

LAKE LOCAL FORMATION COMMISSION
MINUTES
July 19, 2017
REGULAR MEETING

Members Present:

Stacey Mattina, City Member, Chair
Gerry Mills, Vice-Chair, Special Districts
Moke Simon, County Member
Tina Scott, County Member
Victoria Brandon, Special District Alternate
Ed Robey, Public Member
Suzanne Lyons, Public Alternate
Bruno Sabatier, City Alternate

Staff Present:

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

Absent: Joyce Overton, City Member, Jeff Smith, County Alternate

1. Call to Order

Chair Mattina called the meeting to order at 9:30 a.m. in the Lakeport City Council Chambers.

2. Election of Chair and Vice-Chair for FY 2017-2018.

Motion by Commissioner Gott, seconded by Commissioner Robey to nominate Commissioner Mills as Lake LAFCo Chair for FY 2017-18. Motion carried.

Motion by Commissioner Robey, seconded by Commissioner Mills to nominate Commissioner Gott as of Lake LAFCo Vice-Chair for FY 2017-18. Motion carried.

3. Approval of Minutes

Motion by Commissioner Simon, seconded by Commissioner Robey to approve the Minutes of the May 17, 2017 Regular Meeting. Motion carried.

4. Public Comment – None.

5. Consent Agenda

Motion by Commissioner Robey, seconded by Commissioner Simon to authorize payment of expenses for May and June 2017. Motion carried.

6. Workshop regarding a Service Review and Sphere of Influence update for the Hidden Valley Lake Community Services District.

EO opens workshop by introducing Kirk Cloyd, General Manager of the Hidden Valley Lake CSD. EO reviewed the information and data used for the report and emphasized that Hidden Valley Lake CSD is an outstanding district in terms of performance.

Commissioner Mills asked about the State Water Resources Control Board order, EO clarified it was a Curtailment Order, not a Compliance Order (pg 12 of the Report) and that a correction will be made.

Mr. Cloyd stated that the State Water Board placed a meter moratorium on the District itself. District Units 4 and 5 have Riparian Rights, Valley Oaks Subdivision and anyone else with property located within the areas that have Riparian Rights can obtain meters, can build and have water rights. The State is not curtailing anyone with Riparian Rights, only those that came afterwards and do not have Riparian Rights. The Regional Board will be asking the State to lift the moratorium which has been in place since 2014 and that a letter making the request will be going put this week.

Commissioner Lyons asked about a typo or mathematical error on Page 30, Statement of Revenues and Expenses. EO will correct and do an addendum for this and any other corrections.

EO stated that until the moratorium is lifted the Commission should not be considering approval of any annexations to the District. Mr. Cloyd stated that the areas with Riparian Rights are not subject to the moratorium and they have a right to build.

Commissioner Lyons asked about who is in control of determining the connection fees and which costs are covered by the fees. Mr. Cloyd stated that as a Special District they are obligated to ensure the new construction pays its fair share if something needs to be upsized to accommodate the new development. Commissioner Mills asked about how Riparian Rights are awarded with Mr. Cloyd responding that determination is made by the state and it is set out in the deed for those parcels.

Commissioner Robey asked about the status of the Valley Oaks Project. Mr. Ken Porter of Valley Oaks Development estimated construction would begin by Spring of 2018 with product on line by 2019. On the matter of Riparian Water Rights, he stated that he has a letter from the State of California that recognizes the development's Riparian Water Rights and spells out the hook ups for the subdivision. He stated that he will provide EO a copy of the letter.

Commissioner Brandon suggested that Mr. Porter look at report Section 2.4.1, Valley Oaks Development, to verify the information. She also noted the following errors: page 5, Hidden Valley Lake is either 4.5 or 6 miles from Middletown, not 9 miles as stated and in the second to the last paragraph reference to a large Marina should be Clear Lake, not Clearlake. On page 7 re: fire evacuation 2015, should specify "Valley Fire". EO to incorporate all new, corrected or updated information into the report and set a Public Hearing for the September meeting.

7. Consider third amendment to agreement for LAFCo Legal Services as recommended at the May 17, 2017 LAFCo Meeting

Motion by Commissioner Simon, seconded by Commissioner Robey to approve Third Amendment to the Agreement for Legal Services between the Lake Local Agency Formation Commission and P. Scott Browne and authorize chair to sign the amended agreement. Motion carried.

8. Consider fourth amendment to agreement for LAFCo Staff Services as recommended at the May 17, 2017 LAFCo Meeting.

Motion by Commissioner Robey, seconded by Commissioner Simon to approve

Fourth Amendment to Agreement for LAFCo Staff Services between the Lake Local Agency Formation Commission and John Benoit and authorize chair to sign the amended agreement. Motion carried.

9. Authorize Commissioners and Staff to attend the Calafco Annual Conference in San Diego October 24-27, 2017.

Discussion was held on which members would be available to attend the Conference and it was determined that Commissioners Overton and Mills would attend. Commissioner Robey stated that he would be available to attend if needed.

10. Calafco Achievement Award Nominations.

The Commission reviewed Calafco information regarding nominations for a Calafco Achievement Award. Commissioner Mills suggested nominating Clerk Moran. The Commission concurred and Commissioner Mattina directed EO to submit the nomination. The Clerk expressed appreciation to the Commission for their support.

11. Nominations for 2017-18 Calafco Board of Directors.

Brief discussion was held. No nominations were offered.

12. Designate voting member and alternate voting member to vote on behalf of Lake LAFCo at the Annual Calafco Conference in San Diego.

Commissioner Sabatier nominated Commissioner Mills to serve as voting member and Commissioner Overton as Alternate voting member. Commissioner Robey seconded. No objections or other nominations were heard. Approved.

13. Executive Officer's report.

1. EO spoke to the Little Hoover Commission's recommendations currently under consideration, i.e., that the Legislature provide one-time grant funding for specified LAFCo activities, such as MSR preparation. Another recommendation calls for incentives for smaller special districts to develop or implement dissolution or consolidation plans, and a recommendation for funding augmentation for LAFCo's based on a percentage of local property taxes. This recommendation was based on the testimony provided by representatives of CALAFCo. There were several other LAFCo related recommendations, including proposals addressing the issue of inactive districts.

2. EO reported on the progress of the Cobb Area MSR/SOI and ultimate annexation of the Cobb Area County Water District. EO is working with various state agencies, using grant funding provided because of the Valley Fire.

14. LAFCo Counsel's Report

- Governor signed AB 464 on July 10.
- SB 448 by Senator Wieckowski This bill authorizes LAFCo to dissolve inactive districts (after determining they meet the criteria set forth in the statute) by

holding one hearing, without conducting a special study and with the waiver of protest proceedings. The Special District Association expressed concerns as did CALAFCo and both have been working with the Senator to make some necessary changes to achieve the elimination of paper districts.

- AB 1361, Municipal water districts: water service: Indian tribes. Amends Section 71611.5 of the Water Code - upon the request of an Indian tribe and the satisfaction of the conditions stated in subdivision (b), a district shall provide service of water at substantially the same terms applicable to the customers of the district to an Indian tribe's lands that are not within a district as if the lands had been fully annexed into the district and into any other public agencies required for the provision of water service if the Indian tribe's lands meet certain requirements.

CALAFCo is opposing.

Commissioner Simon noted that tribes statewide support the bill and spoke to preservation of sovereign rights. He stated that the bill would allow tribes to contract with water districts to provide service to tribal communities and businesses. Discussion was held on the recent unsuccessful attempt to annex into the Calyomi WD. Mr. Browne stated that annexation died because of the District, not LAFCo. Mr. Browne made explanatory statement in opposition to the bill noting LAFCo has no authority over the tribes or the federal government only the districts and their ability to provide services, and this bill would compromise LAFCo's watchdog role.

15. Commissioner Reports

Commissioner Brandon reported that the State Water Board will hold a public workshop in Clearlake at 1:00 pm on August 28 on the Clearlake Nutrient TMDL.

Commissioner Lyons asked about the status of the Storm Water Commission, if Commissioners Simon or Scott had been able to obtain any information as discussed at the last meeting. Commissioner Simon stated that he attempted to obtain information, but does not have an answer yet, and will continue to follow-up and let Commissioner Lyons and the rest of the Commissioners know as soon as he gets an answer.

Commissioner Mattina reported that the City of Lakeport and the County have been negotiating a tax share agreement for annexation and it is moving along well and that information should be making its way to LAFCo.

16. Correspondence

Flyer for the Calif Special District Assn Conference
10:48 a.m. Meeting adjourned.

Next regular meeting: Wednesday September 20, 2017 in Clearlake.

By: _____
Kathleen Moran, Clerk