

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

Zoom Meeting and Teleconference
Meeting of December 02, 2020

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 meeting called to order at 5:38 p.m. Chair Rivera presiding.

ROLL CALL

Present: Baugher, Couch, Crump, Fowler, McKibbin, Morris, Rivera, Sanders, Scrivner
Absent: None
Staff: Knox, Moore, Rice, Rojas
Counsel: Schroeter

APPROVAL OF MINUTES: (Agenda Item 3) September 23, 2020 Meeting

Item 12/02/20-1: Approved as Presented

Chair Rivera presented the September minutes; *Upon motion of Commissioner Morris, seconded by Commissioner Fowler, IT IS ORDERED:* The September 23, 2020 Minutes are approved as confirmed by the following votes:

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

PUBLIC COMMENTS: (Agenda Item 4)

Item 12/02/20-2: None.

NOTICED PUBLIC HEARINGS: (Agenda Item 5a)

Item 12/02/20-3: Approved as Presented - Resolution No. 20-22

(5a) PROCEEDING 1774: – CITY OF SHAFTER: MUNICIPAL SERVICES REVIEW

Executive Officer Knox recommended the Commission consider the notice of exemption adopted by the applicant and accept the Municipal Services Review to be placed on file as a source of discovery as presented and accept the City of Shafter Municipal Services Review with conditions set by the Executive Officer. *Upon motion of Commissioner Couch, seconded by Commissioner Fowler, IT IS ORDERED:* The City of Shafter Municipal Services Review is approved by the following votes:

AYES: Baugher, Couch, Crump, Fowler, McKibbin, Rivera, Sanders, Scrivner

NAYS: None

ABSTAIN: Morris

ABSENT: None

*It should be noted that the answer of Commissioner Morris could not be heard on the video recording.

Item 12/02/20-4: Approved as Presented - Resolution No. 20-23 (Agenda Item 5b)

(5b) PROCEEDING 1775: – CITY OF SHAFTER: SPHERE OF INFLUENCE AMENDMENT

Executive Officer Knox recommended the Commission consider the mitigated negative declaration including all supporting documents prepared by the County of Kern and adopted by the City of Shafter and approve the Sphere of Influence Amendment with conditions recommended by the Executive Officer. *Upon motion of Commissioner Couch, seconded by Commissioner Fowler, IT IS ORDERED:* The City of Shafter Sphere of Influence Amendment is approved by the following votes:

AYES: Baugher, Couch, Crump, Fowler, McKibbin, Rivera, Sanders, Scrivner

NAYS: None

ABSTAIN: Morris

ABSENT: None

*It should be noted that the answer of Commissioner Morris could not be heard on the video recording.

PUBLIC PROJECT REVIEW: (Agenda Item 6)

Item 12/02/20-5: Approved as Presented - Resolution No. 20-24

(6a) PROCEEDING 1776: – CITY OF SHAFTER EXTENSION OF SERVICES

Mr. Knox recommended the Commission consider the mitigated negative declaration and adopt the findings prepared by the County of Kern and adopted by the City of Shafter and authorize LAFCKC 12/2/20

the City of Shafter to provide services outside their boundary. *Upon motion of Commissioner Fowler, seconded by Commissioner Couch, IT IS ORDERED: The City of Shafter Extension of Services is approved by the following votes:*

AYES: Baugher, Couch, Crump, Fowler, McKibbin, Rivera, Sanders, Scrivner

NAYS: None

ABSTAIN: Morris

ABSENT: None

*It should be noted that the answer of Commissioner Morris could not be heard on the video recording.

COMMISSION ITEMS: (Agenda Item 7)

Item 12/02/20-6: Informational

(7a) RECOGNIZATION OF COMMISSIONER RIVERA FOR YEARS OF SERVICE

Executive Officer Knox recognized Chair Rivera for his five years of service on the LAFCo Commission. Mr. Knox presented a plaque to Chair Rivera thanking him for his service.

GENERAL BUSINESS: (Agenda Item 8)

Item 12/02/20-7: Approved as Presented

CLAIMS LIST 20-10 (Agenda Item 8a)

Chair Rivera presented Claims List 20-10. *Upon motion of Commissioner Couch, seconded by Commissioner Baugher, IT IS ORDERED: The general claims set forth in Claims List No. 20-10 are approved for payment, and the Chairman is authorized to certify said list by the following votes:*

AYES: Baugher, Couch, Fowler, McKibbin, Rivera, Sanders, Scrivner

NAYS: None

ABSTAIN: Crump, Morris

ABSENT: None

*It should be noted that the answers of Commissioners Crump and Morris could not be heard on the video recording.

Item 12/02/20-8: Approved as Presented

CLAIMS LIST 20-11 (Agenda Item 8b)

Chair Rivera presented Claims List 20-11. *Upon motion of Commissioner Fowler, seconded by Commissioner Couch*, IT IS ORDERED: The general claims set forth in Claims List No. 20-11 are approved for payment, and the Chairman is authorized to certify said list by the following votes:

AYES: Baugher, Couch, Fowler, McKibbin, Morris, Rivera, Sanders, Scrivner

NAYS: None

ABSTAIN: Crump

ABSENT: None

*It should be noted that the answer of Commissioner Crump could not be heard on the video recording.

Item 12/02/20-9: Approved as Presented

Appointment of Chair and Vice Chair (Agenda Item 8c)

The Commission nominated Commissioner Scrivner as Chair. Commissioner Fowler agreed to be nominated to the Vice Chair position. *Upon motion of Commissioner Morris, seconded by Commissioner Sanders*, IT IS ORDERED: The Commission approves Commissioner Scrivner to serve as Chair and Commissioner Fowler to serve as Vice Chair.

AYES: Baugher, Couch, Fowler, McKibbin, Morris, Rivera, Sanders, Scrivner

NAYS: None

ABSTAIN: Crump

ABSENT: None

*It should be noted that the answer of Commissioner Crump could not be heard on the video recording.

Item 12/02/20-10: Approved as Presented

2021 COMMISSION MEETING SCHEDULE (Agenda Item 8d)

Upon motion of Commissioner Couch, seconded by Commissioner Baugher, IT IS ORDERED: The 2021 meeting schedule is approved.

AYES: Baugher, Couch, Crump, Fowler, McKibbin, Morris, Rivera, Sanders, Scrivner

NAYS: None

ABSTAIN: None

ABSENT: None

Item 12/02/20-11: Approved as Presented

CalPERS OVERPAYMENT (Agenda Item 8e)

Executive Officer Knox informed the Commission of an overbalance of \$21,670.80 in the CalPERS unfunded liability PEPRAs account. This money should have been credited to the Classic account. Commissioner Couch recommended overpayment be applied to the unfunded liability account. *Upon motion of Commissioner Sanders, seconded by Commissioner Fowler, IT IS ORDERED:* The CalPERS overpayment will be applied to Kern LAFCo's unfunded liability.

AYES: Baugher, Couch, Crump, McKibbin, Morris, Rivera, Sanders, Scrivner

NAYS: None

ABSTAIN: Fowler

ABSENT: None

*It should be noted that the answer of Commissioner Fowler could not be heard on the video recording.

Item 12/02/20-12: Receive and File

2019-2020 AUDIT (Agenda Item 8f)

Rosalva Florez, accountant for Brown Armstrong, stated that the audit was very successful. Brown Armstrong found no issues or unusual transactions. Ms. Florez affirmed to the Commission that Kern LAFCo's financial statements were accurate. Ms. Florez recommended LAFCo implement a new policy on mileage reimbursement. The Executive Officer recommended the Commission receive and file the 2019-2020 audit. *Upon motion of Commissioner Couch, seconded by Commissioner Baugher, IT IS ORDERED:* The Commission approves as presented to receive and file the 2019-2020 audit.

AYES: Baugher, Couch, Crump, Fowler, Rivera, Scrivner

NAYS: None

ABSTAIN: McKibbin, Morris, Sanders

ABSENT:

*It should be noted that the answers of Commissioners McKibbin, Morris, and Sanders could not be heard on the video recording.

Item 12/02/20-13:

STATE CONTROLLER OFFICE LIST OF INACTIVE DISTRICTS (Agenda Item 8g)

Mr. Knox informed the Commission the passage of SB 448 provided a streamlined process for the dissolution of inactive districts. Kern Valley Resource Conservation District has been included on the State Controller inactive list for 2020-2021. LAFCo has the obligation to dissolve the district. There is still a need for services in the area. Tehachapi RCD is interested, but funding to annex the area is not available at this time. Kern LAFCo may need to pay for the dissolution/annexation with reserves.

Item 12/02/20-14: Informational

CALIFORNIA SPECIAL DISTRICT ASSOCIATION – UPDATE ON SPECIAL DISTRICT FINANCIAL HEALTH (Agenda Item 8h)

Cole Karr, Public Affairs Field Coordinator for C.S.D.A., gave a presentation on the financial health of Special Districts. Mr. Karr reported Special Districts statewide have lost 1.26 billion dollars in expenditures and revenue due to COVID-19 in 2020. There is a need for state aid with revenue replacement options for Kern County. COVID-19 relief funds are available. Two million dollars is allocated for Kern County.

Item 12/02/20-15: Informational

EXECUTIVE OFFICER MISCELLANEOUS ITEMS: (Agenda Item 8i)

- The Kern LAFCo office was burglarized last month. The lock box containing stamps and checks were stolen. We have changed our checking account with Wells Fargo. The office locks have been changed and a safe has been purchased.
- We are currently looking for a new I.T. Technician.
- In addition to Chair Rivera, there will soon be four additional vacancies on the Commission. Jackie Sullivan, Joe Aguirre, Mick Gleason and Don Cortichiato will not be returning in January 2021.
- CALAFCO has not revised the due structure. Kern County is paying the same amount as L.A. County. Kern LAFCo may need to apply for a financial hardship.
- Many of the Executive Officers have left LAFCo in the last year. Mr. Knox presented the idea of expansion of Kern LAFCo to include other counties.
- Mr. Knox presented an idea for expanding a Request for Proposal (RFP) to include auditing firms outside of Kern County. Commissioners asked for a review of the policy regarding local contractors.
- The next meeting will be January 27, 2021.

CLOSED SESSION: (Agenda Item 9)

Item 12/02/20-16:

PUBLIC EMPLOYMENT: REORGANIZATION – PURSUANT TO SECTION TO 54957: (Agenda Item 9a). There was no other reportable action.

Item 12/02/20-17:

Evaluation of Executive Officer per Government Code § 54957 (b) (1): (Agenda Item 9b)

The Commission adjourned to closed session to conduct Mr. Knox’s evaluation. The chairman reported that the following action was taken in closed session: *Motion by Commissioner Couch, seconded by Commissioner Fowler*, and unanimously approved to raise the Executive Officer’s annual pay by 4% and that the evaluation of his performance this past year is deemed outstanding. There was no other reportable action.

Item 12/02/20-18:

Conference with labor negotiators pursuant to Government Code Section 54954. (f). Agency designated representative: Chairperson; Unrepresentative employee; Executive Officer: (Agenda Item 9c)

ADJOURNMENT: (Agenda Item 10)

Item 12/02/20-19: Adjourned

There being no further business to come before the Commission. IT IS ORDERED: the meeting is adjourned at 7:56 p.m.

Secretary

Chairman