

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

**Board of Supervisors' Chambers
1115 Truxtun Ave
Bakersfield, California
Meeting of February 27, 2019**

Regular meeting called to order at 5:00 p.m. in the Board of Supervisors' Chambers County Administrative Building, 1115 Truxtun Avenue, Bakersfield, California, 93301. Chair McKibbin presiding.

Present: *Couch, Fowler, McGuire, McKibbin, Mello, Rivera, Scrivner, Sanders

Staff: Knox, Munoz, Rice

Counsel: *Schroeter

Absent: Morris

**Item 2/27/19-1:
MINUTES OF DECEMBER 5, 2018
APPROVED AS PRESENTED**

Upon motion of Commissioner McGuire, seconded by Commissioner Fowler, IT IS ORDERED: The Minutes of the meeting of January 23, 2019 are approved.

AYES: Fowler, McGuire, McKibbin, Mello, Rivera, Sanders, Scrivner.

NAYS: None

ABSENT: Couch, Morris

**Item 2/27/19-2:
PUBLIC COMMENTS**

None

** It should be noted that at this time Commissioner Couch joined the meeting.*

** It should be noted that agenda items 5a and 5b were heard together.*

**Item 2/27/19-3: Resolution No. 19-04
NORTH WEST KERN RESOURCE CONSERVATION DISTRICT;
SPHERE OF INFLUENCE AMENDMENT
NOTICE OF EXEMPTION;
INHABITED;
APPROVED AS PRESENTED**

The report and recommendation of the Executive Officer dated February 27, 2019 recommending the Commission approve the proposed Sphere Amendment subject to CONDITION RECOMMENDED BY EXECUTIVE OFFICER, is on file; a copy of the application have been received by each Commissioner and legal counsel.

The Executive Officer recommended the Commission note that they have read and considered the Notice of Exemption prepared and adopted by the Commission for this area, that

the area within the proposed amendment area is inhabited, and approve the amendment, subject to the following:

CONDITION RECOMMENDED BY EXECUTIVE OFFICER:

The approval of this annexation is contingent on the results of a protest hearing not to be heard more than 30 days from this meeting. Results will be presented to the Commission at the next available Commission meeting.

Upon recommendation by the Executive Officer, the Commission noted the District's Notice of Exemption for the area for inclusion within the North West Kern Resource Conservation District Sphere of Influence. The following exhibits were presented and received in evidence;

Map showing the boundaries of the proposed amendment in relation to current North West Kern Resource Conservation District boundaries; Executive Officer's Report and Recommendations, Application and all documents required in the application for sphere amendment.

Accordingly, and with reference to Minute Item 2/27/19-3, the Commission having considered the proposed amendment in the Sphere of Influence of North West Kern Resource Conservation District and having noted the Notice of Exemption and all of the testimony and exhibits offered and received and being fully advised in the premises, on motion of Commissioner Couch seconded by Commissioner McGuire, IT IS ORDERED: The above numbered and entitled resolution approving said amendment in the Sphere of Influence for North West Kern Resource Conservation District subject to CONDITIONS RECOMMENDED BY EXECUTIVE OFFICER, was adopted by the following votes.

AYES: Couch, Fowler, McGuire, McKibbin, Mello, Rivera, Sanders, Scrivner.

NAYS: None

ABSENT: Morris

Item 2/27/19-4: Resolution No. 19-05

Proceeding No. 1743

NORTH WEST KERN RESOURCE CONSERVATION DISTRICT:

ANNEXATION NO. 1

SUBJECT TO PROTEST HEARING AND CONDITION RECOMMENDED BY EXECUTIVE OFFICER

NOTICE OF EXEMPTION

APPROVED AS PRESENTED

The report and recommendation of the Executive Officer dated February 27, 2019 recommending the Commission approve the proposed annexation subject to PROTEST HEARING AND CONDITION RECOMMENDED BY EXECUTIVE OFFICER, is on file; a copy of the application and map have been received by each Commissioner and legal counsel.

The Executive Officer recommended the Commission note that they have considered the

Notice of Exemption prepared by the Commission for this area, and approve the annexation, subject to the following:

CONDITION RECOMMENDED BY EXECUTIVE OFFICER:

The approval of this annexation is contingent on the results of a protest hearing not to be heard more than 30 days from this meeting. Results will be presented to the Commission at the next available Commission meeting.

The following exhibit was presented and received in evidence;

Exhibit No. 1: Map showing the boundaries of the proposed Annexation in relation to current North West Kern Resource Conservation District boundaries. (Applicant's exhibit.)

Accordingly, and with reference to Minute Item 2/27/19-4, the Commission having considered the proposed Annexation to North West Kern Resource Conservation District and having noted the Notice of Exemption, and all of the testimony and exhibits offered and received and being fully advised in the premises, on motion of Commissioner Sanders seconded by Commissioner Couch, IT IS ORDERED: The above numbered and entitled resolution approving said annexation to the North West Kern Resource Conservation District subject to PROTEST HEARING AND CONDITIONS RECOMMENDED BY EXECUTIVE OFFICER, was adopted by the following votes

AYES: Couch, Fowler, McGuire, McKibbin, Mello, Rivera, Sanders, Scrivner.

NAYS: None

ABSENT: Morris

Item 2/27/19-5: Resolution No. 19-06

ADOPT RESOLUTION RE-AFFIRMING SPHERE'S OF INFLUENCE FIVE-YEAR QUESTIONNAIRE REVIEWS APPROVED AS PRESENTED

Upon motion of Commissioner Fowler, seconded by Commissioner McGuire, IT IS ORDERED: The Commission Resolved: That the Spheres of Influences Reviews are on file with the Commission for Buttonwillow Recreation & Parks District and Inyo Kern Community Services District are hereby approved without change:

AYES: Couch, Fowler, McGuire, McKibbin, Mello, Rivera, Sanders, Scrivner.

NAYS: None

ABSENT: Morris

** It should be noted that Legal Counsel Tom Schroeter recused himself at this time from the next three items due to a conflict of interest.*

Item 2/27/19-6: Resolution No. 19-07
CITY OF MCFARLAND;
MUNICIPAL SERVICES REVIEW
APPROVED AS PRESENTED

The Executive officer asked the Commission to consider the determinations in the Municipal Services Review, as well as a Notice of Exemption for the City of McFarland. The Commission considered the Notice of Exemption, and MSR determinations. Upon motion of Commissioner Couch, seconded by Commissioner Fowler, IT IS ORDERED: The Commission adopts the Determinations in the MSR and adopts the Notice of Exemption and all supporting documents for the City of McFarland by the following votes.

AYES: Couch, Fowler, McGuire, McKibbin, Mello, Rivera, Sanders, Scrivner.

NAYS: None

ABSENT: Morris

Item 2/27/19-7: Resolution No. 19-08
CITY OF MCFARLAND;
ANNEXATION NO. 15
MITIGATED NEGATIVE DECLARATION;
UNINHABITED;
100% LANDOWNER CONSENT, NOTICE, HEARING, PROTEST HEARING WAIVED
SUBJECT TO CONDITION RECOMMENDED BY EXECUTIVE OFFICER;
APPROVED AS PRESENTED

The report and recommendation of the Executive Officer dated February 27, 2019 recommending the Commission approve the proposed annexation subject to CONDITION RECOMMENDED BY EXECUTIVE OFFICER, is on file; a copy of the same and a copy of the application have been received by each Commissioner and legal counsel.

The Executive Officer recommended the Commission note that they have considered the Mitigated Negative Declaration adopted by the City for Annexation 15 for this area; that the area within the proposed annexation is uninhabited and approve the annexation, subject to the following:

CONDITIONS RECOMMENDED BY EXECUTIVE OFFICER:

“The applicant has signed an agreement to actively defend or indemnify and hold harmless the Kern County Local Agency Formation Commission or its agents, officers, and employees, from any liability or loss connected with the approval of: City of McFarland Annexation 15.”

The following exhibit was presented and received in evidence:

Exhibit No. 1: Map showing the boundaries of the proposed annexation. (Applicant’s exhibit.)

Accordingly, and with reference to Minute Item 2/27/19-7, there being no objections to the findings of fact set out in the Report and Recommendation, and all of the testimony and

exhibits received, and being duly advised in the premises, on motion of Commissioner Rivera, seconded by Commissioner McGuire, IT IS ORDERED: The above numbered and entitled resolution approving said annexation subject to CONDITIONS RECOMMENDED BY EXECUTIVE OFFICER was adopted by the following votes.

AYES: Couch, Fowler, McGuire, McKibbin, Mello, Rivera, Sanders, Scrivner.
NAYS: None
ABSENT: Morris

Item 2/27/19-8: Resolution No. 19-09

CITY OF MCFARLAND;

ANNEXATION NO. 16

MITIGATED NEGATIVE DECLARATION;

UNINHABITED;

**100% LANDOWNER CONSENT, NOTICE, HEARING, PROTEST HEARING WAIVED
SUBJECT TO CONDITION RECOMMENDED BY EXECUTIVE OFFICER;**

APPROVED AS PRESENTED

The report and recommendation of the Executive Officer dated February 27, 2019 recommending the Commission approve the proposed annexation subject to CONDITION RECOMMENDED BY EXECUTIVE OFFICER, is on file; a copy of the same and a copy of the application have been received by each Commissioner and legal counsel.

The Executive Officer recommended the Commission note that they have considered the Mitigated Negative Declaration adopted by the City for Annexation 16 for this area; that the area within the proposed annexation is uninhabited and approve the annexation, subject to the following:

CONDITIONS RECOMMENDED BY EXECUTIVE OFFICER:

“The applicant has signed an agreement to actively defend or indemnify and hold harmless the Kern County Local Agency Formation Commission or its agents, officers, and employees, from any liability or loss connected with the approval of: City of McFarland Annexation 16.”

The following exhibit was presented and received in evidence:

Exhibit No. 1: Map showing the boundaries of the proposed annexation. (Applicant’s exhibit.)

Accordingly, and with reference to Minute Item 2/27/19-8, there being no objections to the findings of fact set out in the Report and Recommendation, and all of the testimony and exhibits received, and being duly advised in the premises, on motion of Commissioner Rivera, seconded by Commissioner Fowler, IT IS ORDERED: The above numbered and entitled resolution approving said annexation subject to CONDITIONS RECOMMENDED BY EXECUTIVE OFFICER was adopted by the following votes.

AYES: Couch, Fowler, McGuire, McKibbin, Mello, Rivera, Sanders, Scrivner.

NAYS: None
ABSENT: Morris

** It should be noted that at this time Thomas Schroeter returned to the meeting.*

Item 2/27/19-9:

COMMISSION ITEMS:

Chairman McKibbin presented a plaque to Commissioner Mello for her hard work as Chair for 2018.

Item 2/27/19-10:

CLAIMS LIST 19-02:

APPROVED AS PRESENTED

Upon motion of Commissioner Mello, seconded by Commissioner Fowler,
IT IS ORDERED: The general claims set forth in Claims List No. 19-02 are approved for payment, and the Chairman is authorized to certify said list.

AYES: Couch, Fowler, McGuire, McKibbin, Mello, Rivera, Sanders, Scrivner.

NAYS: None

ABSENT: Morris

Item 2/27/19-11:

**CERTIFICATE OF SUFFICIENCY – WELDON REGIONAL WATER DISTRICT:
INFORMATIONAL**

The Executive Officer stated that based upon examination, it is hereby determined and certified that the petition qualifies and was signed by the requisite number of qualified signers and is therefore a sufficient petition. The Commission received and filed the Certificate of Sufficiency.

Item 2/27/19-12:

**2017-2018 BUDGET CYCLE AUDIT REPORT:
INFORMATION**

The Executive Officer stated that the audit found no significant issues or unusual transactions, Commissioner McKibbin directed staff to receive and file the 2017-2018 Audit.

Item 2/27/19-13:

**CITY OF ARVIN EXTENSION REQUEST: 1737 & 1740:
APPROVED AS PRESENTED**

The Executive Officer informed the Commission that the City of Arvin has requested an extension for the April 24, 2019 LAFCo meeting to complete this application for annexation. All applications submitted must be completed in one year to ensure that information in the application does not go stale. The Executive Officer recommends the Commission approve the extension. Upon motion of Commissioner Couch, seconded by Commissioner Sanders, IT IS ORDERED: The extension for the City of Arvin Proceeding No's. 1737 and 1740 is approved

by the following votes.

AYES: Couch, Fowler, McGuire, McKibbin, Mello, Rivera, Sanders, Scrivner.

NAYS: None

ABSENT: Morris

Item 2/27/19-14:

CLOSED SESSION:

**PUBLIC EMPLOYMENT – EVALUATION OF EXECUTIVE OFFICER PER
GOVERNMENT CODE SECTION 54957(b)(1);**

CONTINUED

Chairman Scrivner stated after the evaluation of the Executive Officer, he requests to the Commission that Mr. Knox's be increased by 4%. Upon motion of Commissioner Scrivner, seconded by Commissioner Couch, IT IS ORDERED: The Executive Officer's Salary be increased by 4% is approved by the following votes:

AYES: Couch, Fowler, McGuire, McKibbin, Mello, Rivera, Sanders, Scrivner.

NAYS: None

ABSENT: Morris

Item 2/27/19-15:

ADJOURNMENT

There being no further business to come before the Commission. IT IS ORDERED:
The meeting is adjourned at 5:55 p.m.

Secretary

Chairman