

LOCAL AGENCY FORMATION COMMISSION OF LAKE COUNTY
MINUTES OF MEETING
November 20, 2013

PRESENT:

Ed Robey, Chair, Public Member
Frank Gillespie, Special Districts Member
Jeri Spittler, City Member
Stacy Mattina, City Member
Gerry Mills, Special District Member
Denise Rushing, County Member
Jim Comstock, County Member

ALSO PRESENT:

Jeff Smith, County Alternate
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 9:35 a.m. There was a quorum present.

2. Approval of Minutes – September 25, 2013

Commissioner J. Comstock moved to approve the September 25, 2013 minutes, second by Commissioner F. Gillespie; motion carried.

3. Public Comment – No public comments.

4. Consent Agenda

Commissioner S. Mattina moved to authorize payment of the September and October 2013 expenses, second by Commissioner J. Comstock; motion carried.

5. Discussion and Direction regarding a proposed Policy, Standard and Procedures amendment to address Disadvantaged Unincorporated Communities

John reviewed Exhibit A, 2.19, Disadvantaged Unincorporated Communities. He stated that although there may not be any DUCs in Lake County, a policy is still required. The number of parcels (3.b) is discretionary. Discussion followed regarding certain communities in the county that would be considered DUCs.

John suggested adding, under #2, City Annexations, a requirement that the total acreage be 5 acres or more. There is also some discretion on total acreage. Additionally, there should be a requirement for the size of the annexation. Should the size of the annexation be 5 acres also? The Commission agreed that this is a good recommendation.

S. Browne advised the Commission that a certain number of parcels, is not required; can leave it at 12 registered voters. The Commission agreed to eliminate #3.b) regarding the requirement of at least 25 parcels.

John will prepare a resolution for the Commission's consideration and approval. The Commission directed staff to schedule this item under consent agenda for the next Lafco meeting.

6. Bylaw Amendment to include detailed Records Retention Policy

J. Benoit reviewed the Bylaw Amendment Section 5.10 © Amended Records Retention Policy. This is a comprehensive records retention policy. John has talked with both City Managers and is actively searching for a new location to store documents. Discussion followed regarding a location for storage and making documents accessible to the public. It was suggested that the issue of storage be agendized for a future meeting.

Commissioner G. Mills moved to approve Resolution 2013-0010 a resolution amending bylaws to include a records retention policy, second by Commissioner J. Spittler, motion carried by roll call vote. (7-0)

7. Discussion of Rosenberg's Rules of Order consider adoption of new rules of procedure for LAFCo.

J. Benoit reviewed Rosenberg's Rules of Order for the Commission (included in today's agenda packet). John suggested eliminating Roberts Rules of Order and adopting Rosenberg's Rules of Order as guidelines, as they are simple and easy to understand. S. Browne stated that Rosenberg's Rules do not address how many votes it takes to pass an action. John advised the Commission that the bylaws require four votes to pass an action. Members agreed that this works well for the Commission, and has never been an issue.

John stated that the word "guidelines" should be added to the resolution. Under #2 Section 5.7(g), Conduct of Meetings in LAFCo's Bylaws is hereby amended to include the latest edition of Rosenberg's Rules of Order as a guideline to read as follows:

Rules of Procedure

Except as otherwise provided herein, the rules of order governing the conduct of business at all meetings of the Commission shall be the latest edition of Rosenberg's Rules of Order to be used as a guideline.

Commissioner J. Comstock moved to approve Resolution No. 2013-0011 a resolution amending bylaws to adopt Rosenberg's Rules of Order, with the addition as stated above, second by Commissioner D. Rushing with

discussion. Mr. Dunlap asked if Commissioner Comstock meant to include the latest issue of Rosenberg's Rules. Commissioner Comstock amended his motion to include the latest issue of Rosenberg's Rules, Commissioner Rushing agreed with the amendment, motion carried by roll call vote. (7-0)

8. Watershed Protection district MSR Committee progress report – Betsy Cawn

Betsy Cawn stated that a status report was provided in today's agenda packet. She also distributed a draft committee report regarding the Lake County Watershed Protection District. Ms. Cawn advised the Commission that the committee had assembled information identifying "facts" about the functions of the district. Scott DeLeon has concurred with those facts.

Commissioner D. Rushing explained why the Watershed Protection District (WPD) was formed stating that the purpose was to obtain grants. Staff believed very strongly that the WPD did not have the authority the committee is saying they have. Legal council needs to weigh in, and the Board of Supervisors is waiting for their comments.

Discussion continued regarding audit requirements, transparency and information gathering. J. Benoit stated that a WPD MSR will be prepared with the goal to complete a draft by the end of the year. The MSR is not a "got you" document, and Lafco does not get involved with personnel issues. D.Rushing said the among the purposes of the MSR is to shine a light on issues identified. The Commission directed staff to send the MSR draft to Mr. DeLeon for review and comment and then to the district board.

9. Review and amend as determined by the Commission, LAFCo's adopted Local Procedural Guidelines for Municipal Service Reviews (adopted on August 20, 2003); and LAFCo's action on April 15, 2009 regarding establishment of Municipal Service Review Advisory Committee (Adopted on April 15, 2009); LAFCo's adopted Policies and Procedures for Municipal Service Reviews (Adopted on May 20, 2009)

J. Benoit explained that when the guidelines were created, in 2003, no one really understood what an MSR was since no one had ever done one, and much has been learned since 2003. Lafco's guidelines are antiquated and need to be re-examined. He further explained that the level of content for an MSR is proportionate to the budget. The overall purpose of the MSR is to support the SOI.

John advised the Commission that there is no policy on the role of an MSR Committee. There is a need for some direction on an MSR Committee and their role.

Discussion followed regarding the level of detail in an MSR and the costs associated with completion of the MSR.

Break – 11:34 to 11:40

Commissioner D. Rushing stated that county staff could not attend today's meeting, so they have asked that Lafco not make a decision regarding this item until such time as they can attend and comment.

This item will be continued to the next meeting on January 15, 2014 in Clearlake.

10. Executive Officer's report

John advised the Commission that he will be meeting today with Special Districts regarding Paradise Cove, CSA 16. Also, a Lafco symposium will be held on December 9, 2013; 50 years of Lafco. John can forward information to those interested in attending.

- a. *Callayomi Co. WD annexation* – John reported that this project is again gaining momentum; expect an application soon.
- b. *City of Clearlake and Fire Service Review* – Clearlake is being reviewed by city staff and still gathering information from fire service providers.

11. Commissioner Reports

Commissioner D. Rushing provided an update on issues of concern for citizens of Lucerne.

12. Correspondence

John provided information on the Valley Oaks planned development near Middletown. He also stated that a sphere of influence amendment will be needed for the Hidden Valley Lakes CSD.

13. Adjourn to LAFCO's next regular meeting: January 15, 2014 in Clearlake

The meeting was adjourned at 11:53 a.m.