

**KERN LOCAL AGENCY FORMATION COMMISSION
STATE OF CALIFORNIA
MINUTES**

Kern Council of Governments (KernCOG) Conference Room
1401 19th Street Suite 300
Bakersfield CA 93301

In-Person, Zoom and Teleconference
Meeting of September 28, 2022

Pursuant to the Government Code § 54963. et seq., meetings were held both at a physical location and by video/teleconference to attend to any health and safety concerns of the panelist and/or participants.

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

ROLL CALL

Present: *Ayon, Couch, Crump, Fowler, McKibbin, Sanders, *Scrivner, Zaragoza
Absent: Parlier
Staff: Knox, Menchaca, Rice
Counsel: Schroeter

Item 9/28/22-1: *Approved as Presented*

TELECONFERENCE MEETING REQUIRMENTS: (Agenda Item 3)

Chair Fowler presented the information regarding holding the May LAFCo Meeting by Zoom and teleconference in addition to in person. Upon motion of Commissioner McKibbin, seconded by Commissioner Crump, IT IS ORDERED: The teleconference meeting requirements are approved as presented by the following votes:

AYES: Couch, Crump, Fowler, McKibbin, Sanders, Zaragoza
NAYS: None
ABSTAIN: None
ABSENT: *Ayon and *Scrivner

Item 9/28/22-2: *Approved as Presented*

APPROVAL OF MINUTES: (Agenda Item 4a) August 24, 2022, Meeting

Chair Fowler presented the August minutes; Upon motion of Commissioner McKibbin, seconded by Commissioner Zaragoza, IT IS ORDERED: The August 24, 2022, Minutes are approved as presented by the following votes:

AYES: Couch, Crump, Fowler, McKibbin, Sanders, Zaragoza
NAYS: None
ABSTAIN: None
ABSENT: *Ayon and *Scrivner

***Ayon and *Scrivner were present via zoom however were not able to be heard**

Do I need to add the first vote where sanders & crump abstained????

***2 votes were taken on Approval of Minutes due to Commissioner Sanders and Crump Abstaining since they did not attend previous meeting.**

***Attorney Tom Schroeter explained that they could vote even if they were not at previous meeting since they received the Agenda Packet.**

Do I need to add the first vote where sanders & crump abstained????

Item 9/28/22-3: None

PUBLIC COMMENTS: (Agenda Item 5)

No comments from the public were presented.

***At 5:22 pm Mr. Rice paused the meeting due to technical issues with recording. At which time the issue was fixed, and we were able to hear Commissioner Ayon and Scrivner.**

***At 5:31 pm Chair Fowler reconvene meeting.**

NOTICE PUBLIC HEARINGS: (Agenda Item 6)

Item 9/29/22-4: *Approved as Presented - Resolution No. 22-19*

PROCEEDING 1807: SPHERE OF INFLUENCE 5-YEAR QUESTIONNAIRE - REVIEW:
1806 Sphere of Influence 5-Year Questionnaire – Review (Agenda Item 6c)

Executive Officer Knox recommended that the Commission re-affirm the Sphere of Influence 5-year reviews on for the following Districts without change with Government Code Section 56425(g).

<u>DISTRICT</u>	<u>DISTRICT</u>
Devil's Den Water District	Lamont Public Utility District
East Kern Resource Conservation	McFarland Recreation and Park District
Ford City Taft Heights Sanitary District	North of the River Recreation and Park
Greenfield County Water District	North of the River Sanitary District
Keene Water District	West Kern Water District
Kern County Water Agency	West Side Recreation and Parks District

Chair Fowler presented the item. Commissioner Zaragoza questioned the split county for Devil's Den. Executive Officer Knox advised that Kern LAFCo is the lead agency for this district. Upon motion of Commissioner Crump, seconded by Commissioner Couch, IT IS ORDERED: The Sphere of Influence 5-Year Review for the districts mentioned above are re-affirmed as presented by the following votes:

AYES: Ayon, Couch, Crump, Fowler, McKibbin, Sanders, Scrivner, Zaragoza
NAYS: None
ABSTAIN: None
ABSENT: Parlier

DETERMINATION PROCEEDING: (Agenda Item 7)

Item 9/28/22-5: *Approved as Presented – Resolution No. 22-20*

PROCEEDING 1804: NORTH OF THE RIVER SANITARY DISTRICT NO. 1 ANNEXATION NO. 113 & COUNTY SERVICE AREA NO. 71 DETACHMENT “U” - REORGANIZATION: (Agenda 7a)

Executive Officer Knox recommended that the Commission consider the Environmental Document adopted by the applicant and approve the proposal as presented, subject to conditions recommended by the Executive Officer, waiving notice and protest hearing. Upon motion of Commissioner Sanders, seconded by Commissioner Couch, IT IS ORDERED: North of the River Sanitary District No. 1 Annexation No. 113 & CSA No. 71 Detachment “U” is approved as presented by the following votes:

AYES: Ayon, Couch, Crump, Fowler, McKibbin, Sanders, Scrivner, Zaragoza
NAYS: None
ABSTAIN: None
ABSENT: Parlier

***Attorney Tom Schroeter explained the Law regarding Island Annexations and the responsibility of the Commissioner.**

***Commissioner Zaragoza made a referral that the Policy Committee be activated to address the lack of a definition for “substantially surrounded.”**

COMMISSION ITEMS: (Agenda Item 8)

Item 9/28/22-6: *Approved to Motion*

REPORT: DEFINITION OF SUBSTANTIALLY SURROUNDED (Agenda Item 8a)

Executive Officer Knox requested the Commission consider whether to refer this issue to the Policy Committee for additional review and possible recommendation. Commissioner Zaragoza, Commissioner Fowler, Commissioner Crump all had questions regarding the previous review and results. Executive Officer Knox, Deputy Executive Officer/Analyst Benton Rice, and Gary Hallen answered questions on behalf of XX Commissioner Fowler made motion to refer this issue to Policy Committee. Upon motion of Commissioner Fowler, seconded by Commissioner Zaragoza, IT IS ORDERED: Referral to the Policy Committee is approved by the following votes:

AYES: Ayon, Couch, Crump, Fowler, McKibbin, Sanders, Scrivner, Zaragoza
NAYS: None
ABSTAIN: None
ABSENT: Parlier

GENERAL BUSINESS: (Agenda Item 9)

Item 9/28/22-8: *Approved as Presented*

EXPENSE LIST 22-08 (Agenda Item 9a)

Chair Fowler presented accounts payable 22-08. Upon motion of Commissioner Sanders, seconded by Commissioner Couch, IT IS ORDERED: The general claims set forth in Expense List No. 22-08 are approved for payment, and the Chairman is authorized to certify said list by the following

votes:

AYES: Ayon, Couch, Crump, Fowler, McKibbin, Sanders, Scrivner, Zaragoza
NAYS: None
ABSTAIN: None
ABSENT: Parlier

Item 9/28/22-9: *Approved as Presented*

CONTINUED: LEGAL SERVICES – REQUEST FOR PROPOSAL - (Agenda Item 9b)

Executive Officer Knox recommended the Commission approve the contract for alternate legal counsel to represent Kern LAFCo when primary legal counsel is unable to represent the Commission. The contract is with the firms of Braun Gosling and McMurtrey Hartsock Worth and St. Lawrence. Upon motion of Commissioner Couch, seconded by Commissioner Sanders, IT IS ORDERED: The contract with Braun Gosling and McMurtrey Hartsock Worth and St. Lawrence is approved as presented by the following votes:

AYES: Ayon, Couch, Crump, Fowler, McKibbin, Sanders, Scrivner, Zaragoza
NAYS: None
ABSTAIN: None
ABSENT: Parlier

Item 9/28/22-10: *Informational*

EXECUTIVE OFFICER MISCELLANEOUS ITEMS: (Agenda Item 8f)

- Audit with Brown Armstrong is in process and moving forward
- Legislation update – Friday Governor signs Bill for Zoom
- CALAFCo Fall Conference – 6 reserved
- More than likely no October 26, 2022, meeting.

Item 9/28/22-11:

CLOSED SESSION: (Agenda Item 10)

None

Item 9/28/22-12: *Adjourned*

ADJOURNMENT: (Agenda Item 11)

There being no further business to come before the Commission, IT IS ORDERED: the meeting is adjourned at 6:20 p.m.

Clerk

Executive Officer