

**Lake Local Agency Formation Commission**

**Regular Meeting Agenda**

**September 17, 2014 -- 9:30 am**

City of Clearlake – City Council Chambers

14050 Olympic Dr. Clearlake, 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)  
Denise Loustalot , (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)

Staff

Denise Rushing (County Member)  
Jim Comstock , Vice Chair(County Member)

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

1. **Call to Order – Roll Call**
2. **Approval of Minutes – July 16, 2014 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. **Consent Agenda**

*Action: Review and authorize payment of expenses for July and August 2014*

**Public Hearings:**

5. **Minnie Cannon Annexation to the Callayomi County Water District for Water Service.**
  - a. *Review Executive Officer's Report*
  - b. *Conduct Public Hearing and Consider Resolution 2014-0008 thereby amending original proposal to annex 41-acres more or less to the Callayomi County Water District.*
6. **Continued Public Hearing: Consider adopting a policy of when LAFCo acts as a CEQA lead agency and consider Resolution 2014-0007 thereby amending LAFCo's CEQA Guidelines.**
  - a. *Receive Executive Officer's report and consider Resolution 2014-0007 amending LAFCo's CEQA guidelines regarding payment of additional CEQA costs.*
7. **Continued Public Hearing regarding the Service Review for the Watershed Protection District.**
  - a. *Review the hearing draft Service Review and Consideration of MSR Committee Comments regarding the Draft Service Review, conduct continued public hearing, receive public comment and provide direction to staff.*

**Action Items:**

8. **Consider Fee Waiver for the Consolidation of the East Lake and West Lake Resource Conservation Districts.**
  - a. *Consider Fee waiver to waive LAFCo fees for the Consolidation of the West Lake and East Lake Resource Conservation Districts.*
9. **Executive Officer's report**
  - a. *City of Clearlake Service Review*
  - b. *Hidden Valley Lake Service Review and Sphere of Influence*
  - c. *Fire Service Review*
  - d. *Groundwater management and other water supply legislation*
  - e. *LAFCo Clerk*

**10. 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.

**11. Correspondence**

**12. Adjourn to LAFCO's next regular meeting: Wednesday November 19, 2014 in Lakeport**

*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 are 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)

LOCAL AGENCY FORMATION COMMISSION OF LAKE COUNTY  
MINUTES OF MEETING  
July 16, 2014

PRESENT:

Ed Robey, Chair, Public Member  
Frank Gillespie, Special Districts Member  
Martin Scheel, City Member Alternate  
Stacy Mattina, Vice Chair, City Member  
Denise Rushing, County Member  
Jim Comstock, County Member

ALSO PRESENT:

Suzanne Lyons, Public Alt.  
John Benoit, Executive Officer  
P. Scott Browne, Legal Counsel

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

The meeting was called to order at 9:30 a.m. There was a quorum present.

**2. Election of a LAFCo Chair and Vice-Chair for Fiscal Year 2014-2015**

- a. **Election of Chair – Commissioner S. Mattina was nominated to serve as Chair for the 2014/2015 fiscal year. The nomination was approved by a unanimous vote. (6-0-1) Current Chair to serve through completion of today’s meeting.**
- b. **Election of Vice Chair – Commissioner J. Comstock was nominated to serve as Vice Chair for the 2014/2015 fiscal year. The nomination was approved by a unanimous vote. (6-0-1)**

**3. Approval of Minutes – May 21, 2014 – Ms. Betsy Cawn reminded the Commission that she had requested her comments to be included as part of the minutes.**

**Commissioner J. Comstock made the motion to approve the May 21, 2014 minutes amended to include Ms. Cawn’s written memo, second by Commissioner S. Mattina; motion carried. (6-0-1)**

**4. Public Comment - None**

**5. Consent Agenda**

**Commissioner S. Mattina moved to authorize payment of the May and June 2014 expenses, second by Commissioner M. Scheel; motion carried. (6-0-1)**

**6. Public Hearing regarding the Service Review and Sphere of Influence for the East Lake and West Lake Resource Conservation Districts (RCD)**

J. Benoit distributed copies of the errata sheet with comments from Greg Dills. John reviewed the contents of the errata sheet. He stated that no two RCDs nationwide are the same, and most RCD's don't have budgets at all. Many don't have offices or buildings and the tools they use are provided through their partnerships. They are dependent on grants and relationships with federal and state agencies. They contribute many volunteer hours and add value to other programs. There is a continuous need for RCDs to secure funding; they are very good at partnering and sharing resources. John continued reviewing the errata sheet for the commissioners.

Staff recommendation for the SOI is to have one countywide RCD. There are some issues that the two RCDs will have to work out; financing being one. One RCD is more effective and this has been proven in other counties. This process is Lafco sending a signal that we would like to see consolidation of the two districts.

More discussion followed.

#### Opened Public Hearing

Jim Steele, Lake County resident, stated that he has read the report and appreciates the conversation. He didn't recognize that this is just a recommendation. He suggested recommending that they be formulated around the actual resource. There are 450 square miles of resources that drain into the lake. Organize around a resource; just a thought.

Discussion followed regarding drainage, watersheds, etc.

Commissioner D. Rushing pointed out that the population projections are inaccurate. The information needs to be accurate.

Ms. Cawn stated that we need and appreciate having an RCD. Anything that supports and strengthens this organization, she is in favor of and happy to help. She is confused by the format of the review. There are no maps. It would be helpful to see what has been done by other agencies/programs.

Greg Dills, District Manager, stated that at one time there were five RCDs in this county. The two boards are talking about consolidation; however, it may be awhile before an application is submitted. He provided information on other projects they are currently working on.

Victoria Brandon, Member, East Lake RCD, expanded on information Greg Dills provided regarding some of the educational events/activities held by the RCD. They also have a scholarship program that will be expanding from one to two scholarships. The two boards will be meeting a week from Monday to begin working on issues. East Lake will have a website soon.

## Closed Public Hearing

J. Benoit advised members that they can approve the resolution and direct staff to update the population projections.

Ms. Cawn stated that she is not seeing the findings. She sees the determinations but no findings. John explained that Lafco is only required to do determinations and those are in the MSR. The review meets our requirements, provides recommendations to the districts and a sphere update. A map is included as the last page.

However, he stated that it would be a good idea to determine what should be included in MSRs. All MSRs should be standardized. Discussion followed.

**Commissioner D. Rushing offered Resolution 2014-0005 adopting a Service Review for RCD services provided by the East Lake RCD and West Lake RCD provided that the population projections are updated with 2010 census data in the final version. The Resolution was approved by roll call vote. (6-0-1)**

**Commissioner D. Rushing offered Resolution 2014-0006 adopting a Joint (Consolidated) Sphere of Influence for the East Lake and West Lake RCD's. The resolution was approved by roll call vote. (6-0-1)**

- 7. Consider adopting a policy of when LAFCo acts as a CEQA lead agency and consider Resolution 2014-0007 thereby amending LAFCo's CEQA Guidelines.**

J. Benoit stated that this came up several months ago because of Lakeport; however, it goes beyond just Lakeport. If a city/district adopts a general plan and they do an EIR for their project, then it comes to Lafco and it is determined that the city/district wants to expand beyond what the EIR covered, then the costs of the expanded EIR would be borne by the agency, not Lafco. That is essentially what this policy states. When Lafco does a SOI update, that is our obligation, but we don't want to get saddled with a lot of CEQA costs because a city or agency wants more territory. This policy says that if the agency wants to add more to the SOI, then they pay CEQA costs.

Jim Steele spoke on the hidden costs of providing oversight of the application. You must have oversight staff and the funding that comes in has to be enough to support that staff. John stated that Lafco has considered that in our CEQA policies; covering the costs before and after the application.

Mike Dunlap asked about Lafco's role; gathering information as opposed to generating the information. Can't you just say, to the applicant asking for a change in the SOI, your documentation is deficient and you need to go make it

right?

S. Browne explained that there are two different actions: One is when the sphere amendment is initiated by an agency, and the other is Lafcos requirement to update spheres every five years; there is no application from an agency where we can force them to go back and provide more information. What frequently happens when we do updates is an agency comes in and says we want you to include this area over here while you are doing the update. The goal of this policy is to say, okay, if you want us to consider that, in order for us to be able to consider it, we need to have the environmental documentation that addresses the environmental issues for that area which isn't in the existing document we have. So, we are asking you (agency) to cover the cost. As long as Lafco is acting as lead agency, we are the agency that has to provide the EIR.

The Public Hearing was opened

More discussion followed.

Closed Public Hearing

S. Browne stated that he will prepare revised language for the resolution just to make it clear. He read the new paragraph for the commission. Scott explained that they can adopt the resolution today with the revision or bring the revised resolution back for approval.

Reopened Public Hearing and continued to September 17, 2014 meeting – Resolution to include new language as drafted by Scott.

**8. 2014 Biennial Conflict of Interest Code Review.**

John stated that this is required every two years. A copy of the notice of biennial review is included. The action would be to authorize John to say that no amendments are needed because there are no changes in staff or circumstances.

**Commissioner M. Scheel moved to authorize submittal of the 2014 Local Agency Biennial Notice with no changes to the Conflict of Interest Code, second by Commissioner S. Mattina, motion carried. (6-0-1)**

**9. Watershed Protection District Service Review Committee Report. (The Public Hearing regarding the Service Review for the Watershed Protection District has been continued to 9:30 a.m. September 17, 2014 at Clearlake City Hall in Clearlake)**

Ms. Betsy Cawn handed out information ,which was also included in today's agenda packet. She stated that the document "An Overview of Lafco and Water Management Decisions" is very helpful. She also stated that the recent Grand

Jury report included Public Works and Special Districts, but never once mentioned the Watershed Protection District, and others.

Ms. Cawn reported that the committee went through the draft and looked at individual sentences where language should be clarified and that is what this list is about; a recommended change list. She hopes that the commission will read and consider the content issues.

Ms. Cawn provided information on the update of the Watershed Management Plan.

Commissioner D. Rushing raised an issue with item 8. Some discussion followed and J. Benoit suggested holding this discussion during the continued public hearing in September. He stated that all of this will be reviewed at the public hearing.

Mike Dunlap – stated that as Betsy mentioned previously, there has been no actual attempt at education of the Watershed Protection District Board of Directors. In the process of gathering information, they found a power point presentation that Marin County put together that does an excellent job explaining what the role is and they would be happy to present it to the Lafco Commission and the WPD Board of Directors.

**10. Calafco Achievement Awards Nominations**

John provided a handout of the possible categories. He has no recommendations. Discussion followed and John provided examples of possible nominations.

There were no nominations.

**11. Nominations for Calafco Board of Directors**

**Commissioner D. Rushing nominated Commissioner Denise Loustalot contingent upon her being excited about the opportunity, second by Commissioner J. Comstock, motion carried. (6-0-1)**

**12. Authorize Commissioners and Staff to attend the Calafco Annual Conference in Ontario on October 15-17, 2014**

Commissioner D. Rushing stated that this is a good training for new members. Discussion followed.

**Commissioner D. Rushing moved to authorize two members of Lake Lafco to attend the conference; Commissioners Denise Loustalot and Gerry Mills if available and that they would be the voting members for our Lafco. If either is not available, John Benoit will be the alternate voting member, second by**



**Commissioner J. Comstock, motion carried. (6-0-1)**

**13. Appoint Voting Member and Alternate Voting Member to vote on behalf of Lake Lafco at the 2014 Annual Calafco Conference in Ontario.**

Covered above – item 12.

**14. Executive Officer's Report**

- a. *Minnie Cannon Annex to the Callayomi Co. Water District* – will be heard on September 17<sup>th</sup> – John provided information on other CCWD annexations.
- b. *City of Clearlake Service Review* – waiting for the General Plan; EIR released – John provided comments
- c. *Fire Service Review* – Get through watershed review first – postponed
- d. *Groundwater management and other water supply legislation* – John provided information on two bills – Assemblyman Dickensen's and SB1168.
- e. *Lafco Clerk* – Please let John know if you know of anyone that may be interested.

**15. Commissioner Reports – None**

**16. Correspondence – CSDA conference in Palm Springs**

**17. Adjourn to Lafco's next regular meeting: Wednesday September 17, 2014**

The meeting was adjourned at 12:00 p.m.

# Lake Local Agency Formation Commission

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## CLAIMS

July 2014 and August 2014

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
Aug 1, 2014	Staff Services July 2014	\$ 4,799.00
Aug 1, 2014	Special Projects – July 2014 RCD/WPD MSR/SOI	\$ 1,164.17
6.16-14 to 7.15.2014	Browne- Legal	\$ 500.00
Sept 1, 2014	Staff Svcs Aug 2014	\$ 4,590.67
July 1, 2014	Special Projects RCD and HVLCSO MSr	\$ 577.50
July 16, 2014	Commission Mtg. Stipend	\$ 420.00
7.16-14 to 8.15-14	Browne Legal	\$ 1,750.00
Aug 27, 2014	Calafco Conf. Reg – Robey	\$ 450.00
Aug 8, 2014	Notice: Minnie Cannon Annx	\$ 108.09
TOTAL:		\$ 14,359.43

DATED: Sept 17, 2014

APPROVED: Sept 17, 2014

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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

Amount Budgeted	Comm Stipend Supplies	Membership Books & Periodic	Attorney Service	LAFCo Clerk	Office Stipend	Staff Svcs	Legal Notices	Trans Travel	Conf Regis	SOI Water	Gen Reserve Contingency
2014-2015 Adopted Budget	\$ 5,280.00	\$ 250.00	\$ 16,000.00	\$ 2,000.00	\$ 7,000.00	\$ 48,488.00	\$ 1,000.00	\$ 2,400.00	\$ 1,500.00	\$ 15,000.00	\$ 10,000.00
Catalco Dues 14-15	\$ 769.00	\$ (769.00)	\$ (500.00)	\$ (208.33)	\$ (550.00)	\$ (4,040.67)					
Browne End 7.15.14			\$ (1,750.00)								
Staff Svcs July 2014											
Browne End 8.15.14											
Staff Svcs Aug 2014											
Record Bee CLO Minnie Canon school											
Comm Stipend 7.16.14	\$ (420.00)						\$ (108.09)				
Catalco Conf Regis Robey											
											\$ (450.00)

Remaining in Account	\$ 5,280.00	\$ 280.00	\$ 16,000.00	\$ 2,000.00	\$ 7,000.00	\$ 48,488.00	\$ 1,000.00	\$ 2,400.00	\$ 1,500.00	\$ 15,000.00	\$ 10,000.00
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**Resolution 2014-0007**  
**of the**  
**Lake Local Agency Formation Commission**  
  
**Lake County, California**

*A Resolution of the Lake Local Agency Formation Commission  
amending its CEQA guidelines to include a policy regarding payment of additional CEQA  
costs for Sphere of Influence Updates*

RESOLVED, the Lake Local Agency Formation Commission in the County of Lake, State of California, that

WHEREAS, the California Environmental Quality Act (CEQA) Guidelines require all California Public Agencies to comply with the environmental review requirements set forth in the statute and CEQA Guidelines; and

WHEREAS, the California Public Resources Code and CEQA Guidelines require each public agency including Lake LAFCO to develop local procedures for compliance with the requirements of CEQA; and

WHEREAS, Lake LAFCo is required to periodically update Spheres of Influence for agencies subject to its jurisdiction; and

WHEREAS, Lake LAFCo adopted CEQA guidelines on September 18, 2002 and adopted Resolution 2002-04; and

WHEREAS, the Commission has reviewed, revised and considered alternative policy statements regarding the payment of CEQA costs when LAFCo prepares a Sphere of Influence Update at its March 19, 2014 meeting; and

WHEREAS, this Commission has called for and held a Public Hearing and considered an amendment to its CEQA guidelines on July 16, 2014 and September 17, 2014 and at the meetings this Commission received all oral and written comments with respect to the proposed CEQA Guidelines and the report of the Executive Officer.

NOW, THEREFORE, the Lake Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The Lake Local Agency Formation Commission hereby adopts the following CEQA guideline policy regarding payment of CEQA costs regarding Sphere of Influence Updates:

*It is the policy of Lake LAFCo to use previously certified environmental documents to satisfy CEQA requirements for Sphere of Influence updates wherever feasible. Should an agency desire to include additional or different territory or services in its sphere through the sphere update process from those considered in the existing CEQA document or CEQA document that LAFCo intends to use, the cost of supplementing the CEQA document to consider that additional territory or service shall be paid by the agency, unless otherwise determined by the Commission.*

2. This CEQA guideline policy shall be included as part of the Lake LAFCo CEQA processing guidelines as Section III C (5) *Sphere of Influence Update Costs*

The foregoing resolution was offered at a Regular Meeting of the LAKE LOCAL AGENCY FORMATION COMMISSION on the 17<sup>th</sup> day of September 2014 and adopted by the following vote of the Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Stacy Mattina, Chair or, Jim Comstock, Vice-Chair  
Lake Local Agency Formation Commission

ATTEST:

\_\_\_\_\_  
John Benoit, Executive Officer  
Lake Local Agency Formation Commission