

LAKE LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF REGULAR MEETING  
January 21, 2015

PRESENT:

Ed Robey, Public Member  
Frank Gillespie, Special Districts  
Martin Scheel, City Member Alternate  
Stacey Mattina, Chair, City  
Joyce Overton, City  
Jim Comstock, Vice-Chair County Member  
Gerry Mills, Special Districts Member

ALSO PRESENT:

Suzanne Lyons, Public Alternate  
Jim Abell, Special Districts  
John Benoit, Executive Officer  
Scott Browne, Legal Counsel  
Alternate

ABSENT:

Anthony Farrington, County Member  
Jeff Smith, County Member

**1. Call to Order/Roll Call**

The meeting was called to order at 9:35 am. There was a quorum present. Commissioner Scheel will be voting as the City Member since the Mayor's Select Committee has not yet approved Commissioner Overton.

**2. Approval of Minutes – December 18, 2014**

Commissioner J. Comstock made the motion to approve the December, 2014 special meeting minutes, second by Commissioner E. Robey; motion carried unanimously.

**3. Public Comment – No public comment received.**

**4. Consent Agenda**

Commissioner Ed Robey moved to authorize payment of the December 2014 expenses in the amount of \$10,499.88, second by Commissioner Jim Comstock; motion carried unanimously.

**5. Preliminary Draft of the City of Clearlake Service Review and Sphere of Influence**

Chair Mattina *began* by giving a summary of the agenda item, which is an overview of the Process leading to adoption of the MSR and SOI for the City of Clearlake. *Copies of the preliminary draft City of Clearlake Service Review and Sphere of Influence are in front of the Commission.*

Executive Officer Benoit stated he handed out copies of the draft service review and sphere of

influence and will give copies to Anthony Farrington and Jeff Smith and stated the reason for the preliminary draft is because there are items that need to be completed such as the General Plan and the need for an environmental document for which to rely upon when approving the Sphere of Influence. The tentative recommendation is the SOI be the same as the city's boundary. Service reviews become outdated in short order and stated he would be meeting with Joan Phillipe, the Clearlake City Manager to go over some items namely financing and stated we would be discussing the Clearlake MSR at the May 2015 LAFCo meeting in Clearlake and the Fire MSR at the next meeting in Lakeport. Benoit asked the Commission and others to provide comments on this MSR within a month (by the end of February) on the 124-page document.

Regarding the General Plan, Benoit is waiting for a final draft copy before an expanded section on planning is completed. Benoit asked City Manager, Joan Phillipe the status of the City's General Plan. The Draft is completed and the EIR is completed. But stated there are some consistency issues that need to be addressed and it is anticipated the General Plan will go before the City Planning Commission in March and the Council in April or maybe May so the City is very close to completion. Benoit explained the next LAFCo meeting will be on May 20<sup>th</sup> and would like to see the responses to comments on the DEIR.

Benoit stated this is not a public hearing but a discussion of the draft and there may be members of the public who may wish to make comments at this time. And stated he tried to look at Water (4 water entities), Sewer (Lacosan) and Fire (Lake County Fire) since these agencies although not provided by the city will impact the city. The rate comparison tables for water and wastewater need to be made comparable with other similar agencies such as the City of Lakeport albeit there are many variables.

Ed Robey stated the 3 water companies (setting aside Lower Lake) one being a mutual, the other a utility and the other a public water agency and asked if they were subject to LAFCo's jurisdiction. Benoit responded they are not within LAFCo's jurisdiction and LAFCo has asked for information and these entities are supposed to respond with the information. The agencies all receive water from Clear Lake.

Commissioner Mattina asked for other Commissioner Comments and there were no commissioner comments and asked the public for comments. Mike Dunlap asked re: page 64 of the draft MSR-SOI regarding enforceable obligations (Series A Revenue Bonds) and on the top of page 65 is the future debt service and referred to the table. The Debt service went from \$852,000 per year \$4,258,000 per year. How is that going to be paid? Martin Scheel stated the \$4,258,000 per year is over a 4-year period (2019-2023). Benoit intends to ask Joan Phillipe about this.

Betsy Cawn asked if John was going to go over the Chapters of the MSR. Benoit explained there is an introduction, service review sections including the setting and various issues including flood control and storm maintenance and the need to look at the General Plan policies. He stated the budget needs to be the final budget, which would be an easy edit. Benoit discussed the findings (determinations) regarding the Disadvantaged Unincorporated Communities (DUCS), and that Clearlake is an incorporated disadvantaged area. And discussed the appendices including the Grand Jury reports and Measure P for police protection that was approved and the discrepancy in financing between various departments. Discussed Roads and the PEG channel and recent changes and Stormwater management and TMDL's and the City is a Co-permittee in the NPDES permit and discussed the maps and the City's proposed coterminous sphere and requested the Commission review the document by the end of February.

Betsy Cawn page 70 discussed determinations under Section 4.5.2 and item 5-3 The city of Clearlake belongs to two JPA's.... would like to add a third regarding Stormwater Management

and the NPDES permit and how the city participates. On 71, Item 6.1 the City of Clearlake DPW director had previously indicated he would make available the City's stormwater program information and this has not yet been done being a lower priority item. Just to say this should happen to comply with the NPDES permit.

Scott Nuttall wished to piggyback on Mike Dunlap's question regarding how the city was going to weather such debt service. Is it something the City can actually do or is that too much?

Stacy Mattina asked Benoit if that is something we could get into today. Benoit responded we need to meet with Joan about this and had no answer about this at this point.

Betsy wished to add a comment regarding a comment from Will Evans from the LCDPW Resources Dept. Program Coordinator. He is the person in charge of coordination of the Lake County Clean water Program that includes the 3 co-permittees. There is a lot of dialogue going on between the CVRWQCB will be bringing the workgroups together shortly to address the new permit requirements. So the stormwater section of the MSR is the thing that we are concerned about. The original Stormwater plan was written in 1982 and updated in 1994. Stormwater philosophy has changed since that time from getting the stormwater out as fast as possible to slowing storm water down and recharging aquifers and keeping water in habitats and fire resistant landscaping and this is something the City needs to address.

Jim Comstock stated that LAFCo couldn't solve the problem. Mike Dunlap's point is can the city solve this problem and if not the Commission will need to make some sort of recommendation should the city not be able to pay but the problem will not go away in any event and explained a situation that has occurred in Yuba County. Mike explained bankruptcy is different than disincorporation.

## **6. Draft outline for the Watershed Protection District Sphere of Influence (SOI).**

Benoit handed out the outline for the WPD SOI update and the items are the generic contents for a SOI update and explained the options for the WPD SOI are too numerous to state at this point. i.e. leave it alone, should the SOI go by watersheds, does the new legislation forming the WPD affect the updated SOI? What area is affected by the NPDES permit? Are the parts of the County in light of the new legislation that the WPD is not active in, which should be looked at? The City (Clearlake) is doing a new General Plan and we will have that completed by the time the WPD SOI is done next year. Benoit would like to have the SOI done as early as possible since the facts within the Service Review change very quickly. And does not desire to re-do the Service Review and referenced the issue brought up by Jim Steele at the December LAFCo meeting. We will look at the Public Facilities and future capacity. The SOI requirements need to be morphed to fit the WPD unlike the Upper Lake County Water District where you have a specific community of interest whereas this SOI is a whole portion of the county having several communities. A question is the focus of the SOI should it be for the Clear Lake watershed only? The Commission will be asked to determine the SOI and stated that some countywide districts have SOIs less than the County boundaries such as LACOSAN.

Suzanne Lyons asked a question if the SOI were to be pulled in, who would have the responsibility for the area left out? Benoit is not sure at this time.

Betsy Cawn discussed the service area being coincident with county general plan planning areas regarding stormwater services. Taking the SOI beyond the planning area bounds and the Cities you reach a limit where there is federal land and stated we don't have jurisdiction over the federal

lands even if they lie within the watershed for permitting. That would give you for areas the lake, the MS4, community development area boundary definitions and the SOI for 5, 10, and 20 year growth out to a maximum where the actual county services will be delivered. Regarding public lands you would need cost sharing and agreements. Betsy explained that is what we are thinking about as a rational way to define the lines for specific services and then you will be able to define the costs for those boundaries and look at for example the property taxes generated for the WPD within the cities and you may identify where you may find the City should have been getting flood control and storm water services delivery to help prevent the flooding you should have had and restated the district is funded by a shared cost (the Cities and unincorporated area).

Ed Robey stated he would love to debate this issue with Betsy, for example, the watershed does not conform to arbitrary lines i.e. districts and communities boundaries and discussed the stormwater does not come from within the City but from outside the city limits and watershed protection involves going on beyond the city boundaries and would like to discuss this further. Robey discussed there are 3 watersheds within the County. Stacy Mattina asked what is the timeline for this and how are we going to go about completing it. Benoit responded we would prepare the SOI next fiscal year using a process not unlike the WPD MSR with a public hearing. Jim Comstock asked Suzanne Lyons that Ed Robey pretty much answered her previous concern and stated the Watershed is not a political boundary or an arbitrary line completed over period of millions of years of hydrology and geology. Suzanne commented that what she was looking at no matter what happens who would take care of that part which is upstream of an area within the SOI. Jim Comstock stated that it might be a collaborative effort. Being territorial is not going to solve it.

Betsy Cawn added one more comment about while the USGS boundary for the Watershed is not a political unit the taxpayers pay for services in defined political boundaries and that is why LAFCo exists and suggested we identify degrees or levels of service to focus on the immediate and we have to know what your tasks are and how to pair them down. We know we do not have the money to take care of the entire 825,000-acre county. We know we have to take care of the drainage area to the lake and where we have a slightly large area where we can determine agreements between the county and federal agencies. Betsy discussed a case whereby the City of Los Angeles US Supreme Ct. to challenge a decision by the State Water Board you are responsible for everything that comes into your drainage system regardless if you own the property or not or have the money to fix the problems or not and that has caused such an enormous disruption in the State's storm water program. We do have the responsibility to make sure of what is coming in from the federal lands does not pollute the lake yet we do not have the money to fix every single watershed and we have to conserve their service deliveries to political boundaries, that tax payers pay for.

Scott Nuttall believed Mr. Robey was right and you do have to start at the top and unless we take care of what we can do we are really in trouble. And thinks we need to work with the feds and also we need to maintain our area of influence. And does not believe we or the federal government are able to take care of all they need to do either. And agreed with Betsy Cawn regarding lets try to do what we can do.

Suzanne Lyons attended a meeting years ago regarding the Army Corps of Engineers (COE) asking what can we do for you and the County representatives did not know. She further stated we need to know what we need couldn't do it at that time. The representative from the COE explained what they could do and made suggestions such as the COE could work with the NFS and the BLM. We need to define what we need.

Ed Robey agreed with the last two speakers that we need to identify the problems and discussed

attending a conference and having lunch with attendees from Los Angeles and was glad we did not have to deal with their problems. The folks from Los Angeles covered up their creeks and rivers with the idea we need shoot the stormwater out to the ocean as quickly as possible rather than letting it soak into the aquifers. Today they now have Sea Water Intrusion because the salt water is coming in from the ocean and polluting their aquifers.

## 7. Executive Officer's report

- a. *Fire Service Review would like to bring up at the March 18, 2015 meeting. Jim Comstock asked if it would be all the district's collectively. The Fire Chiefs will need to look at this again and look at prop 172 and how to have development pay for itself.*
- b. *Policy Update talked about updating the policies in light of changes to the CKH*
- c. *Public Member Recruitment – We will need to prepare a Public Member recruitment and will have to advertise for the public member*
- d. *City Selection Committee is about to meet. The City of Lakeport will have the City Member alternate and the Committee will need to officially appoint Joyce Overton as a city member.*
- e. *700 forms due April 1<sup>st</sup>, 2015. Benoit stated the Commissioners need to file the 700 forms with the County Clerk's office.*
- f. *Meeting Schedule for calendar year 2015. Benoit stated the meeting schedule is posted on line as well as the Clearlake MSR*

Benoit discussed small annexation to the CCWD and a possible reorganization regarding the CLOCWD and CSA #16 via an annexation process and amendment to the Spheres of Influence and discussed the CLOWD MSR being updated due to a Grand Jury Report identifying problems with the district.

Benoit discussed updating the Application forms along with the policy update.

Gerry Mills brought up Ambulance Operations and the funding. Benoit explained there were international large ambulance companies that underbid local ambulances and later provide one ambulance as opposed to the 23 ambulances currently in Lake County. This is a problem for some of the districts. The ambulance operations are helping fund the fire functions of the fire districts. Ed stated that medical calls are about 80% of the emergency calls; Gerry Mills went on to say that amount is higher. Ed Robey stated it is important the districts collect the bills for ambulance services. Gerry Mills stated the fire departments have Advanced Life Support and Paramedics on staff and ready to respond and if you go back to ambulance companies, the departments will have to cut back on personnel drastically. Jim Comstock mentioned that we remember when the ambulance provider left with an hour's notice and that is when the fire departments geared up to provide the services. Jim Comstock also mentioned the ambulance ordinance does not preclude an outside company from coming in to provide services. Jim Comstock agreed this is a big issue and needs to be addressed in the MSR.

Mike Dunlap understands that the local EMTS are the only ones that can call one of the air

ambulances and that should be in the report if that is true and is a significant issue.

**8. Commissioner Reports**

Jim Comstock discussed the drought and the rain event and there are clogged creeks due to lack of maintenance and that inmate labor is available again through the Sheriff's Department and the Conservation Camps will have inmates available and discussed trash in the culverts. A discussion regarding the use of this type of labor on private property took place.

9. Correspondence

There was no correspondence to report.

10. The meeting was adjourned at 10:40 a.m. to the March 18, 2015 to take place in Lakeport