

# Lake Local Agency Formation Commission

## Regular Meeting Agenda

July 15, 2015 -- 9:30 AM

City of Lakeport – City Council Chambers

225 Park Street, Lakeport, California

Website: [www.lakelafco.org](http://www.lakelafco.org)

*“Lake LAFCo oversees orderly development and protects natural resources and agricultural lands”*

### Commissioners

Ed. Robey, (Public Member)  
Frank Gillespie (Special District Member)  
Joyce Overton (City Member)  
Stacey Mattina, Chair (City Member)  
Gerry Mills, (Special Dist. Member)

### Alternates

Jeff Smith (County Alternate)  
Martin Scheel (City Alternate)  
Jim Abell, (Spec. District Alternate)  
Suzanne Lyons (Public Alternate)

Anthony Farrington (County Member)  
Jim Comstock, Vice Chair (County Member)

### Staff

John Benoit, Executive Officer  
P. Scott Browne, Legal Counsel  
Vacant, Clerk to the Commission

1. **Call to Order – Roll Call**
2. **Approval of Minutes** – May 20, 2015 minutes.

3. **Public Comment**

This is the time for the public to address the Commission on any matter not on the agenda. Testimony related to an item on the agenda should be presented at the time that item is considered.

4. **Election of Chair and Vice-Chair for Fiscal Year 2015-2016**

- a. *Election of Chair*
- b. *Election of Vice-Chair*

5. **Consent Agenda**

*Action: Review and authorize payment of expenses for May and June 2015*

*PUBLIC HEARINGS:*

6. **Public Hearing regarding a Service Review for Fire and EMS services and Sphere of Influence Update for the Kelseyville FPD, Lake County FPD, Lakeport FPD, Northshore FPD, South Lake County FPD, and the Lake Pillsbury FPD.**
  - a. *Review the Service Review and Sphere of Influence Study and the Executive Officer's Memo dated July 15, 2015 and consider the following:*
  - b. *Resolution 2015-0006 thereby adopting a Service Review for Fire and EMS services in Lake County.*
  - c. *Resolution 2015-0007 thereby adopting a Sphere of Influence Update for the Kelseyville FPD, Lake County FPD, Lakeport FPD, Northshore FPD, South Lake County FPD, and the Lake Pillsbury FPD.*
7. **Consolidation of the East Lake and West Lake Resource Conservation Districts and Formation of the Lake County Resource Conservation District.**
  - a. *Open and Continue Public Hearing to September 16, 2015 at 9:30 am at the City of Clearlake Council Chambers 14050 Olympic Dr. Clearlake, California*
8. **Public Hearing regarding the Dissolution of Reclamation District #695, The Tule Lake Reclamation District west of Upper Lake and South of Highway 20.**
  - a. *Review Executive Officer's Report, conduct public hearing, review the Executive Officer's report, discuss and consider Resolution 2015-0008 approving the dissolution of Reclamation District #695.*
9. **Public Hearing on a Sphere of Influence Update for the City of Lakeport.**
  - a. *Review Executive Officers report, conduct public hearing, discuss and consider Resolution 2015-0009 adopting a Sphere of Influence Update for the City of Lakeport.*
10. **Executive Officer' s report**

**Current Projects:**

*Clearlake Oaks County Water district and CSA #16  
Rancheria Annex to the Callayomi Co. Water District*
11. **Commissioner Reports**

This item is placed on the agenda for Commissioners to discuss items and issues of concern to their constituency, LAFCO, and legislative matters.
12. **Correspondence**

13. **Adjourn to LAFCO's next regular meeting: Wednesday September 16, 2015 in Clearlake**

*The Commission may take action upon any item listed on the agenda. Unless otherwise noted, items may be taken up at any time during the meeting.*



**Any member appointed on behalf of local government shall represent the interests of the public as a whole and not solely the interest of the appointing authority Government Code Section 56325.1**

**Public Comment**

Members of the public may address the Commission on items not appearing on the agenda, as well as any item that does appear on the agenda, subject to the following restrictions:

- Items not appearing on the agenda must be of interest to the public and within the Commission's subject matter jurisdiction.
- No action shall be taken on items not appearing on the agenda unless otherwise authorized by Government Code Section 54954.2 (known as the Brown Act, or California Open Meeting Law).
- The total amount of time allotted for receiving public comment may be limited to 15 minutes.
- Any individual's testimony may be limited to 5 minutes. Time to address the Commission will be allocated on the basis of the number of requests received.

**Public Hearings**

Members of the public may address the Commission on any item appearing on the agenda as a Public Hearing. The Commission may limit any person's input to 5 minutes. Written statements may be submitted in lieu of or to supplement oral statements made during a public hearing.

**Agenda Materials**

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda area available for review for public inspection at the City of Lakeport and City of Clearlake Community Development Departments office located at City Hall in Lakeport and Clearlake [such documents are also available on the Lake LAFCO website as noted below to the extent practicable and subject to staff's ability to post the documents prior to the meeting].

**Accessibility**

An interpreter for the hearing-impaired may be made available upon request to the Executive Officer 72 hours before a meeting. The location of this meeting is wheelchair-accessible.

**Disclosure & Disqualification Requirements**

Any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Lake LAFCO must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals; they may be reviewed at Government Code §§56700.1 and 81000 *et seq.* Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the Fair Political Practices Commission at (916) 322-5660.

A LAFCO Commissioner must disqualify herself or himself from voting on an application involving an "entitlement for use" (such as an annexation or sphere amendment) if, within the last twelve months, the Commissioner has received \$250 or more in campaign contributions from the applicant, any financially interested person who actively supports or opposes the application, or an agency (such as an attorney, engineer, or planning consultant) representing the applicant or an interested party. The law (Government Code Section 84308) also requires any applicant or other participant in a LAFCO proceeding to disclose the contribution amount and name of the recipient Commissioner on the official record of the proceeding.

**Contact LAFCO Staff** LAFCO staff may be contacted at (707) 592-7528 or by mail at Lake LAFCO c/o John Benoit, Executive Officer P.O. Box 2694, Granite Bay, CA 95746 or by email at [johnbenoit@surewest.net](mailto:johnbenoit@surewest.net) or by fax at (916) 797-7631. Agenda items are located on the Lake LAFCo Webpage at [www.lakelafco.org](http://www.lakelafco.org)

LAKE LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF REGULAR MEETING  
MAY 20, 2015

Present:

Stacey Mattina, Chair  
Jim Comstock, Vice-Chair  
Anthony Farrington  
Ed Robey  
Frank Gillespie  
Gerry Mills  
Jim Abell, Special District Alternate  
Suzanne Lyons, Public Alternate  
Jeff Smith, County Alternate

Staff Present:

John Benoit, Executive Officer  
P. Scott Browne, Legal Counsel  
Kathleen Moran, Clerk

Absent: Joyce Overton, Martin Scheel, City Alternate.

**1. Call to Order/Roll Call**

Chair Mattina called the meeting to order at 9:30 a.m. in the City of Clearlake City Council Chambers. There was a quorum present.

**2. Selection of public member and public member alternate (if necessary) to serve a four-year term ending in May 2019**

EO reviewed the commission's options including making the appointment today, establishing an ad hoc committee for further deliberation, or republish Notice of Appointment if the commission wanted additional applicants.

Chair Mattina asks the members how they would like to proceed, the consensus being to interview the candidates today. Ed Robey and Suzanne Lyons recused themselves to the audience.

The following applicants were interviewed:

Michael J. Dunlap presented an overview of his work and business qualifications, community involvement, and volunteer experience past and current, including work with Lake LAFCo and the Watershed Protection District MSR. He has been a regular attendee at Commission meetings. He stated his reasons for wanting to serve as a voting Public Member and represent the public perspective on the Commission, particularly the underprivileged and disadvantaged populations. (Letter application dated 4/22/2-015 on file)

Ed Robey reviewed his experience with LAFCo and his reasons for applying for another term. He stated that he served for a number of years as the Lake County Member and Public Alternate, and has served as Public Member for the last 4 years. He emphasized his experience and knowledge of LAFCo laws and policies. He stated that he wants to continue on the commission to see current and impending projects through.

Commissioner Farrington refers to a letter submitted to the Commission dated May 20, 2015 from Betsy Cawn. Mr. Robey stated that he has seen the letter. Commissioner Farrington reads excerpts from the letter in which Ms. Cawn asserts that Mr. Robey has not been a strong supporter of the local agencies that LAFCo oversees, and questions Mr. Robey's ability to share

the concerns of the public because of his close and long standing relationship with the County Board of Supervisors and the EO. Commissioner Farrington asks Mr. Robey for a response to the allegations. (Letter dated May 20, 2015 on file)

Mr. Robey responded that he has represented the public in one form or another for nearly 30 years and asks what Ms. Cawn means by "the public". Mr. Farrington refers the letter and reads in which Ms. Cawn describes the "public" as "funders of all the health and safety districts, local governments, and LAFCo itself."

Mr. Robey states that he wished Ms. Cawn was present to provide one example where he has not provided good representation to the special districts or other agencies.

Suzanne Lyons has served as Public Member Alternate for the last two years, prior to that she served as the representative from the City of Lakeport. She stated that she wants to serve as Public Member in order to vote, and as Alternate she is unable to do that. She emphasized her desire to get information to the public, and cited various examples of her past work toward that goal. She spoke to her knowledge of LAFCo and importance of educating the public. She further expressed concerns with the voting policy and that today both City representatives are absent and the potential effect of that on the outcome. EO responded that the vote could be continued to the next meeting.

Farrington asks for clarification. Suzanne responded and brief discussion was held.

Chair Mattina asks for public input.

Skip Nuttall speaks in support of Michael Dunlap.

Donna Lee speaks in support of Michael Dunlap and Suzanne Lyons.

Lolita Adrien speaks in support of Suzanne Lyons and Michael Dunlap.

Tom Slaton made statement regarding the statements in Ms. Cawn's letter, issues of friendships, influence and perspective.

Maurice Taylor stated that the commission is unbalanced in terms of public representation and that Ed Robey, Joyce Overton and Jeff Smith have been in violation of the Brown Act in past meetings and for that reason he would recommend that the Commission appoint a representative other than Ed Robey.

Chair Mattina asked the commission which course of action they favor. Discussion was held on the vote requirement for passage, and it was determined that a majority vote (3) one from County, Special District and City will be required for passage.

Commissioner Comstock stated that he would like to proceed with the appointment today. Concurrence from the other commissioners. Chair Mattina opens nominations.

Commissioner Farrington nominated Ed Robey to serve as Public Member for a four-year term ending May 2019.

The Chair called for additional nominations. No other nominations were put forth.

Chair Mattina called for the vote:

Ayes: Commissioners Farrington, Comstock, Mattina, Mills.

Noes: Commissioner Gillespie.

Absent: Commissioner Overton.

Ed Robey was appointed as Public Member for a four year term effective through May 2019.

No action was required for the Public Member Alternate as Incumbent Suzanne Lyons has two years remaining on her term.

### **3. Approval of Minutes – March 18, 2015**

Commissioner Comstock moved to approve the March 18, 2015 regular meeting minutes. Motion was seconded by Commissioner Mills; motion carried.

### **4. Public Comment**

Chair Mattina opened period of public comment to address items not on the Agenda. None were heard.

### **5. Consent Agenda**

Commissioner Robey moved to authorize payment of expenses for March and April 2015 in the amount of \$19,772.38. Motion was seconded by Commissioner Comstock; motion carried.

### **6. Public Hearing regarding the City of Clearlake Municipal Service Review and Sphere of Influence**

EO reviewed the Clearlake MSR and Sphere of Influence Update report which summarizes comments and responses for the City of Clearlake MSR. Ms. Cawn has also submitted a letter for the record on the MSR. EO notes the first comment is that the City's General Plan is not yet complete. They are doing a new General Plan and updating the 1983 Plan. The City recently adopted a new Housing Element which was certified by the California Department of Housing and Community Development and has been found to be in substantial compliance with Housing Law. The remaining elements of the City's General Plan are nearing completion and the EIR is nearing certification and is expected to be adopted in summer 2015.

The report update also addresses comments relative to the city's bonded indebtedness, financial reports, service obligations, etc.

EO stated that the flood control services in the City are more "problematic" as contained in one of the findings in the MSR and it is evident there that there needs to be clear definition of the responsibilities of the Watershed Protection District and the City. EO commented on Ms. Cawn's letter noting that when LAFCo does a MSR they do not hire geologists, quality specialists, etc. we do the best we can by obtaining public input due to cost factors that the budget cannot support.

EO recommends adoption of the MSR and Sphere of Influence, subject to some of the changes and recommendations and comments in the staff report.

Commissioner Comstock asked EO what recommendations can be made with subsequent follow-up oversight by LAFCo. EO responded that the MSR is designed to support the Sphere of Influence. He stated that, for example, if City services were inadequate we would begin to think that perhaps the City boundary needs to be more constrained and not larger. In this case the Sphere of Influence is coterminous with the City and County. Suzanne Lyons asked EO about recourse when LAFCo makes findings or recommendations that are not acted upon, citing a recent example re: LAFCo's recommendation that the Watershed Protection District and the Advisory Committee on Stormwater Protection meet, which was given six months ago and has not happened yet. EO responds that LAFCo has no enforcement authority on the recommendations made. EO stated that he sent letters to the District and Board after the MSR was approved, and the MSR contained that recommendation.

Commissioner Farrington asks if there has been discussion on detachment or making boundaries smaller. EO there were some options discussed but we just left it as it is. City Manager Joan Phillippe responded that there had been previous discussion on detachment but didn't get far and has not been addressed recently.

10:15 a.m. Chair Mattina opens Public Hearing.

Mike Dunlap addressed the Commission noting that he was a participant on the Committee to put together the MSR for the Watershed Protection District. One of the findings made by the committee was that there are properties in the City of Clearlake that pay taxes to the County of Lake for Watershed Protection District Services that are not receiving any services from the County. That was one of the recommendations to this board to put into the MSR. In the MSR for the City of Clearlake there is a finding that there is no flood control done in the Watershed in the creeks and tributaries. Mr. Dunlap stated that it is his understanding that it's LAFCo's responsibility to make a determination as to whether or not the municipalities are providing those services they are supposed to provide. He stated that in this instance we have a very clear example of taxpayers paying taxes for services they are not receiving, and further the Lake County Director of Public Works has verified that the County does not provide those services in the City of Clearlake. He stated that LAFCo as the watchdog needs to become involved to see that services are provided, noting that LAFCo says they are not able to tell the City they have to do this, and you are also not making the County do it, and that without LAFCo involvement the issue will not be resolved.

EO responded that the appropriate venue for this action is the Sphere of Influence for the Watershed Protection District and there are two ways for the City to detach from the District, by resolution or petition by landowners.

Mr. Dunlap asked what steps LAFCo has taken to inform the landowners and that is there methodology for detaching from the district. EO responded that it was addressed somewhat in the MSR, and is in the Sphere of Influence Update for the Watershed Protection District, with Mr. Dunlap asking how that information is given to the public. He cited a lack of reporting to the City Council, local press, notification to landowners, etc. EO responded that the information is posted on the website, and compliance with legal requirements for Notice. Again, Mr. Dunlap asked how the public is made aware of the information, noting that many effected do not have internet. EO responded that LAFCo does not send notices to everyone in the county, but the way to initiate the detachment is by petition or resolution.

Mr. Browne responded that LAFCO is an agency of limited jurisdiction and they do not have the authority to initiate detachments. LAFCo can analyze detachments in the MSR, make determinations and establish a planning document called the Sphere of Influence. The Sphere can exclude areas, and normally you exclude areas from the Sphere that are not being provided services, but it is up to the public to make the public agency comply.

Mr. Dunlap reiterated his position that it is LAFCo's job to inform those agencies and districts that they are not doing their job.

Suzanne Lyons asked if there is anything that LAFCo can do to ensure services be provided. Mr. Browne stated that absent enforcement authority, you could advise the City to either provide the services or detach, that the recommendation can be made by LAFCo but not enforced.

City Manager Joan Phillippe noted that the city has been intimately involved in the preparation of the SOI document through conversations with the EO and the document makes clear recommendations that the City needs to follow. Ms. Phillippe also provided a brief update on the General Plan, noting that there was a small setback and some additional information was required. She stated that the City has provided updates throughout the process and is coming close to completion. She stated that the document will need to be circulated again. The Housing Element portion has been certified and also designated as an exemplary document for other small rural communities to use and has been posted on HUD's website.

10:30 a.m. Chair Mattina closed Public Hearing.

Motion by Commissioner Comstock, seconded by Commissioner Robey to adopt Resolution 2015-0003 Approving a Municipal Service Review of Services Provided by and within the City of Clearlake and Adopting Written Determinations Thereon, and further, to amend and add finding regarding the coordination of the Watershed District. Motion passed and adopted by the following roll call vote:

AYES: Commissioners Robey, Gillespie, Mattina, Mills, Farrington, and Comstock.

NOES: None.

ABSENT: Commissioner Overton.

Motion by Commissioner Comstock, seconded by Commissioner Robey to adopt Resolution 2015-0004 A Resolution Making Determinations and Approving A Sphere of Influence update for the City of Clearlake. Motion passed and adopted by the following roll call vote:

AYES: Commissioners Robey, Gillespie, Mills, Farrington, Comstock, and Mattina.

NOES: None.

ABSENT: Commissioner Overton.



**7. Public Hearing regarding the 2015-2016 Final LAFCo Budget.**

Chair Mattina opens Public Hearing for the Adoption of the 2015-2016 Final LAFCo Budget.

EO briefly spoke to the final budget noting there were no changes from the proposed budget adopted by the commission at the March 18, 2015 meeting.

No other comments being heard Chair Mattina closed the Public Hearing.

Motion by Commissioner Robey, seconded by Commissioner Mills to adopt Resolution 2015-0005 A Resolution of the Lake Local Agency Formation Commission of Adopting its Final Budget for 2015-2016. Motion passed and adopted by the following roll call vote:

AYES: Commissioners Robey, Gillespie, Mills, Farrington, Comstock, and Mattina.

NOES: None.

ABSENT: Commissioner Overton.

**8. Calafco Nominations.**

Chair Mattina asks if there are any nominations for a Board of Supervisor member or Special District member to run for the Calafco Executive Board. No members wish to nominate or be nominated to the Calafco Executive Board.

**9. Authorize Staff and Commissioners to attend the Calafco Conference in Sacramento, September 2-4, 2015.**

EO encouraged new members or members who have not attended recently to attend since the Conference is in Sacramento. Brief discussion was held and following that Commissioner Farrington stated he may be able to attend but has a conflict. Commissioners Mills and Abell will attend. EO to see if Commissioner Overton can attend. Commissioner Farrington has a conflicting meeting. Commissioner Robey will attend.

Motion by Commissioner Comstock. Seconded by Commissioner Farrington to appoint Commissioner Robey as Voting Member and Commissioner Mills as Voting Member Alternate to represent the Lake LAFCo at the Calafco Annual Conference in September 2015. Motion carried: All yes. Noes. None. Absent: Commissioner Overton.

**10. Consider Fee Waiver for Dissolution of Reclamation District 695 (Tule Lake)**

Motion by Commissioner Comstock, seconded by Commissioner Mills to waive LAFCo fee in the amount of \$350 for dissolution of Reclamation District 695 (Tule Lake). Motion carried: All yes. Noes: None. Absent: Commissioner Overton.

EO notes that the \$350 would go to the County.

**11. Consider contract amendment for P. Scott Browne and John Benoit**

EO explained that he contacted cities and counties to gather compensation data and how it corresponds to the local economies. Mr. Benoit's contract includes no increase for himself, but changes the Clerk Expenses from a billing rate of \$208.33 per month to a straight \$50.00/per hour to allow the clerk to provide other services, as needed. It also adds a provision for

“complex projects” that allows the consultant to charge an hourly rate for certain projects, the cost of which would typically be offset by project fee deposits.

EO stated that Mr. Browne’s contract includes a 5% longevity increase, and Compensation for litigation remains at the \$175/hr., a rate which has been in effect since 2007 and should be reviewed in the future.

Commissioner Farrington expressed appreciation to Mr. Benoit for his efforts to keep LAFCo costs in check. Commissioners Abell and Robey concur.

Motion by Commissioner Comstock, seconded by Commissioner Robey to approve Second Amendment to Agreement for Legal Services, which includes a 5% longevity increase, between the Lake Local Agency Formation Commission and P. Scott Browne, Attorney at Law. Motion carried by following vote:

AYES: Commissioners Robey, Gillespie, Mills, Farrington, Comstock, and Mattina.

NOES: None.

ABSENT: Commissioner Overton.

Motion by Commissioner Comstock, seconded by Commissioner Robey to approved Third Amendment to Agreement for the Provision of LAFCo Staff Services between the Lake Local Agency Formation Commission and John Benoit, Contractor. Motion carried by the following vote:

AYES: Commissioners Robey, Gillespie, Mills, Farrington, Comstock, and Mattina.

NOES: None.

ABSENT: Commissioner Overton.

## **12. Executive Officer’s Report**

EO Reports as follows:

- a. RCD Consolidation – July 15, 2015
- b. City of Lakeport Sphere of Influence – July 15, 2015
- c. Fire Districts Sphere of Influence and Service Review – July 15, 2015
- d. Reclamation District #695 – Dissolution
- e. Reclamation District #2070
- f. Several MRS’s EO is working on, such as Adams Springs District, Scott’s Valley Water Conservation District.

## **13. Commissioner Reports**

Commissioner Comstock noted that the very first thing he learned while sitting on LAFCo is that the Commission represents everyone not just specific districts, county or cities.

**14. Correspondence**

EO reported on a letter from the Board of Equalization regarding the City of Lakeport's sales tax revenue.

**15.** The meeting was adjourned at 11:00 a.m. The next meeting will be held on Wednesday July 15 in Lakeport.

By: \_\_\_\_\_

Kathleen Moran, Clerk

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# Lake Local Agency Formation Commission

## CLAIMS

May 2015 and June 2015

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
June 1, 2015	Staff Services May 2015	\$ 4,806.00
May 20, 2015	Commission Meeting Stipend	\$ 540.00
June 1, 2015	Special Projects – May 2015	
	Fire and Clk MSR	\$ 1,361.25
4.16-14 to 5.15.2015	Browne- Legal	\$ 500.00
June 1, 2015	Staff Svcs June 2015	\$ 4,806.00
June 1, 2015	Special Projects FIRE SOI/MSR	
	Lakeport SOI	\$ 2,763.75
5.16-15 to 6.15-15	Browne Legal	\$ 1,750.00
TOTAL:		\$ 16,527.00

### FY 2015-2016 Expenses

July 1, 2015	Conference Registrations:Overton, Mills and Robey	\$ 1,275.00
July 1, 2015	Calafco FY 15-16 Dues Inv. 15-17	\$ 785.00
TOTAL:		\$ 2,060.00

DATED: July 15, 2015

APPROVED: July 15, 2015

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Stacey Mattina, Chair or Jim Comstock Vice-Chair  
Lake Local Agency Formation Commission

Attest:

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John Benoit  
Executive Officer







# LAKE COUNTY OFFICE OF EDUCATION

TO TEACH. TO SERVE. TO LEARN.

June 17, 2015

Lake County LAFCO  
P.O. Box 2694  
Granite Bay, CA 95746

Attention: Stacey Mattina, Chair

Dear Ms. Mattina,

California Education Code 35700.5 states, "Before initiating proceedings to consider any reorganization plan, the county committee on school district organization shall provide written notice of the proposed action to the local agency formation commission for the affected area."

Upper Lake Union High School District and Upper Lake Union Elementary School District have each independently filed a resolution with the Lake County Committee on School District Organization requesting that the two districts form a unified school district. The Lucerne Elementary School District, located within the boundaries of the Upper Lake Union High School District, has filed a resolution to exclude them from unification.

Please consider this memorandum as official notification that the County Committee on School District Organization will be proceeding with the required process to consider the unification proposal.

Sincerely,

Brock Falkenberg  
Lake County Superintendent of Schools  
Secretary, County Committee on School District Organization