

LOCAL AGENCY FORMATION COMMISSION COUNTY OF KERN, STATE OF CALIFORNIA

Zoom Meeting and Teleconference
Meeting of March 24, 2021

Due to the Coronavirus pandemic, Kern LAFCo did not hold in person Commission meeting. Governor Newsom, by Executive Order N-29-20, modified the Brown Act to allow for meetings to be held by teleconference.

Regular scheduled meeting called to order at 5:15 p.m. Chair Scrivner presiding.

ROLL CALL

Present: Baugher, Couch, Crump, Fowler, Morris, Parlier, Scrivner
Absent: McKibbin, Sanders*
Staff: Knox, Moore, Rice, Rojas
Counsel: Schroeter

Item 3/24/21-1: *Approved as Presented.*

APPROVAL OF MINUTES: (Agenda Item 3) January 27, 2021 Meeting

Chair Scrivner presented the January minutes; *Upon motion of Commissioner Morris, seconded by Commissioner Fowler, IT IS ORDERED:* The January 27, 2021 Minutes are approved as confirmed by the following votes:

AYES: Baugher, Couch, Crump, Fowler, Morris, Parlier, Scrivner
NAYS: None
ABSTAIN: None
ABSENT: McKibbin, Sanders

Item 3/24/21-2: *No Public Comments.*

PUBLIC COMMENTS: (Agenda Item 4)

No Comments

**It should be noted Commissioner Sanders joined the meeting at 5:22 p.m.*

NOTICED PUBLIC HEARINGS: (Agenda Item 5)

Item 3/24/21-3: *Approved as Presented.*

5a.) KERN LAFCO 2021-2022 PRELIMINARY BUDGET (Agenda Item 5a)

The Executive Director presented three scenarios to provide Commissioners options of how to approach funding for fiscal year 2021-2022. The three draft scenarios contemplated are: A) 4% increase, which is consistent with the last several years. B) Zero-based budget, keeping the overall funding the same as last year. C) Budget with a 4% to 6% decrease over last year. The Executive Officer recommends the Commission choose option “B”, zero-based budget and give direction to apply for a hardship reduction from CALAFCO and use 25% of the carryover from the previous year to pay down CalPERS unfunded liability. *Upon motion of Commissioner Couch, seconded by*

Commissioner Baugher, IT IS ORDERED: The KERN LAFCO 2021-2022 preliminary budget schedule option “B” is approved as recommended by the Executive Officer and confirmed by the following votes:

AYES: Baugher, Couch, Crump, Fowler, Morris, Parlier, Sanders, Scrivner

NAYS: None

ABSTAIN: None

ABSENT: McKibbin

Item 3/24/21-4: *Continued to April 28, 2021 Meeting.*

**It should be noted that without objection the Executive Officer requested that agenda item 5b and 7a be heard together.*

5b.) PROCEEDING 1777: BUENA VISTA WATER STORAGE DISTRICT SPHERE OF INFLUENCE AMENDMENT (Agenda Item 5b)

Executive Officer Knox informed the Commission that due to public notice not being published twenty-one days before the hearing, the Buena Vista Water Storage Sphere of Influence Amendment proceeding should be continued to the April 28, 2021 meeting. *Upon motion of Commissioner Crump, seconded by Commissioner Couch, IT IS ORDERED: The Buena Vista Water Storage District Sphere of Influence Amendment will be continued to the April 28, 2021 meeting as recommended by the Executive Officer and confirmed by the following votes:*

AYES: Baugher, Couch, Crump, Fowler, Morris, Parlier, Sanders, Scrivner

NAYS: None

ABSTAIN: None

ABSENT: McKibbin

Item 3/24/21-5: *None.*

PUBLIC HEARING: (Agenda Item 6)

None

COMMISSION ITEMS: (Agenda Item 7)

Item 3/24/21-6: *Continued to April 28, 2021 Meeting.*

7a.) PROCEEDING 1778: BUENA VISTA WATER STORAGE DISTRICT ANNEXATION NO.1

Executive Officer Knox informed the Commission that the Buena Vista Water Storage District Annexation No.1 proceeding should be continued to the April 28, 2021, meeting as an annexation cannot be placed outside of a districts Sphere of Influence and continuance was approved for Proceeding 1777, Buena Vista Water Storage Sphere of Influence Amendment. *Upon motion of Commissioner Crump, seconded by Commissioner Couch, IT IS ORDERED: The Buena Vista Water Storage District Annexation No.1 will be continued to the April 28, 2021 meeting as recommended by the Executive Officer and confirmed by the following votes:*

AYES: Baugher, Couch, Crump, Fowler, Morris, Parlier, Sanders, Scrivner

NAYS: None

ABSTAIN: None

ABSENT: McKibbin

GENERAL BUSINESS: (Agenda Item 8)

Item 3/24/21-7: Approved as Presented.

CLAIMS LIST 21-01 (Agenda Item 8a)

Chair Scrivner presented Claims List 21-01. *Upon motion of Commissioner Couch, seconded by Commissioner Fowler, IT IS ORDERED:* The general claims set forth in Claims List No. 21-01 are approved for payment, and the Chairman is authorized to certify said list by the following votes:

AYES: Baugher, Couch, Crump, Fowler, Morris, Parlier, Sanders, Scrivner

NAYS: None

ABSTAIN: None

ABSENT: McKibbin

Item 3/24/21-8: Approved as Presented.

CLAIMS LIST 21-02 (Agenda Item 8b)

Chair Scrivner presented Claims List 21-02. *Upon motion of Commissioner Morris, seconded by Commissioner Sanders, IT IS ORDERED:* The general claims set forth in Claims List No. 21-02 are approved for payment, and the Chairman is authorized to certify said list by the following votes:

AYES: Baugher, Couch, Crump, Fowler, Morris, Parlier, Sanders, Scrivner

NAYS: None

ABSTAIN: None

ABSENT: McKibbin

Item 3/24/21-9: Approved as Presented.

OFFICE COMPUTER UPGRADE AND MONTHLY IT SERVICE CONTRACT (Revision) (Agenda Item 8c)

Mr. Knox recommended LAFCo modify the January setup/install approval of an upgrade to the computer system as advised by County IT and enter into a maintenance contract with Rival Technology Inc. *Upon motion of Commissioner Couch and seconded by Commissioner Morris, IT IS ORDERED:* LAFCo is approved to enter into a contract with Rival Technology Inc. for computer system upgrade setup/installation and maintenance as identified by Quote No.'s 544 (maintenance) & 577 (setup) as recommended by the Executive Officer and confirmed by the following votes:

AYES: Baugher, Couch, Crump, Fowler, Morris, Parlier, Sanders, Scrivner

NAYS: None

ABSTAIN: None

ABSENT: McKibbin

Item 3/24/21-10: Approved as Presented.

WELDON REGIONAL WATER DISTRICT APPROVAL EXTENSION (Agenda Item 8d)

The Executive Officer informed the Commission that the formation of the Weldon Regional Water District was approved by this Commission on April 29, 2020 contingent upon election results. Due to several delays, a formation election and board of directors' election have not been held. As per Section "L" of the Kern LAFCo Procedures, Standards, and Policies for the Evaluation of Proposals, all proposals are to be finished within a year or an extension up to 90 days is required. Due to current pandemic schedules and procedural delays, Mr. Knox recommended that the Commission approve a one-year extension to expire

in April 2022. *Upon motion of Commissioner Fowler and seconded by Commissioner Couch, IT IS ORDERED:* The formation election of the Weldon Regional Water District will be extended up to one year, expiring in April 2022 as recommended by the Executive Officer and confirmed by the following votes:

AYES: Baugher, Couch, Crump, Fowler, Morris, Parlier, Sanders, Scrivner

NAYS: None

ABSTAIN: None

ABSENT: McKibbin

Item 3/24/21-11: *Informational*

EMPLOYEE HANDBOOK REVISIONS (Agenda Item 8e)

The LAFCO employee handbook has been updated to reflect changes in the law and procedures within operations. This revision includes changes in multiple areas, and most are non-substantial. These changes will not add significant costs or time to implement.

Item 3/24/21-12: *Informational*

CALIFORNIA LEGISLATIVE REPORT (Agenda Item 8f)

The State Legislature introduces numerous bills before the February deadline every year. Some of the bills are repeats of bills that died last year when the legislature narrowed focus to those pertaining to COVID, fire and education. Many of the new bills will focus on the Brown Act meeting requirements once the pandemic allows for in person meetings. Additionally, bills targeting specific districts or areas will be introduced. Mr. Knox continues to serve as vice-chair of the Legislative Committee at CALAFCO and will update the Commission as necessary.

Item 3/24/21-13: *Informational*

INDEMNIFICATION LITIGATION: (Agenda Item 8g)

Mr. Knox informed the Commission of the lawsuit between San Luis Obispo Local Agency Formation Commission versus the City of Pismo Beach. The lawsuit went to the Second District Court of Appeal regarding indemnification agreements. The court ruled the Cortese-Knox-Hertzberg Act does not authorize LAFCO to require indemnification agreements to indemnify against suits from the applicant. The Kern LAFCo indemnification agreement only indemnifies from third party suits. The standard indemnification agreement used by Kern LAFCO is enforceable and not affected by this case.

Item 3/24/21-14: *Informational*

EXECUTIVE OFFICER MISCELLANEOUS ITEMS: (Agenda Item 8h)

- Kern LAFCO may have as many as six applications in process and a finalized budget for the April meeting.
- Kern LAFCo has purchased a Zoom subscription, no longer requiring the use of CALAFCO's.
- The federal government approved the CARES Act last year which helps local agencies to be reimbursed for Covid related expenses. The money is funneled through the County. Kern LAFCO has identified \$26,000 in Covid related expenses. The Executive Officer will turn in the application for expense reimbursement to the County by the end of the week.
- Mr. Knox reminded the Commissioners to turn in their Form 700.
- The next meeting will be April 28, 2021.

Item 3/24/21-15: *None*

CLOSED SESSION: (Agenda Item 9)

No closed session

Item 3/24/21-16: *Adjourned*

ADJOURNMENT: (Agenda Item 10)

There being no further business to come before the Commission, IT IS ORDERED: the meeting is adjourned at 5:58 p.m.

Secretary

Chairman