

LAKE LOCAL FORMATION COMMISSION

MINUTES

MARCH 16, 2016

REGULAR MEETING

Present:

Stacey Mattina, Chair
Jim Comstock, Vice-Chair
Ed Robey, Public Member
Frank Gillespie, Special District Member
Gerry Mills, Special District Member
Suzanne Lyons, Public Alternate
Joyce Overton, City Member
Bruno Sabatier, City Alternate

Staff Present:

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

Absent: Anthony Farrington, County Member, Jeff Smith, County Alternate

1. Call to Order – Roll Call

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

2. Approval of Minutes

Motion by Commissioner Robey, seconded by Commissioner Overton to approve the Minutes of the January 20, 2016 Regular Meeting. Motion carried.

3. Public Comment

The Clerk announced that as of this meeting she has been with Lake County LAFCo for one year.

4. Consent Agenda

Motion by Commissioner Robey, seconded by Commissioner Gillespie to authorize payment of expenses for January and February 2016. Motion carried.

5. Public Hearings

a) Receive Executive Officer's Report, conduct Public Hearing and consider Resolution 2016-0005 adopting the LAFCo proposed budget for Fiscal Year 2016-2017

EO reviewed proposed budget for FY 2016-17. Discussion was held on scheduled trainings, conferences and meetings for the upcoming year and budget allocations for same, with particular discussion regarding member attendance. CAL LAFCo Conference will be held in Santa Barbara October 26-28. Discussion was held on number of Commissioners to attend. Newly appointed Commissioner Bruno Sabatier will attend.

Ms. Cawn noted another new member appointment is coming up and the Commission may wish to budget for more than one attendee.

EO continued review. Budgeted projects include completion of a map book this year, and EO's request to use carryover to clean up, organize and scan files. Lake LAFCo's document files are now stored at Clearlake City Hall. He stated that the Clerk could assist in this project. Ms. Cawn volunteered to assist with the records inventory and related work.

Commissioner Lyons asked for clarification on the amount budgeted for SOI's. EO confirmed the allocation is for several projects.

Ms. Cawn spoke to the budget allocation “Special District MSR’s” and the impact of the fire on services and revenues. She stated that those impacts need to be calculated and considered, and reminded the Commission that LAFCo is impacted directly as well. She stated that there is a chart showing all the County’s Special Districts and the schedule for MSR’s, and this is a good time to update the chart to give everyone a sense of where we are at in completing the MSR’s.

Ms. Cawn asked for clarification on the SOI Report being 90% complete and most of the mapping as well. EO confirmed that they were nearly complete in draft form. Ms. Cawn stated that at a recent Resource Management Committee meeting conducted by Mr. Steele, a person she thought was from the Department of Water Resources, announced that they had submitted a map of *Municipal* Small Separate Sewer System to the Central Valley Water Quality Control Board. She spoke to the importance of this map in understanding the districts surface areas as it defines developed drainage directly impacting the lake. She stated that the information is key in the development of a service area that can develop rates necessary to maintain the conveyance system through Public Works Services. She expressed concern that the map was submitted to the state without input or review from local agencies or interests.

Lastly, Ms. Cawn also asked that the budget Include in work plan a plan for the development of the new Resource Conservation District MSR and SOI. EO the new district is going to have to provide a strategic plan and work program and the public and district board is going to have to work on those items. Ms. Cawn stated that it isn’t in the conditions of approval of the consolidation. EO responded it could be included and the Public Hearing for the consolidation is the next agenda item. After discussion EO stated the funding provisions for a Work Plan for the newly consolidated district will be included in the budget.

Chair closed Public Hearing.

Commissioner Comstock stated that Ms. Cawn is correct re: financial impact from fire, however, the state of California has committed a one year backfill for the loss. Commissioner Overton that would give us time to determine the actual losses. Commissioner Robey noted it will take at least a year to determine the impacts on revenue and not everyone who lost property will rebuild.

Discussion is held on conference costs per attendee. Chair Mattina recommended budgeting for two slots to allow for new member attendance. All Commissioners concur and direct EO to increase Transportation and Travel (CALAFCo) to \$3,500.

Motion by Commissioner Robey, seconded by Commissioner Robey to adopt Resolution 2016-0005, a Resolution of Lake Local Agency Formation Commission Adopting a Proposed Budget for 2016-2017, as amended. Resolution passed and adopted by the following vote:

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

NOES: None.

ABSENT: Commissioner Farrington.

6. Public Hearing regarding the dissolution of the East Lake and West Lake Resource Conservation Districts and concurrent formation of the Lake County Resource Conservation District

Lake Local Agency Formation Commission
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EO referred to the Staff Report. The East Lake and West Lake districts submitted a joint application to dissolve the existing districts and form the Lake County Resource Conservation District which would be coterminous with county boundaries. Both district boards agree the consolidation would increase efficiency, and improve services. The Districts approved a concurrent resolution requesting LAFCo to initiate the proceedings. As outlined in the report the new district is comprised of two benefit zones, the East Lake zone and the West Lake zone. The report details logistics of the consolidation such as, board representation, and existing assets.

Commissioner Robey asked, for the record, will there be any economic impact on property owner tax rates? EO confirmed that existing rates will be unaffected by the consolidation.

Commissioner Lyons asked for clarification on funding, revenues, fixed asset distribution, etc.

Chair Mattina opens public hearing.

Victoria Brandon, Vice-Chair of the East Lake Conservation District responded to Commissioner Lyons, explaining that depending upon how they were set up in first place some RCD's have tax revenue and some do not. In this case East Lake does and West Lake does not and the tax base that we do have is based entirely on undeveloped land. Ms. Brandon spoke to the benefits of the new district including cost savings and increased efficiency on a countywide basis, and recommended approval.

Commissioner Comstock noted that with the consolidation Putah Creek Watershed will be represented as well.

Ms. Cawn stated she is looking forward to having an active Resource Conservation District and is in favor of the plan, and that her questions on the new district are the same for the Watershed Protection District, i.e., what are the actual direct service priorities and how we use the boundary of the SOI verses the MSR to identify costs for projects and programs.

Chair Mattina closed Public Hearing.

Commissioner Lyons asked for clarification on public input re: development of the work plan. EO responded that the public, agencies and partners will be solicited for input on the work plan and the strategic plan.

Motion by Commissioner Robey, seconded by Commissioner Comstock to adopt Resolution 2016- 0006 approving the dissolution of the East Lake and West Lake Resource Conservation Districts and concurrent formation of the Lake County Resource Conservation District to be coterminous with the Boundaries of Lake County. Motion carried by the following vote:

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

NOES: None.

ABSENT: Commissioner Farrington.

EO stated that he will schedule a Protest Hearing within the next thirty-five days as required by LAFCo law, and will advise the Commission as to time and place.

7. Letter to the Calafco Board of Directors regarding City of Patterson v. Turlock Irrigation District (2014) 227 Cal.App.4th 484.

Mr. Browne requested Lake LAFCo's support in pursuing legislation to amend CA Government Code §56653 to overcome the ruling in the above stated court case. Mr. Browne stated he is making the same request of all the LAFCo's he works with. He explained that §5663 only permits applications for annexation or reorganization which include a *plan to extend services* to the area to be annexed. As the law currently stands there is no authority to annex an area that is already receiving services. Based on this, the Court invalidated the City of Patterson's request for annexation to the Turlock Irrigation District because the area was already being served under contract by TID and no new extension of services was being proposed. The Court noted that the language could have easily been modified to allow extensions for areas already being served, but as written, the plain meaning of the existing language forced invalidation of the annexation application. In addition, the language in its current form has implications for LAFCo approval of out of agency contracts and precludes later annexations as well.

Limited resources mean Calafco is only able to pursue a small number of legislative proposals, and chose not to pursue this amendment. Mr. Browne is seeking reconsideration and has asked for the Commission's support by letter to Calafco, noting the issue effects every LAFCo's statewide.

Discussion was held on the implications for Lake County actions. Ms. Cawn pointed out there are two agencies currently engaged in the annexation process, i.e. Middletown Rancheria annexation to the Callayomi Water District and are currently receiving service. They applied for annexation, the process was dropped, but they will be coming back to revisit the process. Commissioners commented that the real life example clearly depicts the need for change, and should be included in the letter.

Motion by Commissioner Comstock, seconded by Commissioner Robey to approve letter to Calafco Board of Directors requesting reconsideration regarding their decision to not pursue legislation amending Government Code §5663. Further, to include reference to the Lake County example, and authorize the Chair or Executive Officer to sign on behalf of the Commission. Motion carried: All yes.

8. Executive Officer's Report.

Letter of resignation from Jim Abell

Special District Member recruitment: Nominations Due April 1, 2016

700 forms are due to the County Clerk by April 1st, 2016

Calafco Conference March 30-April 1 in Los Angeles

EO reviewed the steps involved in holding a Protest Hearing (re: agenda item 6 a).

Mr. Browne reported on the recent Calafco Legislative Committee meeting with representatives of the State Water Resources Control Board and Governor's Office of Planning and Research in attendance to discuss the Sustainable Groundwater Management Act, Lafco's role in helping to form Sustainable Groundwater Management Agencies and also deal with SB 239.

9. Commissioner Reports

Commissioner Comstock reported on Federal Water Regulations impacting the Hidden Valley Lake Community Service District.

Commissioner Comstock reported on the status of the Starview Water System, they are scheduled to receive a FEMA grant to rebuild the system, thanks to Jan Carpenter.

Commissioner Comstock also reported that Anderson Springs will require a sewer system for rebuilds. They are set to receive a 2 million grant from USDA, Senator Mike McGuire has been working diligently on the issue meeting with various agencies. He also reported on the efforts to consolidate several small water districts on Cobb, which has been pushed to the forefront in the wake of the fire.

10. Correspondence

Chair Mattina directed a letter of appreciation be sent to former Commissioner Abell thanking him for his service. Commissioners concur.

11. Closed Session re: Performance Evaluation for EO

11:48 am. Chair Mattina adjourned the meeting to convene in Closed Session to complete a performance evaluation for the Executive Officer.

11:02 am. Commission reconvened in open session and the Chair reported the Commission completed an evaluation of the EO. The Chair complimented EO on his work for the commission.

12. Meeting adjourned at 11:10 a.m.

Next regular meeting: Wednesday May 18, 2016 in Clearlake.

By: _____
Kathleen Moran, Clerk