

PLACER LOCAL AGENCY FORMATION COMMISSION

Robert Weygandt, (County), Chair; Joshua Alpine (District), Vice Chair; Cindy Gustafson (County); Paul Joiner (City); William Kahrl, (District); Joe Patterson, (City); Susan Rohan, (Public), Alternate Commissioners: Scott Alvord (City); Jeffrey Stark (Public); Jim Holmes, (County); Mike Lynch (District)

REGULAR HEARING AGENDA

February 10, 2021 - 4:00 P.M.

PUBLIC PARTICIPATION PROCEDURES:

Public Participation Procedures

In order to protect public health and the safety of our Placer County citizens, attendance for the Placer LAFCO meeting will be offered as a completely virtual Zoom meeting. Placer LAFCO will be closed to public attendance.

PUBLIC PARTICIPATION PROCEDURES DUE TO COVID-19 Concerns:

In order to protect public health and the safety of our Placer County citizens, the Public Comment for the LAFCO meeting (Local Agency Formation Commission) will be offered through a Zoom meeting webinar. Citizens who wish to comment should be prepared to use Zoom by:

Join from a PC, Mac, iPad, iPhone, or Android

Please click the link below to join the Zoom meeting

<https://placer-ca-gov.zoom.us/j/99208099260>

Meeting ID: 992 0809 9260

877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)

Interested parties are encouraged to check Placer LAFCO's website for any updates, including updates to the above call-in numbers and the meeting procedures www.placer.ca.gov/2704/Local-Agency-Formation-Commission-LAFCO

In compliance with Governor Newsom's Executive Order N-29-20-EO on telephone meetings, the public's participation will be supported through web or phone participation for attendees. When Public Comment is opened, participants may "raise hand" to be called upon to give their public comment.

- 1. Those joining online through the web meeting should "Raise Hand" in the Zoom meeting window. They will be called by the name they entered in the Zoom session, and they will be prompted to unmute their microphone so they can state their name for the record and give their comment.*
- 2. Those who are calling in via phone may dial *9 to raise their hand once Public Comment is opened. The Executive Officer will read out the caller's phone number and they will be notified that they are unmuted. The Executive officer will then direct them to state their name for the record and give their comment.*

Alternatively, citizens may submit their comments in written form to the Commission.

If you wish to submit written comments, please submit to Placer LAFCO at kberry@placer.ca.gov prior to 2:00 on February 10, 2021.

Emails received though the email address after 2:00 p.m. the afternoon of the meeting will still become part of the official record and will be retained.

1. **Flag Salute**
2. **Call to Order and Roll Call**
3. **Approval of Agenda** (Action item)
4. **New Commissioner:** The newly selected County member, Cindy Gustafson will be sworn in and seated.
5. **Public Comment:** This is the time when persons may address the Commission on items not on the agenda. Please limit comments to three (3) minutes as the Commission is not permitted to take any action on items presented as public comment.
6. **Closed Session:** Closed Session pursuant to Government Code Section 54957 to consider Public employee performance evaluation. Title: Executive Officer.
7. **Recruitment of Executive Officer and Staffing of LAFCO:** Kris Berry has submitted a letter expressing her intent to retire in the near future from her position as the LAFCO Executive Officer. The Commission will be asked to discuss and take possible action concerning the future staffing of LAFCO.
8. **LAFCO Work Plan:** The Commission will be asked to review and comment on the draft Work Plan prepared by staff. Staff recommends a modification of the work plan submitted at last month's meeting and requests the Commission focus on the work to be completed prior to the retirement of the Executive Officer.
9. **Executive Officer Reports:**
 - Policy Sub-Committee update
 - Legislative Committee update
 - Proposal Status
10. **Commissioner Reports:**
11. **Adjournment:** Next Commission meeting is scheduled for March 10, 2021

For further information or to provide written comments on any item on the agenda, please contact the Placer LAFCO. Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Placer LAFCO office at 110 Maple Street, Auburn, CA 95603 during normal business hours. Phone: (530) 889-4097 or kberry@placer.ca.gov. Placer LAFCO is committed to ensuring that persons with disabilities are provided the resources to participate in its meetings. If you require a disability-related accommodation, please contact the Clerk to the Commission at least two business days prior to the meeting date.

February 10, 2021
Item No. 7

PLACER COUNTY
LOCAL AGENCY FORMATION COMMISSION

110 Maple Street, Auburn California 95603


530-889-4097

Email: lafco@placer.ca.gov

STAFF REPORT

DATE: February 4, 2021

TO: Commissioners Alpine, Gustafson, Joiner, Kahrl, Patterson, Rohan, Weygandt.
Alternate Commissioners Alvord, Starsky, Holmes, Lynch

FROM: Kris Berry, Executive Officer 

RE: Recruitment of Executive Officer and Staffing of LAFCO

SUMMARY

I have submitted a letter expressing my intent to resign as your Executive Officer and to embark upon new adventures in my life as a retiree. A copy of my letter is attached. The Commission will need to discuss the various options for staffing the LAFCO Office upon my departure.

RECOMMENDED ACTION

It is recommended the Commission consider the various options for staffing LAFCO and provide direction to staff in commencing the recruitment process.

DISCUSSION

In the past LAFCO has been staffed with a full time clerk and a full time Executive Officer. A new clerk has not been hired since her retirement in December 2019. Although there are a variety of options for staffing LAFCO, there are two primary options to consider:

1) Conduct a recruitment to hire a new Executive Officer. We recommend that the position be established as a full time position with the Commission adjusting the contract work as necessary to maintain a full yet manageable work load. Currently applications and other administrative work are processed by LAFCO staff. Any specialized environmental review is conducted under our contract with our

environmental consultant, Raney Planning and Management and any necessary legal review is conducted with LAFCO legal counsel, who also serves under contract to the Commission. Major studies undertaken by LAFCO, such as municipal service reviews, sphere of influence studies, or comprehensive fiscal analyses have traditionally been contracted out to outside consultants. Some of this work could possibly be brought in to be completed by the Executive Officer if the Commission felt that such was necessary to maintain a consistent work load for staff.

Although it is not necessary to consider at this time, the Commission may also want to discuss whether you intend to fill the vacant clerk's position. Although we believe this could be a part time position, the other option would be to hire a full time analyst who could serve as the clerk and also be responsible for completing work such as municipal service reviews that is currently contracted out to outside consultants.

2) Hire a planning firm or similar company to serve as the Executive Officer. This option would probably require that the Commission hire an actual firm as opposed to an individual willing to serve as an independent contractor in order to clearly avoid a situation where the employment status is determined to in fact constitute an employer/employee relationship. In considering this option, the Commission should consider issues associated with potential conflicts with the planning firm serving as the Executive Officer and other issues associated with not having a dedicated employee. This option would potentially raise issues with the Memorandum of Understanding with the County and likely require a different model for accounting and budgeting.

Exhibit A - Retirement Letter

KRISTINA BERRY, AICP

1099 Landmark Circle
Lincoln, CA 95648

January 26, 2021

Placer Local Agency Formation Commission
Attn: Robert Weygandt, Chairman
110 Maple Street
Auburn, CA 95603

Dear Robert:

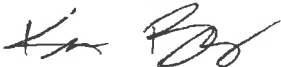
I appreciate the opportunity to have served as the Executive Officer for Placer Local Agency Formation Commission for nearly sixteen years. Placer County has been an interesting and challenging place to practice my skills.

After 36 years in public sector employment, both as a Senior Planner and LAFCO Senior Analyst in Monterey County, and my tenure here, I have decided to retire to pursue other interests.

My anticipated retirement date is March 26, 2021; however, I am willing to extend this time if needed to help with hiring and the transition period. I am requesting that with whatever retirement date is established that I be given adequate time (4 weeks) to formalize my retirement planning. I anticipate this will be established at our February 10, 2021 Commission meeting.

I would like to thank you and the rest of the Commission for the opportunity to serve.

Sincerely,



Kristina Berry, AICP
Executive Officer

Cc: LAFCO Commissioners, Counsel

February 10, 2021
Item No. 8

PLACER COUNTY

LOCAL AGENCY FORMATION COMMISSION

110 Maple Street, Auburn California 95603


530-889-4097

Email: lafco@placer.ca.gov

STAFF REPORT

DATE: February 2, 2021

TO: Commissioners Alpine, Gustafson, Joiner, Kahrl, Patterson, Rohan, Weygandt.
Alternate Commissioners Alvord, Starsky, Holmes, Lynch

FROM: Kris Berry, AICP, Executive Officer 

RE: LAFCO Work Plan

RECOMMENDED ACTION

It is recommended that the Commission review and comment on the proposed work plan prepared by staff. This workplan which was originally presented at our January Commission meeting, has been revised by staff to reflect what staff believes are the priority issues which should be addressed or initiated prior to the Executive Officers pending retirement.

DISCUSSION

The proposed work plan shows a recommended work plan by staff. Staff has prepared this plan based on previous discussion of the Commission and on legally required mandates. This list was revised based on input from the Commission at their January meeting, and the pending retirement of the Executive Officer.

Staff has elaborated on the items that are legally required or necessitate initiation this fiscal year. Items highlighted in red are considered by staff to be high priority items. Items that were not of the highest priority have been deferred to the next fiscal year.

Staff is recommending that the recommended Municipal Service Reviews (with the exception of the City of Lincoln) have one combined request for proposal prepared, allowing an option for both the preparation of all three proposals together and for each proposal individually. Depending on cost, the Commission may recommend that all three Municipal Service Reviews be initiated in the current fiscal year.

Staff is recommending an update of the existing Municipal Service Review for the City of Lincoln. As discussed in the attached Exhibit "A" a proposal is anticipated to be submitted in

the next few months for a proposal that is already under litigation. Although no Sphere of Influence change is proposed for the annexation, we are recommending that the existing Municipal Service Review be updated with current information.

Exhibit A LAFCO Workplan 2021-2022

EXHIBIT A

PLACER LAFCO PROPOSED WORK PLAN

This recommended work plan has two parts. In part one, staff has listed those items which we feel are important to initiate and/or complete in this fiscal year. The second part lists those items, in abbreviated format, which staff feels should be initiated after the fiscal year and/or the new Executive Officer has been hired.

PART 1

Municipal Service Reviews

The Commission should consider the preparation of the following Municipal Service Reviews (MSR), issuing Requests for proposals for the following Cities. This list includes an update to the City of Lincoln's Municipal Service Review, and new Municipal Service reviews for the three other cities. It is recommended that the request for proposals for the three cities be issued together, with requests for bids for both preparation in together and separate, this may provide for some efficiencies on the consultant's part or may allow separation if postponing one or two due to budgetary constraints.

City of Lincoln (update)

City of Auburn

City of Colfax

City of Loomis

Staff would recommend that the City of Lincoln's MSR be considered a high priority. An application for Annexation (Village 5) will likely be submitted within a few months. This proposal is currently under litigation with the City of Lincoln, and there is potential of further litigation with the annexation process. Although the application does not include a Sphere of Influence amendment (a current MSR is required for a Sphere of Influence amendment), staff is recommending that the MSR be updated and brought current. Municipal Service Reviews are required to be reviewed every 5 – 8 years.

It has been a practice in this office to have Municipal Service Reviews prepared by Consultants. Staff time involved in this process is estimated (per MSR) to be 12 hours for preparation of the Request for Proposals and general questions during the bid process, 4-6 hours selection process, 4 hours contract preparation and staff report to the Commission, 20 hours meeting with consultants and review of documents; 12 hours preparation of staff report and determinations.

Seating of Commissioners

Special District: A Request for Nominations for the Special District members was sent to all Special Districts electronically and by US mail on February 2, 2021 with a requested return date of March 16, 2021. Once these nominations are received, ballots will be sent out for the actual election, with a 30-day minimum allowed for voting. Once the vote is counted, the Commissioner may be seated at the next Commission hearing.

City Members: City members are appointed by the City Selection committee. We have requested they meet. The committee generally appoints using a set rotation schedule.

Board of Supervisors: The Board selected committee appointments at their January 26, 2021 meeting, and have appointed Supervisor Gustafson and Supervisor Weygandt as the regular members to the Commission and Supervisor Holmes as the Alternate member.

Processing of Current and Future proposals

Lincoln SUD-B

Lincoln Village 5

Potential Annexation to City of Auburn

Potential Meeks Bay Annexation to North Tahoe Fire Protection District

Various Nevada Irrigation District Annexations

Initiation of Dissolution of Suburban Pines CSD

Proposals which are currently being reviewed or likely to be submitted in the next few months have been designated as High Priority. There are statutory time requirements to follow once an application has been submitted. Time required by staff for reviewing proposals varies upon complexity and controversy. There is also the likely potential for unknown applications to be submitted. Suburban Pines CSD is a small district that staff recommends initiation of dissolution, however a successor agency must be found to continue maintenance of the fire hydrants in the district. Previous attempts to find a successor agency have not been successful.

Recruitment and Training of New Staff

Recruitment efforts for staff, depending on what choice of staffing the Commission determines, should be initiated as soon as possible.

New staff will need to be trained not just in LAFCO procedures, but also in the County Systems. Level of training will depend on expertise of individuals hired.

Preparation of 2021-2022 budget

Preparation of the Budget for the upcoming year should be initiated immediately. LAFCO is required by law to have a preliminary budget approved by the Commission by May 1st, and the final budget approved by June 15th. A work plan for the budget should be included. Preparation of the budget can require significant work by staff. Estimated time for preparation of the preliminary budget, work plan and staff report for the Commission would be approximately 40 hours. The time required for the final budget is dependent on recommendations from the Commission, estimated minimum time would be 10 hours. Once the budget is approved, it is forwarded to the Auditor's office for the calculation of billings for the various agencies.

PART 2

The following items are items have been discussed in a previous Commission meeting as items for the work plan. Staff is recommending that these items be considered for action once the New Executive Officer will be on Board and/or the next fiscal year.

Municipal Service Reviews:

City of Rocklin

"West slope" water study

Auburn Recreation District

Sphere of Influence review of recently adopted MSR's.

Policy Review

Provide staff support and participate in scheduled meetings with Commission subcommittee. Research policies from other LAFCO's, coordinate public meetings and hearings.

Training of new staff

Speaking engagements/outreach with agencies, public as requested and to request input during the MSR preparation.

Staff review of Environmental Documents (EIR's, Initial Studies) by other agencies if document will be used for subsequent LAFCO actions.