LAKE LOCAL FORMATION COMMISSION

MINUTES

November 17, 2021

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

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

Stacy Mattina, City Member Scott Browne, Legal Counsel

Ed Robey, Public Member

Dirk Slooten, City Member

Moke Simon, County Member

Stan Archacki, Special Districts

Suzanne Lyons, Public Member Alternate

Jim Scholz, Special Districts

Russ Perdock, City Alternate (via Zoom)

Victoria Brandon, Special District Alternate (via Zoom)

Absent: Tina Scott, County Alternate

Chair Sabatier requests item #8 be moved up on the agenda first regarding teleconferencing meetings.

ITEM # 8 Benoit explained AB 361 and the new requirements and suggested it be included on the consent agenda going forward. Chair Sabatier called for a motion

A motion was made by Commissioner Sabatier and seconded by Commissioner Mattina. A roll call vote was taken as follows: Slooten, Archacki, Mattina, Robey, Scholz, Simon and Sabatier voted in favor, motion carried to adopt Resolution 2021-0013.

**1. Call to Order -** Chairman Sabatier called meeting to order at 9:43 a.m. in the City Council Chambers, City of Lakeport. A roll call was as follows: Slooten, Archacki, Scholz, Simon, Robey, Mattina and Sabatier are present. Alternates Brandon, Lyons and Perdock are also present.

It was suggested a Pledge of Allegiance be added at the beginning of the meeting. Commissioners were in favor.

**2.** **Approval of Minutes -** Motion by Commissioner Mattina, second by Commissioner Archacki to approve the minutes the September 15, 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 Robey, second by Commissioner Simon to review and authorize payment of expenses for Sept and Oct 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 language regarding MSR follow up as part of the MSR review process**

Benoit presented the language for the Policy Amendment to include follow up for MSRs and read the policy. Commissioner Slooten thought it was a good idea. There was a discussion regarding “further recommendations” change to “further recommendation”

Upon motion of Slooten with change from recommendations to findings and a seconded by Robey. Motion carried by the following vote:

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

NOES: None.

ABSTAIN: None.

**6. Public Hearing regarding the Service Review and Sphere of Influence for the Konocti County Water District**

Benoit resented the report with the desire to keep the MSR portion of the report as an “open file report” .

The public hearing was opened for the Municipal Service Review and the Sphere of Influence Update and the Commission after discussion decided to make a change to the Sphere of Influence map to follow Cache Creek along is southern boundary. The public hearing was closed.

Upon Motion by Commissioner Simon, second by Commissioner Robey to adopt LAFCo Resolution 2021-0011 *adopting a Service Review for water services located in the City of Clearlake.*

Motion carried by the following a roll call vote:

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

NOES: None.

ABSTAIN: None.

**Upon Motion by Commissioner Mattina, second by Commissioner Slooten to** adopt LAFCo Resolution 2021-0012 *adopting a Sphere of Influence for the Konocti County Water District including a change to the map whereby the southern boundary of the Sphere would follow Cache Creek.*

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 stating the report handed out at the September meeting is to be an open file report. He stated fire flow summary information needs to be included into the report. Some data is to be posted on the website namely fire flows. Commissioner Slooten spoke of the inadequate fire flows and there is also inadequate fire flow spacing leaving the notion the water districts are not taking care of fire flow spacing and water conveyance infrastructure. Sabatier asked if the Risk Reduction Authority is aware of the issue. Simon believed the Risk Reduction Authority was aware of the situation. Comm Archacki concurred. The water providers need to coordinate with fire service providers in Lake County. He was also concerned about taking CLOCWD water from hydrants and using the water for suppression outside the CLOCWD leaving the rate payers with the bill. There needs to be something in place to share the burden of fire suppression. How does LAFCo position itself in a MSR to better access grant funding to remedy inadequacies in water systems. Slooten said these problems are not being adequately addressed and remedied. Sabatier re-iterated what can LAFCo do to help with grant funding and improvements to water systems? i.e. make determinations in a MSR. Lyons discussed the policy change for follow-up in Service Reviews and we continue to kick the can down the road and there is tremendous need but not enough money. Slooten stated water “mutuals” and “utilities” cannot access grant money. Robey stated Lafco can support a consolidation. Benoit explained what we did with Cobb a couple of years ago. Bruno stated if LAFCo were to receive an application we could work on an annexation. Ultimately you would need to purchase the assets of the utility and most likely have an election. Bruno discussed fire flows are a county-wide and what can LAFCo do and suggested this be discussed on the next LAFCo agenda including fire flows and grants.Victoria discussed the upcoming Community Wildfire Protection Plan document and whether or not LAFCo could be involved. Benoit asked if LAFCo could receive a copy of the Community Wildfire Protection Plan and be on the mailing list for the Risk Reduction Authority and when they meet and discussed several grant leads. Sabatier suggested an item should be on the next LAFCo meeting about water and what LAFCo can do. And suggested how LAFCo can be in a better position to help. Simon suggested many entities in Lake County should work together. Bruno suggested the City of Clearlake initiate an application to LAFCo to address the situation of 3 water providers in Clearlake.

**8. Item 8 was moved to the top of the agenda**

**9. LAFCo regular meeting schedule for 2022**

Sabatier introduced the item. Robey moved to adopt and seconded by Simon; motion carried

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

NOES: None.

ABSTAIN: None.

**10. Executive Officer’ s report.**

1. *South Lakeport Annexation update Lakeport City Manager is convening a meeting of the affected parties and the desire is to have this at LAFCo in early 2022*
2. *Upper Lake area MTBE (Methyl tert-butyl ether) Drinking Water Contamination and discussed the timeline for LAFCo to update the Sphere of Influence, MSR and annexation to the Upper Lake Annexation*
3. *Anticipated Projects: Middletown Rancheria and Konocti County Water District.*

**11. LAFCo Counsel’s report**

Browne had nothing to report

**12. Commissioner’s Report**

No report

**13. Correspondence:**

*a. Bill Chiat Memorial Fund Scholarships Benoit wanted Commissioners to be aware this is happening.*

**14. Adjourn to LAFCO’s next regular meeting: Wednesday January 19th , 2022 9:30 AM in Clearlake**

11:00 a.m. Meeting adjourned.

By: John Benoit, Ex Officio LAFCo Clerk