

LAKE LOCAL FORMATION COMMISSION
MINUTES
July 18, 2018 Regular Meeting

Members Present

Gerry Mills, Chair, Special Districts
Moke Simon, County Member
Bruno Sabatier, City Member
Ed Robey, Public Member
Tina Scott, County Member
Stacy Mattina, City Member
Kenneth Parlet, City Alternate
Victoria Brandon, Special District Alternate
Suzanne Lyons, Public Member Alternatney

Staff Present

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

Absent: Jeff Smith, County Alternate.

Present: Jan Coppinger, Lake County Special Districts.

1. Call to Order

Chairman Mills called meeting to order at 9:30 a.m. at the Lakeport City Chambers.

2. Election of Chair and Vice-Chair for FY 2018-2019

Motion by Commissioner Scott, seconded by Commissioner Mattina to nominate Commissioner Sabatier as Chair of Lake County LAFCo for FY 2018-2019. Motion carried.

Motion by Commissioner Robey, seconded by Commissioner Brandon to nominate Commissioner Simon as Vice-Chair of Lake County LAFCo for FY 2018-2019. Motion carried.

3. Approval of Minutes - Motion by Commissioner Brandon, seconded by Commissioner Sabatier to approve the Minutes of the May 16, 2018 Regular Meeting. Motion carried.

4. Public Comment - Chair called for a period of public comment. None were heard.

Executive Officer (EO) reviewed Addendum Agenda which was necessitated by the need to meet the County Auditor's process to pay expenses budgeted this year out of the 2017-2018 approved budget.

5. Consent Agenda A -1 Item #5 Addendum

Motion by Commissioner Robey, seconded by Commissioner Mattina to approve Consent Agenda (Addendum Item #5) A-1 a. and A-1 b. as follows:

A-1 a.) Authorize payment of expenses for May and June 2018.

A-1 b) Authorize staff to work on complex or special projects per agreement with Executive Officer dated January 13, 2003 as amended. Motion carried.

6. Action Items

Ms. Coppinger updated the Commission on the status of the Consolidation between Paradise Valley CSA #16 and the Clearlake Oaks County Water District (LAFCo file 2015-0005) as requested by the Commission at the January 17, 2018 meeting. She reported that the project is entering the final

stages toward completion and listed specific items and tasks both in process and scheduled. Meters have been ordered, and PGE is very close to providing a design and the deposit amount. She stated that the estimate is \$65,000 but she is waiting for the final number and is in communication with PG & E on a near weekly basis. EO reminded Commissioners that they approved an extension for the project to January 2019. Ms. Coppinger will continue to provide project updates.

7. Review Proposed Letters of Support for SB 929 and AB 2238

SB 929 (McGuire) Special District's websites. If enacted would require every independent special district to maintain an Internet Web site that clearly lists contact information for the special district, except as provided. beginning on January 1, 2020.

AB 2238 (Aguiar-Curry) LAFCo's and Hazard Mitigation Plan. Local agency formation: regional housing need allocation: fire hazards: local health emergencies: hazardous and medical waste – General Plan Safety Element.

If enacted, among other things, would require LAFCOs, to add to the list of factors they must consider when reviewing a proposal, to additionally consider the following, if it is determined that such information is relevant to the area that is the subject of the proposal: a) Information contained in a local hazard mitigation plan; b) Information contained in a safety element of a general plan; and c) Any maps that identify land as a very high fire hazard severity zone, pursuant to existing law, or maps that identify land determined to be in State Responsibility Area, pursuant to existing law.

Discussion was held. Commissioner Brandon noted that representatives of Lake County's Districts are sponsors for both bills.

Motion by Commissioner Scott, seconded by Commissioner Simon to authorize Lake LAFCo support letter for SB 929 and authorize the Chairman to sign. Motion carried.

Motion by Commissioner Brandon, seconded by Commissioner Mattina to authorize Lake LAFCo support letter for AB 2238 and authorize the Chairman to sign. Motion carried.

Mr. Browne reported on AB 2258 and there was a brief discussion. Bill Summary: AB 2258 would require the Strategic Growth Council (SAC) to establish and administer a local agency formation commission (LAFCO) grant program to pay for costs associated with dissolving inactive special districts, as well as service studies and other actions by public agencies in disadvantaged communities, as specified. The bill would make a \$1.5 million General Fund appropriation for these purposes. Fiscal Impact: One-time General Fund appropriation of \$1.5 million to the SGC in 2018-19 for grant. Counsel will continue to follow and report on the bill.

8. Request by LAFCo Counsel for amendment of his Legal Agreement to include costs and expenses for participation in Calafco Activities

Mr. Browne stated that this amendment clarifies reimbursement for his work with Calafco on behalf of Lake County LAFCo, on a pro-rated basis, shared with seven other LAFCo's, and authorizes compensation for his work on special projects for Lake County LAFCo.

Motion by Commissioner Robey, seconded by Commissioner Simon to approve the Fourth Amendment to Agreement for Legal Services between the Lake Local Agency Formation Commission

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and P. Scott Browne, dated July 21, 2004, amended on July 18, 2007, May 20, 2015 and July 19, 2017 and authorize the Chairman to sign. Motion carried by the following vote:

AYES: Commissioners Simon, Mattina, Sabatier, Brandon, Mills, Robey and Scott.

NOES: None.

ABSENT: None.

9. Authorize Staff and Commissioners to attend the Calafco Annual Conference at Tenaya Lodge near Yosemite October 3-5, 2018

Motion by Commissioner Sabatier, seconded by Commissioner Scott to authorize Commissioners Sabatier and Robey and staff to attend the Calafco Annual Conference October 3-5. Motion carried.

EO noted that Ms. Coppinger will also attend and participate on a panel discussion.

10. Calafco Achievement Awards

Commissioner Sabatier stated that he has reviewed the award categories and feels that the Cobb Project should be nominated for Project of the Year. Commission discussed the cooperative efforts of the several agencies in facilitating the Cobb Area Reorganization Project and agreed it should receive a nomination for Project of the Year. Chairman Mills stated that he would like to see Executive Officer John Benoit receive a nomination for Outstanding LAFCo Professional of the Year for his efforts on the Cobb Project. EO thanks the Commission, but declines. Chairman Mills, the Commissioners and Ms. Coppinger all express support for John's nomination and urge him to allow the nomination. After discussion, he agreed. Mr. Browne will write up the information for the nomination which is due by August 1 to Calafco.

Motion by Commissioner Robey, seconded by Commissioner Scott to nominate the Cobb Area Reorganization Project for Project of the Year and nominate Executive Officer John Benoit as Outstanding LAFCo Professional of the Year. Motion carried.

11. Consider nomination for the Calafco Board of Directors – City Member or Public Member

Commissioner Robey stated he is not available. Commissioner Mattina stated that she is not able this year, but perhaps in the future.

12. Designate LAFCo member or staff to vote on behalf of Lake LAFCo at the Calafco Annual Conference

Motion by Commissioner Sabatier, seconded by Commissioner Simon to nominate Commissioner Robey as designated voting member to represent Lake LAFCo at the Calafco Annual Conference, Commissioner Sabatier to serve as alternate. Motion carried.

Addendum Item B. Action Item A-2 – Request by Executive Officer amending Contract dated January 13, 2003 amendment regarding changes and updates to contract language regarding special and complex projects and use of subconsultants

A-2 Motion by Commissioner Brandon, seconded by Commissioner Mattina to Approve Fifth Amendment to the Agreement for the Provision of LAFCo Staff Services between the Lake Local Agency Formation Commission and John Benoit, Contractor, dated January 13, 2003, first amended on July 20, 2005, second amended on July 1, 2007, third amended on May 20, 2015, and fourth

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amended on July 1, 2017, re: authorize EO to undertake or manage special or complex projects and receive reimbursement for same, and authorize the Chairman to sign. Motion carried by the following vote:

AYES: Commissioners Simon, Mattina, Sabatier, Brandon, Mills, Robey and Scott.
NOES: None.
ABSENT: None.

Commissioners requested an updated contract. EO stated that due to the number of amendments to his contract, he will prepare a comprehensive version for review and consideration incorporating all changes.

Addendum Item B. Action Item – Begin Review of LAFCo’s Travel, Budget and Expenditure Policies

A-3 EO distributed copies of the existing Expenditure and Travel Policies and the Budgeting Policy and asked the Commissioners to review. He stated that the current policies need to be brought up to current standards. EO to draft updates and will schedule a workshop.

EO expressed concern that it may be better for Lake LAFCo to look elsewhere for a fiscal agent due to the complexities of the County providing those services.

Addendum Item B. Action Item – 2018-2019 Budget Amendment to add expenditure appropriation and account to pay State Board of Equalization Fees for the Cobb Area Reorganization

A-4 Motion by Commissioner Brandon, seconded by Commissioner Mattina to adopt Resolution 2018-0007 A Resolution of the Lake Local Agency Formation Commission Adopting Amendment to the 2018-2019 Budget to increase revenue appropriations and expenditures in the amount of \$6,400.00 to pay State Board of Equalization fees for the Cobb Area Reorganization Project, LAFCo file 2017-0001. Resolution passed and adopted by the following vote:

AYES: Commissioners Simon, Mattina, Sabatier, Brandon, Mills, Robey and Scott.
NOES: None.
ABSENT: None.

13. Executive Officer’s Report

- a. Status of Special District Elections. EO stated there are now two Special District seats open due to resignations of Alan Gott and Gerry Mills. Commissioner Brandon has chosen to remain the alternate. In the meantime, EO, has received two nominations, Stanley Archacki from the Clearlake Oaks County Water District, and Jim Schols from the Redbud Healthcare District. He asked if the Commission would rather revisit sending notices and possibly having an election or appoint the two applicants. The consensus is to appoint Messrs. Archacki and Schols. EO will invite the two new members to the next meeting.
- b. Status of Appointment of Special District Redevelopment Agency Oversight Committee. EO reported now have a representative on the Committee from Lakeport Fire District.

- c. Kelseyville County Waterworks District Municipal Service Review and Sphere of Influence are in process.
- d. Cobb Reorganization - almost completed – now must file the Certificate of Completion.
- e. Report on CALAFCo Conference panel on LAFCo and Natural Disasters. EO has organized the panel for this General Session as the Cobb Area Reorganization is one of the topics of discussion. There are several participants from Lake County.

14. LAFCo Counsel’s Report.

Mr. Browne will also be a presenter at the Calafco Conference Agenda with a session called “LAFCo in a Perfect World” which will be an audience participation session.

Mr. Browne also plans to present a session on CEQA and CEQA Exemptions at the next Lake LAFCo meeting.

15. Commissioner Reports

Chairman Mills stated that this is his last LAFCo meeting as a Commissioner, as he has resigned from the Fire District. He complimented the Commissioners and staff and thanked them for their support. All Commissioners and staff expressed their appreciation for Commissioner Gerry Mills and his exceptional service to the community and to LAFCo.

Chairman Mills passed the gavel to Commissioner Sabatier.

Commissioner Sabatier asked if there was anything that Lake LAFCo can do to proactively provide support to the fire situations. Commissioners discussed the possibility of adding a designated Fire Protection District seat to the Commission. Mr. Browne responded that since there is no Special District Selection Committee, which would enable that option, he suggested the Commissioners encourage fire districts to strive to maintain representation on the Commission. EO stated that he could ask the California Special Districts Association to speak to the special districts about the benefits of having a Special District Selection Committee. Commissioner Mills stated he could contact the Fire Chiefs Association to ask for their input.

16. Correspondence. None.

10:55 a.m. Meeting adjourned. Next regular meeting Wednesday September 19, 2018 in Clearlake.

By: _____
Kathleen Moran, Clerk