



Local Agency Formation Commission
for the County of Los Angeles

Voting Members

Donald Dear
Chair

Gerald McCallum
1st Vice-Chair

Margaret Finlay
2nd Vice-Chair

Kathryn Barger
John Lee
Robert Lewis
John Mirisch
Holly Mitchell
Francine Oschin

Alternate Members

Anthony Bell
Michael Davitt
Mel Matthews
Hilda Solis
Vacant
(City of Los Angeles)
Vacant
(Public Member)

Staff

Paul Novak
Executive Officer

Adriana Romo
Deputy Executive Officer

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

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

March 8, 2023

Present:

Donald Dear, Chair

Margaret Finlay
John Lee
Robert Lewis
Gerard McCallum
John Mirisch
Holly Mitchell

Anthony Bell, Alternate
Mel Matthews, Alternate

Paul Novak, Executive Officer
Tiffani Shin, Legal Counsel

Absent:

Kathryn Barger
Francine Oschin

Michael Davitt, Alternate
Hilda Solis, Alternate

Vacant:

City of Los Angeles, Alternate Member
Alternate General Public Member

1 CALL MEETING TO ORDER

The meeting was called to order at 9:13 a.m. as both an in-person and virtual meeting.

The Executive Officer (EO) indicated that Commissioner Finlay was attending today's meeting remotely. The Commission moved to Agenda Item No. 9.e.

9 OTHER ITEMS

The following item was called for consideration:

- e. Commissioner Request to Participate Remotely (Rescheduled from the cancelled February 8, 2023 Meeting).

The EO summarized the staff report on this item.

The Commission took the following action:

- Approved Second Vice Chair and Commissioner Finlay's request to participate at today's meeting and the May 10, 2023 meeting, remotely.

MOTION: Mirisch SECOND: McCallum APPROVED: 8-0-0
AYES: Bell (Alt. for Oschin), Finlay, Lee, Lewis, McCallum, Mirisch, Mitchell,
Dear
NOES: None.
ABSTAIN: None.
ABSENT: Barger, Oschin

Commissioner Finlay thanked the Commission.

Commissioner Mitchell announced today was International Women's Day.

The Commission returned to Agenda Item No. 2.

2 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Dear.

3 DISCLOSURE OF CAMPAIGN CONTRIBUTION(S)

The 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 announced that, consistent with State law, the agenda for today's meeting was posted at the Kenneth Hahn Hall of Administration on Wednesday, March 1, 2023.

4 SWEARING-IN OF SPEAKER(S)

The EO swore in members of the audience who planned to testify (None).

5 PUBLIC COMMENT

(None).

6 CONSENT ITEM(S)

The Commission took the following actions under Consent Item(s):

- a. Approved Minutes of January 11, 2023.
- b. Approved Operating Account Check Register for the month of December 2022, January 2023, and February 2023.
- c. Received and filed update on Pending Proposals.
- d. Information Item(s) – Government Code §§ 56751 & 56857.
 - i. Received and Filed Annexation No. 2023-01 to the Los Angeles County Waterworks District No. 40, Antelope Valley.
- e. Miscellaneous Communications –
 - i. Letter of January 18, 2023, Special District Risk Management Authority (SDRMA) Chief Member Services Officer Ellen Doughty to Commission Chair Don Dear (Rescheduled from the cancelled February 8, 2023 Meeting).

MOTION: Finlay SECOND: Mirisch APPROVED: 8-0-0
AYES: Bell (Alt. for Oschin), Finlay, Lee, Lewis, McCallum, Mirisch, Mitchell,
Dear
NOES: None.
ABSTAIN: None.
ABSENT: Barger, Oschin

7 PUBLIC HEARING(S)

The following item was called up for consideration:

- a. Proposed Filing Fee Schedule (Rescheduled from the cancelled February 8, 2023 Meeting).

The EO summarized the staff report on this item.

The public hearing was opened to receive testimony on this item.

There being no additional testimony and no written opposition, nor e-mails, submitted prior to the close of the public hearing (beyond those published as an attachment to the staff report), the public hearing was closed.

Commissioner Dear asked why fees are increasing. The EO indicated that LAFCO has not adjusted fees since 2006, and that existing fees do not cover the costs for staff to process, review, and analyze proposals. The EO noted that increasing fees is intended to recover costs and to include incremental fee increases (adjust for inflation) in accordance with the Consumer Price Index. He also noted that the proposed fees are consistent with fixed fees charged by other LAFCOs.

The Commission took the following actions:

- Adopted the Resolution Making Determinations Approving the Schedule of Filing Fees; Resolution No. 2023-01RMD;
- Directed staff to notify representatives of Los Angeles County and the cities and independent special districts in Los Angeles County of the new Schedule of Filing Fees, and further inform said agencies that the schedule will take effect on July 1, 2023;
- Directed staff to post the Schedule of Filing Fees to the LAFCO website prior to July 1, 2023;
- Directed staff to adjust fees annually by the amount of the increase in the Consumer Price Index (for Urban Wage Earners and Clerical Workers published by the U.S. Bureau of Labor Statistics for the Los Angeles-Long Beach-Anaheim Area) (CPI Index), to amend the fee schedule accordingly each year on July 1st; and to provide advance notification to representatives of the County of Los Angeles and the cities and independent special districts in Los Angeles County; and
- Directed staff to conduct a thorough review and analysis of the existing calculations of tasks, hours expended, and burdened labor rates, to identify the then-current costs beyond the increases tied to the CPI Index, and make a recommendation to the Commission if any changes to the filing fee schedule are warranted, every five years, beginning in July-

August of 2028.

MOTION: McCallum SECOND: Lee APPROVED: 8-0-0
AYES: Bell (Alt. for Oschin), Finlay, Lee, Lewis, McCallum, Mirisch, Mitchell,
 Dear
NOES: None.
ABSTAIN: None.
ABSENT: Barger, Oschin

7 PUBLIC HEARING(S)

The following item was called up for consideration:

- b. Proposed Draft Budget for Fiscal Year 2023-24.

Adriana Romo, Deputy Executive Officer (DEO), summarized the staff report on this item.

The public hearing was opened to receive testimony on this item.

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:

- Approve the Proposed Draft Budget for Fiscal Year 2023-24;
- Pursuant to Government Code Section 56381, directed staff to forward the Proposed Budget for Fiscal Year 2023-24 to the County of Los Angeles, as well as the 88 cities and 51 independent special districts in Los Angeles County, for their comment; and
- Set April 12, 2023, for hearing on adoption of the Recommended Final Budget for Fiscal Year 2023-24.

MOTION: Mitchell SECOND: Finlay APPROVED: 8-0-0
AYES: Bell (Alt. for Oschin), Finlay, Lee, Lewis, McCallum, Mirisch, Mitchell,
 Dear
NOES: None.
ABSTAIN: None.
ABSENT: Barger, Oschin

7 PUBLIC HEARING(S)

The following item was called up for consideration:

- c. Annexation No. 2021-02 to the Los Angeles County Waterworks District No. 40, Antelope Valley.

The EO summarized the staff report on this item.

The public hearing was opened to receive testimony on this item.

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 action:

- Adopted the Resolution Making Determinations, including the California Environmental Quality Act determinations, Approving and Ordering Annexation No. 2021-02 to the Los Angeles County Waterworks District No. 40. Antelope Valley; Resolution No. 2023-02RMD.

MOTION: McCallum SECOND: Finlay APPROVED: 8-0-0
AYES: Bell (Alt. for Oschin), Finlay, Lee, Lewis, McCallum, Mirisch, Mitchell,
 Dear
NOES: None.
ABSTAIN: None.
ABSENT: Barger, Oschin

8 PROTEST HEARING(S)

(None).

9 OTHER ITEMS

The following item was called for consideration:

- a. Fiscal Year 2022-23 Mid-Year Budget Status Report (Rescheduled from the cancelled February 8, 2023 Meeting).

The DEO summarized the staff report on this item.

The Commission took the following action:

- Received and filed the Mid-Year Budget Status Report for FY 2022-23.

MOTION: Bell SECOND: Finlay APPROVED: 8-0-0
AYES: Bell (Alt. for Oschin), Finlay, Lee, Lewis, McCallum, Mirisch, Mitchell,
Dear
NOES: None.
ABSTAIN: None.
ABSENT: Barger, Oschin

The Commission moved to Agenda Item No. 12.b.

12 EXECUTIVE OFFICER'S REPORT

b. Verbal Update.

The EO noted that for the April 12th meeting, there are two (2) items which are expected to take some time to consider. First is an annexation which will include public testimony; the second is the proposed interviews of finalists for the Alternate Public Member. The Commission directed the EO to keep the annexation on the April 12th meeting and move the Alternate Public Member interviews to the May 10th meeting.

Commissioner Lewis indicated that he will not attend the May meeting, in person, as he will attend the 2023 Association of California Water Agencies (ACWA) Conference. He will join remotely, based on his availability.

The Commission did not make a motion on this item.

The Commission returned to Agenda Item No. 9.b.

9 OTHER ITEMS

The following item was called for consideration:

- b. Fiscal Year 2022-23 Mid-Year Investment Status Report (Rescheduled from the cancelled February 8, 2023 Meeting).

The DEO summarized the staff report on this item.

The Commission took the following action:

- Received and filed the Fiscal Year 2022-23 Mid-Year Investment Report.

MOTION: McCallum SECOND: Finlay APPROVED: 8-0-0
AYES: Bell (Alt. for Oschin), Finlay, Lee, Lewis, McCallum, Mirisch, Mitchell,
 Dear
NOES: None.
ABSTAIN: None.
ABSENT: Barger, Oschin

9 OTHER ITEMS

The following item was called for consideration:

- c. Procurement and Reporting Policy Annual Report for 2022 (Rescheduled from the cancelled February 8, 2023 Meeting).

The EO summarized the staff report on this item.

The Commission took the following action:

- Received and filed the Procurement and Reporting Annual Report for 2022.

MOTION: Mirisch SECOND: Bell APPROVED: 8-0-0
AYES: Bell (Alt. for Oschin), Finlay, Lee, Lewis, McCallum, Mirisch, Mitchell,
 Dear
NOES: None.
ABSTAIN: None.
ABSENT: Barger, Oschin

9 OTHER ITEMS

The following item was called for consideration:

- d. Alternate Public Member Recruitment (Rescheduled from the cancelled February 8, 2023 Meeting).

The DEO summarized the staff report on this item.

The Commission took the following actions:

- Chair Dear, on Wednesday, March 8, 2023, appointed three (3) members to an Ad Hoc Committee of the Commission to screen the initial round of applicants, as follows:
 - Commissioner Matthews (Special District representative)
 - Commissioner Finlay (City representative)
 - Commissioner Barger (Board of Supervisors representative)

- Directed staff to agendize the Ad Hoc Committee to identify Alternate Public Member finalists and to make recommendations for a group of no more than eight (8) finalists for consideration by the Commission;
- Directed staff to move the date to interview finalists from the meeting of the Commission on Wednesday, April 12, 2023 to Wednesday, May 10, 2023 and to so notify all applicants; and
- Directed staff to move the date to appoint an Alternate Public Member from the meeting of the Commission on Wednesday, May 10, 2023 to the meeting of Wednesday, June 14, 2023.

MOTION: Lewis SECOND: Mitchell APPROVED: 8-0-0
AYES: Bell (Alt. for Oschin), Finlay, Lee, Lewis, McCallum, Mirisch, Mitchell,
Dear
NOES: None.
ABSTAIN: None.
ABSENT: Barger, Oschin

10 LEGISLATION

The following item was called up for consideration:

a. Legislative Update.

The EO indicated that, going forward, the Legislative Update will appear on future agendas under “Consent Item(s)” (Agenda Item No. 6), unless a legislative item requires discussion, thereby, that item will be agendized as Agenda Item No. 10.a. The Commission had no objections.

Commissioner Mirisch requested that the Commission take a support position regarding the City Selection Committee conducting appointments in a virtual format instead of in-person meetings, due to quorum issues.

Commissioner McCallum asked that the EO to report back to Commission, at next month’s meeting, providing information regarding the City Selection Committee appointment process.

[Commissioner Lee left at 9:50 a.m.]

The EO Responded by noting that staff will research the issues concerning the City Selection Committee, and provided a written staff report to the Commission at the April 12, 2023 meeting.

The Commission took the following actions:

- Received and filed the Legislative Update; and
- Directed the Executive Officer to report back to Commission providing background and demographic information pertaining to the City Selection Committee appointment process.

MOTION: Mitchell SECOND: Bell APPROVED: 7-0-0
AYES: Bell (Alt. for Oschin), Finlay, Lewis, McCallum, Mirisch, Mitchell,
Dear
NOES: None.
ABSTAIN: None.
ABSENT: Barger, Lee, Oschin

11 COMMISSIONERS' REPORT

(None).

12 EXECUTIVE OFFICER'S REPORT

- a. Written Update.
- b. Verbal Update.

The EO summarized the staff report on this item.

The EO indicated that, going forward, the Executive Officer's Written Report will appear on future agendas under "Consent Item(s)" (Agenda Item No. 6). The Commission had no objection.

The Commission took the following action:

- Received and filed the Executive Officer's Written and Verbal Report.

MOTION: Mitchell SECOND: Lewis APPROVED: 7-0-0
AYES: Bell (Alt. for Oschin), Finlay, Lewis, McCallum, Mirisch, Mitchell,
Dear
NOES: None.
ABSTAIN: None.
ABSENT: Barger, Lee, Oschin

13 PUBLIC COMMENT

(None).

14 FUTURE MEETINGS

April 12, 2023

May 10, 2023

June 14, 2023

15 ADJOURNMENT MOTION

Commissioner Dear adjourned the in-person and virtual meeting at 10:07 a.m.

Respectfully submitted,



Paul Novak, AICP
Executive Officer

RESOLUTION NO. 2023-01RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR THE COUNTY OF LOS ANGELES
MAKING DETERMINATIONS ADOPTING A FILING FEE SCHEDULE

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (commencing with Government Code § 56000) authorizes the Local Agency Formation Commission for the County of Los Angeles (Commission or LAFCO) to establish a schedule of fees and a schedule of service charges, pursuant to Government Code § 56383;

WHEREAS, LAFCO enacted a filing fee schedule in January, 2006; and

WHEREAS, applicants who submit a proposal to LAFCO pay filing fees consistent with the schedule of fees implemented in 2006; and

WHEREAS, the current filing fees do not cover the costs for LAFCO staff to process, review, and analyze each proposal, as documented in the February 8th staff report and attachments associated with this resolution making determinations, and as further documented in the January 11th staff report and attachments presented to and considered by the Commission; and

WHEREAS, the Commission considered a written staff report and an oral presentation by staff at the January 11, 2023 Meeting, and directed staff to provide notice for a public hearing;

WHEREAS, staff provided a copy of the proposed filing fee schedule to representatives of the County of Los Angeles, the eighty-eight (88) cities in Los Angeles County, and the fifty-three (53) independent special districts in Los Angeles County, immediately after the Commission's January 11th Meeting; and

WHEREAS, staff compiled comments from public agency representatives, provided copies to the Commission, and the Commission has considered those comments; and

WHEREAS, the Commission set the public hearing for February 8, 2023 at 9:00 a.m., at the Los Angeles County Board of Supervisors Hearing Room, Kenneth Hahn Hall of Administration Room 381-B, located at 500 West Temple Street, Los Angeles, California, 90012;

WHEREAS, the Executive Officer has given notice of the public hearing pursuant to Government Code §§ 56153, 56154, 56383, and 66016, wherein the public hearing notice was published in a newspaper of general circulation in the County of Los Angeles on Tuesday, January 17, 2023, which is at least 21 days prior to the February 8th public hearing; and

WHEREAS, the February 8, 2023 Commission Meeting was canceled, and this agenda item was rescheduled for the March 8, 2023 Commission Meeting;

WHEREAS, at the time and place fixed in the notice, and as continued to March 8, 2023, the hearing was held, and any and all oral or written comments, objections, objections, and evidence were received and considered; and

WHEREAS, staff has prepared a time and materials study documenting the cost to LAFCO to process, review, and analyze a proposal, a copy of which is attached to the staff report associated with this resolution making determinations;

WHEREAS, the time and materials study demonstrates that the proposed filing fees are at amounts which do not exceed the estimated amount required to provide the service for which the fee or service charge is levied, as required by Government Code § 66016; and

WHEREAS, staff posted the time and materials study to the Commission website on January 23, 2023, in compliance with Government Code § 66016; and

WHEREAS, staff has prepared a chart which compares the existing fees that are currently being charged pursuant to the filing fee schedule implemented in 2006, as well as the proposed filing fee schedule, a copy of which is attached to the staff report associated with this resolution making determinations;

WHEREAS, and in the interest of affording potential applicants adequate time in which to file a proposal (or proposals) with LAFCO in advance of the new filing fees being enacted, this filing fee schedule will take effect on July 1, 2023; and

WHEREAS, and to account for annual increased costs for LAFCO staff to process, review, and analyze proposals (applications), the Commission hereby authorizes staff to adjust fees annually, on July 1st of each year, in an amount (percentage) equal to the amount of the increase in the Consumer Price Index (for Urban Wage Earners and Clerical Workers published by the U.S. Bureau of Labor Statistics for the Los Angeles-Long Beach-Anaheim Area), with further direction that staff provide notice, in advance of the annual adjustment, to representatives of the County, the cities and special districts in Los Angeles County, of the revised fees, and that staff update the filing fee schedule on the LAFCO website accordingly;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Commission hereby adopts this schedule of filing fees:

PART ONE: FIXED FEES (Proposals Submitted to LAFCO)

Change of Organization (Annexation or Detachment)

Affected Territory Acreage

9.99 Acres or less	\$5,600	All fees include GIS Tech review of one (1) polygon of affected territory. For any proposal with more than one polygon of affected territory, the fee shall be increased by \$750/polygon
10.00 to 24.99 Acres	\$7,500	
25.00 to 49.99 Acres	\$9,500	
50.00 to 99.99 Acres	\$11,500	
100.00 Acres or more	\$14,000	

Reorganizations

<u>Affected Territory Acreage</u>		
9.99 Acres or less	\$6,720	All fees include GIS Tech review of one (1) polygon of affected territory. For any proposal with more than one polygon of affected territory, the fee shall be increased by \$750/polygon
10.00 to 24.99 Acres	\$9,000	
25.00 to 49.99 Acres	\$11,400	
50.00 to 99.99 Acres	\$13,800	
100.00 Acres or more	\$16,800	

Sphere of Influence Amendments/Updates/Changes

<u>With associated change of organization or reorganization</u>	\$2,500
<u>Without other action</u>	
9.99 Acres or less	\$3,000
10.00 to 24.99 Acres	\$3,500
25.00 to 49.99 Acres	\$5,000
50.00 to 99.99 Acres	\$6,000
100.00 Acres or more	\$7,000

Multiple County Proposal

Any proposal involving two or more counties	\$2,000 per additional County
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Out-of-Agency Service

56133(b) & (c) Service Requests and 56133(e) Exemption Requests	\$5,700
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PART TWO: FIXED FEES (SPECIAL REQUESTS)

Request for Reconsideration	Fifty-Percent (50%) of initial filing fee
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Request to schedule a "special meeting" of the Commission	\$5,000
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Request to schedule a "special meeting" conducted by the Executive Officer	\$3,500
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Request transfer of jurisdiction to/from another Commission (LAFCO)	\$1,500
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CEQA Lead Agency Request for NOD/NOE	\$1,000
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PART THREE: ACTUAL COST AND/OR VARIABLE FEES

Out-of-Agency Request Pursuant to 56134	Actual Cost of Staff, Consultant, and Legal Counsel
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Appeal CFA to State Controller's Office (SCO)	Actual Cost, as determined by SCO
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CEQA Lead Agency Request for Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report	Actual Cost of Staff, Consultant, and Legal Counsel
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Special Reorganization	Actual Cost of Staff, Consultant, and Legal Counsel
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Request for non-scheduled Municipal Service Review (MSR)	Actual Cost of Staff, Consultant, and Legal Counsel
Incorporation, Dissolution, or Consolidation	Actual Cost of Staff, Consultant, and Legal Counsel
District Formation	Actual Cost of Staff, Consultant, and Legal Counsel
District Dissolution, Consolidation, or Merger	Actual Cost of Staff, Consultant, and Legal Counsel
Establish Subsidiary District	Actual Cost of Staff, Consultant, and Legal Counsel

PART FOUR: FEES COLLECTED BY LAFCO FOR OTHER PUBLIC AGENCIES

Los Angeles County Registrar-Recorder/County Clerk (RRCC) to record a Certificate of Completion (C of C)	Fee/Charge assessed by RRCC (with no mark-up)
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Los Angeles County Registrar-Recorder/County Clerk (RRCC) to post Notice of Determination (NOD) or Notice of Exemption (NOE) for a California Environmental Quality Act (CEQA) Action	Fee/Charge assessed by RRCC (with no mark-up)
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State of California Board of Equalization
(BOE) for LAFCO's filing of a Statement of
Boundary Change

Fee/Charge assessed by
BOE (with no mark-up)

2. The fee schedule herein shall take effect on July 1, 2023.

3. The Commission directs staff to adjust fees annually, on July 1st of each year, in an amount (percentage) equal to the amount of the increase in the Consumer Price Index (for Urban Wage Earners and Clerical Workers published by the U.S. Bureau of Labor Statistics for the Los Angeles-Long Beach-Anaheim Area), and directs staff to provide notice, in advance of the annual adjustment, to representatives of the County, the cities and special districts in Los Angeles County, of the revised fees, and that staff update the filing fee schedule on the LAFCO website accordingly.

4. Direct staff to conduct a thorough review and analysis of the existing calculations of tasks, hours expended, and burdened labor rates, to identify the then-current costs beyond the increases tied to the CPI Index, and make a recommendation to the commission if any changes to the filing fee schedule are warranted, every five years, beginning in July-August of 2028.

5. 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 8th day of March, 2023.

MOTION: McCallum SECOND: Lee APPROVED: 8-0-0
AYES: Bell (Alt. for Oschin), Finlay, Lee, Lewis, McCallum, Mirisch, Mitchell, Dear
NOES: None.
ABSTAIN: None.
ABSENT: Barger, Oschin

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



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

RESOLUTION NO. 2023-02RMD
RESOLUTION OF THE LOCAL AGENCY FORMATION
COMMISSION FOR THE COUNTY OF LOS ANGELES
MAKING DETERMINATIONS APPROVING AND ORDERING
"ANNEXATION NO. 2021-02 TO THE LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40,
ANTELOPE VALLEY"

WHEREAS, Georgia Eliopoulos ("landowner" or "Applicant") submitted a petition for proceedings, 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), for annexation of territory herein described to the Los Angeles County Waterworks District No. 40, Antelope Valley (District), all within the City of Palmdale (City); and

WHEREAS, the proposed annexation consists of approximately 6.58± acres of uninhabited territory and is assigned the following distinctive short-form designation: "Annexation No. 2021-02 to the Los Angeles County Waterworks District No. 40, Antelope Valley"; and

WHEREAS, a description of the boundaries and map of the proposal are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein; and

WHEREAS, the principal reason for the proposed annexation is for the District to provide water service; 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 §§ 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 February 8, 2023, 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, in accordance with Government Code § 56663, mailed notice pursuant to Government Code § 56157 has been given to landowners and registered voters within the affected territory; and the mailed notice discloses that: 1) the potential for the extension or continuation of any previously authorized charge, fee, assessment, or tax by the City and/or District in the affected territory, and 2) unless written opposition to the proposal is received before the conclusion of the Commission proceeding on the proposal, the Commission intends to waive protest proceedings; and

WHEREAS, on March 8, 2023, 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, the Commission, acting as the conducting authority, has the ministerial duty of accepting any written opposition to the proposal and either, waive protest proceedings entirely, pursuant to Government Code § 56663, if no written opposition was received.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Acting in its role as a responsible agency with respect to Annexation No. 2021-02 to the Angeles County Waterworks District No. 40, Antelope Valley, pursuant to State CEQA

Guidelines § 15096, the Commission considers the Mitigated Negative Declaration prepared and adopted by the City of Palmdale, as lead agency, on July 9, 2015, together with any comments received during the public review process; certifies that the Commission has independently reviewed and considered and reached its own conclusions regarding the environmental effects of the project as shown in the Mitigated Negative Declaration; and adopts the Mitigation Monitoring Program and Compliance Record for the project, finding that the Mitigation Monitoring Program and Compliance Record is adequately designed to ensure compliance with the mitigation measures during project implementation as applicable to the responsible agency.

2. The Commission finds the number of written opposition filed by landowners and registered voters is 0.
3. Mailed notice has been provided pursuant to Government Code § 56663 on February 8, 2023.
4. A description of the boundaries and map of the proposal, as approved by this Commission, are set forth in Exhibits "A" and "B", attached hereto and by this reference incorporated herein.
5. The affected territory consists of 6.58± acres, is uninhabited, and is assigned the following short form designation: "Annexation No. 2021-02 to the Los Angeles County Waterworks District No. 40, Antelope Valley".
6. Annexation No. 2021-02 to the Los Angeles County Waterworks District No. 40, Antelope Valley is hereby approved, subject to the following terms and conditions:
 - a. The landowner 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 annexation shall be the date of recordation of the Certificate of Completion with the Los Angeles County Registrar-Recorder/County Clerk.
- c. Recordation of the Certificate of Completion shall not occur prior to the conclusion of the 30-day reconsideration period provided under Government Code § 56895.
- d. All fees due to LAFCO, the County of Los Angeles (including, but not limited to, fees owed to the County Assessor and/or the Registrar-Recorder/County Clerk), and the State of California Board of Equalization; shall be paid by the Applicant, in full, prior to LAFCO's filing the Certificate of Completion. Failure to pay any and all fees due to LAFCO, the County of Los Angeles, and the State Board of Equalization, within one year of the Commission approval of this change of organization/reorganization, will result in the change of organization/reorganization being terminated pursuant to Government Code §57001 unless, prior to expiration of that year, the Commission authorizes an extension of time for that completion.
- e. The territory so annexed shall be subject to the payment of such service charges, assessments or taxes as may be legally imposed by the District.

- f. The regular County assessment roll shall be utilized by the District.
 - g. The affected territory will be taxed for any existing general indebtedness, if any, of the District.
 - h. Annexation of the affected territory described in Exhibits "A" and "B" to the District.
 - i. The map and geographic description of the affected territory shall comply with all requirements of LAFCO, the Los Angeles County Registrar-Recorder/County Clerk, and the State of California Board of Equalization. If LAFCO, the Los Angeles County Registrar-Recorder/County Clerk, and/or the State of California Board of Equalization require changes, the map and geographic description shall be revised and all associated costs shall be the responsibility of the applicant.
 - j. Except to the extent in conflict with "a" through "i", above, the general terms and conditions contained in Chapter 2 of Part 5, Division 3, Title 5 of the California Government Code (commencing with Government Code § 57325) shall apply to this annexation.
7. Pursuant to Government Code § 56663, the Commission finds that all the following have occurred: 1) mailed notice pursuant to Government Code § 56157 has been given to landowners and registered voters within the affected territory; 2) the mailed notice discloses the potential for the extension or continuation of any previously authorized charge, fee, assessment, or tax by the City and/or District in the affected territory; 3) the mailed notice discloses that unless written opposition to the proposal is received before the conclusion of the Commission proceeding on the proposal, the Commission intends

to waive protest proceedings; and 4) no written opposition to the proposal from landowners or registered voters have been submitted before the conclusion of the proceeding/hearing. Therefore, pursuant to Government Code § 56663, the Commission hereby waives protest proceedings.

8. The Commission hereby orders the uninhabited territory described in Exhibits "A" and "B" annexed to the Los Angeles County Waterworks District No. 40, Antelope Valley.
9. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Government Code § 56882.
10. The Executive Officer is directed to transmit a copy of this resolution to the District, upon the Applicant's payment of the applicable fees required by Government Code § 54902.5 and prepare, execute and file a certificate of completion with the appropriate public agencies, pursuant to Government Code § 57200, *et seq.*
11. 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 08th day of March 2023.

MOTION: McCallum SECOND: Finlay APPROVED: 8-0-0

AYES: Bell (Alt. for Oschin), Finlay, Lee, Lewis, McCallum, Mirisch, Mitchell,

Dear

NOES: None.

ABSTAIN: None.

ABSENT: Barger, Oschin

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



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