

LAKE LOCAL AGENCY FORMATION COMMISSION
Minutes
March 16, 2022

Members Participating

Bruno Sabatier, Chair, County Member
Stacey Mattina, Vice-Chair, City Member
Ed Robey, Public Member
Moke Simon, County Member
Stan Archacki, Special Districts
Jim Scholz, Special Districts
Victoria Brandon, Special District Alternate
Suzanne Lyons, Public Alternate
Kenny Parlett, City Alternate

Staff Participating

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

1. Chairman Sabatier called meeting to order at 9:30 a.m. in the City Council Chambers, City of Lakeport. This meeting was conducted in person with teleconference and Zoom options available.
2. Approval of Minutes - Motion by Commissioner Robey, seconded by Commissioner Archacki to approve the Minutes of the January 19, 2022 Regular Meeting. Motion carried by the following vote:

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

NOES: None.

ABSENT: Commissioner Slooten.

3. Chair declared Period of Public Comment. None were heard.
4. Consent Agenda

Motion by Commissioner Mattina, seconded by Commissioner Robey to approve Consent Agenda items as follows:

- a. Authorize payment of expenses for January and February 2022.
- b. Adopt Resolution 2022-0003 - A Resolution of the Lake LAFCo Authorizing a remote Teleconference Meeting of the Commission Pursuant to Government Code Section 54953(e) and authorize the Chairman to sign.

Motion carried by the following vote:

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

NOES: None.

ABSENT: Commissioner Slooten

5. PUBLIC HEARINGS

Chairman Sabatier opened Public Hearing to consider an annexation of South Lakeport to City of Lakeport, property consisting of 136.78 acres more or less.

Mr. Benoit reviewed his Staff Report and noted that all reports and documents relative to the proposed annexation were posted for public review on the Lake LAFCo Website. He stated that the details and fiscal concerns of the proposed annexation have been facilitated and the City and County have reached an agreement. He stated that meetings had full involvement of City and County leaders, representatives, and staff. All agencies were invited to provide input. Mr. Benoit reported that both City and County want to move forward with the annexation to better provide essential services such as water and fire protection.

The Chair asked that it be noted that LAFCo communicated with all parties to bring them together on the annexation deliberations and requested that this verbiage be included in the Resolution.

Mr. Ingram, City Manager, City of Lakeport, requested approval. He stated that the project was on his desk when he began employment with the city seven years ago, but it's history goes back much further. He stated that at this point, the timing of the approval is critical to progress on the South Soda Bay Corridor/South Lakeport Project, and that the City is in the best position to provide water services to this project.

Mr. Ingram stated that the road project being conducted in the area is unrelated to the annexation and will move forward regardless of the annexation, however, the water services portion would be more efficiently executed if completed in conjunction with the road work. He made further statement regarding the advantages and benefits of the annexation. He stated that the city is committed to working with the county to assure a smooth transition of services.

Mr. Ingram referenced a comment letter received from Terre Logsdon on behalf of the Scotts Valley Tribe expressing concern for water capacity, and noted that these are legitimate concerns, but, overall the City has not seen a drastic increase in what is pulled from the Scotts Valley Basin and that the annexation will not create an additional draw on the Basin. He stated that the City is committed to working with the Scotts Valley Band of Pomo Indians to address any concerns.

10:15 a.m. Chair called for a break.

10:20 Chairman Sabatier called the hearing to order and opened public comment.

Nancy Ruzicka requested clarification on the protest and election process, and who would be a qualified voter. Mr. Benoit stated the process allows both property owners and registered voters to cast a ballot.

Mr. Browne clarified that if no written objections are submitted there will be no protest or election.

Justin Ratcliffe, property owner, Premier Flooring, spoke in opposition to the annexation.

Scott Lauder, owner of Lakeport Cinema and Lakeport Auto Movies, spoke in support of annexation.

Lakeport resident, Doug Morris, voiced his concerns with the road improvement project. Mr. Ingram will contact him outside the meeting regarding those concerns.

Jeff Thomas, Fire Chief, City of Lakeport spoke in strong support of the annexation, citing reasons such as significant potential fire concerns along the corridor, such as propane storage tanks, evacuation routes, and water services. He stated that the annexation is keeping with the mission and the vision of the department to mitigate and prevent catastrophic events.

Mr. Ratcliffe asked for clarification on submitting a formal objection, and voting qualifications. He then submitted a written objection to Mr. Benoit.

11:20 a.m. Hearing no further comments, Chair closed Public Hearing.

11:25 a.m. Chair called for a break and called meeting to order at 11:38 a.m.

Extensive discussion was held.

Commissioner Scholz stated that the objections appear to be based on the road project and not the annexation. Commissioner Mattina suggested that, in order to keep the work moving forward for the other properties the Commission consider removing Mr. Ratcliffe's property from the annexation plan.

Chairman Sabatier stated that he favors a complete annexation over partial annexation and does not support exclusion of properties.

Mr. Benoit stated that two objections have been filed. One by Justin Ratcliffe, and one by Kathleen Miller, which was filed after the close of the Public Hearing making it invalid. Mr. Benoit reviewed the protest process. He advised the Commission that they have the authority to add, remove or modify the territory in the annexation if they choose to, as long as the action is in compliance with LAFCo policies.

Mr. Browne stated objections have already been received, and that he would have to research the matter to determine if excluding at this point would invalidate any portion of the process prescribed by law.

Commissioner Simon asked if removal of the property would change the Tax Sharing

Agreement. Mr. Ingram responded that Mr. Ratcliff's property, Premium Flooring, was not included in the analysis as they were not operating yet, exclusion would not change the Agreement.

Commissioner Mattina stated that she favors excluding the property and moving forward with annexation.

Commissioner Parlett made strong statement in support of moving forward with the annexation. He stated that the objections received today are not specific to the annexation.

Chairman Sabatier stated that the Commission needs to be certain of their authority to exclude the property at this juncture. He does not recommend moving forward without that knowledge. Mr. Browne concurred and suggested that the Commission conduct a straw vote to see if there is interest in excluding the properties and, if so, allow him time to research the procedure. He recommended continuing the proceeding.

Commissioner Mattina asked Mr. Browne about the validity of the objections as they were written and submitted during the meeting. Mr. Browne stated it they are valid as long as they were received before the close of the hearing. Mr. Benoit stated that Kathleen Miller's objection was submitted after the close of the public hearing. Chair then confirmed there is just one valid objection, submitted by Mr. Ratcliffe.

Chair asked for a straw poll vote to determine if the Commission wishes to direct Mr. Browne to research the option of excluding Mr. Ratcliffe's property from the proposed annexation in order to move forward with the process.

Results of the straw polls were as follows:

Commissioner Archacki:	YES
Commissioner Scholz:	YES
Commissioner Robey:	YES
Commissioner Simon:	YES
Commissioner Sabatier:	NO
Commissioner Mattina:	YES
Commissioner Parlett:	YES

Mr. Browne will research the option of approving Mr. Ratcliffe's request that his property be excluded from the proposed annexation, to move forward with the annexation, or to proceed with the protest process.

Mr. Ingram asked about the timeframe for Mr. Browne's response. Mr. Browne stated that it depends on what his research shows, but that he would need at least a few days.

Discussion was held on timeliness of receiving the information.

Chair set a Special Meeting for March 30 at 9:30 a.m. in Lakeport for Mr. Browne to present findings.

6. Proposed Budget 2022-2023

Mr. Benoit reviewed Memorandum outlining Lake LAFCo's Proposed Budget for FY 2022-23 highlighting proposed 6.4% increases in several items due to inflation, including Commissioner Compensation, membership increase (CALAFCo), Attorney Contracts, Clerk Services, Office Expense, and Executive Officer Compensation.

Mr. Benoit then reviewed proposed Revenue account increases, and stated that the total proposed budget amount is \$269,000, a total increase of \$100 over last year, and includes the annual \$10,000 increase in Reserves.

Brief discussion was held. Chair asked if there were comments from the audience. None were heard.

Chairman Sabatier asked that, since there is a carry over, year by year, will a 6.4% increase be requested of the City, County and Special Districts. Mr. Benoit responded that it would not be passed along this year.

Motion by Commissioner Mattina seconded by Commissioner Archacki to adopt Resolution No. 2022-0004, A Resolution of Lake Local Agency Formation Commission Adopting a Proposed Budget for FY 2022-2023 and authorize the Chair to sign. Resolution passed adopted by the following vote:

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

NOES: None.

ABSENT: Commissioner Slooten.

7. Letter of Support for SB 938 regarding protest proceedings: procedural consolidations.

Motion by Commissioner Mattina, seconded by Commissioner Simon to authorize letter to Senator Robert Hertzberg expressing the Lake LAFCo Commission's support for SB 938 and authorize the Chair to sign. Motion carried by the following vote:

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

NOES: None.

ABSENT: Commissioner Slooten.

8. Executive Officer's Report

- a. Upper Lake area MTBE (Methyl tera-butyl ether) Drinking Water Contamination
- b. 700 Forms due April 1, 2022 to Lake County Clerk
- c. Special District Members and Alternate terms expiring. Notices sent and posted.

Betsy Cawn spoke to the Commission, via Zoom re: the Upper Lake MTBE issue not going smoothly. She expressed concern for the lack of information and that meeting information is not filtering down to property owners. Chairman Sabatier stated that he will follow up with Mr. Benoit.

9. LAFCo Counsel's Report - Mr. Browne will continue to participate in meetings via Zoom.

10. Commissioner Reports - None.

11. Correspondence - None.

Meeting adjourned 12:30 p.m.

Next Meeting: Special Meeting March 30, 2022 at 9:30 a.m. in Lakeport.

Next Regular Meeting: Wednesday May 18, 2022 at 9:30 a.m. in Clearlake.

By: Kathleen Moran, Clerk