

LOCAL AGENCY FORMATION COMMISSION OF LAKE COUNTY
MINUTES OF REGULAR MEETING
JULY 18, 2012

PRESENT:

Ed Robey, Public Member
Frank Gillespie, Special Districts Member
Jeri Spittler, City Member
Suzanne Lyons, City Member
Jim Comstock, County Member
Denise Rushing, County Member
Gerry Mills, Special District Member

ALSO PRESENT:

Marc Spillman, Public Alternate
Jeff Smith, County Alternate
Robert Rumfelt, City Alternate
Jim Abell, Special Dist. Alternate
John Benoit, Executive Officer
P. Scott Browne, Legal Counsel
Lora Ceccon, Clerk

1. Call to Order/Roll Call

The meeting was called to order at 9:35 a.m. There was a quorum present.

Commissioner E. Robey announced that because the Board of Supervisors is holding a special meeting this morning, those Commission members will be arriving late. Also, there are two new Special District members here today; Jim Abell and Gerri Mills.

S. Browne explained the election process and resulting tie vote. The options are to proceed with a new election or determine regular member and alternate member by a coin toss. Both candidates agreed to a coin toss for determination. Commissioner E. Robey tossed the coin determining that Gerry Mills will serve as the regular member and Jim Abell will serve as alternate.

S. Bowne briefly explained the role of the alternate.

2. Approval of Minutes

Commissioner F. Gillespie moved to approve the May 16, 2012 minutes, second by Commissioner J. Spittler, motion carried with Commissioner S. Lyons abstaining.

3. Public Comment - None

4. Consent Agenda

Commissioner S. Lyons moved to authorize payment of the May and June 2012 expenses, second by Commissioner F. Gillespie, motion carried.

9:44 a.m. – Recess

9:53 a.m. – Commissioners D. Rushing and J. Comstock arrived.

9:55 a.m. – meeting resumed

5. Election of LAFCo Chair and Vice-Chair for Fiscal Year 2012-2013

a. Election of Lafco Chair – Commissioner D. Rushing moved to elect E. Robey as Chair for 2012-2013, second by Commissioner J. Comstock, motion carries.

b. Election of Lafco Vice-Chair – Commissioner J. Comstock moved to elect Suzanne Lyons as Vice-Chair for 2012-2013, second by Commissioner D. Rushing, motion carries.

6. Closed Session – 10:00 a.m.

Subject: Significant Exposure to Litigation Pursuant to Gov. Code Section 54956.9(b)(1) – One Potential Case.

10:46 a.m. – Report out of Closed Session

There was no action taken in closed session.

7. Discussion of CEQA requirements for Lafco Sphere Updates and discussion of direction on how the Commission wishes to proceed with Sphere of Influence Updates and provide direction to staff.

S. Browne advised members that normally Lafco acts as the responsible agency as required by the CEQA; however, Lafcos are not responsible for drafting environmental documents. We submit comments and hope that they are incorporated into the documents. Lafcos are legally required to use those documents; however, we cannot be challenged over their use.

Lafcos are responsible for Sphere of Influence updates every five years. Sphere plans by Lafco require environmental document compliance. Most spheres were adopted without consideration for environmental impacts. So, now sphere updates have to comply with environmental impact. Discussion followed.

Richard Knoll, City of Lakeport suggested that one option to consider would be to complete a comprehensive Master EIR that addresses all planning areas and tier off that document. Mr. Knoll stated that when Lakeport completed their General Plan, they did an EIR. The City's sphere was addressed in the General Plan. California planning law requires Cities to plan for growth outside of their City limit. Mr. Knoll feels that Lakeport has addressed this issue in the General Plan and environmental documents.

Alan Flora, Lake County Administrative Office, feels that the coterminous option

is the best, and appears more equitable. Mr. Knoll wanted to make it clear that the City of Lakeport is not proposing to expand their SOI at this time. More discussion followed.

8. 11:15 a.m. - Public Hearing: Wisely annexation to County Service Area #7 Bonanza Springs

John advised the Commission that Mr. Wisely was unable to attend today's meeting. The purpose of the proposed project is to annex a total of 2.3 acres into CSA #7 for municipal water services. Mr. Wisely, the only landowner, has consented to this annexation and currently receives water from the district on an out of agency basis. Lake County Special Districts has agreed to provide water services to the territory, which it already does. The proposed annexation is located within the SOI for CSA #7. Staff recommends approval.

11:19 a.m. – Closed Public Hearing

Commissioner J. Comstock moved to approve Resolution #2012-0006, a Resolution making determinations and approving the annexation of 2.3 acres to the CSA #7 Bonanza Springs, second by Commissioner D. Rushing, motions carries. (7-0)

9. 11:20 a.m. – Public Hearing – Municipal Service Review for the City of Lakeport (continued from the March 21, 2012 Lafco meeting)

John stated that the Commission has received a copy of the memo with an addendum attached and provided by the City of Lakeport. Some changes were made regarding City Council members and City Staff. Also, John distributed an updated financial report. John recommends approval with noted changes.

Daniel Buffalo, Finance Director, City of Lakeport – Mr. Buffalo stated that he would be happy to answer any questions regarding the handout. They found a number of inadequacies during the review of the MSR, which is understandable considering the sources were conflicting. He is concerned that Lafco have accurate information. He reviewed the handout for the Commission. Mr. Buffalo stated that the water and sewer services are solvent and they are doing what needs to be done to remain solvent.

Some discussion followed. Mr. Flora asked for information on the Lafco code section regarding MSRs. S. Browne stated that he would be happy to talk with Mr. Flora after the meeting. Commissioner Robey explained that Lafco law requires that we do MSRs, and that they are not linked to SOI updates.

11:30 a.m. – Closed Public Hearing

Commissioner S. Lyons moved to approve Resolution 2012-0003, approving

a Municipal Service Review of services provided by and within the City of Lakeport and adopting written determinations thereon, second by Commissioner J. Spittler, motion carries. (7-0)

- 10. Discussion and update regarding the Lake County Watershed Protection District being subject to Lafco's jurisdiction and discuss the need and value to prepare a countywide municipal services review of community watershed protection and management activities**

John referred the Commission to information in today's packet regarding the Watershed Protection District and his letter to Scott De Leon, Director of Lake County Department of Water Resources. The Lake County Watershed Protection District may be exempt from the MSR process provided they are not a purveyor of water. Discussion followed.

11:38 – Commissioner Jeff Smith arrived.

Commissioner D. Rushing stated that this topic deserves a more in-depth discussion. John recommended a continuation for further discussion.

- 11. Policy Discussion Concerning Disadvantaged Unincorporated Communities**

Postponed

- 12. Authorize staff and commissioners to attend the Calafco annual conference in Monterey County and payment of conference related expenses (October 3rd through October 5th 2012).**

Commissioner Jeri Spittler will be attending, and the budget allows for two more members. Discussion followed. John advised the Commission that he will need a decision who is going within the next couple weeks.

- 13. Nominations for Calafco Board of Directors**

Commissioner D. Rushing asked Commissioner J. Spittler if she would be interested in sitting on the Board. There are four meetings per year. Discussion followed.

- 14. 2012 Calafco Achievement Awards Nominations**

Commissioner E. Robey moved to nominate Scott Browne for the 2012 Calafco Achievement Award, second by Commissioner D. Rushing, motion carries. (7-0)

John will write up the nomination for the Chair's signature.

15. **Authorize voting member to vote on behalf of Lake Lafco at the Calafco Annual Conference.**

Commissioner D. Rushing moved to appoint Commissioner J. Spittler as the voting member, second by Commissioner J. Comstock, motion carries. (7-0)

16. **Consider having a meeting on Lafco's Alternate Meeting Date of August 15, 2012 in Clearlake instead of the September 2012 regular meeting in Clearlake.**

The next Lafco meeting was changed from September 19, 2012 to September 5, 2012.

17. **Executive Officer's Report**

J. Benoit gave a brief legislative update. The Lacosan Sphere will be discussed at a later meeting.

18. **Commissioner Reports - None**

19. **Correspondence - None**

The meeting was adjourned at 12:00 p.m.