

LAKE LOCAL AGENCY FORMATION COMMISSION
MINUTES OF REGULAR MEETING
JULY 15, 2015

Present:

Stacey Mattina, Chair
Jim Comstock, Vice-Chair
Ed Robey, Public Member
Martin Scheel, City Alternate
Frank Gillespie, Special District Member
Gerry Mills, Special District Member
Jim Abell, Special District Alternate
Suzanne Lyons, Public Alternate

Staff Present:

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

Absent: Anthony Farrington, County Member, Jeff Smith, County Alternate, Joyce Overton, City Member.

1. Call to Order/Roll Call

Chair Mattina called the meeting to order at 9:30 a.m. in the City of Lakeport City Council Chambers. There was a quorum present.

The Chair announced that Agenda Item No 8, Public Hearing regarding the Dissolution of Reclamation District #695, would be moved up to the first Public Hearing.

2. Approval of Minutes for the May 20, 2015 Regular Meeting.

Commissioner Lyons asked for clarification on: detachment page 5, paragraph 3. She stated that it was her understanding that the discussion was on how to get the agency to perform rather than the city. Mr. Browne agreed and added that he had said that since LAFCO does not have direct enforcement authority, nor the city, the city could request the water authority to provide the services within the city or the city could seek detachment and provide the services themselves. Ms. Lyons concurred and requested the change. The Clerk noted the correction will be reflected in today's minutes.

Betsy Cawn noted that on page 2 of the Minutes, Mr. Nuttall's first name is Scott.

Betsy Cawn asked about the additional finding referenced in the motion adopting Resolution 2015-003 approving the City of Clearlake MSR. The Chair noted that the written finding referenced was added at the meeting verbally and was not a written part of the Resolution at the time of the vote. The written finding itself was not a part of the 5/20 minutes, but was verbally included at the time of approval.

Commissioner Robey pointed out on page 2, the name of the attendee listed as "Tom Slaton" should read Tom Slaight.

Mr. Dunlap noted a clerical error on page 5 and his statement should be corrected to read, "It is LAFCo's job to inform those agencies and districts that they are **not** doing their job".

Motion by Commissioner Comstock, seconded by Commissioner Robey to approve the Minutes of the May 20, 2015 regular meeting, with corrections. Motion carried: All yes. Noes: None.

9:36 a.m. Commissioner Overton arrived and Martin Scheel moved to the Alternate table.

3. Public Comment

Michael Dunlap referred to previous commission action relative to completion of the MSR for the Watershed Protection District. He stated that the matter still has not been brought to the public's attention in the appropriate forum, which is the Directors of the Watershed Protection District who are also the Board of Supervisors. He noted there are two County representatives present and asked why a recommendation made by this commission has not been brought to the attention of the public. Chair Mattina asked if this matter would appear on a future LAFCO agenda.

Betsy Cawn asked if the additional Finding re: the Clearlake MSR (Resolution 2015-003 adopted on May 20, 2015 meeting) had been completed. EO responded it had and that he would forward the finding to Ms. Cawn.

4. Election of Chair and Vice-Chair for fiscal Year 2015-2016.

Chair Mattina turned meeting over to EO who opened nominations for the 2015-16 Chairmanship.

Commissioner Gillespie nominated Commissioner Mattina. Commissioner Overton seconded the nomination. EO called for other nominations, hearing none nominations were closed.

EO declared Commissioner Mattina as 2015-16 Chair by affirmation and turned the meeting over to Chair Mattina.

The Chair called for nominations for Vice-Chair.

Commissioner Mattina nominated Jim Comstock to serve as Vice-Chair for the 2015-16. Commissioner Robey seconded the nomination. Motion carried: All yes. Absent: Commissioner Farrington.

5. Consent Agenda

Motion by Commissioner Robey. Seconded by Commissioner Comstock, to authorize payment of expenses for May and June 2015. Motion carried: All yes. Absent: Commissioner Farrington.

6. Public Hearings:

1. Dissolution of Reclamation District #695 Tule Lake Reclamation District west of Upper Lake and South of Highway 20. (Agendized as #8, moved up at the request of the District)

EO reviewed background on the District formation, its location and purpose. He stated that all landowners within this District have placed their land in the USDA's Wetland Preserve Program therefore retiring said properties from agricultural production and are requesting the dissolution. E.O. noted the Commission had previously waived the District's fees. Commissioner Comstock requested that the District's financial condition be restated for the record. EO and Mrs. Pavniska, reported no outstanding debts and any remaining funds would be disbursed by the County Auditor. The last financial report showed a balance was \$327. Further, there is no successor agency needed as the territory is no longer in need of reclamation district services.

The Chair opens the Public Hearing.

Mike Dunlap asked if consideration has been given to the recharge of the aquifer/groundwater element involved in where the district lies. Would the Resource Conservation District at the east end of the lake, with no real ties to the west end pick up that responsibility?

Betsy Cawn stated that she had a conversation with the head of the Vector Control District Dr. Scott. Dr. Scott asked Betsy if she could put her in contact with the Conservation Management Plan for the Reclamation Area. She stated that she is unable to do that, however she said she would be talking to the Commission later about the Westlake Resource Conservation District and the Eastlake consolidation. She stated that she attended their meeting last night and has information relative to this subject. She stated that there is no Conservation Plan and there are issues to be considered, such as the lake being used for many years for rice farming, known to be extremely polluting and upstream of Robbins Slough with no monitoring, etc.

Marilyn Pavniska, who sits on the Board of Directors, referred to the Reclamation District's Resolution, made explanatory statement regarding the Board's decision to dissolve the District. She stated there will be no farming, the land will be returned to a natural wetlands, further, the Lake County Office of NRCS does have a Conservation Plan.

Brief discussion was held. Ms. Cawn responded that if the plan does exist at the NRCS office, it needs to include the agencies that are implementing the Wetlands Restoration, and as of this moment it does not include the Lake County Clean Water Program, which Ms. Cawn stated should be integral to the implementation of the Clean Water Quality Permit.

Chair Mattina asked if there were any other comments or questions. None were heard and the hearing was closed. Chair asked if there were any questions.

Commissioner Lyons asked about the restoration project for Middle Creek and Tule Lake holding pond, is someone going to make sure that it is restored to do what it originally did. Ms. Cawn stated that it is public funds, local and federal funds, being invested in a restoration project, which is beneficial, but for example, Middle Creek Restoration Project has 20 years of plans and permits, etc. Here is a similar body of water similarly treated and used upstream and directly in contact with the restoration project that we are spending more millions of dollars on. We don't know what the impact of this Restoration Project is going to be, it has not been discussed.

Chair again asked for questions or comments. None were heard.

Commissioner Robey made a motion to adopt Resolution No. 2015-0008 A Resolution Making Determinations and Approving the Dissolution of Reclamation District # 695 Tule Lake Reclamation District, adding "subject to the terms provided for the district dissolution. Commissioner Comstock seconded the motion Resolution passed and adopted by the following vote:

AYES: Commissioners Overton, Mills, Comstock, Gillespie, Mattina and Robey.

NOES: None

ABSENT: Commissioner Farrington.

Commissioner Robey stated that in response to Ms. Cawn's statement wherein she stated that no one had ever discussed the impacts of this project, noting that, in actuality, this project has been going on for well over 10 years, including Public Meetings in the Upper Lake area and has been well discussed, noting that this is just one small piece of a long, long process.

6. Public Hearing regarding a Service Review for Fire and EMS services and Sphere of Influence Update for the Kelseyville FPD, Lake County FPD, Lakeport FPD, Northshore FPD, South Lake County FPD, and the Lake Pillsbury FPD.

EO stated that a few months ago he sent a Draft Service Review out for comment from the Fire Districts, which were received and have been incorporated into a memo. Lakeport FPD comments were provided in a separate memo. EO presented map of areas. He stated that the Lakeport Chief has requested that the Cow Mountain area be included within their Sphere of Influence as they respond to most of the medical calls in that area. EO noted a review of a Sphere Map for the entire county shows that throughout the county there are government lands within the spheres of various agencies. He recommended the map be updated to reflect that information.

EO reported that, by mutual agreement the Northshore and Lakeport Chiefs agreed to split the small area shown on the map, the southern part would be placed into the Lakeport Sphere, and the northern part in the Lakeshore Sphere. EO stated that this decision brought up the matter of areas that are not within any sphere and how that would be addressed in order to be consistent. Based on input from the Chiefs and response data, EO recommended that all of the area north of the Northshore Fire be included in the Northshore Sphere, with the exception of the area within the Lake Pillsbury Fire District. EO stated that would be a change from the recommendation contained in the memo, but would clarify what would go to Northshore's Sphere and what would go to Lakeport's Sphere. EO noted that if the Sphere Update was approved as amended the entire county would be contained within one of spheres.

Commissioner Lyons asked if any costs would be incurred as a result of the changes and who would be responsible for them. Commissioner Mills and Comstock stated the fire departments in those area are already responding and they do an excellent job, and it's a good idea to include all areas in the Sphere of Influence, approval will not change the cost of the services

Chair opened Public Hearing. Mr. Dunlap asked if the sphere changes would have a liability impact on the districts should they not be able to respond with the proper equipment.

Northshore Fire Chief, Jay Beristianos, provided information on the district's equipment, preparedness and expressed his confidence in the ability of his department to respond.

Comments were heard from Commissioner Comstock regarding agency response. Ms. Cawn commented on the value of MSR information as it impacts real estate value and insurance coverage.

Chair closed the Public Hearing.

Commissioner Overton asked if the expanded area could mean the possibility of more funding. Mr. Browne responded that it depends on if there is a tax or assessment in place, without that most counties would not give Fire Districts additional monies.

EO drew attention to his report, which emphasizes the importance of the services provided by the local fire districts and the need to support the districts and their programs. He stated that a good portion of the revenue comes from EMS.

Ms. Cawn stated that as an advocate for senior services, at least 25% of the area's population is over 60 years old, she is aware of the high rate of front line medical services performed in the home because we have a high level of service from these providers we need to protect it. BOS has it within their power to support the efforts of the chiefs and the districts and the commission can strengthen that be making by making a clear finding to promote that support.

Commissioner Mills moved to adopt Resolution 2015-0006 thereby adopting a Service Review for Fire and EMS services in Lake County. Commissioner Overton seconded. Resolution passed and adopted by the following vote:

AYES: Commissioners Overton, Mills, Comstock, Gillespie, Mattina and Robey.

NOES: None.

ABSENT: Commissioner Farrington.

Commissioner Mills moved to adopt Resolution 2015-0007 thereby adopting a Sphere of Influence Update for the Kelseyville FPD, Lake County FPD, Lakeport FPD, Northshore FPD, South Lake County FPD, and the Lake Pillsbury FPD. Commissioner Overton seconded. Resolution passed and adopted by the following vote:

AYES: Commissioners Overton, Mills, Comstock, Gillespie, Mattina and Robey.

NOES: None

ABSENT: Commissioner Farrington.

7. Public Hearing for Consolidation of the East Lake and West Lake Resource Conservation Districts and Formation of the Lake County Resource Conservation District.

EO received a request to continue the hearing to the September 16, 2015 meeting. EO recommended the hearing be opened to receive comments and then continue to next meeting. EO noted that he had not prepared a staff report as yet.

Ms. Cawn stated that she attended the Westlake Resource Conservation District board meeting and reported that the district has not yet prepared a fiscal analysis of the costs of merging the two districts. She stated that each has their own separate financial systems, financial obligations, and grant management. She provided some additional information from that meeting and advised the Commission of issues to be aware of for the next couple of years, such as the sustainable groundwater management planning that's going to be imminent in Big Valley and Scotts Valley where we're going to lose the strength of the representation of the Westlake Board members. She noted that there is a committee comprised of members from each board to address the issues, and made further statement as to the importance of follow up on the consolidation.

Chair Mattina asked for other comments. None were heard.

Motion by Commissioner Comstock to continue Public Hearing for the Consolidation of the East Lake and West Lake Resource Conservation Districts and Formation of the Lake County Resource Conservation District to the Commission's Regular Meeting on September 16, 2015 at 9:30 a.m. in Clear Lake. Commissioner Gillespie seconded. Motion carried: All yes. Absent: Commissioner Farrington.

#9. Public Hearing on a Sphere of Influence Update for the City of Lakeport.

EO made opening statement and reported that Commissioner Farrington asked this to be continued to the September meeting as he is not here today. EO stated that all documents relative to this hearing have been posted on line. He reviews the various versions of the Lakeport Sphere of Influence, information as contained in the EO report dated July 15, 2015, and the options. EO presented a map with the original Sphere (1994), and reviewed the additions and deletions proposed.

EO reported that there were several landowners on McMann Rd that sent letters/emails requesting they not be included in the "annexation", but this is not an annexation. EO continued to say that the Sphere of Influence is one of the steps toward annexation, but this step itself is not an annexation. There are several other things that need to occur. This is a plan for a **probable** growth boundary for the City, and that is what a Sphere of Influence means, not that it is going to happen. LAFCo was given the opportunity to comment on the environmental documents, which we did. We have complied with CEQA. EO stated that LAFCO has the staff recommendation, it seems like a sound recommendation, but the Commission is the decider the City has done its due diligence. EO made further statement regarding the process and this step in the proceeding.

Commissioner Comstock restated that Commissioner Farrington had specifically requested this matter not be acted upon today as he is not present, and to continue the matter to the next meeting, and we should respect this request.

Matt Perry stated that staff is also asking for a continuance, and request that the Commission honor Commissioner Farrington's request, as we need more time to review the information.

Commissioner Comstock stated that the Sphere is not directly related to annexation, but when citizens ask to not be included, is it in our authority to exclude? EO responded yes, you may amend my recommendation by excluding those areas now, or designate it, according to policy, as an area of concern. EO concerned that as the area remains in County, the development patterns are shaped by the County, which may or may not be consistent with those of the City.

Commissioner Comstock asked about a possible "sentiment survey". John said we could do it, but a lot of work, determine the parcels, contact landowners, receiving input, etc. It will cost time and money. City did that years ago with Adamson annexation.

Ms. Cawn asked what the action would have to do with the groundwater source. Mark Brannigan Public Works Director City of Lakeport responded that he does not believe the groundwater source is in issue as it is beyond the sphere.

Chair Mattina stated that she was not sure a continuance was appropriate. Commissioner Comstock stated Commissioner Farrington and the County CAO both requested the continuance, that it should be opened and then continued.

Commissioner Mills asked Counsel if he should he abstain since he resides in the area. Mr. Browne responded in the affirmative and stated that the Alternate could then vote. .

Suzanne Lyons made statement in support of moving forward with the hearing. Alternate Commissioner Scheel requested to move forward today.

City Manager Margaret Silveira urged the Commission to move forward today.

Mr. Dunlap urged the Commission to move forward.

Mr. Perry questioned if proper notice of the hearing had been given, and spoke in favor of continuing the hearing. EO reviewed the notice schedule, confirming that proper notice was given. Mr. Perry stated that the actual report was only received last week. EO responded that all requirements were met, but acknowledged the large amount of information.

Mr. Perry requested the Commission continue the matter to allow the County additional time to review the information.

Chair Mattina stated that the hearing was properly noticed, that there is a quorum and that the matter should move forward, further, the information in the report itself was not new information.

Commissioner Comstock stated that there is a concern that the next meeting in Clearlake. Why not continue to November meeting.

Chair Mattina opened Public Hearing.

Mr. Coel, Community Development Director for the County referred again to Government Code notice and meeting requirements and questions whether they have been complied with. EO responded that all requirements were met and that he will be meeting with Mr. Perry. Mr. Coel stated that neither he nor Mr. Perry has had adequate time to review the information and a continuance would be in order.

Mr. Ingram stated that this has been in the works for a long time with no new information, and urged the Commission to move forward.

Commissioner Overton stated that the continuance will not stop any immediate required actions, and waiting will not cause a problem.

Ms. Cawn stated that a delay is a waste of time and therefore loss of public funds.

For the record the EO read names of those who sent letters or emails requesting exclusion from the Sphere of Influence: Barbara McCormick, Joe Butcher, Jody and Rob Howe, Jill Shaw letters. He stated there were also some others, although it was unclear if all were speaking about the Sphere of Influence or annexation. .

Mr. Ingram addressed that concern noting that the Mc Mahan Lane area has been in that boundary since at least 1994, and there may be some confusion that it is an annexation, but we are retracting the boundary in that area as it is not appropriate for urban development.

Chair Mattina asked the pleasure of the Board, either close this Public Hearing or continue it. She then asked the Commission for questions or comments.

Commissioner Comstock recommended a continuance to 9/16/2015 and with the meeting to be held here in Lakeport.

Mr. Dunlap asked EO the reason for the alternating meeting site schedule. Upon hearing response, Mr. Dunlap objected to holding the meeting in Lakeport.

Motion by Commissioner Comstock re: Public Hearing on a Sphere of Influence Update for the City of Lakeport to keep the Public Hearing open and continue it to September 16, 2015 meeting. Commissioner Overton seconded the motion and added that the continued meeting will be held in Lakeport. Commissioner Comstock concurred and agreed to the motion as amended. Motion carried by the following vote:

Ayes: Commissioners Overton, Comstock, Robey, Abell.

Noes: Commissioners Gillespie and Mattina.

Abstain:

Absent: Commissioner Farrington.

Commissioner Overton moved to amend previous motion to continue Public Hearing for the Consolidation of the East Lake and West Lake Resource Conservation Districts and Formation of the Lake County Resource Conservation District to the Commission's Regular Meeting on September 16, 2015 **to be held in Lakeport**. Commissioner Gillespie seconded. Motion carried: All yes. Absent: Commissioner Farrington.

10. Executive Officer's report

Clearlake Oaks County Water District and the CSA 16 have filed an application to dissolve the CSA 16. EO to begin processing upon receipt of Resolution from the Water District.

EO provided notice that the Middletown Rancheria has filed an application to annex into the County Water District. Commissioner Comstock noted that it is non-contiguous annexation.

EO noted that if this room available we may meet in an alternate meeting room should the Lakeport meeting room not be available.

Three Commissioners will attend the Statewide LAFCO Conference in Sacramento.

11. Commissioner Reports – none.

12. Correspondence

EO received a letter from Lake Co Bd of Ed. Re: Upperlake Elementary and High School intend to form a Unified School District.

Meeting adjourned at 11:00 a.m. The next meeting will be held on Wednesday September 16, 2015 in Lakeport.

By: _____
Kathleen Moran, Clerk