

LAKE LOCAL FORMATION COMMISSION  
MINUTES  
November 15, 2017 Regular Meeting

Members Present

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

Staff Present

P. Scott Browne, Legal Counsel  
Kathleen Moran, Clerk-Analyst

Absent: Jeff Smith, County Alternate, John Benoit, Executive Officer

**1. Call to Order**

Chairman Mills called meeting to order at 9:30 a.m. at the City of Lakeport Council Chambers and noted this was the last meeting of 2017.

**2. Approval of Minutes.**

Motion by Commissioner Simon, seconded by Commissioner Robey to approve the Minutes of the September 20, 2017 Regular Meeting. Motion carried.

**3. Public Comment**

Chair called for period of public comment. None were heard.

**4. Consent Agenda**

Motion by Commissioner Robey seconded by Commissioner Simon to authorize payment of expenses for September and October 2017. Motion carried.

**5. Public Hearing regarding Service Review and Sphere of Influence amendment for CSA #6 Finley Water and an Annexation to CSA #6 to include a 10.08-acre parcel on property located at 2855 Reeves Lane in Finley, APN 008-006-25.**

Present: Robert and Miriam Ahmad, property owners.

The Clerk summarized the Executive Officer's Staff Report as follows:

- The purpose of this annexation into CSA #6-Finley Water is to provide a safe and reliable water supply to property located at 2855 Reeves Lane in Finley. To proceed with the annexation, CSA #6- Finley's Sphere of Influence must be amended to include the property. The first item for consideration is Resolution 2017-0009 approving a Sphere of Influence Amendment.

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- The second item for consideration is Resolution 2017-0010 approving the Annexation request so that public water can be piped to the home located on the property. The annexation will ensure adequate domestic water for the existing residence and most importantly ensure fire protection for the site from a public water system.
- The property consists of 10.08 acres with a house, garage and barn and nut trees, fruit trees and vines. There is no active agricultural operation on the property.
- The current water source is a well with poor quality water. Good quality, public water, provided by CSA #6 is available at the street. Most parcels on Reeves Lane are already a part of CSA #6.
- The applicant, Nancy Hodges has since sold the property to Robert and Miriam Ahmad and they support the annexation.
- Special Districts Administrator, Ms. Coppinger, has provided a letter dated October 19, 2016 confirming the District has adequate capacity to supply the water.
- Chief Hutchison, Lakeport Fire Protection District, provided a letter dated June 7, 2016 stating that the District has reviewed the proposed annexation and would agree to the annexation only if there is no property tax exchange either in the base tax or the future increment.
- The Board of Supervisors adopted a Resolution on June 27, 2017 affirming that upon finalization of this project there would be no change in the base property tax revenue currently allocated to the Co General Fund and all local taxing entities shall not be changed as a result of this annexation. Further, that the future property tax increment allocated to the County General Fund and all local taxing entities shall not be changed as a result of the annexation.
- The parcel is contiguous with the district boundary and according to the County General Plan the parcel cannot be further subdivided.
- Staff Report recommendation is to adopt both Resolutions, subject to the terms and conditions shown in the proposed Resolutions.

The Chair asked for comments from the Commission. Commissioner Robey commented on the thoroughness of the Executive Officer's Report. Mr. Browne asked that both Resolutions be amended to include language required under §15319 of the CEQA Guidelines.

The Chair asked the applicants if they were aware that it is their responsibility to get the water from Reeves Lane to their parcel through other parcels and that the meter will be located on Reeves Lane. The applicants responded in the affirmative.

Commissioner Sabatier noted that the action would assist with fire suppression.

9:44 a.m. Chairman Mills opened the hearing for public comments and input. None were heard and the hearing was closed.

Motion by Commissioner Simon seconded by Commissioner Scott to approve Resolution

2017-0009 A Resolution of the Lake Local Agency Formation Commission Making Determinations and Approving a Sphere of Influence Amendment for CSA #6-Finley. Resolution to be amended to add language required under §15319 of the CEQA Guidelines. Resolution passed and adopted by the following vote:

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

NOES: None.

ABSENT: None.

Motion by Commissioner Gott, seconded by Commissioner Overton to approve Resolution 2017-0010 A Resolution of the Lake Local Agency Formation Commission Making Determinations and Approving the Annexation of 10.08 acres into CSA #6-Finley. Resolution to be amended to add language required under §15319 of the CEQA Guidelines. Resolution passed and adopted by the following vote:

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

NOES: None.

ABSENT: None.

## **6. Report and Discussion on the Calafco Annual Conference.**

Chairman Mills reported on the Calafco conference in San Diego and the breakout sessions he attended. Topics included "Avoiding an Ethical Crisis: Why it's Sometimes Difficult to do the Right Thing", "How They See LAFCo's: A Statewide Poll on Accountability, Consolidation, Local Control, Transparency and Communicating with the Public", and a session covering various methods of educating the public about LAFCo including the use of a social media platform. The Executive Officer provided a conference session summary in the Meeting Information Packet.

## **7. Executive Officer's Report**

- A workshop on Cobb Area Sphere of Influence will be on the January 17<sup>th</sup> Agenda. This involves the annexation of 9 water systems into the Cobb Area Water District, including three County Service Areas and the Adams Springs Water District. The Regional annexation could occur at the March 18<sup>th</sup> LAFCo meeting.
- Hidden Valley Lake is planning an annexation of district owned facilities.
- EO is working with Ken Porter on the Valley Oaks annexation to Hidden Valley Lake CSD.
- 2018 Meeting Schedule was distributed.

## **8. Counsel's Report.**

Mr. Browne presented a Legislative Update from the Calafco Conference. The following bills relating to LAFCo have been signed by the Governor.

- AB 464 (Gallagher) Makes changes to LAFCo statutes which govern changes of organization and reorganization, including annexation proceedings. Chapter 43, Statutes of 2017. This is the legislation the Commission has been discussing and following for several months which came about as a result of a court case *City of Patterson v. Turlock Irrigation District*.
- AB 479 (Lackey) Makes changes to the statutes which govern the independent special district selection committee and representation of special districts on LAFCo. Chapter 203, Statutes of 2017.
- AB 1361 (E. Garcia) Authorizes a municipal water district, until 1/1/23. To apply to a LAFCo to extend water service to Indian lands and prohibits the LAFCo from denying the application. Chapter 449, Statutes of 2017.
- AB 1725 (Assembly Local Government Committee) Omnibus bill that makes several minor and noncontroversial changes to the Cortese-Knox-Hertzberg Act. Chapter 353, Statutes of 2017.
- SB 130 (Senate Budget and Fiscal Review Committee) Provides a city that incorporated between 1/1/04 to 1/1/12 with property tax in lieu of vehicle license fees (VLF adjustment amount). Chapter 9, Statutes of 2017.
- SB 448 (Wieckowski) requires the State Controller to publish a list of inactive special districts and establishes a process for LAFCo's to dissolve inactive special districts. Chapter 334, Statutes of 2017.

Issues on deck for the next legislative session include Healthcare Districts and Water and contracting issues.

## **9. Commissioner Reports**

Commissioner Sabatier expressed concern about the potential rising cost of water service in the City of Clearlake. A portion of the services are provided by the private company [public utility] servicing Lucerne, Cal Cities. Residents there are paying above average rates for services and have expressed concerns with the rising costs. He asked if the Commission has a role to oversee those services, or what could be done to protect residents.

Commissioner Robey stated that the City of Clearlake is served by three different water districts. One is the Konocti County Water District, which has an elected board. The second is the Highlands Water Company, which is a mutual water company and everyone within that area owns a share of stock. The third is Cal Cities, owned by Golden State out of southern California. The company buys up small water companies and, generally, user costs escalate. Brief discussion was held on possible options, such as consolidation or a city-administered enterprise fund, and conducting an MSR to review current services. Commissioners concur the issue should be placed on a future agenda.

Chairman Mills directed the matter be placed on the January agenda for discussion.

Commissioner Gott provided a follow up to his previous report of hacking to the Healthcare District website.

Commissioner Brandon asked if an Agenda could be sent separately from the meeting materials so both items could be opened in windows to make it easier to work with. The Clerk will do this for the next meeting.

**10. Correspondence.**

The Clerk read a letter from the Calafco Executive Director, Pamela Miller dated 1/8/17 expressing appreciation to the Commission for Lake LAFCo's participation in the statewide conference.

10:30 a.m. Meeting adjourned.

Next regular meeting: Wednesday January 17, 2018 in Clearlake.

By: \_\_\_\_\_  
Kathleen Moran, Clerk