LAKE LOCAL FORMATION COMMISSION

MINUTES

September 15, 2021

**Members Participating** **Staff Participating**

Bruno Sabatier, Chair, County Member John Benoit, Executive Officer

Stacy Mattina, City Member Marsha Burch, Legal Counsel

Ed Robey, Public Member

Dirk Slooten, City Member

Moke Simon, County Member

Stan Archacki, Special Districts

Jim Scholz, Special Districts

Russ Perdock, City Alternate (via Zoom)

Victoria Brandon, Special District Alternate (via Zoom)

Absent: Tina Scott, County Alternate, Suzanne Lyons, Public Member Alternate.

Also present: Frank Costner, Manager, Konocti County Water District (via Zoom)

**1. Call to Order -** Chairman Sabatier called meeting to order at 9:01 a.m. in the City Council Chambers, City of Clearlake.

2. **Approval of Minutes -** Motion by Commissioner Mattina, second by Commissioner Slooten to approve the minutes the July 21, 2021 meeting. Motion carried by the following vote:

AYES: Commissioners Slooten, Archacki, Scholz, Simon, Robey, Mattina and Sabatier.

NOES: None.

ABSTAIN: None.

**3. Public Comment –** None.

**4. Consent Agenda**

Chair Sabatier requested a reformatting of the expenses spread sheet since it is very difficult to read and that future agendas needs to have the reformatted financials. Possibly send an excel spreadsheet to the Commissioners

Motion by Commissioner Slooten, second by Commissioner Robey to review and authorize payment of expenses for July and August 2021. Motion carried by the following vote:

AYES: Commissioners Slooten, Archacki, Scholz, Robey, Simon, Mattina and Sabatier

NOES: None.

ABSTAIN: None.

**5. LAFCo Policy Amendment regarding proposed Voluntary Indemnification Agreement policy and agreement to pay fees to be added to LAFCo’s Policies, Standards and Procedures.**

Interim Counsel Burch presented the report regarding a recent case *San Luis Obispo LAFCo v. City of Pismo Beach, et.al.* 2021 WL 803740 and that the California Supreme court denied review. Therefore, an alternative process is needed for indemnification and a policy amendment is needed to make LAFCo’s policies consistent with the Court’s ruling. No questions or comments were posed by members of the Commission or the public.

Motion by Commissioner Simon, second by Commissioner Slooten to adopt LAFCo Resolution 2021-0008 amending LAFCo’s *Policies to include a policy regarding voluntary indemnification and agreement to pay LAFCo fees.*

Motion carried by the following a roll call vote:

AYES: Commissioners Slooten, Archacki, Scholz, Robey, Simon, Mattina and Sabatier

NOES: None.

ABSTAIN: None.

**6. Public Hearing regarding the Lake County Cemetery Districts MSR (Service Review) and SOI (Sphere of Influence) Update**

Staff presented the MSR and SOI and contacted the six cemetery districts in Lake County and reported the information in the Service Review. Benoit further explained the challenges of Cemetery District consolidations and rather unsuccessful attempts in the past in other areas in part because Cemetery District Boards are very dedicated. The areas served by the Cemetery Districts are distinct communities of interest which make it difficult to consolidate therefore recommending the Spheres be coterminous with the district boundaries.

Commissioner Slooten asked about the Lower Lake Cemetery District being unstable. All the Cemetery Districts in Lake County are unstable to varying degrees. The districts may raise rates or taxes to provide the services. The voters are reluctant to pay additional taxes.

Recommendations are in the Service review. Reviews can be followed up to monitor the progress districts make with respect to the recommendations of the Service Review. Follow up may include a letter to be sent to each district to address the findings in the MSR and SOI. Staff and the commission recommended sending a letter to the districts to address the MSR determinations.

1. Motion by Commissioner Slooten, second by Commissioner Simon to adopt LAFCo Resolution 2021-0009 *adopting a Service Review for the Glenbrook, Hartley, Kelseyville, Lower Lake, Middletown and Upper Lake Cemetery Districts.*

Motion carried by the following a roll call vote:

AYES: Commissioners Slooten, Archacki, Scholz, Robey, Simon, Mattina and Sabatier

NOES: None.

ABSTAIN: None.

1. Motion by Commissioner Simon, second by Commissioner Mattina to adopt LAFCo Resolution 2021-0010 *adopting a Sphere of Influence update for the Glenbrook, Hartley, Kelseyville, Lower Lake, Middletown and Upper Lake Cemetery Districts.*

Motion carried by the following a roll call vote:

AYES: Commissioners Slooten, Archacki, Scholz, Robey, Simon, Mattina and Sabatier

NOES: None.

ABSTAIN: None.

**7. Continued discussion regarding Domestic Water Providers in Clearlake and first DRAFT MSR and SOI**

Executive Officer Benoit introduced the discussion regarding the rules and regulations in which the three water providers are subjected to. The agencies were all cooperative in the process. Rates and fees are mixed. It would be nice if the water providers were consolidated. Consolidation of these water providers would be best if initiated by the users. There are issues reported are fire flows and processing the water from Clear Lake during the drought for example. Commissioners are concerned about lack of infrastructure investment, inadequate hydrants, fee structures, lack of ability to receive grants, inadequate water for fire suppression, who would initiate a consolidation, the public, the City or other entity. Discussions are taking place at the risk reduction authority and other entities regarding these issues.

Commissioner Sabatier is concerned about the Sphere of Influence for the KCWD that excludes the area where water is provided by the Lower Lake County Waterworks district via a pipe crossing Cache Creek and expressed a desire to have the SOI changed to include the two properties affected since it makes sense geographically. There was a consensus to include this area in the SOI for the KCWD.

Commissioner Slooten was concerned about the overlap between the water providers in Clearlake east of HWY 53. Benoit replied with issue of Yolo Co Flood Control and LAFCo does not have the authority to change Yolo County’s lines. There is no rule or prohibition for Konocti to place the area within KCWD’s Sphere.

**8. Executive Officer’s Report**

South Lakeport Annexation Project is getting close.

Upper Lake area MTBE Drinking Water Contamination. The state is funding an application including the LAFCo tasks required.

**9. LAFCo Counsel’s Report**

Counsel had nothing to report.

**10. Commissioner’s Report**

Stacy Mattina had a comment about the alternates being attendance. Ed Robey brought up the need for alternates to attend the meetings.

**11. Correspondence:**

*a. Calafco Conference for October 6-8 has been cancelled and something will occur on line after the first of the year.*

**12. Adjourn to LAFCO’s next regular meeting: Wednesday November 17th , 2021 9:30 AM in Lakeport**

10:55 a.m. Meeting adjourned.

By: John Benoit, Clerk