

**LOCAL AGENCY FORMATION COMMISSION
COUNTY OF KERN, STATE OF CALIFORNIA**

**Board of Supervisors' Chambers
1115 Truxtun Ave
Bakersfield, California
Meeting of September 25, 2019**

Regular meeting called to order at 5:03 p.m. in the Board of Supervisors' Chambers County Administrative Building, 1115 Truxtun Avenue, Bakersfield, California, 93301. Chair McKibbin presiding.

Present: Baugher, Fowler, McGuire, McKibbin, Scrivner

Staff: Knox, Rice, Rojas

Counsel: Schroeter

Absent: Couch, Morris, Rivera, Sanders

Item 9/25/19-1:

APPROVAL OF MINUTES: June 26, 2019

APPROVED AS PRESENTED

Chair McKibbin presented the June minutes; Upon motion of Commissioner McGuire, seconded by Commissioner Fowler, IT IS ORDERED: The Minutes of the meeting of June 26, 2019, are approved as confirmed by the following votes:

AYES: Baugher, Fowler, McGuire, McKibbin, Scrivner

NAYS: None

ABSTAIN: None

ABSENT: Couch, Morris, Rivera, Sanders

Item 9/25/19-2:

PUBLIC COMMENTS:

None.

Item 9/25/19-3:

COMMISSION ITEMS:

PROCEEDING: 1751

**KERN SANITATION AUTHORITY: ANNEXATION NO. 01 & DISSOLUTION OF
COUNTY SERVICE AREA #11.4 (Reorganization)**

CONTINUED TO OCTOBER MEETING

Commissioner Scrivner recused himself at this time due to a possible conflict of interest. Chair McKibbin continued the matter to the October 23, 2019 meeting due to lack of quorum.

Item 9/25/19-4:
PROCEEDING: 1752 KERN SANITATION AUTHORITY: SPHERE OF INFLUENCE AMENDMENT
CONTINUED TO OCTOBER MEETING

Chair McKibbin continued the matter to the October 23, 2019 meeting due to lack of quorum.

Item 9/25/19-5: Resolution No. 19-23
PROCEEDING: 1761 CITY OF BAKERSFIELD: ANNEXATION NO. 655 (Pepita) & DETACHMENT CSA 71 “O”
APPROVED AS PRESENTED

Chair McKibbin presented the proceeding and Executive Officer Knox provided his Report and Recommendation. It is recommended that Commission consider the environmental document adopted by the applicant, waive notice, hearing and protest hearing and approve annexation No. 1771 Pepita No. 1 and detach from CSA 71 “O”. Upon motion of Commissioner Fowler, seconded by Commissioner McGuire, IT IS ORDERED: The Commission approves as presented the City of Bakersfield: Annexation No. 655 (Pepita) and Detachment CSA 71 “O” by the following votes:

AYES: Baugher, Fowler, McGuire, McKibbin, Scrivner

NAYS: None

ABSTAIN: None

ABSENT: Couch, Morris, Rivera, Sanders

**It should be noted that Commissioner Scrivner rejoined the meeting at this time.*

Item 9/25/19-6:
COMMISSION ITEMS:

None.

Item 9/25/19-7:
CLAIMS LIST 19:07, 19:08, 19:09
APPROVED AS PRESENTED

Upon motion of Commissioner Scrivner, seconded by Commissioner McGuire, IT IS ORDERED: The general claims set forth in Claims List No. 19-07, 19-08, 19-09 are approved for payment, and the Chairman is authorized to certify said list by the following votes:

AYES: Baugher, Fowler, McGuire, McKibbin, Scrivner

NAYS: None

ABSTAIN: None

ABSENT: Couch, Morris, Rivera, Sanders

Item 9/25/19-8:

**PROVOST & PRICHARD CEQA REVIEW CONSULTANT AGREEMENT
APPROVED AS PRESENTED**

Executive Officer Knox informed the Commission the Regional Water Quality Control Board requested that Kern LAFCo be the lead agency on CEQA for the application to create the Weldon Regional Water District. Before accepting the role as lead agency, it is appropriate for the CEQA document to be reviewed to insure there are no significant issues with the document that could bring legal risks. At the recommendation of Joe Hughes, LAFCo backup attorney, and from staff experience, Provost and Pritchard have both the LAFCO and CEQA expertise to perform this task. They will perform a PEER review and analyze the CEQA document. The Executive Officer recommended hiring Provost & Pritchard to conduct analysis of CEQA document for Weldon Regional Water District application, not to exceed \$10,000. Upon motion of Commissioner McGuire, seconded by Commissioner Baugher, IT IS ORDERED: The Commission approves as presented the hiring of Provost & Prichard by the following votes:

AYES: Baugher, Fowler, McGuire, McKibbin, Scrivner

NAYS: None

ABSTAIN: None

ABSENT: Couch, Morris, Rivera, Sanders

Item 9/25/19-9:

**OFFICE RENOVATION EXPENSE APPROVAL
APPROVED AS PRESENTED**

The Executive Officer requested the Commission approve allocation of funds for packing, moving, storage and moving back into LAFCo's current space above Executive Officer spending limit. Upon motion of Commissioner Baugher seconded by Commissioner Fowler, IT IS ORDERED: The office renovation expense of the LAFCo office at 5300 Lennox Ave is approved.

AYES: Baugher, Fowler, McGuire, McKibbin, Scrivner

NAYS: None

ABSTAIN: None

ABSENT: Couch, Morris, Rivera, Sanders

Item 9/25/19-10: Resolution No. 19-24

**KERN VALLEY RCD-RESOLUTION OF APPLICATION FOR DISSOLUTION
APPROVED AS PRESENTED**

The Executive Officer informed the Commission that the state of California is encouraging LAFCo's to reduce the number of special districts. Kern Valley RCD had been inactive since the

1990's. Tehachapi RCD has indicated that they would be interested in expanding their boundaries to include this area, but do not have the funds or budget to go through the annexation process. The Executive Officer recommends the Commission direct staff to begin the dissolution process of Kern Valley RCD and annexation into Tehachapi RCD. The Executive Officer will work to obtain funding from the State Department of Conservation or other resources for reimbursement of expenses related to dissolution/annexation before beginning the annexation/dissolution proceeding process. The Commission will waive local policy requiring individual notification of hearing to effected property owners and registered voters. Upon motion of Commissioner Baugher, seconded by Commissioner Scrivner, IT IS ORDERED: Staff can begin the dissolution process of Kern Valley RCD and annexation into Tehachapi RCD.

AYES: Baugher, Fowler, McGuire, McKibbin, Scrivner
NAYS: None
ABSTAIN: None
ABSENT: Couch, Morris, Rivera, Sanders

Item 9/25/19-11: Resolution No. 19-25
SDRMA MOU MODIFICATION AND RESOLUTION
APPROVED AS PRESENTED

The Executive Officer informed the Commission that a MOU from SDRMA was recently received. This MOU modifies LAFCo's agreement to receive health insurance. These changes are due to changes in IRS guidelines, Affordable Care Act and the CSAC-EIA pool guidelines that require revisions to the MOU. The Executive Officer recommended the Commission approve modification to MOU with SDRMA. Upon motion of Commissioner McGuire, seconded by Commissioner Fowler, IT IS ORDERED: The SDRMA MOU modification is approved.

AYES: Baugher, Fowler, McGuire, McKibbin, Scrivner
NAYS: None
ABSTAIN: None
ABSENT: Couch, Morris, Rivera, Sanders

Item 9/25/19-12:
LAFCO OATH OF OFFICE
SIGNATURES REQUIRED

The Executive Officer reported that LAFCO Commissioners are required to take an oath of office. The oath is standard for all officials with the State of California. Executive Officer Knox requests that the Commissioners sign and return copy of Oath of Office to the Clerk.

Item 9/25/19-13:
CALAFCO DELEGATE NOMINATION
CHAIR APPOINTMENT

The Executive Officer requested the Chair appoint a delegate from those who have indicated they

will attend the Conference. Chair McKibbin appointed Executive Officer Knox to be the Kern delegate at the CALAFCO Conference.

Item 9/25/19-14:
CALAFCO DUES INCREASE AND RESTRUCTURE
INFORMATIONAL

The Executive Officer reported that CALAFCO has been operating under a structural deficit for several years now. To address the problem the CALAFCO Board has recommended both a dues increase and restructure of the due's formula. Kern LAFCo has been placed in the high population category with Los Angeles, Orange, San Diego, etc. This will increase dues by over 36%. The due structure will be finalized at the CALAFCO conference. The Executive Officer recommends the Commission discuss the issue and provide direction for the delegate to take to the CALAFCO conference. Upon recommendation by the Executive Officer, the Commission will discuss this issue and provide direction for the delegate to take to the CALAFCO Conference. The Commission agreed that the fee structure is flawed and needs revision. Directed Mr. Knox to address the fee structure problem and negotiate for the best deal Kern LAFCo.

Item 9/25/19-15:
CORRESPONDENCE
INFORMATIONAL

The Executive Officer informed the Commission of a letter received from the auditor controller regarding the timeliness of completion documents for elections. The issue has already been addressed within staff's internal processes.

Item 9/25/19-16:
POLICY COMMITTEE
INFORMATIONAL

The Executive Officer reported the Policy Committee met on July 24th to discuss the definition of substantially surrounded, the election procedure for Commission Chair and a MOU with LA LAFCo. The definition of substantially surrounded will be sent back to the Policy Committee for further review. The election procedure will remain the same. The MOU between LA LAFCo and Kern LAFCo allows the principal county to hear the annexation portion of a proceeding while the subordinate County would hear the sphere of influence portion of the proceeding in situation where a district is annexing and modifying a sphere of influence in the subordinate county. Executive Officer Knox recommended the Commission discuss and give direction to the Executive Officer to work out a draft MOU with Los Angeles LAFCo to be brought back to the Commission at a future date.

**Item 9/25/19-17:
EXECUTIVE OFFICER MISCELLANEOUS ITEMS
INFORMATIONAL**

The Executive Officer reported technology upgrades were needed to bring more accuracy to staff processes, more backup of critical data and more efficient use of data and staff time. Kern LAFCo purchased a large format printer and scanner for this purpose. Due to a need for more data storage, a 10TB external storage was recently purchased to house both databases for GIS and all the documents and maps for storage. Lily Moore was hired as a part time receptionist and will help in scanning these documents.

Brown Armstrong is in the process of conducting the 2018-2019 audit.

The Kern LAFCo website is currently hosted by the County of Kern. The amount of information allowed to be put on the site has been limiting. There is not space to include maps, videos multiple agendas and minutes. The County has informed LAFCo that they are going to be upgrading their site and capabilities. A domain name has been secured and will soon change all staff emails to @kernlafco.org

CALAFCO Conference Early Bird registration has passed. Staff can still register anyone who is interested in attending, but at a higher price. Staff will try to secure a room at the Hyatt for the Conference, but cannot guarantee one.

Legislative Session has ended for the year. An update from CALAFCO on the final outcome has not been received. An CALAFCO analysis of bills with impacts on LAFCo will be provided at the next Commission meeting.

Next meeting is scheduled for Wednesday, October 23, 2019.

**Item 9/25/19-18:
CLOSED SESSION**

None.

**Item 9/25/19-19:
ADJOURNMENT**

There being no further business to come before the Commission. IT IS ORDERED: the meeting is adjourned at 5:53 p.m.

Secretary

Chairman