

LAKE LOCAL FORMATION COMMISSION  
MINUTES  
March 15, 2017  
REGULAR MEETING

Members Present:

Stacey Mattina, City Member, Chair  
Moke Simon, County Member  
Tina Scott, County Member  
Joyce Overton, City Member  
Allen Gott, Special District Member  
Gerry Mills, Special District Member, Vice-Chair  
Victoria Brandon, Special District Alternate  
Ed Robey, Public Member  
Suzanne Lyons, Public Alternate

Staff Present:

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

Members Absent: Jeff Smith, County Alternate, Bruno Sabatier, City Alternate.

Also Present: Philip Moy, Director, Lake County Department Water Resources.

**1. Call to Order – Roll Call**

Chair Mattina called the meeting to order at 9:30 a.m. in the Lakeport City Council Chambers.

**2. Approval of Minutes**

Motion by Commissioner Robey, seconded by Commissioner Simon to approve the Minutes of the January 18, 2017 Regular Meeting. Motion carried.

**3. Public Comment – None.**

**4. Consent Agenda**

Motion by Commissioner Robey, seconded by Commissioner Overton to authorize payment of expenses for January and February 2017. Motion carried.

**5. Public Hearing regarding the Dissolution of RD #2070 – Edmands Reclamation District**

EO referred to Staff Report and stated the request was initiated by Board of Supervisors Resolution 2014-12 which specifies terms and conditions for the dissolution. The proposal is to dissolve RD #2070-Edmands and appoint the County's Watershed Protection District to serve as Successor Agency and maintain the District. Reasons for the request are: 1) The County of Lake's Middle Creek Flood Damage Reduction and Ecosystem Restoration Project will reclaim the properties located within the district boundaries which will eliminate the need for continued operation of the District. 2) District Board Members have resigned their appointments or have sold their interests in real property within the District and the District has no governing body.

EO noted the Staff Report incorrectly states the Lake County Watershed Protection District maintains the levees in the district, however The State Dept. of Water Resources maintains the levees.

The area contains two houses and there are less than 12 voters within the boundaries deeming it "uninhabited" by LAFCo definition. EO reviewed the Staff Report and the LAFCo determination

process, noting that the application is consistent with the supporting information submitted and with LAFCo rules and processes.

Commissioner Brandon stated that the eventual plan is to reduce the levees and restore the wetlands within this area.

Mr. Moy stated that when the Watershed Protection District becomes the successor agency levee maintenance will still be performed by the State until the county is able to purchase all the land within the district boundary, further, the levees will not actually be maintained as the area is being restored to wetlands.

Chair Mattina opened the Public Hearing. No comments were heard and the Hearing was closed.

Motion by Commissioner Overton, seconded by Commissioner Simon to adopt *Resolution 2017-0004, A Resolution Making Determinations and Approving the Dissolution of Reclamation District #2070 Edmands Reclamation District: LAFCo File 2016-0005.* Resolution passed and adopted by the following vote:

AYES: Commissioners Robey, Gott, Overton, Mattina, Mills, Scott, Simon.

NOES: None.

ABSENT: None.

#### **6. Public Hearing regarding the 2017-2018 Proposed LAFCo Budget**

EO reviewed the proposed budget by line item as outlined in the Staff Report. He explained scheduled and anticipated projects and spoke to the routine administrative duties, requirements and basic operational expenses.

Discussion was held on EO compensation. EO will provide compensation data for like counties for succession planning purposes and to determine parity.

Discussion was held on the Reserve Fund and the Commission's policy to fund by \$10,000 each year until it reaches \$50,000. Counsel pointed out that in light of current litigation expenses even \$50,000 may be a low threshold, although still good considering the policy was established at a point of zero reserves. Commissioner Overton agreed that \$50,000 is too low and that the Commission should continue with the \$10,000 per year policy until a Reserve of \$10,000 is met. After discussion, the consensus was to continue with the annual \$10,000 amount policy.

10:30 a.m. Chairman opens Public Hearing and asked for public comment. None were heard. Chairman closed Public Hearing on the proposed budget and called for the question.

Motion by Commissioner Robey, seconded by Commissioner Overton to adopt Resolution 2017-0005, a Resolution of the Lake Local Agency Formation Commission Adopting a Proposed Budget for 2017-2018. Resolution passed and adopted by the following vote:

AYES: Commissioners Robey, Gott, Overton, Mattina, Mills, Scott, Simon.

NOES: None.

ABSENT: None.

**7. Staff update regarding LAFCo file scanning project**

The Clerk presented information on the Lake LAFCo Document Scanning Project. Agendas and Minutes from March 1965 through June 2000 have been completed. Resolutions from 1964-2000 have been completed. Brief discussion was held. Anticipated completion date is June 30, 2017. City of Clearlake continues to allow Lake LAFCo to store records at the City Hall. Clerk notes the project has also resulted in the reduction of storage space used by the Commission.

**8.** Counsel updated the Commission on the correspondence to Assemblywoman Aguiar- Curry regarding AB 464, introduced by Assembly Member Gallagher on February 13, 2017 (Principal coauthor: Assembly Member Mayes). The legislation would amend Sections 56653 and 56857 of the Government Code relating to local government, specifically LAFCo, and seeks to correct serious flaws in current law which were brought to light as a result of City of Patterson v. Turlock Irrigation District.

**9. Executive Officer' s report**

EO reported on the following:

Form 700's are due.

Adams Springs and Cobb Service Review and Sphere of Influence

Hidden Valley Lake Service Review and Sphere of Influence

The Public Alternate member seat comes up for appointment in May. EO to post Notice.

**10. Counsel's Report** – Covered in Agenda item 8 above.

**11. Commissioner Reports**

Commissioner Gott reported that he participated in a webinar on public official management of emails and public records and reviewed information from the webinar. Discussion was held.

**12. Correspondence** – EO announced April 28 deadline to apply for the Public Member Alternate seat.

10:55 a.m. Recess.

11:05 a.m. Chair reconvened meeting.


EO presented Part 2 of "All About LAFCo" an overview and discussion of LAFCo Law, Policy and Practice.

11:40 a.m. The Commission convened a Closed Session to conduct a Performance Evaluation for the Executive Officer for the period March 2016 to March 2017.

11:55 a.m. Commission reconvened in Regular Session. Chair reported that in Closed Session the Commission evaluated the Executive Officer.

11:57 a.m. Meeting adjourned.

Next regular meeting: Wednesday May 17, 2017 at 9:30 a.m. in Clearlake.

By:   
Kathleen Moran, Clerk