

Lake Local Agency Formation Commission

Regular Meeting Agenda

Wednesday January 19, 2022 -- 9:30 am

This will be a Physical Meeting at the City Council Chambers in Clearlake
(A Zoom option is available for the public)

City of Clearlake – City Council Chambers

14050 Olympic Dr. Clearlake, California

Website: www.lakelafco.org

“Lake LAFCo oversees orderly development and protects natural resources and agricultural lands”

In person meeting: Required for all Commissioners. The Lake LAFCO meeting will be open to in-person attendance. To remain in compliance with the state’s public health guidance and CalOSHA COVID-19 Emergency Temporary Regulations [8 CCR §3205], masks will be encouraged to be worn by individuals who are not fully vaccinated while inside the Government Center and while in the Board Chambers.

Zoom meeting: The Commission proceedings are available via Zoom and you may participate in Public Comment by using the “raise hand” function. Pursuant to Government Code section 54953, local legislative bodies may hold public meetings via teleconference. Additionally, even when members of the local legislative body are attending meeting in person the local legislative body may make public meetings accessible telephonically or otherwise electronically to all members of the public. Members of the public are encouraged to observe and participate in the teleconference.

Public comment will also be accepted by email at j.benoit4@icloud.com Please list the item number you wish to comment on and submit your written comments 24 hours prior to the start of the meeting. Written comments will be distributed to the Commission prior to the meeting but not read at the meeting and are limited to 500 words

Oral public comments will be subject to a three-minute time limitation indicated below.

The complete agenda, including backup materials and materials related to items on this Agenda submitted to the Commission after distribution of the Agenda Packet, is available for public inspection on the Lake LAFCo website. Agenda materials are also available on the Lake LAFCO website at www.lakelafco.org

LAFCo is inviting you to a scheduled Zoom meeting.

Topic: Lake LAFCo

Time: Jan 19, 2022 09:30 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88239764685?pwd=eTVpRWxsYnhJakN2MGdSZXUzLy9qZz09>

Meeting ID: 882 3976 4685

Passcode: 051982

One tap mobile

+16699006833,,88239764685#,,,,*051982# US (San Jose)

+13462487799,,88239764685#,,,,*051982# US (Houston)

Dial by your location

+1 669 900 6833 US (San Jose)

Meeting ID: 882 3976 4685

Passcode: 051982

Find your local number: <https://us02web.zoom.us/j/88239764685?pwd=eTVpRWxsYnhJakN2MGdSZXUzLy9qZz09>

This meeting is also being agendized to allow staff and the public to participate via teleconference, pursuant to the Governor's Executive Orders These Executive Orders authorize local legislative bodies to hold a public meeting via teleconference or other electronic means and to make public meetings accessible to telephonically to all members of the public and staff in effort to observe Social Distancing Recommendations in effect for the entire country.

"Lake LAFCo oversees orderly development and protects natural resources and agricultural lands"

Commissioners

Dirk Slooten, (City)
Stan Archacki, (Special Dist.)
Jim Scholz (Special District)
Ed Robey, (Public Member)
Moke Simon, (County)
Bruno Sabatier Chair (County)
Stacey Mattina Vice Chair (City)

Commission Alternate Members

Victoria Brandon (Spec. District Alternate)
Suzanne Lyons (Public Alternate)
Tina Scott (County Alternate)
Russ Perdock (City Alternate)

Staff

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

LAKE LOCAL FORMATION COMMISSION
MINUTES
November 17, 2021

Members Participating

Bruno Sabatier, Chair, County Member
Stacy Mattina, City Member
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)

Staff Participating

John Benoit, Executive Officer
Scott Browne, Legal Counsel

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

November 17, 2021

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.

- a. *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*
- b. *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*
- c. *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

Lake Local Agency Formation Commission

CLAIMS

November and December 2021

Expenses for FY 2021-2022:

<u>Date of Claim</u>	<u>Description</u>	<u>Amount</u>
10.16.21 - 11.15.21	Browne Legal	\$ 1,837.00
Nov 17, 2021	Meeting Stipend	\$ 600.00
Oct 1, 2021	Staff Svcs Nov 2021	\$ 6,512.67
11.16.2021 - 12.15.21	Browne Legal	\$ 1,837.00
Jan 1, 2022	Staff Svcs Dec. 2021	\$ 4,847.67
TOTAL:		\$ 15,634.34

DATED: January 19, 2022

APPROVED: January 19, 2022

Bruno Sabatier, Chair
Lake Local Agency Formation Commission

Attest:

John Benoit
Executive Officer

RESOLUTION NO. 2022-0001**A RESOLUTION OF THE LAKE LAFCO OF THE AUTHORIZING A REMOTE TELECONFERENCE MEETING OF THE COMMISSION PURSUANT TO GOVERNMENT CODE SECTION 54953(e)**

WHEREAS, Government Code section 54953(e), as amended by Assembly Bill No. 361, allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined, by majority vote, pursuant to option 2, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the Governor of California proclaimed a state of emergency pursuant to Government Code section 8625 on March 4, 2020; and

WHEREAS, the LAKE LAFCO desires to hold its public meetings by teleconference consistent with Government Code section 54953(e).

NOW, THEREFORE, LAKE LAFCO DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Conditions are Met. The LAKE LAFCO hereby finds and declares the following, as required by Government Code section 54953(e)(3):

1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect.
2. The reasons for adopting this resolution are one or more of the following:
 - a. State or local officials have imposed or recommended measures to promote social distancing.
 - b. The legislative body is holding the meeting for the purpose of determining whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

- c. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

PASSED AND ADOPTED by the Lake LAFCo, this 19th day of January 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Bruno Sabatier, Chair

Lake Local Agency Formation Commission

ATTEST:

John Benoit, Executive Officer

LAKE LOCAL AGENCY FORMATION COMMISSION,

**Resolution 2022-0002
of the
Lake Local Agency Formation Commission**

*A Resolution of the Lake Local Agency Formation Commission
Amending its Policies, Standards and Procedures to include a policy regarding Municipal
Service Review Follow up*

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

WHEREAS, policies, standards and procedures are necessary to guide the Lake Local Agency Formation Commission in making determinations on future projects; and

WHEREAS, the Commission has reviewed, revised and updated the policies, standards and procedures adopted by LAFCO on September 16, 2020 and Amended on September 15, 2021; and

WHEREAS, In November 2021, the Commission conducted a workshop regarding the proposed Policies, Standards and Procedures amendments to include a policy regarding *Municipal Service Review Follow up*; and

WHEREAS, this Commission called for and held a meeting on this Policies, Standards and Procedures amendment on January 19, 2022 and at the meeting, this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to this amendment 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 attached updated Policies, Standards and Procedures Amendment shall guide the Commission in compliance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended.
2. Adding new policy Section 3.3e regarding follow up of Municipal Service Reviews is hereby added to Lake LAFCo's Policies, Standards and Procedures as shown in Exhibit A.
3. Any conflicting LAFCO Policies, Standards and Procedures regarding Indemnification and expiration of applications previously approved by the Commission are hereby repealed in favor of this amendment.

Lake Local Agency Formation Commission
Policies, Standards and Procedures Amendment (Municipal Service Review Follow up)
Resolution 2022-0002
January 19, 2022

The foregoing resolution was offered at a Regular Meeting of the LAKE LOCAL AGENCY
FORMATION COMMISSION on the 19th day of January 2022, and adopted by the
following vote of the Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Bruno Sabatier, Chair
Lake Local Agency Formation Commission

ATTEST:

John Benoit, Executive Officer
LAKE LOCAL AGENCY FORMATION COMMISSION,

Exhibit A

Proposed Policy Amendment Language:

Add new policy section as follows:

3.3 (e) Service Review (MSR) Follow up

Upon adoption of a service review (MSR) LAFCo staff shall initiate a follow-up regarding the adopted Service Review (MSR) determinations with the agency (ies) responsible for providing the service (s). The purpose of this procedure is to assist the district in providing improved service to its customers. The service provider will be asked to attend a LAFCo meeting within a year (more or less) to inform the Commission how it is addressing the determinations made by LAFCo during the time since the Service Review was adopted. At that time the Commission may make further findings regarding the service (s) provided.

1. Pledge of Allegiance and Call to Order – Roll Call

2. Approval of Minutes – November 17, 2021

Action: Approve November 17, 2021 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

- a. *Review and authorize payment of expenses for November and December 2021.*
- b. *Resolution 2022-0001 authorizing teleconference for the January 19, 2022 meeting*

5. LAFCo Policy Amendment regarding proposed language regarding MSR follow up as part of the MSR review process

- a) *Review, discuss and amend proposed policy language and conduct second reading of the policy.*
- b) *Consider Resolution 2022-0002 adopting a follow up policy for Municipal Service Reviews.*

6. Continued discussion regarding Domestic Water Providers in Clearlake.

- a. *This item is a continued discussion of issues related to the provision of domestic water services within the City of Clearlake and discussion of fire flows and possible grant funding.*

7. General Discussion of fire flows, possible grant funding and other issues facing water districts throughout Lake County and clarification of LAFCo's role.

- a) *Provide Direction to staff for possible further action*

8. Executive Officer's report.

- a. *South Lakeport Annexation. Information on Process regarding the South Lakeport annexation: status, tasks and timeline*
- b. *Upper Lake area MTBE (Methyl tert-butyl ether) Drinking Water Contamination and LAFCo's action items*
- c. *Anticipated Projects: Middletown Rancheria Expansion & Konocti County Water District*

9. LAFCo Counsel's report

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 March 16, 2022 9:30 AM 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:

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 j.benoit4@icloud.com. Agenda packets are located on the Lake LAFCO Webpage at www.lakelafco.org