

LAKE LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING
September 17, 2014

PRESENT:

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

ALSO PRESENT:

Jim Abell, Spec. Dist Alt
John Benoit, Executive Officer Member
Marsha Burch, 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. Approval of Minutes – July 16, 2014

Commissioner E. Robey made the motion to approve the July 16, 2014 minutes, second by Commissioner F. Gillespie; motion carried. (5-0-2)

3. Public Comment - None

4. Consent Agenda

Commissioner Ed Robey moved to authorize payment of the July and August 2014 expenses, second by Commissioner M. Scheel; motion carried. (5-0-2)

Commissioner Loustalot enters the meeting

5. Public Hearing regarding the Minnie Cannon Annexation to the Callayomi County Water District for Water Services.

J. Benoit presented the Executive Officer's report and resolution with an amendment to delete a 35.36-acre parcel more or less from the annexation proposal since no environmental review was prepared for that site and explained the District currently provides water service to the 33-acre School property excepting an 8.37-acre parcel, which is the site of the proposed Minnie Cannon School.

Opened Public Hearing

Korbe Olson, Superintendent for the Middletown Unified School District spoke in favor of the annexation.

Closed Public Hearing

It was moved by Commissioner Robey and seconded by Commissioner Loustalot to adopt Resolution 2014-0008 approving the 41-acre (35.36-acres) more or less annexation to the Callayomi County Water District. The Resolution was approved by roll call vote. (5-0-2).

6. **Consider adopting a policy of when LAFCo acts as a CEQA lead agency and consider Resolution 2014-0007 thereby amending LAFCo's CEQA Guidelines (continued from the July 16th 2014 LAFCo meeting).**

The Continued Hearing was opened

J. Benoit presented the Resolution including language prepared by P. Scott Browne.

The Public Hearing was closed

It was moved by Commissioner Robey and Seconded by Commissioner Frank Gillespie to adopt Resolution 2014-0007 approving an amendment to LAFCo's CEQA guidelines. The Resolution was approved by roll call vote. (5-0-2).

7. **Continued Public Hearing regarding the Service Review for the Watershed Protection District.**

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.

Executive Officer Benoit expressed concerns that Scott DeLeon or anyone from the district was not present to discuss items to be brought up and the Commission would later determine as to whether or not to continue the public hearing at the end of the discussion. LAFCo would review the comments received regarding the Draft MSR and review each comment one at a time. Benoit introduced Jennifer Stephenson who assisted in the preparation of the MSR and members of the MSR Committee (Mike Dunlap, Maurice Taylor, Betsy Cawn, Ed Robey; Suzanne Lyons was absent).

Discussion regarding each of the items provided in the MSR Committee took place. Below are the commission decisions regarding the WPD MSR content.

1. Page 2, 1st Paragraph: Display list of Commission agency members and voting status for public understanding of Commission composition, as follows:

County of Lake

Denise Rushing, Supervisor District 3, Vice Chair
Jim Comstock, Supervisor District 1
Jeff Smith, Supervisor District 2 (Alternate)

Cities

Stacey Matina, City of Lakeport
Denise Loustalot, City of Clearlake
Martin Scheel, City of Lakeport (Alternate)

Special Districts

Frank Gillespie, Butler-Keys CSD
Gerry Mills, Lakeport FPD
Jim Abell, South County FPD (Alternate)

Appointed Members of the Public at Large

Ed Robey, Chair
Suzanne Lyons (Alternate)

2. Page 2, 5th Paragraph: Delete last sentence (“The Committee consisted of the following individuals:”) and move list of Committee members to Section 5-3 - Preparers, as Item 4 on Page 31.
3. Page 4, Footnote 2: Date of document is “Fiscal Years 2003-2004 through 2007-2008” per County website:
<http://www.co.lake.ca.us/Assets/CDD/Stormwater+Mgt/Clean+Water+PDFs/Stormwater+Management+Plan.pdf>
4. Page 5, 3rd Paragraph: Remove second reference to “Clear Lake Cache Formation” (redundant); remove “Middle Creek” (lies within “Upper Lake Valley”). Was referenced as a separate unit in the Lake County Groundwater Management Plan. There was a mistake in the Groundwater Management Plan regarding this basin.
5. Page 5, Footnote 3: Replace hyperlink as shown with
http://www.co.lake.ca.us/Government/Directory/Water_Resources/Department_Programs/Groundwater_Management.htm.
6. Page 6, 4th Paragraph: Remove “between” (redundant) in the first sentence.
7. Page 7, 1st Paragraph: Provide footnote citing Advisory Council Bylaws, and provide access to Bylaws document on program webpages:
[http://www.co.lake.ca.us/Government/Directory/Water_Resources/cwp/documents.](http://www.co.lake.ca.us/Government/Directory/Water_Resources/cwp/documents.htm)

[htm](#)

http://www.co.lake.ca.us/Government/Directory/Water_Resources/cwp/Advisory_Info.htm.

8. Page 7, 1st paragraph: Modify the last two sentences as shown, following the discussion.

Discussion of the process. Ed Robey said the AC was appointed to make recommendations and advice and do not direct staff.

Commissioner Comstock entered the meeting 9:50 am

Betsy Cawn explained the origins of the Advisory Council being formed by a JPA between the Cities, the County, and the Watershed Protection District to implement the Lake County Clean Water Program. She stated the Council is a legal body charged with making recommendations as defined in the NPDES stormwater management permit issued by the State. The WPD is named by the JPA as the manager of the Clean Water Program to comply with the permit; however, there has been no communication to the BoS/BoD or City Councils as to the implementation requirements they have, for inclusion in their budgets. Betsy has made inquiries to County Counsel regarding her “disagreement” with the recommended changes in regard to this issue, as stated by Supervisor Rushing in the previous LAFCo hearing. The May 21 hearing draft describes a process that is not reflected in practice (see agendas and minutes of the Lake County Clean Water Program Advisory Council).

Change as follows:

“Workgroup recommendations are presented to the Advisory Council ~~who~~ which then directs staff, according to the agreement of all three co-permittees. It is the responsibility of the Cities and the County to implement the program as recommended by the Program Workgroups to the Advisory Council.”

9. Benoit explained Public Involvement and Participation requirements in the NPDES permit (Page 30): “The public participation and involvement program shall encourage volunteerism, public comments and input on policy, and activism in the community. The Permittee shall also be involved in their Integrated Regional Water Management Plan (IRWMP) or other watershed-level planning effort, if applicable.” Betsy discussed the needed formation of a new Management Workgroup and stated that the County is currently out of compliance with permit requirements.

Page 7, 3rd Paragraph: Replace last sentence as 4shown:

“However, the permit-mandated formation of a unified “Management Workgroup” has not been achieved. The Advisory Council’s lack of activity

in FY 2014-2015 puts at risk the co-permittees' permit requirement compliance defined in WQO-2013-0001-DWQ.”

10. Concerns of where delegation was done at a public meeting were expressed by Betsy Cawn. Alan Flora, County Admin Office, clarified the decisions were made during the County's budget process and not in a dark smoke-filled room. [2]

Page 7, Footnote 5: Date of transfer of responsibility for program coordination services to the Community Development Department by the Board of Supervisors was July 2009.

11. Page 8, 4th Paragraph: Removed references to multiple documents associated with implementation and planning projects; retained primary reference document providing basis of related projects and reports for program development.

<http://www.co.lake.ca.us/Assets/WaterResources/Algae/Clear+Lake+TMDL+Monitoring+and+Implementation+Plan.pdf>

12. Page 9, 5th Paragraph: Clarify relevance of distinction between unincorporated “disadvantaged communities” and incorporated ones, all of which are within the Sphere of Influence of the Watershed Protection District (and for Floodplain Management Program services, all residents in either city or county jurisdiction pay property taxes that support the District).

John explained the history of using the term “unincorporated” and Betsy Cawn explained the TRA distributions in unincorporated v. incorporated areas paying for Flood Control services, but there is a question as to whether those property owners in the incorporated areas receive Flood Control services from the District in addition to paying their city administrations for them.

Response: The distinction is made for the purpose of complying with GC Section 56430 regarding the required determinations that LAFCO is required to come to as part of the MSR process. (As stated in the first sentence of the paragraph.) “The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.” No change is needed.

13. Page 10, 3rd Paragraph: Replace “impose and collect fees” with “incur indebtedness and issue bonds, cause taxes, fees or assessments (among other sources of revenue) to be levied and collected for the purpose of paying any obligation of the district, and to contract with the County of Lake” before “to carry out the purposes of the District.”

Reference: SB 1136, Section 7, items 9, 10, and 14 of Section 5 of the California Water Code, Chapter 62 (Sections 12741 and 12742), and Section

21180 of the Public Contract Code. Add footnote as appropriate.

14. Since there is no local implementation ordinance it should be mentioned in the MSR. Ventura FCWCD has an enabling ordinance. The WPD could have a local implementation ordinance as an update of the Flood Control District ordinance and include administrative processes and functions. Everything the district does should be included in an ordinance for functionality as well as public awareness. The intent is clarify any disconnects.

Page 11, 1st Paragraph: Modify the last sentence as shown:

“The District’s role in managing the Lake County Clean Water Program is defined in the Joint Powers Agreement between the Cities, County, and the District. However, notwithstanding provisions included in SB-1136, the District itself lacks a local enabling ordinance defining its responsibilities to meet NPDES stormwater management permit compliance requirements and structural authority to obtain interagency services from County departments and to administer revenues or expenditures.”

15. Discussion regarding the process of agendizing LCWPD items as part of the BOS agendas. Alan Flora did not believe there was sufficient need to follow this recommendation. That very few items would justify having separate meetings. Jim Comstock indicated if an item was important enough it would be agendized as an afternoon meeting. Mike Dunlap commented there are BOS consent items being under the LCWPD and not noticed or agendized as a LCWPD item and a level of consistency is needed.

Page 12, 1st Paragraph (last sentence): Modify the last sentence as shown:

“The Board of Supervisors meets concurrently as the Board of Directors of LCWPD (as it does with other dependent districts) to consider items specific to LCWPD. Given the importance of the LCWPD’s responsibilities, existing confusion regarding the District’s legal status and operational capacities in accordance with SB 1136, and significant organizational support needed to address the District’s increased workloads, the District’s Board of Directors could conduct separately identified, publicly noticed meetings to enhance transparency and accountability.”

16. Discussed that the abolishment of the Clearlake Advisory Committee has nothing to do with the Municipal Service Review, except that implementation of the NPDES stormwater management permit and the NPDES aquatic pesticide permit, under terms contained in permit compliance documentation, calls for the use of the Clear Lake Advisory Committee or equivalent citizens advisory group, so that both permits are lacking this program compliance support function from the Committee. This was formed for another purpose. The RMC (federal agencies) in 1996 created the Clearlake Advisory

Committee that later reported to the BOS on Lake related issues for the compliance measure for the Aquatic Management Permit.

Alan Flora commented he does not know the value of arguing this point.

Page 11, 5th Paragraph: Delete this paragraph and remove Footnote 15.

17. The original (Year 2000) Clear Lake Basin Management Plan was never officially adopted; it evolved to become the Clear Lake Integrated Watershed Management Plan approved by the Board of Supervisors in 2010.

Page 12, 2nd Paragraph: In the first sentence, insert “(RMC)” after the word “Committee”. In the second sentence, replace “Clear Lake Basin Resource Management Committee (RMC)” with “RMC” before the word “supported”. At the end of the first bullet item, insert the word “Draft” following the parenthetically enclosed publication year (i.e., “(2000)”.

Staff has no problem with this comment and Betsy noted the BOS has appointments to the RMC although it does not function.

Page 12, 3rd Paragraph: Replace the third sentence as shown:

“It may be beneficial for the District’s *Board of Directors* to spearhead the revival of this organization, given the extensive regional coordination that is necessary to *meet minimum permit requirements and water quality standards established by the Central Valley Regional Water Quality Control Board.*”

18. Benoit explained there is confusion regarding the LCWPD, the Dept. of Water Resources and DPW. The MSR Committee recommended the clarifications.

John stated that he would have to consult with Scott DeLeon on this matter.

Page 13, 1st Paragraph: Modify the second sentence and ensuing text as shown:

“Information regarding ~~the District and~~ the County Department of Water Resources (the department that staffs the District) is made available on the County website. ~~While comprehensive, it is often unclear whether it is the District or the Department of Water Resources program being discussed and the layout could be improved to align with major categories of services offered by the District.~~ The Department ~~District~~ is encouraged to ensure clarity of the information available on its website for use by the general public. There is also a separate website specific to the Department’s ~~District’s~~ Invasive Mussel Program. The Department ~~District~~ sends out mailers and newsletters regarding flood issues and invasive species, and issues a number of press releases on invasive species and water quality issues. The

Department District has reportedly tried to make made use of local media to increase exposure to the public about Clear Lake and the issues it faces. The Department District participates in special events, such as local fairs, and the International Sports Expo, and Blue Herron [sic] Days, where it distributes information on invasive species and aquatic weeds. The Department District has participated in and provided assistance at several lake clean-up efforts, and regularly makes presentations at local schools on Earth Day.”

19/20. No further comments on #20.

Page 13, 2nd Paragraph: Modify the paragraph as follows:

~~“The District was administered as part of the County Department of Public Works until \neq the Department of Water Resources was separated and made into an individual department by the Board of Supervisors in 2010. Named the Water Resources Department, this department The Department of Water Resources is responsible for all functions of LCWPD. Until recently, the Department of Water Resources Department managed district provided District services separately from and what is referred to as Lakebed Management. as separate functions. At the end of 2013, County Counsel informed the Department that the Lakebed Management services could be offered under the umbrella of LCWPD. However, the funding for the Lakebed Management services must continue to be tracked through separate funds, as use of revenues from that program are legally limited to services directed at Clear Lake. While recent changes incorporated Lakebed Management under the umbrella of LCWPD jurisdiction, Lakebed Management revenues and expenditures are tracked through separate funds in compliance with the State Lands Commission statutes of 1973.”~~ [Footnote 18]

[Footnote 18 - correct citation to reference documentation from County Counsel or provide link to State Lands Commission grant:
http://www.slc.ca.gov/Granted_Lands/Lake.html]

21. Clarification on how the original question was posed to the WPD

Page 13, 3rd Paragraph: Modify the last sentence as follows:

~~“There are no Several volunteers that offer provide their assistance to the District for water quality monitoring (sampling and satellite imagery projects), ongoing multi-agency negotiations for restoration of the Middle Creek Marsh, and compliance with the NPDES Stormwater Management Permit requirements. some volunteers occasionally assist with a stormwater and water sampling effort.”~~

Add: “The District would benefit from collection of volunteer hours as in-kind matching funds for future grant applications and development of

broader stakeholder support for District programs.”

Jennifer Stephenson clarified the original question posed to the District during the preparation of the MSR did not result in identification of formal volunteer program participants.

Discussion of differences between general meeting participation, task force or work group participation, services, pro bono services, and assistance.

22. Page 14, 4th Paragraph: Remove fourth bullet item, “Scotts Valley Groundwater Management Plan” (County website search results 41 items, none as cited).
23. Page 15, 1st Paragraph (eighth bullet): Following “Budget Unit 8108” remove “Upper Middle Creek Basin” and replace with “Flood Zone #8.”

John and Betsy agreed to reconcile the Budget Unit references

24. Page 17, 1st Paragraph (table, line 7): Following “Budget Unit 8108” remove “Upper Middle Creek Basin” and replace with or add “Flood Zone #8.”
25. Page 17, 3rd Paragraph: Replace subsection title “Upper Middle Creek Basin” with “Flood Zone #8”; repeat action in 1st and 4th sentences.
26. Page 18, 3rd Paragraph (table, line 7): Following “Budget Unit 8108” remove “Upper Middle Creek Basin” and replace with “Flood Zone #8.”
27. Pages 20, 21, 22 (all): Replace table with text provided as follows, and note points of concern for each entry. [For purposes of this review, the font has been changed to Calibri for the contents of the table sections as shown:]

FLOOD CONTROL/FLOODPLAIN MANAGEMENT

- a.. Project/Service Name: **Flood Control/Floodplain Management**
Category: Flood Control
Description: The LCWPD serves as the local agency implementing the NFIP for the unincorporated County. Implementation includes working with the County Building and Safety Department to enforce minimum construction standards for new construction, enforcing standards on new development in the floodplain, providing information on the program to the public, and administering the Community Rating System program, which lowers NFIP premiums by 15 percent in the unincorporated areas of the County. [Budget unit 8109 Fund 200]
- b. Project/Service Name: **Upper Lake Levees [Flood Zone #8]**
Category: Flood Control
Description: The District provides maintenance for approximately 11 miles of

levees (3.5 miles of levees were returned to State responsibility in 2000) broken down into three zones of benefit. The levees were designed to provide protection from 50-200 year flood events, depending on location. Levee maintenance is overseen by the State (California Department of Water Resources) and the U.S. Army Corps of Engineers (USACE). Maintenance is done by LCWPD, with some services contracted to private companies (i.e. mowing, herbicide application). Levee maintenance is funded by a benefit assessment approved in 1999 and is included in Budget 8108.

c. Project/Service Name: **Middle Creek Marsh Ecosystem Restoration and Flood Damage Control Project**

Category: Flood control, watershed restoration activities

Description: This project has been ongoing since 1995 in cooperation with the State CDWR/Central Valley Flood Protection Board and the USACE. Project costs are shared between cooperators. Property acquisition was begun using CDWR Flood Protection Corridor (FPCP) funds. The project was designed to eliminate flood risk to 18 residential structures, numerous outbuildings and approximately 1,650 acres of agricultural land, as well as restore damaged habitat and the water quality of the Clear Lake watershed by decommissioning substandard levees. LCWPD owns and maintains approximately 367 acres of property purchased for the Middle Creek Restoration Project. Budget Unit 8108 (Fund 208)

d. Project/Service Name: **Highland Springs Reservoir**

Category: Flood control, watershed stewardship, recreation

Description: Highland Springs Reservoir was constructed circa 1964 to reduce flooding from Adobe Creek. Project capital costs were funded by the National Resource Conservation Services (NRCS). Project operation and maintenance is funded by property taxes through Budget 8101. A park was developed adjacent to the Highland Springs Reservoir in the late 1960's in cooperation with the California Wildlife Conservation Board for recreation purposes. While not included in the defined powers of LCWPD, it is ancillary to LCWPD facilities. Maintenance is the responsibility of a caretaker and assistant caretaker who are residents contracted by and under the direction of LCWPD. Costs associated with the facility are paid through Budget Unit 8101 (Fund 201).

e. Project/Service Name: **Adobe Creek Reservoir**

Category: Flood control

Description: Adobe Creek Reservoir was constructed circa 1964 to reduce flooding from Adobe Creek. Project capital costs were funded by the NRCS. Project operation and maintenance is funded by property taxes through Budget Unit 8101. Property surrounding the reservoir is owned by LCWPD, but the property is not accessible to the public and is not regularly maintained. Budget Unit 8101 (Fund 201).

- f. Project/Service Name: **Adobe Creek Channel**
 Category: Flood control
 Description: This flood control project (channel enlargement and straightening) was constructed circa 1964 to reduce flooding from Adobe Creek. Project capital costs were funded by NRCS. Operations and maintenance are funded by property taxes through Budget Unit 8101-Flood Zone #1 (Fund 201).

- g. Project/Service Name: **Culvert Maintenance**
 Category: Flood control
 Description: LCWPD only participates in culvert maintenance on District projects/property. LCWPD cooperates with the County Road Department (DPW) in upgrading inadequate culverts and bridges, by reviewing designs and providing input. Culverts are also upgraded within development projects if they are impacted. Budget Unit 8109 (Fund 200)

- h. Project/Service Name: **Lake County Clean Water Program - Stormwater**
 Category: Stormwater management, water quality
 Description: Contract administration of a joint effort between the County of Lake, City of Clearlake and City of Lakeport to comply with NPDES permit requirements by reducing the damage caused by polluted stormwater runoff and impacts of increases in peak flows from development. Specific activities conducted by the District in order to fulfill this function include overall coordination of the program, and annual reporting. The actual programs are implemented by different staff members in several departments in each entity.
 Budget Unit 8109 (Fund 200) paid to 8107 (Fund 207)

- i. Project/Service Name: **Development Review**
 Category: Stormwater management, floodplain management
 Description: LCWPD staff review of plans for parcel maps, subdivision and major developments (i.e. commercial facilities). Review ensures that designs are in accordance with the **Lake County Hydrology Design Standards**, mitigation of drainage impacts is addressed, erosion issues are addressed, and the plan includes proper floodplain management. Budget Unit 8109 (Fund 200) paid to 8107 (Fund 207)

GROUNDWATER MANAGEMENT

- j. Project/Service Name: **Kelsey Creek Detention Facility**
 Category: Groundwater management
 Description: This is a groundwater recharge facility constructed to mitigate for geothermal development by the State in the upper watershed. Capital costs were funded by CDWR, as were annual maintenance costs. When CDWR sold the Bottle Rock geothermal power plant, maintenance funding ceased. Maintenance funds are now funded by property taxes through Budget 8105 Flood Zone #5 (Fund 205).

- k. Project/Service Name: **Groundwater Data Collection**
Category: Groundwater management
Description: The District monitors groundwater levels on a regular basis. The District monitors 82 wells in the major groundwater basins in cooperation with CDWR. Several of these wells were added to the CASGEM monitoring network. Semi-annual groundwater level data is submitted to CDWR-Northern District for input into the CDWR Water Data Library. This data is made available to the public on CDWR's website. The District monitors 14 (of the 82) wells in Big Valley on a monthly basis. There is no funding specific to a groundwater quality monitoring program (Budget Unit 8107 (Fund 207)).

LAKEBED MANAGEMENT/SHORELINE PROTECTION

- l. Project/Service Name: **Invasive Mussel Inspection/Prevention Program**
Category: Lakebed management, water quality
Description: Administration of the vessel inspection program, which provides education to the public about the prevention of infestation of water bodies by Quagga and Zebra Mussels. Budget Unit 1672 (Fund 133) moved to Budget 8109 (Fund 200)
- m. Project/Service Name: **Lakebed Encroachment Permitting**
Category: Lakebed management
Description: Issuing of permits for construction of piers, docks, and other lakebed amenities to property owners who then pay an annual lease fee to the County of Lake. In addition, the District submits an annual report to the State Lands Commission. Budget Unit 1672 (Fund 133)
- n. Project/Service Name: **Aquatic Plant Management**
Category: Lakebed management, water quality
Description: Monitoring of applications of aquatic herbicides by licensed applicators, and provision of annual report to the Central Valley Regional Water Quality Control Board. Implementation of the approved "Clear Lake Integrated Aquatic Plant Management Plan" requires annual review and five-year updating. Budget Unit 1672 (Fund 133 moved to Budget Unit 8109 Fund 200)
- o. Project/Service Name: **Public Access Maintenance**
Category: Lakebed management
Description: Management of contracts to weed harvesting and pesticide applicators for maintenance of public access "boat lanes" and fishing areas adjacent to the shoreline. Budget Unit 1672 (Fund 133).
- p. Project/Service Name: **Clear Lake Clean Water Program – "Clear Lake TMDL**

Compliance”

Category: Water quality protection

Description: LCWPD interfaces with the Central Valley Regional Water Quality Control Board (CVRWQCB) on implementation of the nutrient TMDL. As program manager LCWPD is responsible for program management and administration, permit management, and technical program management. Implementation is through projects like the Middle Creek Restoration Project (above) and implementation of County regulations (frequently in cooperation with other County departments) Budget Unit 8107 Fund 207).

- q. Project/Service Name: **Water Quality Monitoring Program**
Category: Water quality protection
Description: Water quality monitoring has been dependent on availability of grant financing. Mercury hotspot monitoring has been conducted in the Clear Lake watershed (2009 Clear Lake Watershed Mercury and Nutrient Assessment (TMDL Monitoring Program). Watershed loadings of mercury and nutrients were estimated for the Clear Lake watershed based on a previous monitoring program (1994 and 2009 assessments). Monitoring has not been conducted in the Putah Creek watershed, due to lack of funding. LCWPD cooperates with CDWR on their Clear Lake water quality monitoring program throughout the Lakebed Management budget (Budget Unit 8107 (Fund 207).
- r. Project/Service Name: **Algae Management**
Category: Water quality protection
Description: Program consists of crisis management, as well as mitigation and cleanup of nuisance algae when necessary, depending on climate conditions. (Budget Unit 8109 (Fund 200)
- s. Project/Service Name: **Water Rights**
Category: Water supply management
Description: LCWPD monitors the operation of Clear Lake by Yolo County Flood Control and Water Conservation District to ensure compliance with operating criteria as established/endorsed by the courts. Yolo County Flood Control and Water Conservation District’s predecessors obtained the water rights for Clear Lake between 1853 and 1912. In addition, LCWPD applied for water rights for additional water storage within the Middle Creek Restoration Project area. LCWPD is actively pursuing these water rights. Budget Unit 8109 (Fund 200)
- t. Project/Service Name: **Westside Integrated Regional Water Management Plan**
Category: Water quality protection, water supply management
Description: The Westside Sacramento IRWM Plan, a 20-year water management and implementation plan, was completed in 2013. The LCWPD is one of the coordinating committee members for implementation of the IRWM plan. Budget Unit 8107

WATERSHED STEWARDSHIP

- u. Project/Service Name: **Watershed Planning**
Category: Watershed stewardship
Description: The Clear Lake Integrated Watershed Management Plan is anticipated to be updated in 2014, with the project led by the District. Budget Unit 8107

 - v. Project/Service Name: **Review and Revision of Ordinances and Policies**
Category: Watershed stewardship
Description: LCWPD works with other departments to develop ordinances and regulations that reduce erosion and sediment delivery to protect water quality. Specifically, LCWPD has reviewed the Wetlands Policy and has developed a model wetland management plan, revised the Shoreline Ordinance to include recommendations from the Wetlands Policy, and revised the Grading Ordinance to address erosion and habitat protection issues. Budget Unit 8107
28. Page 26, 2nd Paragraph: Remove “Colusa County” from list of WRWMMG participants (Colusa County dropped out following completion of the draft WIRWMP in 2013).
http://www.westsideirwm.com/documents/Implementation%20MOU/A-112B_WESTSIDE_MOU_IRWMP_signedfinal.pdf
29. Page 29, Section 4.3, Finding 3-1: Remove “minimally adequate” and replace with “minimal.”
30. Page 29, Section 4.3, Finding 3-3: Remove “adequate” and replace with “minimal.” Remove “reorganization of the District website” and replace with “development of a District website” and remove “to enhance clarity.”
31. Page 29, Section 4-3, Finding 3-4: Remove first sentence (lacks supporting documentation). Replace first sentence as follows:
- “The District’s workload increased significantly with the enactment of SB 1136 in 2005, adding responsibility for the County’s ‘National Pollutant Discharge Elimination System’ (NPDES) permit requirements and establishing its revenue generating authorities to fund NPDES-mandated stormwater management actions. A ‘change of organization’ provided by LAFCo was not requested by the District’s Board of Directors, resulting in additional programs and service requirements without development of additional organizational management capacities and appropriate revenues.”

32. Page 31, Section 4-4, Title: Remove “of agency.”
33. Page 31, Section 4-4, Finding 4-3: Replace “units be summarized in the County budget for ease of public understanding” with “be described in a complete, integrated budget plan encompassing all planned spending, revenues, assets and liabilities, and unfunded budget requirements.”

Place this recommendation into the MSR. There is an issue with the public understanding the budget. Betsy Cawn explained her background with corporations and their assets. There is no report explaining the assets and legal responsibilities along with an explanation of what the district owns, owes and how it is funded.

34. Page 32, Section 4-6, Finding 6-2: Replace “a lack of participation and interest, and have become inactive or have been formally disbanded” with “a lack of leadership and staff support, including the multi-jurisdictional ‘Resource Management Committee’ (and several of its long-standing subcommittees), ‘Clear Lake TMDL Stakeholders Committee’ (responsible for compliance with Central Valley Regional Water Quality Control Board water quality protection requirements), and the ‘Clear Lake Advisory Committee.’”

Replace “The District should review means to ensure continued stakeholder input and involvement in its functions as well as” with “The District should determine cost of services needed to implement required multi-jurisdictional coordination and stakeholder participation processes to meet its regulatory mandates and public service program requests.”

[Email Comment from 9.15.14: “The home page of the Lake County website provides a link to the approved 2014-2015 County Budget (top of the fold). Of interest are the Budget Units 8107 (Water Resources Administration), 8109 (Watershed Protection District), and 8108 -- including references to providing "master drainage planning for all communities." This is a sticking point in the MSR, because city property owners contribute to the property tax funding of the former Flood Control function, but do not receive benefits such as master drainage planning or flood control in the city jurisdictional boundaries.

Also please note that the function of "Lakebed Management" now includes implementation of the Clear Lake Integrated Aquatic Plant Management Plan" and the "Invasive Species Council." Funding for "algae, aquatic weed and quagga mussel programs" has been moved to Budget Unit 8109 (WPD).

Alan Flora distributed a letter from the Matt Perry, CAO and summarized points including further review and the Budget Units adopted by the County and believed the methodology is sound. Had a number of issues such as transfers to BU 8107

and the methodology used in determining the budgets.

Mike Dunlap expressed concerns regarding the work undertaken by the MSR Committee during the process and expressed concerns about the resistance (less than generous response) received from both the County and LAFCo with the committees efforts in making the review understandable to the public.

Stacey Mattina, on behalf of the Commission, expressed the Commission's appreciation of the work and efforts provided by the Committee in this effort.

Staff suggested preparing a second draft for circulation to the County, the Committee and the Commission and recommended a continued public hearing until the next LAFCo to afford the opportunity to provide further comment.

Upon Motion of Commissioner Comstock and Seconded by Robey to continue this item to the November meeting with the intention the MSR will be adopted to November 19, 2014 LAFCo meeting at 9:30 am or as soon thereafter as possible in Lakeport.

Mike Dunlap asked for clarification that the public final draft preparation will allow public input on that draft prior to adoption.

Action Items:

8. Consider a Fee Waiver for the Consolidation of the East Lake and West Lake Resource Conservation Districts.

John Benoit distributed a letter from the East Lake and West Lake RCDs requesting the Commission Consider a LAFCo Fee waiver for LAFCo application fees for a proposal to consolidate the West Lake and East Lake Resource Conservation Districts. John Benoit explained the RCD's have no or a very limited budget for operations and a hardship existed for the two districts. Also, LAFCo has no authority to waive any other County or State fees, as may be required in the processing of this application. Betsy Cawn, a member of the public expressed support for the fee waiver.

Commissioner Ed. Robey moved to waive the LAFCo Processing fees for this consolidation proposal with the finding that the RCD's have a financial inability to pay due to very limited budgets and the services the districts provide within the County, second by Commissioner F. Gillespie, motion carried. (6-0-1)

9. Executive Officer's Report

- a. *City of Clearlake Service Review* – waiting for the General Plan; EIR released will meet with the City Manager to see comments.

- b. *Hidden Valley Lakes MSR and SOI*. Have met with Roland Sanford of the CSD and the CSD will be responding to a questionnaire with information requested by LAFCo. This will take several months to complete.
 - c. *Fire Service Review* – Get through watershed review first – postponed
 - d. *Groundwater management and other water supply legislation* – John provided information on three bills signed by the Governor.
 - e. *Lafco Clerk* – Please let John know if you know of anyone that may be interested. Some experience in taking minutes is necessary.
- 10. Commissioner Reports – None**
- 11. Correspondence – Calafco Conference in Ontario**
- 12. Adjourn to Lafco’s next regular meeting: Wednesday November 19, 2014**

The meeting was adjourned to Lakeport in November at 11:30 a.m.