for 2024
2. Public Hearings
 - A. None
3. Regular Business
 - A. Draft Minutes November 27 2023 (ATTACHMENT 3A)
 - B. Del Norte LAFCo Office Relocation, & Planwest Contract Amendment for Lease Space Charge (ATTACHMENT 3B)
 - C. Klamath CSD Annexation – Certificate of Filing (ATTACHMENT 3C)
 - D. Klamath FPD Fire Services Plan – Update (ATTACHMENT 3D)
 - E. FY 2023-24 Mid-Year Budget Summary & Amendment Resolution (ATTACHMENT 3E)
 - F. Smith River FPD Annexation – Amended Application Filing by Board Resolution (ATTACHMENT 3F)
 - G. HRC CSD MSR & Pre-annexation Agreement (ATTACHMENT 3G)
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.
 - 2024 Meeting Dates
 - CALAFCO Indemnification Legislation
 - Smith River CSD MSR Update
 - 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 Meeting scheduled for April 22, 2024, unless alternate date scheduled.



DEL NORTE LOCAL AGENCY FORMATION COMMISSION

1125 16th Street, Suite 202
Arcata, California 95521
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AGENDA ITEM 3B

MEETING DATE: February 26, 2024
TO: Del Norte Local Agency Formation Commission
FROM: George Williamson AICP, Executive Officer
SUBJECT: Del Norte LAFCo Office Relocation and Lease Space - April 1 2024

BACKGROUND

In 2008, Del Norte LAFCo distributed an Executive Officer & related staffing services Request for Proposals. Planwest Partners Inc. (Planwest) responded with a services proposal and was selected to provide contract staffing services. Del Norte LAFCo entered into a contract services agreement with Planwest that is still in place, having been annually extended through FY 2023-2024.

Planwest has provided a Del Norte LAFCo office location, at 1125 16th Street, Suite 202 Arcata CA (Stewart School Building), since 2008, at no charge to the Commission. LAFCo files and archive records (in multiple filing cabinets and in book cases); meeting materials, a meeting space when needed (infrequently used); office supplies and related materials are maintained at that location. Having access to archive files has been beneficial in responding to records inquiries, including a recent County District Attorney request for special district formation records as part of a pending court case.

DISCUSSION

Cal Poly Humboldt has purchased the Stewart School Building and given Planwest notice to vacate its offices there by March 31, 2024. Planwest has leased office space at the Plaza Center Building, 670 9th Street, Suite 5 in Arcata effective April 1, 2024. The Del Norte LAFCo Office will be relocated as part of that move.

The new office lease rate is considerably more expensive than the prior location. In addition to a significantly increased lease rate, there are common area maintenance charges and higher utility costs. Planwest is having to pass on these higher costs to clients we maintain offices and equipment for, including Del Norte LAFCo.

Starting April 1, Planwest proposes to include a Del Norte LAFCo office space charge of \$ 350.00 per month, as part of monthly services by contract agreement. This would be by an amended agreement between Planwest Del Norte LAFCo. The increased costs would be drawn from unrestricted contingency funds and also included in future FY budgets.

RECOMMENDATION

Amend contract services agreement with Planwest, adding \$350.00 in monthly office lease costs effective April 1, 2024 through the end of FY 2023-24.

Attachment - Services Agreement Amendment

ATTACHMENT 3B



PROFESSIONAL SERVICES CONTRACT AMENDMENT 1

DATE: February 26 2024
TO: Darrin Short, Chair
Del Norte Local Agency Formation Commission (LAFCo)
FROM: George Williamson, AICP, Contract Executive Officer
SUBJECT: Del Norte LAFCo Agreement for Executive Officer Services

Planwest Partners Inc. is authorized to continue providing professional staffing services to Del Norte LAFCo, for Fiscal Year 2023-2024. Planwest will perform the tasks and activities for Del Norte LAFCo identified in Exhibit A, Scope of Services (attached).

All provisions of the Agreement for the Provision of Executive Officer Services for the Del Norte LAFCo remain in effect, except for the following amendments:

Task 3 Maintain Website and Postings

~~Provide materials to GALAFCO webmaster, to~~ Keep the Del Norte LAFCo website updated and ~~to~~ make Agendas and Minutes available to the public in an electronic web-based format.

Task 5 Record Keeping.

Maintain an office space at 670 9th Street, Suite 5, Arcata CA, for Del Norte LAFCo files, records and storage (filing cabinets and shelving) at a cost of Three Hundred and Fifty Dollars (\$350.00) per month, effective April 1 2024.

Darrin Short, Chair
Del Norte LAFCo

Date

“EXHIBIT A” - SCOPE OF SERVICES

Task 1 Performance of Executive Officer Duties

Perform Executive Officers duties including preparing staff reports, proposed findings and other agenda materials for routine Del Norte Local Agency Formation Commission (LAFCo) activities: This includes coordinating boundary adjustment proposals; reviewing applications for provision of new and extended services outside city and district boundaries; reviewing Sphere of Influence and Municipal Service Review reports and amendments; and reviewing environmental documents for California Environmental Quality Act (CEQA) compliance, submitted by member organizations. Duties to be compensated based on Planwest Partners current rate schedule which is updated annually. Preparation of all application materials for LAFCo actions would be the responsibility of the applicant and /or member organization, or may be prepared by the Executive Officer for an additional cost paid by applicant and /or member organization.

Task 2 Develop and Implement Policies

Develop and implement policies within Del Norte LAFCo's authority under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Task 3 Maintain Website Postings

Provide materials to CALAFCO webmaster, to keep the Del Norte LAFCo website update, and to make Agendas and Minutes available to the public in an electronic web-based format.

Task 4 Organization and Administration of LAFCo Business

Respond to inquiries and provide technical assistance and make information available to interested public agencies and individuals.

Task 5 Record Keeping

Distribute, file, publish and keep records of agendas, notices and other required official documents on behalf of LAFCo, and keep the Commission informed of LAFCo budget activities.

Task 6 Staff Support at Meetings

Schedule, post notices and provide staff support at up to six LAFCo meetings in accordance with the Act and LAFCo policies and procedures. Meetings may be attended remotely. Additional meeting support will be provided on a time and materials basis.

Task 7 Representation

Represent Del Norte LAFCo to CALAFCO and to various other policy-making agencies as directed by the Commission.

Task 8 Keep LAFCo Informed

Inform LAFCo of new legislation, correspondence, CALAFCO activities, current events and matters of interest related to LAFCo.



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AGENDA ITEM 3C

MEETING DATE: February 26, 2024
TO: Del Norte Local Agency Formation Commission
FROM: George Williamson AICP, Executive Officer
SUBJECT: Klamath Community Services District Annexation
and Sphere of Influence Amendment

DISCUSSION

Del Norte LAFCo received an application submitted by Klamath CSD Resolution of Application for annexation of territory into the CSD for water service. The proposed annexation area is adjacent to the existing CSD boundaries. Some but not all of proposed annexation territory is within the CSD Sphere of Influence (SOI).

A SOI Amendment is proposed for APNs 140-040-28 & 140-150-16. The proposed annexation and SOI Amendment map is attached.

A Notice of Filing was issued to affected agencies and organizations, including the Yurok Tribe, on February 22, 2023, in accordance with Government Code § 56658(b)(1). There was a delay in processing due to the Property Tax Revenue Sharing Agreement, which has now been executed

A Certificate of Filing is being issued certifying that:

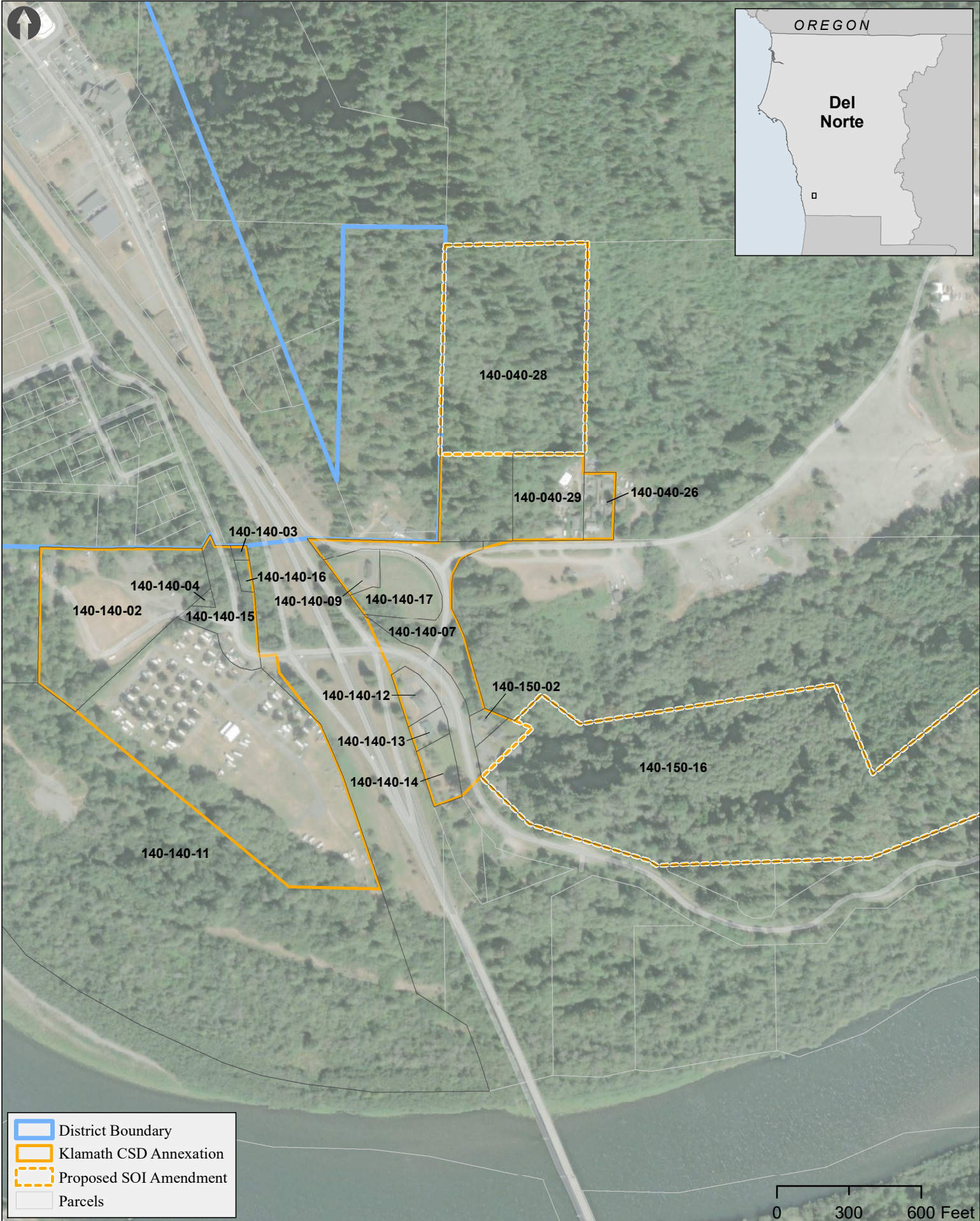
- The application hereinafter referenced and described has been submitted and found to be in the form prescribed by the Commission.
- The application contains the information and data requested and required by the Commission and provisions of state law.
- The applicants provided sufficient notice of intention to adopt a resolution of application to the Commission and to each interested agency and subject agency pursuant to Government Code § 56654(c).
- Property Tax Revenue Sharing Agreement between the CSD and County of Del Norte was executed by Board of Supervisors Resolution 2024-007, per [Revenue and Tax Code §§ 99 and 99.01].





The application is being scheduled for public hearing, at a Commission at a meeting on Monday April 22, 2024, at 4:00 p.m., or as soon thereafter as the matter can be heard, at the Del Norte County Flynn Center, BOS Chambers 981 H Street, Crescent City, California.

RECOMMENDATION

Schedule attendance at Commission meeting on Monday April 22, 2024, at 4:00 p.m.

Attachment: proposed annexation and SOI Amendment map



-  District Boundary
-  Klamath CSD Annexation
-  Proposed SOI Amendment
-  Parcels

0 300 600 Feet

Klamath Community Services District Proposed SOI Amendment ⁶ & Annexation



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AGENDA ITEM 3D

MEETING DATE: February 26, 2024
TO: Del Norte Local Agency Formation Commission
FROM: George Williamson AICP, Executive Officer
SUBJECT: Klamath Fire Services Planning

DISCUSSION

Commission Staff has attended the December, January and last night's (February 21) Klamath Fire Protection District (FPD) Board meetings to discuss building up District capacity, working on Fire Services Planning and looking for increased revenues. The Klamath FPD Fire Chief has also attended the meetings. There is now a five person Board of Director for the first time in years. There also seems to be more commitment to improving fire and emergency response for the Klamath Community.

The Board has indicated needing support in these areas: assistance/training ; benefit assessments; tax options; insurance billings for incident response (Gasquet FPD does this); 5, 10, 20 years plans development; and a vehicle/gear replacement plan.

At last night's meeting the revenue increases, capacity building & community benefits discussion continued. Commission staff noted that these require funding, likely from multiple sources & requested that the FPD Board allocate \$7,500.00 towards fire services planning. The board expressed concerns over this expenditure level & requested an outline of services received for these funds. It was also noted that this amount wouldn't be sufficient for fire services planning, preliminarily estimated at \$30,000- \$40,000 and there would need to be contributions from several other sources, potentially including the Yurok Tribe, Del Norte County, Del Norte LAFCo and a North Coast Resource Partnership grant. At last night's meeting the FPD Board requested detail on the use of District funds and approved holding a special meeting to consider contributing fire services planning funds to Del Norte LAFCo.

The estimated Del Norte County and Del Norte LAFCo contributions would be \$3,750.00 each, with a higher amount: \$5,000.00 + requested from the Yurok Tribe. There is a North Coast Resource Partnership grant application cycle opening in May 2024, with potential for \$15,000 grant awards for special districts. A Draft Fire Services Plan outline is attached.

RECOMMENDATION

Contingent on Klamath FPD contributing \$7,500.00 towards Klamath Fire Services Planning, contribute \$3,750.00 of Del Norte LAFCo funds, from the Unrestricted Funds Account. Direct staff to request additional contributions/apply for grant funds & implement fire services planning, as funds allow.

Attachment: Draft Fire Services Plan Outline₇

Draft Klamath Fire Services Planning Outline (8_88_80)

Objectives:

- Identify key stakeholder and document organizational issues for: Klamath FPD, Yurok Tribe and Del Norte County/Klamath Community (“Stakeholders Group”).
- Define/Describe current service level & evaluate current effectiveness levels
- Assess the community’s standard for service delivery and associated funding level.

Scope of Work:

Task 1 – Plan Initiation

Develop Fire Services Plan detailed outline; set schedule; and collect/review relevant data. Compile dataset of local hazards, and restrictions, including access, climate conditions, seasonal populations, etc. Review current /past budgets, including revenue and expenditures, recurring and nonrecurring.

Task 2 – Stakeholder & Community Input

Conduct interviews and gather information including: key issues from community and stakeholders, including Klamath FPD, Yurok Tribe, and Del Norte County. Identify internal and external factors affecting Klamath FPD's capacity and strategic direction.

Task 3 –Current Conditions. Evaluation

Conduct a baseline assessment of current conditions and service performance, including Organizational and Financial Overviews; Services Provided; Staffing and Personnel; and Capital Facilities and Equipment.

Task 4 – Financial Planning and Analysis

Analyze existing financial conditions and revenue levels; Evaluate potential tax revenue streams; and define implementation options for financing recommendations.

Task 5 – Evaluation, Conclusions, and Recommendations

Develop and analyze various operational models for providing emergency services with the specific intent of identifying those options that can deliver the adequate service levels; Recommendations identifying the best long-range strategy for service deliver; prepare draft report and distribute to community & stakeholders; and distribute/ implement final plan.



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AGENDA ITEM 3E

MEETING DATE: February 26, 2024
TO: Del Norte Local Agency Formation Commission
FROM: George Williamson AICP, Executive Officer
SUBJECT: FY 2023-24 Mid-Year Summary & Budget Amendment 2

DISCUSSION

The Commission heard and considered a final FY 2023-24 budget at a public hearing held on May 22, 2023, and approved the FY 2023-24 budget by Resolution 23-02. The following amendments to the budget are proposed:

- Insurance: Increasing from \$2,900.00 to \$3,350.74
- CALAFCO Membership: Increasing from \$1,447.00 to \$1,566.00
- Professional Services (MSR/SOI Preparation): decreasing from \$30,750.00 to \$30,000.00
- Professional Services (Klamath Fire Services Planning) increase to \$3,750 contingent on Klamath FPD contribution of \$7,500.
- Professional Services (Executive Officer/Admin): Increasing from \$42,100.00 to \$47,000.00, including Office Lease Costs: Increasing from \$0.00 to \$1,050.00 (3 months @ \$350/month)
- Travel/Training (CALAFCO Conference): Increasing from \$1,250.00 to \$3,000.00

The budget amendment increases overall expenditures. These expenditures can be covered with a portion of the contingency fund balance, which would be reduced to \$20,869.44 if the proposed budget amendment is approved by Resolution 24-02.

RECOMMENDATION

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

- Receive verbal report from staff;
- invite testimony; and
- Discuss item and consider action on the recommendation:

1) Approve FY 2023-2024 Budget Amendment #2 by Resolution 24-02

ATTACHMENTS

Resolution 24-02 - FY 2023-2024 Budget Amendment #2



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RESOLUTION 24-02
ADOPTING FISCAL YEAR 2023-24 BUDGET AMENDMENT #2

WHEREAS, the Del Norte Local Agency Formation Commission ("Commission") is required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 to adopt proposed and final budgets each fiscal year; and

WHEREAS, the Commission approved the FY 2023-24 budget on May 22, 2023; and

WHEREAS, the Commission has the authority to amend the current year budget; and

WHEREAS, the Executive Officer prepared an amended budget for the July 24, 2023, Commission Hearing, including an Interfund Cost Transfer decrease to \$1,691.00, which was approved by Resolution 23-04; and

WHEREAS, since that time there have been increased expenditures in the categories of Insurance, CALAFCO Membership, Professional Services (MSR/SOI Preparation and Executive Officer/Admin), Travel/Training, and Office Lease Costs due to office relocation; and

WHEREAS, The Commission has identified Fire Protection District capacity building and services response as priorities and, contingent on the Klamath FPD contributing \$7,500.00, contributes \$3,750.00 towards Fire Services Planning for the Klamath community; and

WHEREAS, the Executive Officer's report was presented in the manner provided by law and documents there are sufficient unrestricted funds to cover additional expenses; and

WHEREAS, the Commission heard fully and considered the Mid-year Summary and Budget Amendment #2 as an agenda item at the February 26, 2024 meeting; and

WHEREAS, the Commission determined the proposed budget projects the staffing and program costs of the agency as accurately and appropriately as is possible.

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

1. The Fiscal Year 2023-24 Budget Amendment #2 as presented in Exhibit A is approved.
2. The overall operating costs provided through the amended budget will allow the Commission to fulfill its regulatory and planning responsibilities as required under Government Code Section 56381 (a).

PASSED AND ADOPTED at a meeting of the Del Norte Local Agency Formation Commission on the 26th day of February 2024 by the following vote:

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

Darrin Short, Chair

George Williamson, Executive Officer

ATTACHMENT: Exhibit A: FY 2023-24 Budget Amendment #2

Del Norte LAFCo FY 2023-24 - Mid-Year Summary & Budget Amendment # 2

Account	EXPENDITURES	FY 2023-24 Approved Budget Amendment 1	FY 2023-24 Mid Year Summary	FY 2023-24 Proposed Budget Amendment 2
Line #	SERVICES & SUPPLIES			
20150	Insurance	\$2,900.00	\$3,350.74	\$3,351.00
20200	CALAFCO Membership	\$1,566.00	\$1,566.00	\$1,566.00
20221	Printing	\$50.00	\$0.00	\$50.00
20223	Postage	\$50.00	\$0.00	\$50.00
20230	Professional Services			
	MSR/SOI Preparation	\$30,750.00	\$11,038.75	\$30,000.00
	Application Processing	\$10,000.00	\$0.00	\$10,000.00
	Klamath Fire Services Planning Contribution *	\$0.00	\$0.00	\$3,750.00
20231	Professional Services Executive Officer/ Admin. * *	\$42,100.00	\$24,978.88	\$47,000.00
20232	Professional Services Legal Counsel	\$5,000.00	\$1,872.50	\$5,000.00
20240	Advertising/Publications	\$500.00	\$0.00	\$500.00
20290	Travel-Training (CALAFCO Bd Mtgs. & Conference)	\$1,250.00	\$1,871.01	\$3,000.00
70530	Interfund-Cost Plan (decreased)	\$1,691.00	\$846.00	\$1,691.00
20233	Public Member Stipend (@ \$40/mtg)	\$80.00	\$0.00	\$0.00
	EXPENDITURES	\$95,937.00	\$45,523.88	\$105,958.00
	* Contingent on Klamath FPD contribution of \$7,500.00			
	** includes Office Lease Space: 3 months @ \$350/month			
	REVENUES			
91125	Project Revenue (Application / Planning Deposits) 1	\$10,000.00	\$410.00	\$10,000.00
90300	Interest	\$1,000.00	\$232.03	\$500.00
90780	Del Norte County (less App Deposits)	\$37,968.50	\$37,968.50	\$37,968.50
90781	City of Crescent City (less App Deposits)	\$37,968.50	\$37,968.50	\$37,968.50
07100	Funds from Account #42801007100			
	REVENUES	\$95,937.00	\$76,757.00	\$95,937.00
Contingency (Unrestricted) Fund				
7100	CALAFCO Expenses - Moved to #20290	\$3,500.00	\$0.00	\$0.00
	FUND BALANCE			
07100	Account #42801 007 100	\$20,745.02	\$30,890.44	\$20,869.44

1 Deposits to cover application processing. Projected amount for auditor use in issuing expense claim payments.



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AGENDA ITEM 3F

MEETING DATE: February 26, 2024
TO: Del Norte Local Agency Formation Commission
FROM: George Williamson AICP, Executive Officer
SUBJECT: Smith River Fire Protection District Annexation - Amended Application

DISCUSSION

Del Norte LAFCo received an application submitted by Smith River FPD Resolution of Application for annexation of territory into the FPD for fire and emergency response services. The proposed annexation area is adjacent to the existing FPD boundaries and within the Sphere of Influence (SOI). The proposed annexation is shown on attached map.

There was a delay in the Property Tax Revenue Sharing Agreement between the County and District. The District sent a letter to the County noting that counsel believes the timeliness of adhering to Revenue & Tax Code (RTC) Section 99 under the current application filing could be challenged. This could be a procedural issue that LAFCo can assist us in correcting...

Del Norte LAFCo and Legal Counsel, provided the following suggestion: To Smith River FPD Representatives Elaine Fallgren and Geoff Antill and County Staff Randy Hooper:

To 'restart' the statutory clock for property tax revenue sharing agreement, Del Norte LAFCo would accept the filing of an amended annexation application by the Smith River FPD. There is language in the Smith River FPD Board Resolution of Application - 2023-01 & plan for services that could be modified as an amendment rather than a refiling. Del Norte LAFCo would then issue an updated Notice of Filing. From there, the Section 99(b)(3) negotiation timeline would be reset, beginning with County Auditor notification to taxing entities.

it is in LAFCo's interest to give the affected agencies the best opportunity to be successful in addressing the tax-sharing issues, we feel this is most practical way to responding to the County's 'restart' request, If supported by the District & any other affected agencies.

the Smith River District Board of Directors has determined to amend its original application to annex territory, by Resolution. This is scheduled for District action on March 7 2024, with an amended application filing to follow.

RECOMMENDATION

No Action needed at this time,



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AGENDA ITEM 3G

MEETING DATE: February 26, 2024
TO: Del Norte Local Agency Formation Commission
FROM: George Williamson AICP, Executive Officer
SUBJECT: HRC CSD Pre-Annexation Application Agreement

DISCUSSION

The State Waterboard is intending to fund a preliminary engineering report and LAFCo pre-application activities for the potential consolidation of the Jedediah Smith Homeowners Association (JS HOA) water system with the HRC CSD system and annexation of JS HOA territory into the CSD. According to the contract project engineer Chad Coleman, Coleman Engineering, they will:

- receive a signed Work Plan from the State. That should occur by about February 2024. At that time we will begin working.
- provide some limited engineering and analysis necessary to vet a couple of alternatives and recommend a consolidation project. We are assuming that the consolidation will go forward, its just a matter of figuring out the water system details so that both systems have good services into the future. As part of this preliminary engineering we'll want to know that the consolidation is politically possible and also to have the total LAFCo process and total costs defined.
- Our Phase 1 services will conclude with a Preliminary Engineering Report that will recommend a consolidation project. We will also submit an Amended Work Plan so that we can be authorized by the State to prepare the required plans and specifications for the required water system upgrades. The Amended Work Plan will be reviewed and approved by the State.
- expect that Del Norte LAFCo will provide additional services as part of the Amended Work Plan.
- begin our Phase 2 services which includes detailed design, environmental consulting, permitting, and the necessary formal LAFCo actions. This will be all of the work necessary to get ready for construction.

LAFCo's response: your Phase 1 services will conclude with Preliminary Engineering Report recommending a HRC CSD/ JS HOA Water system consolidation project. For Phase 2, there'll be a State authorized Amended Work Plan to prepare required water system upgrades plans and specifications.

For Del Norte LAFCo, the pre-application assistance during Phase 1 to include:

- HRC CSD Board Resolution of Application or, JS HOA property owner petition to annex
- Del Norte LAFCo Application signed by applicant (HRC CSD or, JS HOA)
- Plan for Services, based on Phase 1 Preliminary Engineering Report
- Application Deposit (initial deposit of \$2,500)
- Method of CEQA Compliance
- Map of proposed change
- HRC CSD & JS HOA Board consultations

Budget: \$3,500 fee + \$2,500 initial deposit.

LAFCo Phase 2 will be application filing & processing, under separate scope & budget

RECOMMENDATION

No action needed at this time.



Del Norte Local Agency Formation Commission

Pre-Application Agreement

This Pre-Application Agreement states terms by which the applicant for the proposed Annexation to the HRC CSD (the “Applicant”) agrees to fund all Del Norte Local Agency Formation Commission (“LAFCo”) expenses associated with the subject application.

Recitals

WHEREAS, Del Norte LAFCo encourages prospective applicants (applicant) to consult with LAFCo staff early in the formation, change of organization, or reorganization process. An initial consultation is offered at no cost to the applicant.

WHEREAS, It is LAFCo policy that applicants, including public agencies, pay the direct cost attributable to application processing. When pre-application consultation with LAFCo staff and staff assistance on filing materials requires more than an initial consultation, these costs are considered direct cost attributable to application processing. These direct costs include all out-of-pocket expenses, staff time, LAFCo legal counsel time, and other forms of staff assistance. A schedule of LAFCo staff charge-out rates is attached.

WHEREAS, to facilitate payment, parties requesting LAFCo pre-application services must submit a deposit with this Agreement. The amount of the deposit will be determined by the LAFCo Executive Officer. The deposit set by the Executive Officer is based on estimated pre-application assistance costs. These costs can seldom be completely estimated in advance and are, to large extent, determined by the Applicant. Therefore, the actual pre-application assistance cost may exceed deposit amount, and cost estimate.

WHEREAS, the terms of applicant payment for the costs associated with the corresponding application are as stated below.

Terms:

1. DEPOSIT

Applicant agrees to pay the following deposit with execution of this agreement: \$_____. The deposit shall be applied toward services performed and costs expended on the Applicant’s behalf and filing fees. The charges for services will be based on Attachment “A” hereto, which is incorporated herein by reference. The deposit will be placed in LAFCo’s general account and pre-application expenses incurred by LAFCo will be tracked separately from other LAFCo expenses. No interest will accrue on the deposit. LAFCo will keep an accounting of amounts charged against the deposit. In the event any balance of the deposit remains after subtraction of all LAFCo charges, the balance will be refunded to Applicant upon completion of pre-application services. When initial deposit is expended, LAFCo will request an additional deposit. **Make check payable to Del Norte LAFCo and mail to PO Box 4581, Arcata, CA 95518.**



Del Norte Local Agency Formation Commission

2. ADDITIONAL DEPOSIT

Should LAFCo pre-application expenses exceed the initial deposit, an additional deposit will be requested. Applicant agrees to pay all pre-application amounts. There will be an additional deposit associated with application processing once filed. LAFCo may withhold progress on application processing pending the deposit or additional deposit of funds requested in accordance with this Pre-Application Agreement.

3. ASSIGNMENTS

LAFCo will assign staff to tasks necessary to provide consultation and assistance. However, if LAFCo determines there is a need for an outside consultant, it will hire outside consultants. For the HRC annexation application – pre-application agreement to include assistance with:

Consultation with State Waterboard & their Project Engineer	LAFCo Application Content;
Annexation area extent & characteristics;	Type of CEQA compliance;
Del Norte College Annexation considerations; and	Plan for Services
Consultation with HRC Board & Jedidiah Smith HOA Board	

4. PAYMENT NOT DEPENDENT ON FUTURE ACTIONS

Applicant understands and agrees that LAFCo charges are payable regardless of whether the application is ultimately filed, withdrawn, denied or otherwise terminated prior to completion. In the event of withdrawal, Applicant shall be responsible for all charges incurred prior to the time of receipt of written notice of application withdrawal, plus LAFCo's reasonable charges for file closure.

5. INDEMNITY

Applicant hereby ___ elects to ___ declines to voluntarily indemnify, save harmless, and defend LAFCo, its officers, employees and agents from all liability from loss, damage, or injury to LAFCo in any manner arising out of or incident to LAFCo's processing of Applicant's project. Applicant understands that it is not legally obligated to indemnify LAFCo, but also that if the Applicant declines to indemnify LAFCo and if there is a claim made against that agency or a representative, or if the application is challenged, that LAFCo may decline to defend the claim or challenge.

6. WAIVER

LAFCo's failure to enforce any term hereof shall not be deemed to be a waiver. No delay or omission in the exercise of any remedy of LAFCo on default shall impair such right or remedy or be construed as a waiver thereof, unless waiver is set forth clearly in writing and signed by the waiving party. Such written waiver shall not be construed as a waiver of any other default concerning the same or any other agreement provision, charge, or payment of principal amount owing to LAFCo.



Del Norte Local Agency Formation Commission

7. AUTHORITY TO SIGN

The party executing this agreement personally warrants that they have full authority to enter into this agreement on behalf of the Applicant for which they are signing, and that said entity will be legally bound to the agreement by their signature hereto. In the event that such authority does not exist, the individual who has signed this agreement agrees to be personally liable for the charges.

WHEREFOR, the Applicant agrees to the foregoing Pre-Application terms.

Applicant: _____ **Date:** _____
Authorized Signature

ATTACHMENT "A"

Attachment: Staff Charge-Out Rates

Del Norte LAFCo Staff	Rate
Legal Counsel	\$185.00
Executive Officer	\$160.00
Senior Analyst	\$ 145.00
GIS Manager	\$ 145.00
Associate Planner/ Analyst	\$ 135.00
Assistant Planner /Services Specialist	\$ 115.00
GIS/ Spatial Technician	\$ 95.00
Administrative Assistant	\$ 85.00
Clerk	\$ 75.00

Note: These staff charge-out rates do not include direct expenses to also be funded by the Applicant.



DEL NORTE LOCAL AGENCY FORMATION COMMISSION
1125 16th Street, Suite 202
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TEL (707) 825-9301 FAX (707)825-9181
eo@delnortelafco.org

AGENDA ITEM 4A

MEETING DATE: February 26, 2024
TO: Del Norte Local Agency Formation Commission
FROM: George Williamson AICP, Executive Officer
SUBJECT: Calendar Year - 2024 -Regular & Special Meeting Dates

DISCUSSION

The Commission generally meets on the fourth Monday of every other month, unless rescheduled due to holidays or other considerations. The Calendar Year 2024 meeting dates are listed below.

January 22, 2024	Cancelled
February 26, 2024	Special Meeting
March 25, 2024 -	Regular Meeting Cancelled - County Offices Closed
April 22, 2024	Special Meeting -Draft Budget
June 3 2024 -	Special Meeting- Final Budget (May 27 Regular Meeting date falls on Memorial Day Holiday),
July 22, 2024 -	First meeting of Fiscal Year 2024-25
September 23, 2024	Regular Meeting
November 25, 2024	Regular Meeting (may change dependent on Thanksgiving Holiday)



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AGENDA ITEM 4A

MEETING DATE: February 26, 2024
TO: Del Norte Local Agency Formation Commission
FROM: George Williamson AICP, Executive Officer
SUBJECT: Indemnification Legislation for 2024

DISCUSSION

In a court case out of San Luis Obispo County the court ruled against LAFCO on appeal with respect to indemnification, despite the fact that the LAFCO prevailed in the underlying lawsuit. In short, the court opined that LAFCOs function only through express authorizations from the legislature and, consequently, need to be expressly authorized to use provisions requiring indemnification for legal costs - which the court likened to entering into a specific type of contract.

At a special meeting in January, 2023, the CALAFCO Board approved the bill proposal to move forward, and CALAFCO successfully submitted it to Legislative Counsel ahead of the January deadline (the first step in the bill process). However, CALAFCO was not successful in finding a bill author for (a legislator to carry it) before the submission deadline that February and unable to move the bill forward last year.

Those efforts were not entirely fruitless, however, as two legislators indicated that they might be willing to carry the bill in 2024. While not what CALAFCO wanted to hear, the delay was an opportunity to outreach more with other entities to help allay potential concerns with the bill. CALAFCO also took the opportunity to re-submit the proposed language to Leg Counsel since it had been edited in a problematic fashion the first time. While some changes were made the second time around, they are less of an issue than the previous submission.

In January 2024, CALAFCO received word that Senator Cortese has agreed to carry the bill. There is no bill number yet, but once his office officially submits it, it will carry an SB designation and number.

At some point in the near future, CALAFCO will be reaching out to ask for letters of support. Since many of your commissions meet infrequently, I wanted to make sure you had sufficient background and adequate time to get authorization. The unnumbered RN that was produced by Leg Counsel is attached so that you can see the language being submitted. The only difference after submission will be that it will have a bill number and Senator Cortese's name attached to it.

To clarify the process. Since support and opposition are fluid during the legislative process and often change depending on amendments, please be aware that your letter and position do not follow the bill from house to house or to the governor. To go on record at each consideration, you will need to submit a letter for each committee meeting in both houses, and then finally to the governor urging his signature. Thus, for those who do not have a standing policy allowing them to submit position letters, suggested language for an agenda item (thank you, Paul Novak) might be a request to authorize staff to convey support/opposition for the bill to both legislative houses and to the governor.

CALAFCO will be working on a letter template for your use and will pass that along once it is finished and a bill number has been assigned.

RECOMMENDATION

Provide support letter when requested