

LAKE LOCAL FORMATION COMMISSION

MINUTES

May 18, 2016
Regular Meeting

Present:

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

Staff Present:

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

Absent: Bruno Sabatier, 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 Council Chambers.

2. Approval of Minutes

Motion by Commissioner Robey, seconded by Commissioner Overton to approve the Minutes of the March 16, 2016 Regular Meeting. Motion carried.

3. Public Comment. None given.

*9:38 a.m. Commissioner Comstock is present.

4. Consent Agenda

Motion by Commissioner Robey, seconded by Commissioner Overton to authorize payment of expenses for March and April 2016. Motion carried.

5. Public Hearing regarding Sphere of Influence update for the Lake County Watershed Protection District.

EO reviewed staff report and recommendation to retain the existing sphere that is coterminous with county lines. EO explained that any changes to increase or decrease current boundaries would conflict with adjacent counties Flood Control Districts SOIs and force a review of their watershed SOI's as well. EO also recommended LCWPD continue to be managed by the Department of Public Works under the supervision of the Board of Supervisors acting as the Board of Directors of the District.

Chair opened Public Hearing.

Ms. Cawn stated that the discussion regarding the SOI boundary requirements fails to identify the service needs within the area. With regard to communications and arrangements with other counties re: special districts, she pointed out that there are numerous current multi-county jurisdictional relationships. Ms. Cawn spoke to the EO Report and referred to page 4, under Sphere Boundaries, i.e. "With respect to Factor [c] above, LAFCO will not include areas in an agency's sphere of influence, which cannot feasibly be served by the agency within a time frame consistent with the sphere plan."

Ms. Cawn questioned where or what the plan was, and stated that she compared the two options that were offered and found them to be fairly identical. She stated that services such as watershed resource

management, vegetation management, fire prevention, etc. are needed within the cities and the shoreline areas, and said services are being provided by the county and various agencies, not the District.

Ms. Cawn stated she was generally in agreement with report findings and recommendations, but maintained her view regarding the deficiency in the stated purpose in that the district does not have their own budget or work plan and actual administration and operations are absorbed into other department budgets. She acknowledged the make-do circumstances of the initial district set up, i.e. to quickly meet mandated requirements, but stressed that since that time little has been done to create an infrastructure for the district in order that services can be provided. She expressed concern with the lack of public outreach and education related to the LCWPD role in the communities and that there are related environmental programs available to the county that are not being pursued.

Commissioner Robey responded that the comments given were appropriate for a Service Review, but today's matter is a Sphere Review determine if the LCWPD boundaries need to be changed, expanded or contracted. He stated that the current boundaries are coterminous with Lake's county boundary lines. He added that for the record, he strongly feels that rather aligning the Watershed Boundaries with the Lake County lines, the County boundaries should align with the Watershed Boundaries, and he acknowledged that unfortunately, this is not the reality. Commissioner Comstock made statement in agreement.

Commissioner Lyons stressed the service area issue, noting that the Commission spent two years on a Municipal Service Review. She agreed the area should not be expanded, but asked why reduction was not an option in order to better match services to service area. She questioned why the Eel River area was included in the sphere and pointed to LAFCO regulations that state if you aren't servicing an area it shouldn't be included in the SOI.

EO reviewed services required on a countywide basis, and referred to related recommendations for the LCWPD Board of Directors in the SOI report. He stated that the Sphere can be reduced should the Commission determine that appropriate, but strongly recommended keeping the county lines as the sphere boundary.

Commissioner Farrington reported that he serves on the county's Medical Marijuana Ad Hoc Committee. He stated that committee is meeting today to discuss registration fees and taxation plan for cultivation operations. He explained that if there is support for the Committee's revisions and recommendations there is an opportunity to allocate monies to the Watershed Protection District for clean-up and abatement efforts, water quality and improvements and restoration efforts in the upper watersheds. He stated that keeping the Sphere as expansive as possible would bring the greatest benefit to the District, and spoke strongly against any reduction in the SOI.

Ms. Cawn reiterated that there is no plan for the District Services, no identified District Priorities, no budget, etc.

EO referred back to the report recommendations which speak to these matters, and made further statement in support of keeping the current SOI boundaries and not reducing the sphere area.

No other public comments were offered. Chair closed Public Hearing.

Commissioner Lyons left her seat and exited the meeting.

Motion by Commissioner Robey, seconded by Commissioner Comstock to adopt Resolution 2016-0007 a Resolution Making Determinations and Approving a Sphere of Influence Update for the Lake County Watershed Protection District. Resolution passed and adopted by the following vote:

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

NOES: None.

ABSENT: None.

6. Public Hearing regarding the 2016-2017 LAFCo Final Budget

Chair Mattina opened Public Hearing. EO reported no changes in the proposed budget since the last meeting. Chair closed Public Hearing.

Motion by Commissioner Comstock, seconded by Commissioner Robey to adopt LAFCo Resolution 2016-0008 a Resolution of the Lake Local Agency Formation Commission Adopting a Final Budget for 2016-2017. Resolution passed and adopted by the following vote:

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

NOES: None.

ABSENT: None.

7. Review of Lake LAFCo's Records Retention Policy adopted on November 20, 2013

EO stated this item was placed on the Agenda to allow a final review prior to beginning the scanning project. He explained current practices and discussed the benefits of the scanning project, including improved public access to records.

Commissioner Robey asked if the documents would be indexed, with EO responding that they would and staff is looking at cost effective ways to accomplish this.

8. Report regarding the Calafco Annual Staff Workshop from March 30 to April 1st, 2015 in Los Angeles

EO reviewed information from the Calafco Staff Workshop in Los Angeles which was held March 30 to April 1. Sessions attended included one on the Legislative Process and a session on Conducting Protest Hearings.

The Clerk reported on a session she attended re: SB 272 which requires local agencies to create a catalog of enterprise systems (software programs) utilized by the agency which would be posted on the agency website, and to disclose specific information re: same, pursuant to 6270.5 of the Government Code. Further information will be presented at the July meeting.

Scott Brown updated the Commission on the *City of Patterson v. Turlock Irrigation District* which the Commission had discussed at the March 16 meeting and directed Counsel send letter to Calafco recommending the Legislative Committee pursue an amendment to CA Govt. Code §56653. Mr. Browne stated that the Calafco Legislative Committee is now working with Senator Volk's Office and he and committee members are optimistic that an amendment to fix the issue brought to light by the Patterson case will be included in SB 1318 (Volk).

10. Executive Officer's Report

EO reported he spoke with Jim Abell who sent best wishes to the Commission.

EO updated the Commission on the Special Districts member recruitment which will run for another week. Some nominating letters have been received from the districts.

9. Introduction of LAFCo Bylaw amendment adding Section 5.11- Legislative Process Participation to the Lake LAFCo Bylaws (Item inadvertently taken out of order)

EO introduced Resolution for Bylaws Amendment to enable timely action for legislative participation as follows:

“Section 5.11 Legislative Process Participation

- a. In situations when a legislative bill affective LAFCO cannot be considered by the full Commission due to timing, the Executive Officer, in consultation with the Chair and Legal Counsel, is authorized to provide written or email comments communicating the Commission’s position.
- b. The Chair and Legal Counsel would review the letter or email prior to it being submitted for consideration.
- c. The Executive Officer will forward the email or letter to the Commissioners as soon as possible.
- d. The item will be discussed at the Commission’s next regular meeting.”

EO stated the proposed Resolution would be agendized for further discussion and adoption at the July meeting.

11. Commissioner Reports: None.

12. Correspondence: None.

13. Meeting adjourned at 10:25 a.m.

Next regular meeting: Wednesday July 20, 2016 in Lakeport.

By: 
Kathleen Moran, Clerk