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Jerry Gladbach  
Chair

Donald Dear  
1st Vice-Chair

Gerald McCallum  
2nd Vice-Chair

Kathryn Barger  
Margaret Finlay  
John Lee  
John Mirisch  
Holly Mitchell  
Francine Oschin

**Alternate Members**

Anthony Bell  
Michael Davitt  
David Lesser  
Mel Matthews  
Hilda Solis  
Vacant  
(City of Los Angeles)

**Staff**

Paul Novak  
Executive Officer

Adriana Romo  
Deputy Executive Officer

Amber De La Torre  
Doug Dorado  
Adriana Flores  
Taylor Morris  
Alisha O'Brien

80 South Lake Avenue  
Suite 870  
Pasadena, CA 91101  
Phone: 626.204.6500  
Fax: 626.204.6507

[www.lalafco.org](http://www.lalafco.org)

MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION  
FOR THE COUNTY OF LOS ANGELES  
LIVE VIRTUAL MEETING

June 8, 2022

Present:

Jerry Gladbach, Chair

Kathryn Barger  
Donald Dear  
Margaret Finlay  
John Lee  
Gerard McCallum  
John Mirisch  
Francine Oschin

Anthony Bell, Alternate  
David Lesser, Alternate  
Mel Matthews, Alternate

Paul Novak, Executive Officer  
Tiffani Shin, Legal Counsel

Absent:

Holly Mitchell

Michael Davitt, Alternate  
Hilda Solis, Alternate

Vacant:

City of Los Angeles, Alternate Member

## 1 CALL MEETING TO ORDER

The meeting was called to order at 9:00 a.m. as a live virtual Commission meeting, with public comment accepted via e-mail, computer, or phone through the conclusion of public testimony.

## 2 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Gladbach.

## 3 DISCLOSURE OF CAMPAIGN CONTRIBUTION(S)

The Executive Officer (EO) read an announcement, asking if any Commissioners had received a campaign contribution that would require disclosure or any other issue requiring recusal from any item on today's agenda (None).

## ANNOUNCEMENT

The EO noted that today's meeting was conducted pursuant to the provisions of Government Code § 54953 relative to virtual meetings, as well as the County of Los Angeles "Best Practices to Prevent COVID-19". LAFCO's legal counsel has confirmed that the conduct of the meeting is consistent with State law as modified by the Governor and County orders.

The EO noted that all public hearing notices, and the agenda, clearly stated that interested persons were afforded the opportunity to submit written opposition or comments by e-mail, or via United States mail. For any communications received after the agenda was posted, staff has forwarded copies via e-mail to the Commission. LAFCO staff continued to monitor e-mail and comments received during the meeting and prior to the conclusion of each hearing item were read to the Commission (None).

## 4 SWEARING-IN OF SPEAKER(S)

The EO swore in two (2) members of the audience who planned to testify.

## 5 PUBLIC COMMENT

(None).

The Commission moved to Agenda Item No. 7.a.

## 7 PUBLIC HEARING(S)

The following item was called up for consideration:

- a. Exercise of New or Different Functions or Classes of Services No. 2022-04 for the Point Dume Community Services District.

The EO summarized the staff report on this item.

The EO noted that, after the posting of the agenda, staff received an e-mail from Pamela Conley Ulich (resident, City of Malibu) indicating that she supports the staff recommendation.

The public hearing was opened to receive testimony on existing services and the proposed exercise of new or different functions or classes of services.

Hap Henry (Board Member, Point Dume Community Services District) indicated that he strongly recommended that the Commission approve Agenda Item 7.a.

There being no testimony and no written opposition, nor e-mails, submitted prior to the close of the public hearing, the public hearing was closed.

The Commission took the following actions:

- Adopted the Resolution Making Determinations, including the California Environmental Quality Act determinations, Approving Exercise of New or Different Functions or Classes of Services No. 2022-04 for the Point Dume Community Services District; Resolution No. 2022-15RMD; and
- Pursuant to Government Code § 57002, set the Protest Hearing for July 13, 2022 at 9:00 a.m., at the Commission's virtual meeting, unless cancelled or rescheduled by the Commission or the Commission Chair approves an alternative meeting location.

MOTION: Barger                      SECOND: Dear                      APPROVED: 8-0-0  
AYES: Barger, Dear, Finlay, Lee, McCallum, Mirisch, Oschin, Gladbach  
NOES: None.  
ABSTAIN: None  
ABSENT: Mitchell

The Commission returned to Agenda Items 6.a. through 6.d.

## 6 CONSENT ITEM(S)

The Commission took the following actions under Consent Items:

- a. Approved Minutes of May 11, 2022.
- b. Approved Operating Account Check Register for the month of May 2022.
- c. Received and filed update on Pending Proposals.
- d. Information Item(s) – Government Code §§ 56751 & 56857.  
(None).

MOTION: Barger                      SECOND: McCallum                      APPROVED: 8-0-0  
AYES:        Barger, Dear, Finlay, Lee, McCallum, Mirisch, Oschin, Gladbach  
NOES:        None.  
ABSTAIN:    None.  
ABSENT:     Mitchell

## 8 PROTEST HEARING(S)

(None).

## 9 OTHER ITEMS

The following item was called for consideration:

- a. Adoption of Resolution Authorizing Remote Teleconference Meetings of the Commission pursuant to Government Code Section 54953(e) and Making Required Findings.

The EO summarized the staff report on this item.

The Commission took the following action:

- Adopted the Resolution Making Determinations Approving Resolution of the Local Agency Formation Commission for the County of Los Angeles Authoring Remote Teleconference Meetings of the Legislative Body of the Los Angeles Formation Commission for the County of Los Angeles for the meeting of June 8, 2022, pursuant to the Ralph M. Brown Act; Resolution No. 2022-16RMD.

MOTION:    Dear                      SECOND: Finlay                      APPROVED: 8-0-0  
AYES:        Barger, Dear, Finlay, Lee, McCallum, Mirisch, Oschin, Gladbach  
NOES:        None.  
ABSTAIN:    None  
ABSENT:     Mitchell

## 10 LEGISLATION

The following item was called up for consideration:

- a. Legislative Update.

The EO summarized the staff report on this item.

The EO indicated that after posting the Agenda, the Assembly Local Government Committee approved AB 2957.

The Commission took the following action:

- Received and filed the Legislative Update.

MOTION: Dear                      SECOND: McCallum                      APPROVED: 8-0-0  
AYES:                      Barger, Dear, Finlay, Lee, McCallum, Mirisch, Oschin, Gladbach  
NOES:                      None.  
ABSTAIN: None  
ABSENT: Mitchell

#### 11 MISCELLANEOUS CORRESPONDENCE

- a. Notice of Appointment LAFCO J.A. Mirisch, May 25, 2022.
- b. CALAFCO Quarterly Newsletter; May 2022.
- c. CALAFCO Board Recruitment and Nomination Packet; June 1, 2022.

No Commission action was required.

#### 12 COMMISSIONERS' REPORT

(None).

#### 13 EXECUTIVE OFFICER'S REPORT

- a. Verbal Update.

The EO indicated he will not attend the August meeting, as he will be on vacation, and that Deputy EO Adriana Rome will attend the August 10<sup>th</sup> meeting in his place.

The EO recommended that the Commission conduct virtual meetings for the months of July and August, and that the September 14<sup>th</sup> Commission Meeting be conducted in-person to accommodate members of the public who may wish to speak about the Draft Municipal Service Review and Sphere of Influence Update for the Health Care Districts.

The Commission took the following actions:

- Received and filed the Executive Officer's Verbal Update; and
- Directed the Executive Officer to schedule the July 13<sup>th</sup> and August 10<sup>th</sup> meeting as virtual meetings, and the September Meeting as an in-person meeting.



**RESOLUTION NO. 2022-15RMD  
RESOLUTION OF THE LOCAL AGENCY FORMATION  
COMMISSION FOR THE COUNTY OF LOS ANGELES  
MAKING DETERMINATIONS APPROVING  
"EXERCISE OF NEW OR DIFFERENT FUNCTIONS OR CLASSES OF SERVICES NO. 2022-04  
FOR THE POINT DUME COMMUNITY SERVICES DISTRICT"**

WHEREAS, Point Dume Community Services District ("PDCSD" or "District") adopted a resolution of application to initiate proceedings, which was submitted to the Local Agency Formation Commission for the County of Los Angeles (Commission), pursuant to, Division 3, Title 5, of the California Government Code, commencing with § 56000, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Act"), for Exercise of New or Different Functions or Classes of Services ("Proposal"); and

WHEREAS, the Proposal was assigned the following distinctive short-form designation: "Exercise of New or Different Functions or Classes of Services No. 2022-04, Point Dume Community Services District"; and

WHEREAS, a map of the proposal is set forth in Exhibit "A", attached hereto and by this reference incorporated herein; and

WHEREAS, the principal reason for the Proposal is to provide for the safety of its residents and improve communications and dissemination of information within the boundary of the District; and

WHEREAS, the Executive Officer has reviewed the Proposal and submitted to the Commission a written report, including his recommendations therein; and

WHEREAS, the Executive Officer has given notice of the public hearing pursuant to Government Code Sections 56150-56160, 57025, and 57026, wherein the public hearing notice was published in a newspaper of general circulation in the County of Los Angeles on May 19, 2022, which is at least 21 days prior to the public hearing, and said hearing notice was also mailed to all required recipients by first-class mail on or before the date of newspaper publication; and

WHEREAS, on June 8, 2022, after being duly and properly noticed, this Proposal came on for hearing, at which time this Commission heard and received all oral and written testimony, objections, and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this Proposal and the report of the Executive Officer; and

WHEREAS, pursuant to Government Code § 57002, the Commission set the protest hearing for July 13, 2022 at 9:00 a.m., at the Commission's virtual meeting held by teleconference and web access pursuant to the provisions of Government Code § 54953 relative to virtual meetings, as well as the County of Los Angeles "Best Practices to Prevent COVID-19," unless cancelled or rescheduled by the Commission or the Commission Chair approves an alternative meeting location.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The proposed Exercise of New or Different Functions or Classes of Services No. 2022-04 for the District is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3)—also known as the common sense exemption—which states that CEQA



applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. With respect to this Proposal, the District's jurisdictional and SOI boundaries will not change, and no new development or development-related activity is proposed. Further, to the extent that the District enters into agreements and contracts with other public agencies to undertake future projects, each such agreement or contract, and the associated activities thereunder, would be subject to CEQA review and documentation. Additionally, the Proposal is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15303 because it consists of the location of limited numbers of new, small facilities or structures or installation of small new equipment. Furthermore, there are no cumulative impacts, unusual circumstances, nor other exceptions that would make the exemption inapplicable based on the Proposal records.

2. A map of the proposal, as approved by this Commission, is set forth in Exhibit "A", attached hereto and by this reference incorporated herein.
3. The affected territory was assigned the following short form designation:  
"Exercise of New or Different Functions or Classes of Services No. 2022-04, Point Dume Community Services District."
4. Exercise of New or Different Functions or Classes of Services No. 2022-04, Point Dume Community Services District, is hereby approved, subject to the following terms and

conditions:

- a. The District agrees to defend, hold harmless and indemnify LAFCO and/or its agents, officers and employees from any claim, action or proceeding against LAFCO and/or its agents, officers and employees to attack, set aside, void or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- b. The effective date of the Proposal shall be the date of recordation with the Los Angeles County Registrar-Recorder/County Clerk.
- c. Services shall be provided within the boundaries of the District, and pursuant to Government Code § 61100, as follows:
  - Subsection (d): Provide fire protection services, rescue services, hazardous material emergency response services, and ambulance services in the same manner as a fire protection district, formed pursuant to the Fire Protection District Law, Part 2.7 (commencing with Section 13800) of Division 12 of the Health and Safety Code, as further limited herein. Within this broad definition of fire protection services, the District is limited to providing public information about the acquisition, operation, and maintenance of fire hydrant boxes.
  - Subsection (e): Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to,

parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.

- Subsection (f): Organize, promote, conduct, and advertise programs of community recreation, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.
- Subsection (s): Acquire, construct, improve, maintain, and operate community facilities, including, but not limited to, community centers, libraries, theaters, museums, cultural facilities, and childcare facilities.
- Subsection (af): Construct, own, improve, maintain, and operate broadband facilities and provide broadband services.

For purposes of this section, broadband has the same meaning as in subdivision (a) of Section 5830 of the Public Utilities Code. The District shall comply with Article 12 (commencing with Section 53167) of Chapter 1 of Part 1 of Division 2 of Title 5 when providing broadband services pursuant to this subdivision. If the district later determines

that a private person or entity is ready, willing, and able to acquire, construct, improve, maintain, and operate broadband facilities and to provide broadband services, and to sell those services at a comparable cost and quality of service as provided by the district, the district may do one of the following: (1) Diligently transfer its title, ownership, maintenance, control, and operation of those broadband facilities and services at a fair market value to that private person or entity. (2) Lease the operation of those broadband facilities at a fair market value to that private person or entity. Within this broad definition of broadband facilities and services, the District is limited to utilizing its FCC license exclusively for public service communications.

- d. Any and all other powers not identified above, which the PDCSD may propose to exercise, are considered to be new or different functions or classes of services (formerly known as “latent powers”). The PDCSD is prohibited from exercising such new or different functions or classes of services, now and in the future, without the advance, written approval of the Commission pursuant to Government Code Sections 56824.10 through 56824.14, inclusive, and as addressed elsewhere in the Act.

- e. To the extent that additional territory is annexed into the jurisdictional boundaries of the District in the future, this approval shall apply within that additional territory.
- f. Consistent with the authorization in Section 4.(c), Subsection (d), above, the District shall not provide the same or equivalent services of a traditional fire department, and the District shall not act in the capacity of a fire department.
- g. Within one year of the effective date of this approval, the District shall prepare a map identifying all fire hydrant boxes within its boundaries, and post the map to the District's website; at least once every year, the District shall revise the map to show any new fire hydrant boxes; and at least once every year, the District shall transmit a copy of the current map to the Fire Chief of the Consolidated Fire Protection District of Los Angeles County (CFPD) and to the City Manager of the City of Malibu.
- h. Consistent with the authorization in Subsection 4.(c), Subsections (e) and (s), above; and prior to the construction, development, and operation of any recreation facilities and/or community facilities; the District shall secure any required land-use approvals and permits required by the City of Malibu and/or the California Coastal Commission.
- i. Prior to operation of the broadband facilities, the District will obtain all required permits, licenses, authorizations, and approvals required from all Federal, State,

- j. and local agencies. This shall include, but not be limited to, the Federal Communications Commission (FCC), the State of California Public Utilities Commission (CPUC), and all other public agencies with jurisdiction over the operation of broadband facilities.
- 5. Pursuant to Government Code Section 57002, the Commission hereby sets the protest hearing for July 13, 2022 at 9:00 a.m., and directs the Executive Officer to give notice thereof pursuant to Government Code Sections 57025 and 57026.
- 6. Pursuant to Government Code § 56883, the Executive Officer may make non-substantive corrections to this resolution to address any technical defect, error, irregularity, or omission.

PASSED AND ADOPTED this 8<sup>th</sup> day of June 2022.

MOTION: Barger  
SECOND: Dear  
AYES: Barger, Dear, Finlay, Lee, McCallum, Mirisch, Oschin, Gladbach  
NOES: None.  
ABSTAIN: None.  
ABSENT: Mitchell  
MOTION PASSED: 8-0-0

**LOCAL AGENCY FORMATION COMMISSION  
FOR THE COUNTY OF LOS ANGELES**



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**Paul A. Novak, AICP  
Executive Officer**

**RESOLUTION NO. 2022-16RMD**  
**RESOLUTION OF THE LOCAL AGENCY FORMATION**  
**COMMISSION FOR THE COUNTY OF LOS ANGELES AUTHORIZING REMOTE TELECONFERENCE**  
**MEETINGS OF THE LEGISLATIVE BODY OF THE LOCAL AGENCY FORMATION COMMISSION FOR**  
**THE COUNTY OF LOS ANGELES FOR THE MEETINGS OF JUNE 8, 2022, PURSUANT TO THE**  
**RALPH M. BROWN ACT**

WHEREAS, the Local Agency Formation Commission for the County of Los Angeles (“LAFCO” or “Commission”) is committed to preserving and nurturing public access and participation in meetings of the Commission; and

WHEREAS, all meetings of the Commission are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Commission conduct its business; and

WHEREAS, the Brown Act, Government Code Section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions and requirements; and

WHEREAS, a required condition of Government Code Section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further a required condition of Government Code Section 54953(e) that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body holds a meeting to determine by majority vote that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, because such conditions now exist in Los Angeles County and throughout the state, a State of Emergency has been proclaimed by Governor Gavin Newsom on March 4, 2020, addressing the threats to public health and safety associated with the COVID-19 pandemic in California, and prescribing certain measures to protect the health and safety of all state residents, and said State of Emergency remains in full force and effect; and

WHEREAS, the California Department of Industrial Relations has issued regulations, at Title 8 of the California Code of Regulations Section 3205(c)(5)(D), making recommendations for physical (social) distancing in the workplace as a measure to decrease the spread of COVID-19, given that particles containing the virus can travel more than six feet, especially indoors; and

WHEREAS, the Los Angeles County Public Health Officer has issued guidance for the business community, "Best Practices to Prevent Covid-19 – Guidance for Businesses and Employers," which recommends that employers implement policies and practices that support physical distancing of at least six feet, including practices such as limiting indoor occupancy, using visual distancing cues, offering telework options to staff, offering flexible work hours, and altering physical work space to increase distance between workstations and customers; and

WHEREAS, as a consequence of the foregoing, the Commission does hereby find that it shall conduct its meetings without complying with Government Code Section 54953(b)(3), as authorized by Government Code Section 54953(e), and that the Commission shall comply with the requirements to provide the public with access to the meetings as prescribed in Government Code Section 54953(e)(2).



NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Recitals set forth above are true and correct and are hereby incorporated into this Resolution by reference.
2. The Commission hereby determines that there is an active, proclaimed state of emergency throughout the State of California due to the ongoing COVID-19 pandemic; and that state and local officials have imposed or recommended measures to promote social distancing.
3. The Commission is hereby authorized to conduct its open and public meetings by teleconference in compliance with the provisions of Government Code Section 54953(e).

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4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of either July 8, 2022 (thirty days from today), or such time as the Commission adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the legislative body of the Commission may continue to teleconference without compliance with Government Code Section 54953(b)(3).

PASSED AND ADOPTED this 8<sup>th</sup> day of June, 2022.

MOTION: Dear  
SECOND: Finlay  
AYES: Barger, Dear, Finlay, Lee, McCallum, Oschin, Gladbach  
NOES: None.  
ABSTAIN: None.  
ABSENT: Mitchell  
MOTION PASSES: 8/0/0

**LOCAL AGENCY FORMATION COMMISSION  
FOR THE COUNTY OF LOS ANGELES**



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**Paul A. Novak, AICP  
Executive Officer**