

Modoc Local Agency Formation Commission

REGULAR MEETING AGENDA

Website: www.modoclafco.org

**TUESDAY
June 13, 2023**

City Council Chambers
Alturas City Hall
200 North Street, Alturas, CA 96101

4: 00 PM

(All meeting materials are available on LAFCo's Website: www.modoclafco.org)

1. **Call to order / Pledge of Allegiance**

Commissioners

Cheryl Nelson, Vice-Chair, City Member
Ned Coe, County Member

_____, Vice Chair Public Member

Paul Minchella, City Member

Kathie Rhoads, Chair, County Member

LAFCO Staff

John Benoit, Executive Officer

Scott Browne, LAFCO Counsel

Macey Binning, Clerk

Alternate Members

_____, Public Member Alt.

Shane Starr, County Member Alt.

Kelly Crosby, City Member Alt

John Benoit is inviting you to a scheduled Zoom meeting.

Topic: MODOC LAFCO

Time: Jun 13, 2023 04:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83681808213?pwd=dWdQdUV0dSt2KzFkUm8waZMrV1BFZz09>

Meeting ID: 836 8180 8213

Passcode: 690848

One tap mobile
+16699006833,,83681808213#,,,,*690848# US (San Jose)
+16694449171,,83681808213#,,,,*690848# US

Dial by your location
• +1 669 900 6833 US (San Jose)

Meeting ID: 836 8180 8213
Passcode: 690848

Find your local number: <https://us02web.zoom.us/j/83681808213>

2. **Approval of the Agenda (Additions and Deletions)**
3. **Correspondence:**
4. **Consider appointment of a Public Member and Public Member alternate for LAFCo**
 - a. *Appointment of Public Member*
 - b. *Appointment of Public Member Alternate*
5. **Consider Minutes for the April 11, 2023 LAFCo meeting**
 - a. *Approve LAFCo minutes for the April 11, 2023 meeting*

6. **Public Comment**

This is the time set aside for citizens to address the Commission on any item of interest to the public that is within the subject matter jurisdiction of the Commission. For items that are on the agenda, public comment will be heard when the item is discussed. If your comments concern an item that is noted as a public hearing, please address the Commission after the public hearing is opened for public testimony. The Chair reserves the right to limit each speaker to three (3) minutes. Please understand that by law, the Commission cannot make decisions on matters not on the agenda.

7. **Consent Agenda**

- a. *Authorize payment of claims for April 2023 and May 2023*

8. **PUBLIC HEARING - LAFCo File 2023-0001 Reorganization including Formation of a Countywide CSA (CSA 2 for unincorporated area only) for Pest and Weed Abatement and Dissolution of the Lookout Pest and Weed**

- a. *Consider LAFCo Resolution 2023-0002 forming a Countywide CSA for Pest and Weed Abatement subject to terms and conditions*
- b. *Consider LAFCo Resolution 2023-0003 dissolving the Lookout Pest Abatement District subject to terms and conditions*

9. **PUBLIC HEARING - LAFCo 2023-2024 Final Annual Budget**

- a. *Consider Resolution 2023-0004 adopting a final budget for fiscal year 2023-2024*

10. Upcoming projects:

- a) *Canby CSD Engineering Report*
- b) *Canby CSD and Canby Fire Merger*
- c) *Alturas City MSR and SOI*

11. Calafco Action Items

- A. CALAFCO Annual Conference – Hyatt Regency Monterey - October 18 thru 20, 2023
- B. CALAFCO Board of Directors Nominations – Due by September 18, 2023
- C. CALAFCO Achievement Awards Nominations – Due by August 18, 2023
- D. CALAFCO Voting Delegate – Due by September 18, 2023

12. Executive Officer’s Report

13. Commissioner Reports - Discussion

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters.

14. Adjourn to the next regular meeting on June 13, 2023

*Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority
Government Code Section 56325.1*

The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.

Public Comment

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission’s subject matter jurisdiction.
- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).

Public Hearings

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person’s input to a specified time. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

Agenda Materials

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda are available for review for public inspection in the Modoc County Planning Department office located at 203 W. 4th Street, Alturas CA. [such documents are also available on the Modoc LAFCO website (www.modoc.lafco.ca.gov) to the extent practicable and subject to staff’s ability to post the documents prior to the meeting]

Accessibility

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting.

The location of this meeting is wheelchair-accessible.

Disclosure & Disqualification Requirements

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Modoc LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660. A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding. Contact LAFCO Staff LAFCO staff may be contacted at (530) 619.5128 or by email at j.benoit4@icloud.com Copies of reports to the extent feasible are located on the LAFCO webpage at: www.modoclafco.org

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**OPENING FOR CITIZENS TO SERVE AS THE PUBLIC MEMBER AND
PUBLIC MEMBER ALTERNATE ON
THE LAFCO COMMISSION**

The Modoc Local Agency Formation Commission (LAFCO) has an opening for Modoc County citizens to serve on LAFCO as a Public Member and a Public Member Alternate to fill terms ending in May 2027. LAFCO is a distinct agency created by state legislation to ensure that changes in governmental organization occur in a manner, which provides efficient, quality services and preserves open space and agricultural land resources. LAFCO is charged with applying the policies and provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 in its decisions regarding annexations, incorporations, reorganizations, and other changes of local government. LAFCO's webpage is: www.modoclafco.org

LAFCO meets every other month at the City Council chambers or as otherwise necessary in Alturas.

The appointments are for a Public Member and a Public Member Alternate who resides anywhere within Modoc County including the Alturas city limits to sit as public members on the Commission. No officer or employee of the county or the city or district within Modoc County is allowed to sit as a Public Member on the Commission. LAFCO's Public Members, as are all other Commissioners, are paid a meeting stipend and is required to file an annual Statement of Economic Interest.

If you are interested, we invite you to send a letter or email describing your background and reasons for wanting to become the selected Public Member and (or) Alternate to serve on the Modoc Local Agency Formation Commission no later than Friday May 28th 2023. If you have any questions, please do not hesitate to call John Benoit, Executive Officer at (530) 619-5128 or email j.benoit4@icloud.com. Please mail your letter of interest describing your background to Modoc LAFCO, P.O. Box 2694 Granite Bay, CA 95746 or preferably email a letter of interest to j.benoit4@icloud.com. Applicants will be invited to the June 23rd 2023 LAFCO meeting at 4:00 p.m. for an interview with the Commission at the Alturas City Council Chambers, 200 North Street in Alturas. Selection will take place following the interviews.

Dated: April 24, 2023

Modoc LAFCO
John Benoit
EXECUTIVE OFFICER

Local Agency Formation Commission of Modoc County
Meeting Minutes
April 11, 2023

1. Call to order / Pledge of Allegiance

Chair Kathie Rhoads called the meeting to order at 4:00 p.m. at the City Council Chambers located at 200 W. North Street in Alturas, CA and via Zoom. Commissioner Minchella, Commissioner Nelson, Commissioner Crosby, Commissioner Coe and Chair Rhoads were present. Commissioner Starr was absent. Public attending 1.

Staff Present: John Benoit, Executive Officer, and Macey Binning, Clerk.

2. Approval of the Agenda (Additions and Deletions)

Commissioner Coe made the motion to approve the agenda as presented; seconded by Commissioner Nelson. In favor were Commissioners Coe, Nelson, Minchella, and Chair Rhoads.

Motion passed unanimous.

3. Correspondence

Executive Officer Benoit reports he received a resignation letter from Commissioner Marie Neer representing the public member.

Executive Officer Benoit provided the Commissioners with Senate Bill 692 introduced by Senator Dahle. Senate Bill 692 proposes authorizing the board of directors of the South Fork Irrigation District to adopt a resolution that authorizes a person to be a director if the person is a landowner or a legal representative of a landowner within the division of the district, resides within the district or within 5 miles of any district boundary, and is a registered voter in California. Mr. Benoit would like to speak with the South Fork Irrigation District and advise them to proceed through LAFCO. This would expedite their goals and alleviate the extra duties for the Modoc County Clerk.

Chair Rhoads would be happy to reach out to the South Fork Irrigation District and explain.

4. Consider Minutes for the February 14, 2023 LAFCO meeting

Commissioner Minchella made the motion to approve the February 14, 2023 LAFCo minutes; seconded by Commissioner Nelson. In favor were Commissioners Coe, Nelson, Minchella, and Chair Rhoads.

Motion passed unanimous.

5. Public Comment – None

6. Consent Agenda

Commissioner Coe made the motion to adopt the consent agenda as follows: authorize the payment of claims for February 2023 and March 2023; seconded by Commissioner Nelson. In favor were Commissioners Coe, Nelson, Minchella, and Chair Rhoads.

Motion passed unanimous.

7. Public Hearing – LAFCO 2023-2024 Proposed Annual Budget

Executive Officer Benoit provided the Commissioners with the proposed budget for FY 2023-2024 and explained there isn't any significant changes. The proposed budget amount is \$74,584.40.

Commissioner Minchella made the motion to adopt **Resolution #2023-0001** approving the proposed FY 2023-24 budget; seconded by Commissioner Coe. In favor were Commissioners Coe, Nelson, Minchella, and Chair Rhoads.
Motion passed unanimous.

8. Support for AB 1753 CALAFCo Omnibus Bill

Commissioner Coe made the motion to authorize Chair Rhoads to sign the letter of support for AB1753 CALAFCo Omnibus Bill; seconded by Commissioner Minchella. In favor were Commissioners Coe, Nelson, Minchella, and Chair Rhoads.
Motion passed unanimous.

9. Upcoming projects:

- a. Canby CSD Engineering Report
Mr. Benoit reports a Request for Proposal (RFP) was advertised to receive an engineering report to complete the Canby water system structure through the REAP Grant. Nothing was received.
- b. Canby CSD and Canby Fire Merger
Mr. Benoit needs to gather more information and direction on the structure of the merge before presenting to LAFCo.
- c. Countywide Pest Abatement District with benefit zones
Modoc County Board of Supervisors approved a letter of support for the Countywide Pest Abatement District with benefit zones. The next step is Modoc County Board of Supervisors approving the resolution.
- d. Alturas City MSR and SOI
The City of Alturas Municipal Service Review and Sphere of Influence will need to be conducted.

10. Executive Officer's Report

Mr. Benoit reports he is hosting a workshop at the annual CALAFCo staff workshop. This will be located in Murphys, California April 26-28th.

11. Commissioners Reports – Discussion – None

12. Adjourn to the next regular meeting on June 13, 2023

There being no further business to come before the Commission. Motion made by Commissioner Coe to adjourn at 4:33 p.m.; seconded by Commissioner Nelson. In favor were Commissioners Coe, Nelson, Minchella, and Chair Rhoads.
Motion passed unanimous.

Respectfully,

Macey Binning
LAFCO Clerk

Modoc Local Agency Formation Commission

Item 7

CLAIMS

for

April 2023 – May 2023

Authorize Claims for FY 2022-2023

May 1, 2023	Staff Svcs and Expenses April 2023	\$ 5,055.91
April 11, 2023	Meeting stipend April 11, 2023	\$ 500.00
June 1, 2023	Staff Svcs and Expenses May 2023	\$ 3,072.66
June 1, 2023	Public notice for 2023-24 Final Budget	\$ 45.00
May 18, 2023	Public notice for CSA 2 Form & Lookout	\$ 96.00
April 24, 2023	Public notice for Pub. Mem Recruit	\$ 96.00
	TOTAL:	\$ 8,865.57

DATED: June 13, 2023

APPROVED: June 13, 2023

**Kathie Rhoads, Chair Modoc Local Agency
Formation Commission**

Attest:

**John Benoit
Executive Officer**

Modoc LAFCO
Expenditures and Revenue
FY 2021-2022

Account Number	21-22	21-21	21-20	21-19	21-18	21-17	21-16	21-15	21-14	21-13	21-12	21-11	21-10	21-09	21-08	21-07	21-06	21-05	21-04	21-03	21-02	21-01	TOTAL
Total Budgeted 2021-2022	\$ 3,000.00	\$ 1,186.00	\$ 600.00	\$ 300.00	\$ 1,000.00	\$ 600.00	\$ 2,000.00	\$ 36,000.00	\$ 720.00	\$ 600.00	\$ 4,200.00	\$ 12,500.00	\$ 4,800.00	\$ 67,500.00									\$ (1,186.00)
Califco Dues 22-23		\$ (1,186.00)									\$ (665.00)												\$ (1,186.00)
Staff Svc July 2022								\$ (2,592.50)															\$ (2,592.50)
Aug 9 2022 Calif Payroll			\$ (10.00)		\$ (67.19)	\$ (33.50)																	\$ (109.69)
Staff Svc Aug 2022			\$ (10.00)		\$ (80.64)	\$ (13.99)		\$ (3,750.00)	\$ (120.00)				\$ (600.00)										\$ (4,224.63)
Staff Svc Sept 2022			\$ (15.00)		\$ (80.63)	\$ (2,805.00)		\$ (2,805.00)															\$ (2,900.63)
Staff Svc Oct 2022					\$ (67.80)	\$ (45.84)		\$ (3,792.50)	\$ (120.00)														\$ (4,722.34)
Paul Minchella Califco Conf. Reimb																							\$ (1,038.07)
Staff Svc Nov 2022					\$ (74.49)	\$ (2,550.00)																	\$ (2,624.49)
Oct 11, 2022 Payroll																							\$ (500.00)
Dec 13, 2022 Payroll																							\$ (500.00)
City Hall Council Chambers Rent 2023 - 6 meetings						\$ (150.00)																	\$ (150.00)
January 23 Staff Services					\$ (74.45)	\$ (2,422.50)		\$ (2,422.50)	\$ (120.00)														\$ (2,740.31)
December 2022 Staff Services			\$ (7.00)		\$ (74.45)	\$ (150.00)		\$ (4,345.00)	\$ (120.00)														\$ (4,930.87)
February 23 staff Svc			\$ (10.00)		\$ (68.30)	\$ (2,040.00)		\$ (2,040.00)	\$ (120.00)														\$ (600.00)
Feb 14, 2023 Comm Payroll																							\$ (2,236.30)
Modoc Record Notice Prop 23-24 Budget																							\$ (45.00)
February 23 staff Svc					\$ (5.00)	\$ (68.39)		\$ (2,932.50)	\$ (120.00)														\$ (3,005.89)
March 2023 Staff Svc					\$ (67.84)	\$ (11.44)		\$ (4,260.00)	\$ (120.00)														\$ (500.00)
April Staff Svc 23-46 Modoc																							\$ (66.00)
April 11, 1013 Payroll. Slipends Modoc																							\$ (96.00)
Modoc Record Notice Public Member																							\$ (45.00)
Modoc Record Final Budget																							\$ (96.00)
Modoc Record Countywide CSA-Lookout																							\$ (96.00)
May 2023 Staff Svc					\$ (81.86)	\$ (15.80)		\$ (2,975.00)															\$ (3,072.66)
Total Expenditures	\$ (1,186.00)	\$ (1,186.00)	\$ (10.00)	\$ 300.00	\$ 1,000.00	\$ 600.00	\$ 2,000.00	\$ 36,000.00	\$ 720.00	\$ 600.00	\$ 4,200.00	\$ 12,500.00	\$ 4,800.00	\$ 67,500.00									\$ (1,186.00)
Total Budget Remaining	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

Category	July 1, 2021 City Fund Carryover	21-22 Actual City/Co Contributions	FY 2021-22 City Anticipated Funds Transf	2021-22 County Funds anticipated	Funds received	REVENUE FOR PROJECTS	Interest	Anticipated Funds received	Less Expenditures	Actual Cash Balance
unaudited	\$ 34,857.98									
Actual										
Interest										
Anticipated Funds received								\$ (9,282.31)		
Less Expenditures								\$ (25,989.05)		
Actual Cash Balance								\$ (9,282.31)		\$ 25,989.05

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MODOC LAFCO

Executive Officer's Report

Formation of County Service Area No. 2 For Pest and Weed Abatement

Proposal Summary

The County of Modoc has submitted to LAFCO a Resolution (No. 2023-26) of Application (*Attachment 1*) for formation of a new County Service Area, CSA No. 2. This County Service Area (CSA) is a countywide CSA excluding incorporated area of the City of Alturas. The purpose of this CSA is to allow the Modoc County Board of Supervisors to provide extended pest and weed abatement services within the unincorporated areas of Modoc County upon formation of a Benefit Zone. Specifically this County Service Area will be for the surveillance, prevention, abatement, and control of pests, vectors and vector borne diseases and abatement of weeds and rubbish herein referred to collectively as "County Service Area #2 - Pest Abatement". Creating this CSA involves the development of funding sources such as special assessments, fees or other taxes within zones of benefit within unincorporated benefit areas of the county where such a zone of benefit is requested. The County will need to conduct a protest hearing. This application is being processed as a Reorganization since a dissolution of the Lookout Pest Abatement District is necessary to establish a benefit zone for Pest and Weed Abatement services in that area. The Commission may approve, modify or deny this proposal.

Recommendation

For this reorganization staff recommends the Commission take the following action:

- Approve the proposal to form the County Service Area (CSA No. 2). A resolution (*Attachment 2*), has been drafted for the Commission's consideration and contains recommended terms and conditions discussed in this report.
- Approve the dissolution of the Lookout Pest Abatement District subject to conditions stated in Resolution 2023-0003 (*Attachment 3*) related to conversion of the district area to a benefit zone and assign appropriate funding to finance benefit zone operations and guarantee the district will not be established prior to formation of a benefit zone for the Lookout area. CSA #2 (Modoc County) will be the successor agency for this dissolution.

Suggested Motions:

- *Adopt Proposed Resolution No. 2023-0002 approving the formation of the County Service Area No. 2, subject to recommended terms and conditions.*
- *Adopt Proposed Resolution No. 2023-0003 dissolving the Lookout Pest Abatement subject to recommended terms and conditions.*

PLAN FOR SERVICES AND FINANCING

The County's Resolution of Application (*Attachment 1*) was accompanied by a Map, Geographic Description and a Plan for Services shown as attachment "C". As stated in the Plan for Services, the goal of CSA No.2 is to provide a guaranteed level of service for the surveillance, prevention, abatement, and control of pests, vectors and vector borne diseases and abatement of weeds and rubbish when requested by property owners or independent special districts that perform weed and (or) pest abatement services.

In addition to other service options, future applicants for benefit zones may request the County Board of Supervisors form a Zone of Benefit to obtain increased or miscellaneous extended weed and (or) pest maintenance services including the surveillance, prevention, abatement, and control of pests, vectors and vector borne diseases and abatement of weeds and rubbish. The level of service is determined by the funding derived within a benefit assessment area or special tax approved by the voters (or assessment approved by the landowners) within the Zone of Benefit Boundaries. Care will be taken to ensure that a minimum of safety and liability requirements are met before establishing a Zone of Benefit.

Services will become available following the successful formation of a Benefit Zone by the Board of Supervisors and approval of either a benefit assessment by landowners within the benefit area, a special tax approved by the registered voters residing within the Zone of Benefit Boundaries or other funding source deemed appropriate by the Board of Supervisors may be required.

Feasibility

As stated above, this CSA is proposed to be funded after approval of a special tax, fee, assessment or other financing mechanism used to provide adequate support for the CSA as determined by the Board of Supervisors.

This CSA is requested to be formed as a tool for use by the County to encourage the establishment of Zones of Benefit. At this time, a Zone of Benefit is pending to dissolve the Lookout Pest Abatement District and form a Zone of Benefit under the CSA to provide services already being provided. Currently there are two pest abatement districts in Modoc County that perform pest and (or) weed abatement services. The Countywide CSA for this purpose will facilitate pest and weed abatement activities through the establishment of zones of benefit by the Board of Supervisors.

GOVERNANCE

The CSA Board of Directors shall be the County Board of Supervisors

Benefit Zone advisory Boards are highly recommended.

Effective Date of Formation

The effective date would be upon recordation of the Certificate of Completion. A Certificate of Completion for the dissolution of the Lookout Pest Abatement District may be recorded at a different time from the CSA Formation Certificate of Completion.

Sphere of Influence

Since no services have been provided by the proposed County Service Area and are not available as an option prior to its formation and this is a service that may be extended to benefit zones throughout the unincorporated territory of the County, it is recommended LAFCO establish a provisional Sphere of Influence with the same territory as the district (a coterminous sphere). The sphere may be amended as part of LAFCO's required sphere of influence update program.

SECTION 4: CONCLUDING REMARKS AND RECOMMENDATIONS

The purpose of forming new districts is to provide the citizens of the proposed district opportunity to determine the level and appropriate scope of services.

Ultimately, it is up to the voters and landowners of each of the district to determine whether the district should be formed and in this case, whether a Zone of Benefit should be established. LAFCO's responsibility is to assure that the services are needed and that it is realistic to assume that the new district would be financially viable. Normally, the Commission should determine how a new district would be governed and how it will coordinate with existing public agencies. In this case, the Board of Supervisors is required to be its Governing Body.

Staff has prepared the proposed approving resolution for this CSA, included herein as *Attachment 2*, which incorporates terms and conditions as well as provisions addressing other matters. The Commission may modify or add to the terms and conditions set forth in the proposed resolution.

Staff has also prepared the proposed approving resolution (Attachment #3) for the dissolution of the Lookout Pest Abatement District incorporating terms and conditions naming Modoc County CSA 2 as the successor agency.

SECTION 5: LAW, POLICY, AND PROCEDURE

Governing Law

Generally, Government Code Sections 56000 *et seq.*, governs proceedings. When considering a proposal to create a new public entity, § 56301 requires the Commission to consider whether the services might be more efficiently provided by existing agencies. Section 56810 requires LAFCO to determine the appropriate amount of property tax to be transferred to the new agency. Since the County does not provide pest and weed abatement in this context at this time, the amount of property tax transferred is zero. Note, however, LAFCO policies require a new district to be viable. Normally, the Commission would condition its approval on approval of special taxes, fees or benefit

assessments designed to generate such revenues. In this case, the CSA would be funded within zones of benefit providing pest and weed abatement services on a case-by-case basis.

LAFCO Policy

Applicable LAFCO Policies include General Policies, as well as specific policies for district formations.

GENERAL POLICIES

Communication between local agencies is encouraged.	Consistent
Urban development proposals shall include annexation to a city where possible. <i>This proposal is not an urban development proposal.</i>	Not applicable
LAFCO will normally deny proposals that result in urban sprawl. <i>This proposal is not likely to result in urban sprawl. Benefit zones will provide extended weed and pest abatement services which are not growth inducing.</i>	Not applicable
Environmental consequences (CEQA) shall be considered. <i>This formation is exempt from CEQA since there are no physical changes proposed.</i>	Consistent
LAFCO will consider the impact of a proposal on the regional supply of housing for all income levels. <i>This formation will have any foreseeable impact on the inventory of sites for housing.</i>	Not applicable
LAFCO will favor proposals that promote compact urban form and infill development. <i>Neither formation will promote or detract from this policy objective.</i>	Not applicable
Government structure should be simple, accessible, and accountable. <i>While creation of a new government entity will not necessarily simplify the government structure, it does have the potential to increase accountability and accessibility for the citizens. In this case an existing government entity will manage pest and weed abatement services.</i>	Consistent
Agencies must provide documentation that they can provide service within a reasonable period of time. <i>The Plan for Service and expenditure plans indicate that funding will be available upon the willingness of landowners or voters to establish a zone of benefit.</i>	Consistent
Efficient services are obtained when proposals: <ul style="list-style-type: none"> a. Utilize existing public agencies. b. Consolidate activities and services. c. Restructure agency boundaries to provide more logical, effective, and efficient services. <i>This proposal in effect consolidates services of pest and weed abatement services, which may result in greater efficiency.</i>	Consistent

<p>Adverse impacts on adjacent areas, social and economic interests and the local government structure must be mitigated. <i>There will be no adverse impacts upon other agencies as a result of this formation.</i></p>	Consistent
<p>Conformance with general and specific plans required.</p>	Consistent
<p>Boundaries: a. Definite boundaries are required. b. Boundaries that are favored: <ul style="list-style-type: none"> • Create logical boundaries & eliminate islands or illogical boundaries. • Follow natural or man-made features and include logical service areas. c. Boundaries that are disfavored: <ul style="list-style-type: none"> • Split neighborhoods or communities. • Result in islands, corridors, or peninsulas. • Are drawn for the primary purpose of encompassing revenue-producing territories. • Create areas where it is difficult to provide services. <i>The boundaries of this proposed district are designed in relation to an existing County Boundary. The proposed CSA and services provided will not be available to incorporated areas. Zones of benefit may be established in developed areas or in acres planned for development.</i></p>	Consistent
<p>Revenue neutrality is required for all proposals. <i>This proposal will not have an initial impact on the County's General Fund nor will it impact the General Fund of any city or district. These services are to be paid by the end-user.</i></p>	Consistent
<p>Agricultural and Open Space Land conservation standards are: a. The proposal must lead to planned, orderly and efficient development. b. An approved Sphere of Influence Plan is required. c. Findings with respect to alternative sites are required. d. Impact on adjacent agricultural/open space lands must be assessed. <i>The creation of a new County Service Area for pest and weed abatement will not lead to the conversion of any Agricultural or Open Space lands.</i></p>	Consistent
<p>Need for services must be established, and exists when: a. A public health and safety threat exists. b. The residents have requested extension of non-growth-inducing community services. c. The subject area is likely to be developed for urban use within 5 years. <i>The purpose and justification for this formation is to provide extended pest and weed abatement in areas thereby alleviating existing public Health and Safety threats.</i></p>	Consistent
<p>Exceptions are justified on the following grounds: a. Unique b. Standards conflicts c. Quality/Cost d. No alternative is available <i>No exceptions to LAFCo policy exist with the formation of a CSA for weed and pest abatement.</i></p>	

DISTRICT FORMATION POLICIES

<p>Proposal to form a new district must be consistent with LAFCO Policies. <i>In this instance it is a more efficient to provide the requested service.</i></p>	Consistent
<p>Need for a new district requires a. Documentation of a need for the proposed services b. Documentation that no existing agency can adequately or efficiently provide such services <i>Independent districts have been providing pest and weed abatement for years. There is no funding to provide these services in areas not within an existing district. This proposal will provide more efficient services through the reduction of insurance costs by allocating more funds to the actual services provided.</i></p>	Consistent
<p>Plan for Services required. <i>The plan for services consists of establishment of zones of benefit to obtain more effecient services.</i></p>	Consistent
<p>LAFCO will establish service pattern. <i>LAFCO must establish the location and range of services that may be provided by a new district. CSA No. 2 will provide for Pest and Weed abatement Services throughout the unincorporated area within Modoc County provided a zone of benefit has been approved by the voters or landowners and the Modoc County Board of Supervisors and a funding source has been guaranteed.</i></p>	Consistent
<p>Consistency with General and Specific Plans is required.</p>	Consistent
<p>Conflicts with other agencies' master plans are not allowed (unless higher quality, more efficient service provision will occur).</p>	Consistent
<p>Public benefit must be considered. <i>A public benefit to this proposal is the potential mitigation of hazardous conditions.</i></p>	Consistent
<p>Fiscal solvency is required. <i>A concern would be if zones of benefit do not include a provision to compensate for the rising costs to provide the services.</i></p>	Consistent
<p>LAFCO may reduce or waive policy standards for county service areas. <i>This proposal is for the same type of service provided on a daily basis.</i></p>	Consistent
<p>LAFCO's Tribal Land Policy</p>	Not applicable

CEQA Compliance

This application is Exempt from the California Environmental Quality Act pursuant to Section 15320 of the CEQA Guidelines (Class 20) since the geographic area were services are provided have not changed (Attachment 4)

Procedure

The Commission has the following alternatives for action at this hearing, after receiving public testimony:

- **Approval.** If the Commission concurs with the terms as proposed, it may approve the proposal by adopting proposed LAFCO Resolution 2023-02 (*Attachment #2*) forming the Countywide CSA for Pest and Weed Abatement

- **Approval.** The Commission may approve Resolution 2023-03 (Attachment #3) to dissolve the Lookout Pest Abatement District subject to terms and conditions
- **Conditioned Approval.** The Commission may modify the proposed terms and conditions.
- **Denial.** Commission may deny this proposal. No similar proposal may be submitted within a year; unless the Commission makes a finding that the year-long prohibition period is detrimental to the interests of the public.

The Commission may also continue the hearing to resolve concerns about any portion of the proposal.

If the Commission approves the proposal and landowners and (or) registered voters are in opposition to the proposal, the draft resolution will need to be amended to direct the Executive Officer to schedule and hold a protest hearing within thirty-five days to determine whether there is sufficient protest to cancel the election. Since the proposed territory is inhabited, this would require submission of written protests by 50% or more of the registered voters of the proposed district to terminate these proceedings. A 25% written protest would require a successful election be conducted to form the district.

Post LAFCO Process

The Post-LAFCO Commission approval process required for the formation of this CSA will include a protest hearing and conducting authority proceedings if objections are raised at the public hearing on the CSA formation or dissolution of the Lookout Pest Abatement District.

SECTION 6: RECOMMENDED TERMS AND CONDITIONS

The County's proposal includes some recommended terms and conditions, which are incorporated into the proposed resolution. Listed below are additional terms and conditions (also included in the proposed resolution) recommended by LAFCO staff.

Effective Date

The effective date of this action will be upon recordation of the Certificate (s) of Completion.

Property Tax Transfer

The amount of the base property tax transfer to CSA No. 2 shall be zero. However, a funding mechanism needs to be applied to the Lookout Pest Abatement Area zone of benefit through resolution of the Board.

Provisional Appropriations Limit

Not applicable

Sphere of Influence

LAFCO shall adopt a sphere of influence for this district following completion of a Municipal Service Review for services to be provided.

District Board:

As a dependent district of the County, the Board of Supervisors shall sit as the CSA Board of Directors and funds shall be collected by the County on behalf of the Lookout Benefit zone.

Service Pattern Established

The district enables extended weed and pest abatement services throughout the County in areas that have no other feasible means of acquiring such services.

Protest Hearing

Lafco shall consider a protest hearing for this reorganization within thirty-five days of the Commission's action. In the event of significant landowner or voter opposition at the protest hearing, the Executive Officer shall be directed to complete the proceedings provided there is insignificant protest at the protest hearing for the district formation and dissolution of the Lookout Pest Abatement District provided all other terms and conditions are met.

Attachments:

1. Board of Supervisor's initiating resolution of application
2. Resolution 2023-0002 Formation of the Countywide CSA for Pest and Weed Abatement
3. Resolution 2023-0003 Dissolution of the Lookout Pest Abatement District.
4. Notice of Exemption.
5. Technical factors for consideration

RESOLUTION # 2023-26

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF MODOC
INITIATING PROCEEDINGS TO ESTABLISH A SPHERE OF INFLUENCE AND FORM A
COUNTY SERVICE AREA (CSA) FOR PEST ABATEMENT**

WHEREAS, pursuant to Sections 25210 of the Government Code, the Board of Supervisors is initiating LAFCo proceedings for the formation of County Service Area for the surveillance, prevention, abatement, and control of pests, vectors and vector borne diseases and abatement of weeds and rubbish herein referred to collectively as "County Service Area #2 - Pest Abatement"; and

WHEREAS, at the time and in the manner provided by law [Government Code 25211.3], the Clerk to the Board gave a 20-day notice of the date, time, and place of a public hearing by the Board of Supervisors upon said application; and

WHEREAS, the County Administrator has reviewed the application and has prepared a report including staff recommendations thereon within the time required by law and has furnished copies of said report to the Board of Supervisors and to all other persons required by law to receive it; and

WHEREAS, at a hearing on May 23, 2023 the Board of Supervisors considered the proposal and the report of the County Administrator, and all other relevant evidence and information presented at said hearing, including the comments of all interested parties desiring to be heard.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Modoc, of State of California, does hereby find, resolve, and order as follows:

1. That it is desirable, economically feasible, and necessary that Sphere of Influence for County Service Area No. 2 - Pest Abatement be established consistent with proposed boundaries and description including the entire unincorporated area within Modoc County as set forth in Exhibits "A" and "B" attached hereto and said County Service Area No. 2 - Pest Abatement be formed.
2. The purpose of establishing the Sphere of Influence for County Service Area No. 2 - Pest Abatement is to provide extended county-wide pest abatement services for noxious weeds and rodent management and control within benefit zones established by the Board of Supervisors within the unincorporated portions of Modoc County.
3. Pursuant to Government Code Section 56653 a plan for providing services is included as Exhibit "C"