

LOCAL AGENCY FORMATION COMMISSION OF LAKE COUNTY
MINUTES OF MEETING
March 19, 2014

PRESENT:

Ed Robey, Chair, Public Member
Frank Gillespie, Special Districts Member
Denise Loustalot, City Member
Stacy Mattina, City Member
Gerry Mills, Special District Member
Jeff Smith, County Member, Alternate
Jim Comstock, County Member

ALSO PRESENT:

Suzanne Lyons, Public Alt.
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 9:30 a.m. There was a quorum present.

2. Approval of Minutes – January 15, 2014

Betsy Cawn stated that the description of the conversation about committees and so forth really can't be adequate in the minutes of a meeting like this, but if you look at You Tube there is a recorded video of that and it's really well worth looking into because there is a lot of concerns and considerations; I've watched it a couple time. I very much appreciate the fact that you have given us this opportunity to participate and realize that it's very difficult to engage the public in this, so thank you. Ms. Cawn would like her statement to be included in the March 19th minutes.

S. Lyons asked for clarification regarding the statement "The issue is why should the county subsidize the city's sphere?" on page 2, fourth paragraph from bottom. She would like to know if that is specific or does that mean all the cities' spheres? Because what it appears to say is it would be a city, not all of them, so I'm just asking is that supposed to be plural or a specific? In other words, are we only considering subsidizing a city's sphere or both cities' spheres? I just don't know what the meaning is.

John responded that for him, it is generic. Should Lafco subsidize the environmental review for a city or district's sphere? Ms. Lyons responded, so it should be plural? J. Benoit stated that, in this context, it's what was said. The focus of the (county) letter was regarding the City of Lakeport's sphere. The letter reminded John that a policy should be adopted. John has some policy alternatives to present. Ms. Lyons responded, so a policy would not be for a single instance than? E. Robey replied, no, it would be a general policy, and we are going to talk about that today.

Alan Flora, County Administrative Office, stated that the intention behind it is not specific to a certain city, and suggested striking “the” and substituting “a” in the minutes.

Commissioner J. Comstock moved to approve the January 15, 2014 minutes with the changes as noted above, second by Commissioner S. Mattina; motion carried.

3. Public Comment – None

4. Consent Agenda

Commissioner D. Loustalot moved to authorize payment of the January and February 2014 expenses, second by Commissioner J. Smith; motion carried.

5. Public Hearing regarding the 2014-2015 Lake LAFCo Proposed Budget.

9:35 – opened public hearing

J. Benoit informed the commission that, at the end of the budget memorandum, is a list of reviews that are in process. He reviewed the list stating that he has received community comments on the Watershed Protection District review, but has not received anything from the county. Mr. Flora advised John that the county would have comments to him by the end of the week.

John stated that the City of Clearlake and City of Lakeport reviews will go into next fiscal year. The Watershed Protection District review and RCDs’ reviews will need to be completed. If time and budget allow, work will begin on Hidden Valley Lake CSD, Adams Spring Water District and Villa Blue Estates Water District.

A narrative is provided for each of the line items on the spreadsheet. John reviewed the budget per line item. The total budget has been reduced from \$153,784 to \$ 128,537. The apportioned amount is virtually the same as last year; a little less.

Commissioner Robey suggested leaving the M off of MSRs as most reviews are not municipal.

S. Browne urged the commission to consider not cutting the budget. They need to have a contingency fund and/or litigation reserve in case of any future litigation. They need to have more than \$20,000 in reserve. Scott suggests \$40,000 - \$50,000 in reserve; it is not prudent otherwise.

A lengthy discussion followed regarding the possible costs of litigation, the costs of completing MSRs, and public access to records.

Alan Flora stated that relative to the general discussion, he supports the budget as proposed. He expanded on a couple things that could be done better.

10:23 – closed public hearing

John stated that the final budget hearing will be held in a couple months. He will include actuals for the past couple years, as requested by Alan Flora.

S. Browne stated that the commission should make decisions based on policy not on whether or not they have the funds. You do the right thing, that is your job, and it could lead to litigation. Lake Lafco is getting to the point where there are no funds. The commission should, at least, increase the budget by \$10,000.

Commissioner J. Smith suggested increasing the budget by \$5,000 for the next two years. There was a general consensus among members that it would make sense to increase the budget.

Commissioner J. Comstock made the motion to increase the budget by \$5,000 bringing the amount to be apportioned to \$98,537.00, second by F. Gillespie, motion carried. (7-0)

Commissioner J. Smith offered Resolution 2014-0001 a Resolution of Lake Local Agency Formation Commission Adopting a Proposed Budget for 2014-2015, passed and adopted by roll call vote. (7-0)

6. Review and Discuss CEQA alternatives when LAFCo acts as a CEQA lead agency and discussion of direction on how the Commission wishes to proceed.

J. Benoit provided the commission with a memorandum regarding policy alternatives related to the preparation of environmental documents (CEQA compliance) when LAFCo is a lead agency. The memorandum includes six possible policy alternatives. Discussion followed regarding the policy options. Commissioner S. Lyons asked if some language from #4 could be incorporated into option #5. John stated that he can add a sentence on previously prepared EIRs to #5. Alan Flora asked that John speak with him regarding the policy prior to adding it to the commission's next agenda.

Richard Knoll, Special Projects Coordinator for the City of Lakeport, stated that the proposed policy language under #4 refers to cases where an EIR has been previously prepared. There are occasionally documents that aren't EIRs. The language needs to be more generic. The first sentence says it; "...previously certified environmental documents...". And, don't say city, say agency.

John will meet with Alan Flora and draft some language. There was a consensus among commission members to move forward.

7. Authorize Staff to attend the Calafco Annual Conference in Berkeley on April 23-25, 2014

The costs associated with attendance are reduced due to the apportionment between several Lafcos. John will prepare a report for the next commission meeting.

Commissioner G. Mills moved to authorize staff to attend the Calafco Annual Conference in Berkeley on April 23-25, 2014, second by Commissioner J. Smith, motion carried. (7-0)

8. Executive Officer's report

- a. *Minnie Cannon Annex to the Callayomi Co. Water District* – going through tax exchange process
- b. *700 Forms due April 1, 2014*
- c. *City of Clearlake Service Review* – caught in general plan process/make sure facts in review and general plan are consistent
- d. *Fire Service Reviews* – need to meet with all chiefs
- e. *Watershed protection district service review* – John advised the commission that the draft is out there; he is waiting for comments. He has received Betsy's. He is getting it together and will bring it to the commission.

Betsy Cawn stated that she ordered the legislative package (SB1136) and the first document is the letter from the Lake County B.O.S. to Senator Wesley Chesbro in 2003 when the original district was formed. As far as endless conversations with the Department of Water Resources as to whether it has any responsibilities for watershed issues, this should settle the debate. Betsy has a suggestion for the commission, and wants the commission to know that none of the committee members has any idea what the suggestion is. She hasn't discussed it with them, and doesn't want them to be tainted by the animosity that it might create or the difficulties that it might throw into the ring here. She would think, truly, that the best thing you could do with this district is to put it into the Community Development Department. Have the Planning Department be the district manager, hire the Department of Water Resources for water related and flood plain management services. They did it as a function for several years. Rick took it on because there was nobody tall enough or broad enough to take on that role. And, the Planning Department had that position until last July when the decision was made to get Scott de Leon to sign up to it. Well, I have to tell you his staff, literally, is not capable of taking on that broader role, they do flood control, they do lakebed management. But the watershed is the land and the land management issues are the things that we now have to come into compliance with. And, I don't say that out of the blue, I've had numerous conversations with the staff over the last few years. As you may recall, I worked on their annual plan last year. Here's the bonus, you have a planner in the Planning Department that has a

PhD in Planning and assisted the City of Atlanta, Georgia and all the communities there with his role in his district to implement the phase 1 MPDES storm water permit. It's an extremely complex process. The reason that in 2003 the request was made to Senator Chesbro was because you knew then you need to do this now. That's my suggestion.

Commissioner E. Robey stated that he expected to find a copy of SB 1136 in the handout, and didn't find it. Betsy responded that it isn't in there, but she could get him a copy. He stated that he can locate it. Additionally, he hears what Betsy is saying; however, Lafco doesn't have the authority to put this district in one department or another. The County B.O.S. has to do that. Betsy stated that there are a couple of those supervisors sitting here and she thought she would throw it out.

Mike Dunlap took the entire legislative digest (212 pages) and did just these 13 pages because it has the pertinent elements in it. What is presented is a summary. As someone that has spent a year as a member of the service review committee, he thinks they may have an argument with the Lafco Executive Officer in terms of what the final language of that service review is. He thinks he could speak for the whole committee that they have found that the actions of the County, so far, have been lacking in terms of their responsibilities for the WPD, and Lafco, using the information that they have gathered for you, you do have the right and the responsibility to tell the county that you don't think what is happening is good and you can make suggestions to them. I can tell you that we have found that they are a bit lacking.

Commissioner E. Robey just wanted to make sure they know that Lafco doesn't have that kind of authority.

Betsy Cawn agrees with mike, you can make suggestions.

- f. *RCD's* – draft document that needs to get to the *RCD's* for comments
- g. Lafco 101 – two new Lafco Commissioners so should schedule an updated Lafco 101 for the May meeting.

9. Commissioner Reports

Commissioner S. Lyons reported that she attended the Lakeport Planning Commission update on the SOI. What the city was looking at was trying to match up the city zoning with the zoning in the South Main Street area with the zoning that the county already has in an attempt to make the thing overlay so that existing zoning would be the same no matter who was managing that area and the chair has said that this was in the interest of making a good partnership with the county. There was intent to propose to hire a consulting firm to prepare a supplemental review using the existing 2009 EIR and then bring it to Lafco.

10. Correspondence

- a. City of Clearlake General Plan Notice of Preparation response – another letter will go out when the EIR is completed
- b. City of Clearlake – Draft Housing Element Update

11:05 a.m. – Break

11. 11:10 a.m. – Closed Session

Subject: Performance Evaluation May 2013 – March 2014

Title: LAFCO Executive Officer

11:29 a.m. – Commissioner E. Robey reported that the annual evaluation of the LAFCO Executive Officer was completed.

The meeting was adjourned at 11:30 a.m. Next regular meeting: May 21, 2014 in Clearlake.