

**LAKE LOCAL AGENCY  
FORMATION COMMISSION**

**Lake County  
Watershed Protection District**

**MUNICIPAL SERVICE REVIEW**

***Public Review Draft, Revision 2, December 11, 2014***

***[For Public Hearing December 18, 2014]***

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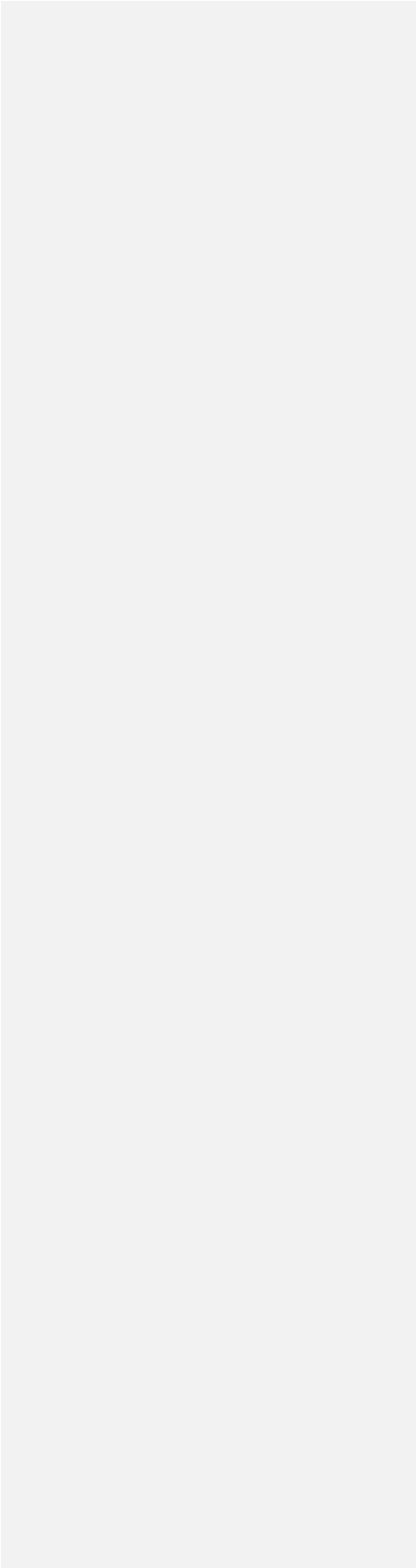
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## 1 INTRODUCTION

Prepared for the Lake County Local Agency Formation Commission (LAFCO), this report is a municipal service review of the Lake County Watershed Protection District. A municipal service review is defined as a State-required comprehensive study of services within a designated geographic area—in this case, Lake County.

The Lake LAFCO Commissioners are as follows:

### County of Lake

Denise Rushing, Supervisor District 3, Vice Chair

Jim Comstock, Supervisor District 1

Jeff Smith, Supervisor District 2 (Alternate)

### Cities

Stacey Mattina, City of Lakeport

Denise Loustalot, City of Clearlake

Martin Scheel, City of Lakeport (Alternate)

### Special Districts

Frank Gillespie, Butler-Keys CSD

Gerry Mills, Lakeport FPD

Jim Abell, South County FPD (Alternate)

### Appointed Members of the Public at Large

Ed Robey, Chair

Suzanne Lyons (Alternate)

Lake LAFCO is required to prepare this municipal service review by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000, et seq.), which took effect on January 1, 2001. The Act requires LAFCO review and update SOIs not less than every five years and to review municipal services before updating SOIs. The State requires the municipal service review to be reviewed every five years as part of the SOI update process as determined necessary by the Commission.

The requirement for service reviews arises from the identified need for a more coordinated and efficient public service structure to support California's anticipated growth. The service review provides LAFCO with a tool to study existing and future public service conditions comprehensively and to evaluate organizational options for accommodating growth, preventing urban sprawl, and ensuring that critical services are provided efficiently.

Government Code §56430 requires LAFCO to conduct a review of municipal services provided in the county by region, sub-region or other designated geographic area, as appropriate, for the service or services to be reviewed, and prepare a written statement of determinations with respect to each of the following six topics:

- Growth and population projections for the affected area;
- The location and characteristics of any disadvantaged unincorporated communities (DUC) within or contiguous to the sphere of influence;
- Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies;
- Financial ability of agencies to provide services;
- Status of, and opportunities for, shared facilities; and
- Accountability for community service needs, including governmental structure and operational efficiencies.

The determinations serve the purpose of helping LAFCO and the District Board of Directors understand the agency under review. The determinations are not binding requirements for a special district or city. Determinations are subject to change as the agency evolves over time.

Lake LAFCO is responsible for determining if an agency is reasonably capable of providing needed resources and basic infrastructure to serve areas within its boundaries and, later, within the agency's Sphere of Influence.

The Final Municipal Service Review Guidelines prepared by the Governor's Office of Planning and Research (OPR) recommend that issues relevant to the jurisdiction be addressed through written determinations called for in the Cortese-Knox-Hertzberg Act. Determinations are provided for each of the six factors, based on the information provided in this Municipal Service Review.

With few exceptions, all cities and special districts are considered within LAFCO's jurisdiction, and are therefore, subject to the required MSR. As determined by Lake LAFCO legal counsel, Lake County Watershed Protection District may be exempted from the MSR requirement;<sup>1</sup> however, the District chose to forego exemption in the hopes that an MSR would provide a useful tool to the District as it considers future service structure and needs.

The OPR Guidelines for Municipal Service Reviews recommend convening stakeholders as appropriate to facilitate collaborative efforts and address issues and challenges, as part of the MSR process. The Lake Commission formed a special committee in May, 2013, to include knowledgeable stakeholders in research and collection of relevant information about the District to include in the MSR. Members of the Committee include the appointed Public Member, Public Member Alternate, and private citizens with experience and knowledge of watershed management issues in Lake County.

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<sup>1</sup> Legal counsel concluded that the District is subject to LAFCO jurisdiction for deciding changes of organization but that if the District applied to LAFCO pursuant to §56127, the Commission would be required to exempt it from LAFCO conducting authority protest procedures (Parts 4 and 5 of the Cortese Knox Hertzberg Act) as outlined in §56128.

## 2 SETTING

### 2.1 Lake County Water Supply

Lake County is primarily a rural county, with an economy based on agriculture and tourism. With a population of 64,000, there is significant demand for water. While demand for domestic water supply has diminished since 2008 following the crash in the real estate market, it is anticipated that slow steady growth will continue as the economy recovers, and increased demand will be placed on finite water supplies. Conversely, increases in demand for agricultural water supplies (almost entirely reliant on groundwater) have continued in Lake County with expansion of vineyard operations.

The boundaries of Lake County are a logical description of a region, as the County boundaries are essentially the watershed boundaries for the headwaters of the Eel River, Cache Creek and Putah Creek.<sup>2</sup> Lake County is the "county of origin" for source water supplies delivered to five surrounding counties from three distinct watersheds. The Eel River watershed provides water supplies (for multiple uses) to Mendocino and Sonoma Counties. The Upper Cache Creek watershed provides irrigation and recreation water resources to Yolo County. The Upper Putah Creek watershed provides water irrigation and recreation water resources to Napa, Solano, and Yolo Counties. Cache Creek water has been fully appropriated and Putah Creek water has been adjudicated, limiting options available for surface water supply development. Because a majority of surface water rights have been granted to out-of-County interests, local water use is primarily from groundwater basins that are fully contained within the County.

### 2.2 Lake County Hydrology

#### Watersheds

The subject of this report is the Lake County Watershed Protection District (LCWPD). As is implied in the name, the District is, in part, responsible for protection of the various watersheds which flow in Lake County.

A watershed is an area of land that drains down slope to the lowest point. Water moves through the watershed in a network of drainage pathways, both above and below ground. A critical part of a watershed is the common water bodies to which much of the drainage flows and the groundwater to which water may percolate.

The primary watershed in Lake County, and most substantial in size, is the Clear Lake Watershed, as most water flows into surrounding creeks and smaller lakes and then ultimately into Clear Lake and out through Cache Creek. Watersheds of tributaries to Clear Lake are referred to as sub-watersheds. The majority of LCWPD's services are provided within the Upper Cache Creek watershed and Clear Lake Basin.

#### Water Bodies

Clear Lake is the largest freshwater lake, which lies entirely in California. As such, it is the most **recognizable** geographic feature in Lake County to residents and tourists alike. The lake is a naturally formed freshwater lake, which is fed by runoff flowing into many

<sup>2</sup> <http://www.co.lake.ca.us/Assets/CDD/Stormwater+Mgt/Clean+Water+PDFs/Stormwater+Management+Plan.pdf>

streams as well as springs in Soda Bay. The only outlet of Clear Lake is Cache Creek. In 1914, Cache Creek Dam was constructed in order to increase the lake's capacity and to regulate its outflow.

Clear Lake has been subject to nuisance algal blooms for much of the past century. It was added to the federal Clean Water Act Section 303(d) list of impaired water bodies for nutrients in 1986. Although Clear Lake water clarity improved significantly beginning in 1992, aquatic weeds and algal blooms are still a common problem during the hottest period of the year.

#### Groundwater

Groundwater is also a vital natural resource in Lake County, given that in an average year, groundwater meets about 60 percent of Lake County's urban and agricultural water demands.<sup>3</sup> Groundwater is a preferred source for irrigation because it is generally considered more reliable than surface water, particularly during dry periods.

In Lake County, groundwater is provided from 12 separate groundwater basins and one source area, consisting of:

- Gravelly Lake
- North Fork Cache Creek
- Long Valley
- Clear Lake Cache Formation
- Lower Lake Valley
- Coyote Valley
- Callayomi Valley
- Upper Lake Valley
- Scotts Valley
- Big Valley
- Clear Lake Volcanics Groundwater Source Area

The water from these basins is generally of good quality; however, several of the basins have high levels of boron, iron, and manganese, as identified in the Department of Water Resource's Groundwater Bulletins on each individual basin. These contaminants, in high concentrations, can damage crops if used for irrigation.

There are concerns that some basins may suffer from overdraft during periods of drought, when there is inadequate recharge during winter months to replace water extracted during the summer months. Potential impacts of overdraft during these periods might include: water shortages for irrigation, water shortages for municipal use, deterioration of groundwater quality, dry wells, and ground subsidence. To mitigate these concerns, LCWPD conducts groundwater management throughout the County.

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<sup>3</sup> County of Lake Water Resources Website, viewed on 1/10/14 at [http://www.co.lake.ca.us/Government/Directory/Water\\_Resources/Department\\_Programs/Groundwater\\_Management.htm](http://www.co.lake.ca.us/Government/Directory/Water_Resources/Department_Programs/Groundwater_Management.htm).

### **2.3 Clean Water Regulations**

To prevent further deterioration of impaired water bodies, the United States Environmental Protection Agency (EPA) and state and regional water quality boards have established Total Maximum Daily Load standards (TMDLs) for many impaired water bodies. TMDLs set numerical targets for the amount of pollutants allowed in a water body and methods for meeting those targets. TMDLs are established for high-priority, impaired water bodies. In Lake County, TMDLs have been established for mercury<sup>4</sup> and nutrients in Clear Lake and Cache Creek. Sources of these pollutants include resource extraction, erosion/siltation, agriculture, urban runoff, shoreline impairments, and grazing related sources.

Pollution sources are generally classified as either “point source” or “non-point source.” Direct pollution is caused and is potentially traceable to a specific pollution source; it is known as “point source pollution.” Point sources, such as factories and treatment plants, are most easily and commonly regulated; e.g., they are typically required to hold discharge permits. Indirect pollution is often conveyed into the waterways by stormwater runoff and is known as “non-point source pollution.”

Urban runoff, including stormwater, has been identified as a significant pollutant contributing to the overall contamination of water bodies. Unlike sewage, urban runoff is usually not treated. Although it may be filtered through catch basins, stormwater flows directly from streets and gutters into waterways. In order to control pollutants discharged into water bodies, the EPA relies on state, regional and local agencies to regulate and monitor requirements under the National Pollutant Discharge Elimination System (NPDES). LCWPD District was created, in part, to carry out this function, in conjunction with other agencies, in Lake County.

The Lake County Clean Water Program (LCCWP) Stormwater Program is a joint effort of the County of Lake, City of Clearlake, and the City of Lakeport to reduce damage caused by polluted stormwater runoff and impacts of increases in peak flows from development, in order to maintain the beneficial uses of Clear Lake, prevent harmful impacts to its watersheds, and restore the natural ecosystems.

An agreement providing for implementation of the LCCWP became effective in September 2004 with signatures by all co-permittees (County of Lake, City of Clearlake, and the City of Lakeport) and the Watershed Protection District. This agreement provides the necessary framework and management structure for co-permittees to implement the program through the Lake County Clean Water Program Advisory Council and program working groups responsible for working on the required six Minimum Control Measures (discussed further below).

LCCWP is presently managed by LCWPD for compliance with the federal Clean Water Act, NPDES Stormwater Management Program for Small Municipal Separate Storm

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<sup>4</sup> Subsequent study by Regional Water Quality Control Board staff determined that the continuing source of mercury contamination in Clear Lake is the Sulphur Bank Mercury Mine, which is a US EPA Superfund Site and not a responsibility of the County of Lake.



Sewer Systems (MS4s), as mandated by the State Water Resources Control Board in Water Quality Order No. 2013-0001, effective July 1, 2013.<sup>5</sup>

Implementation of the Lake County Clean Water Program is codified in local ordinances that comprise the municipal codes of the three “co-permittees” forming the Lake County Clean Water Program Advisory Council.<sup>6</sup> The Advisory Council is comprised of seven members—one representative (elected official) from each of the cities and the County, district staff, and three stormwater program coordinators from each of the co-permittees. The Advisory Council meets quarterly, under the direction of an appointed chair and vice chair selected annually by the Board of Supervisors. Storm Water Program Workgroups are responsible for evaluating, developing and coordinating specific portions of the program on behalf of the three co-permittees. Workgroup recommendations are presented to the Advisory Council which then directs staff according to the Stormwater Management Agreement. It is the responsibility of the Cities and the County to implement the program as recommended by the Program Workgroups to the Advisory Council.

Administration of Advisory Council operations and Stormwater Management Program compliance documentation is provided by LCWPD, with technical guidance from appointed implementation team members (one from each jurisdiction), and assigned multi-jurisdictional Program Workgroups for each of the Stormwater Management Program’s “Minimum Control Measures” (MCMs). The Minimum Control Measures for compliance with Water Quality Order 2013-0001-DWQ are as follows:

- Pre-construction erosion control
- Post-construction erosion control
- Municipal good housekeeping
- Illicit discharge detection and elimination
- Public education and outreach
- Public involvement and participation

Coordination of all efforts for compliance with the Minimum Control Measures and specified terms of the Water Quality Order is to be provided by a multi-jurisdictional management work group comprised of all MCM work group coordinators and the implementation team. The Advisory Council’s responsibilities are more limited due to the structure of the permit requirements as defined in WQO 2013-0001-DWQ. The previous permit required the Advisory Council’s review and decision-making on implementation of permit requirements. WQO 2013-0001-DWQ is more specific and leaves little or no room for interpretation of implementation measures. Due to this change there has not been a need for Advisory Council meetings. The collaboration between entities is primarily achieved through what is described in the permit as a “management workgroup”. This is not envisioned as a formal entity, but is an team of

<sup>5</sup> Between 2004 and 2008, LCWPD acted as an administrator of this program. In 2009, this function was transferred to the Community Development Department. Most recently, in 2013, this function was transferred back to LCWPD during the County’s budget process.

<sup>6</sup> [http://www.co.lake.ca.us/Government/Directory/Water\\_Resources/cwp/documents.htm](http://www.co.lake.ca.us/Government/Directory/Water_Resources/cwp/documents.htm).

[http://www.co.lake.ca.us/Government/Directory/Water\\_Resources/cwp/Advisory\\_Info.htm](http://www.co.lake.ca.us/Government/Directory/Water_Resources/cwp/Advisory_Info.htm).

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the stormwater coordinators from each local entity that coordinate on implementation efforts.

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**2.4 Population and Growth**

Lake County's population, as well as the population of each city, for each year from 2000 to 2013 is shown below:<sup>7</sup>

LAKE COUNTY POPULATION 2000 TO 2013				
Year	Lake County Total	City of Clearlake	City of Lakeport	Unincorporated Areas
2000	58,325	13,147	4,820	40,358
2001	59,315	13,273	4,878	41,164
2002	60,565	13,452	4,971	42,142
2003	61,493	13,574	5,024	42,895
2004	62,292	13,729	5,053	43,510
2005	62,878	13,727	5,079	44,072
2006	63,404	13,767	5,071	44,566
2007	63,682	14,018	5,054	44,610
2008	63,805	14,189	5,024	44,592
2009	64,025	14,390	5,146	44,489
2010	64,665	15,250	4,753	44,662
2011	64,383	15,199	4,717	44,467
2012	64,412	15,179	4,705	44,528
2013	64,531	15,192	4,713	44,626

While Lake County as a whole has gained population since 2000, population growth has steadily slowed in recent years, with the countywide population remaining relatively steady over the past five years. Like the County, the City of Clearlake has experienced steady growth that has slowed in recent years and declined slightly between 2010 and 2013. The City of Lakeport experienced an increase in population until 2005 and has since experienced a downward trend with a decline in population to below 2000 levels. Population growth throughout Lake County has slowed significantly consistent with overall state and national trends.

The Department of Finance (DOF) makes population projections for the period from 2010 to 2050 for each municipality in the State. The DOF estimates that Lake County will experience overall growth of 47 percent during that period with approximately one percent average annual growth.

While LCWPD is not directly responsible for land use planning, which impacts future growth and development, the District makes recommendations regarding and takes part in the development of land use planning policies and documents.<sup>8</sup>

As reported by the District, many of the recommendations of the Clean Lakes Implementation Plan (1994) (identified in "[Causes and Control of Algae Blooms in Clear](#)

<sup>7</sup> State of California, Department of Finance, E-4 Population Estimates for Cities, Counties and the State, 2001-2013, with 2000 Benchmark. Sacramento, California, May 2013.

<sup>8</sup> <http://www.co.lake.ca.us/Assets/WaterResources/Algae/Clear+Lake+TMDL+Monitoring+and+Implementation+Plan.pdf>

Lake”) and the Floodplain Management Plan have been incorporated into the area plans that have been prepared over the last 10 years. It is also a policy of the Lake County Community Development Department Planning Division to consult with District staff to ensure new development is consistent with these plans prior to approval.<sup>9</sup>

#### *Socio-Economic Setting*

The County's socio-economic indicators qualify all of its shoreline communities as "disadvantaged" (less than 80 percent of the State's median household income). Only one third of the County's population is employed, with the majority of employees serving either the K-12 school districts or the County government.

As a result of the economic impairments in the general population, financial resources for watershed protection and source quality management are inadequate to meet the compliance requirements of federal/state pollution prevention permits. The County Board of Supervisors has proposed a one-half cent retail sales tax to provide revenues to the District for permit compliance and nuisance abatement or prevention programs to fully restore the beneficial uses of Clear Lake.<sup>10</sup>

Anticipated growth in Lake County is limited by lack of industries other than agriculture and tourism; economic development programs begun in 2000 dedicated county funding to eradication of blight and creation of tourist destination services. Estimated tourism revenue losses resulting from water quality impairment of Clear Lake are \$7 million a year (1994 dollars).<sup>11</sup>

#### *Disadvantaged Unincorporated Communities*

LAFCO is required to evaluate disadvantaged unincorporated communities as part of this service review, including the location and characteristics of any such communities. A disadvantaged unincorporated community is defined as any area with 12 or more registered voters, or as determined by commission policy, where the median household income is less than 80 percent of the statewide annual median of \$60,833.<sup>12</sup> Eighty percent of the 2010 California Median Household Income would be \$48,666.

The California Department of Water Resources (DWR) has developed a mapping tool to assist in determining which communities meet the disadvantaged communities' median household income definition. DWR identified 12 disadvantaged communities within Lake County—two of which are the two cities in the County and are therefore not considered unincorporated. All 10 of the identified disadvantaged unincorporated communities are within LCWPD's bounds. These communities include Upper Lake (population 1,213), North Lakeport (population 3,541), Nice (population 2,267), Lucerne (population 2,680), Clearlake Oaks (population 1,498), Lower Lake (population 1,247), Clearlake Riviera (population 3,193), Soda Bay (population 945), Kelseyville (population 3,126), and Middletown (population 1,646).

<sup>9</sup> Government Code §56033.5.

<sup>10</sup> <http://www.co.lake.ca.us/Assets/BOS/Ordinances/LakeTaxProp.pdf?method=1>

<sup>11</sup> Lake County Flood Control and Water Conservation District, *The Causes and Control of Algal Blooms in Clear Lake, 1994*, p. X. Available at <http://www.des.ucdavis.edu/faculty/Richerson/CleanLakesReport1994.pdf>

<sup>12</sup> US Census Bureau, <http://quickfacts.census.gov/qfd/states/06/0685586.html>, November 7, 2012

However, DWR is not bound by the same law as LAFCO to define communities with a minimum threshold of 12 or more registered voters. Because income information is not available for this level of analysis, disadvantaged unincorporated communities that meet LAFCO's definition with such a small population cannot be identified at this time, and only larger communities are readily identifiable with DWRs data.

### **3 LAKE COUNTY WATERSHED PROTECTION DISTRICT (LCWPD)**

#### **3.1 Formation**

Lake County Watershed Protection District (LCWPD) was originally established as the Lake County Flood Control and Water Conservation District (LCFCWCD) in 1954 by a special act of the California Legislature—Lake County Flood Control Act, Chapter 62 of the State Water Code.<sup>13</sup> The District's formation was engendered by the County of Lake for the purpose of creating a separate government entity responsible for developing and managing domestic water supplies<sup>14</sup> and controlling and conserving flood and storm waters in Lake County.

LCFCWCD was transformed into LCWPD in 2004 by passage of Senate Bill 1136, which amended Chapter 62 of the California Water Code to rename the District and empower it to provide additional services as described in Section 4 of the Act.<sup>15</sup> Specifically, the Act authorized the District to participate alone or jointly with Lake County, or cities or districts within Lake County, in the NPDES permit program in accordance with the Clean Water Act and authorized LCWPD to incur indebtedness and issue bonds, cause taxes, fees or assessments (among other sources of revenue) to be levied and collected for the purpose of paying any obligation of the district, and to contract with the County of Lake to carry out the purposes of the District.<sup>16</sup> Section 4 outlines the purposes of the District as follows:

*Sec. 4 (a) The objects and purposes of this act are to provide for the control, impounding, treatment, and disposal of the flood and storm waters of the district, the conservation and protection of all waters within the district, including both surface water and groundwater, and the control of flood and storm waters of streams that have their source outside of the district, but which streams and the flood waters thereof flow into the district, to protect from flood or storm waters the watercourses, lakes, groundwater, watersheds, harbors, public highways, life, and property in the district, to develop and improve the quality of all waters within the district for all beneficial uses, including domestic, irrigation, industrial and recreational uses, and to protect and improve the quality of all waters within the district.*

<sup>13</sup> "(Added by Stats.1954, 1st Ex. Sess., c. 62, p. 339, § 6. Amended by Stats.1955, c. 1936, p.2505, § 1; Stats.1959, c. 1532, p. 3836, § 2; Stats.1995, c. 430 (S.B. 156), § 33; Stats.2004, c.108 (S.B.1136), § 6; Stats.2005, c. 22 (S.B.1108), § 230.);" Chapter 62 is incorporated in reference documents.

<sup>14</sup> California Water Code §62-5 Part 5

<sup>15</sup> "Stats.2005, c. 22 (S.B.1108), §230."

<sup>16</sup> SB 1136, Section 7, items 9, 10, and 14 of Section 5 of the California Water Code, Chapter 62 (Sections 12741 and 12742), and Section 21180 of the Public Contract Code.

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(b) *The objects and purposes of this act are also to provide for the participation of the district in the national pollutant discharge elimination system (NPDES) permit program in accordance with the Clean Water Act (33 U.S.C. Sec. 1251 et seq.).*

The District provides several core services as delegated or regulated in joint powers agreements and the County Code. Responsibility for Clear Lake as a public trust asset was delegated to the County of Lake by the State Lands Commission (Chapter 639, Statutes of 1973). Lakebed Management services are defined by Lake County Municipal Code Chapter 23, *Shoreline Protection*. The District's responsibility for protection of groundwater resources is codified in Lake County Municipal Code Chapter 28, *Groundwater Management* and administration of aquatic plant management and invasive species prevention is defined in Lake County Municipal Code Chapter 26/26A, *Aquatic Plant Management*. The District's role in managing the Lake County Clean Water Program is defined in the Joint Powers Agreement between the cities, County and the District. The District currently operates without a local enabling ordinance, but relies on the County structure for management and oversight similar to the many other dependent special districts under which the Board of Supervisors act as the Board of Directors. Through this structure the District is able to obtain interagency services from County departments and to administer revenues or expenditures. The Board of Directors could consider creating a local enabling ordinance to formalize the structure, as some other Districts throughout the state have done.

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### 3.2 **Boundaries and Sphere of Influence**

The District's bounds encompass all territory within Lake County as defined in its State enabling act.<sup>17</sup>

The LAFCO Commission adopted a Sphere of Influence (SOI) for the District on August 21, 1985 through Resolution 6-85. The SOI is coterminous with the District's boundary and the County's boundary.

### 3.3 **Governance**

#### 3.3.1 **Governing Body**

As a dependent special district of the County, the District is governed by the County Board of Supervisors, which acts *ex officio* as its Board of Directors. As the District's governing body, the Board of Directors authorizes its budgets and expenditures. Operations of the District are provided by the Lake County Department of Water Resources staff as directed by the Board of Supervisors. The Board of Supervisors consists of five supervisors elected by district to staggered four-year terms of office. The Board usually meets the first, second, third, and fourth Tuesday of each month. Meetings are held in the Board Chambers on the first floor of the Courthouse at 255 North Forbes Street in Lakeport, CA. Occasionally, for special purposes, the Board will schedule other meetings at different times and/or locations in the County. The Board meetings are open to the public and agendas are published the

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<sup>17</sup> California Water Code §62-1.

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week prior to the meetings. The Board of Supervisors meets concurrently as the Board of Directors of LCWPD (as it does with other dependent districts) to consider items specific to LCWPD. One alternative would be to have separately identified, publically noticed meetings for District business. However, the Board has only met to consider District items, or items closely related to District business, only 13 times during calendar year 2014. Based on the limited number of business items considered, the efficiency and cost effectiveness of separate meetings does not appear feasible at this time. At such a time where a significant increase in District related items are brought before the Board, consideration should be given to separate public meetings. However, separately identified, publicly noticed meetings would not enhance transparency and accountability because the front page of Board of Supervisors agenda advises the public that the Board of Supervisors meets concurrently as the Board of Directors of the Watershed Protection District as well as the many other special districts governed by the Board of Supervisors; and whenever any item of the District is on the agenda, the agenda title includes the statement, "Sitting as the Watershed Protection District."

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### 3.3.2 *Advisory Committees*

In some circumstances where the Board of Supervisors governs a dependent special district, advisory committees, subcommittees and (or) boards are either appointed or required. Section 5.4 at the end of this report provides a summary of related Committees, Subcommittees and Boards.

Beginning in 1990 with a joint memorandum of understanding between federal, state, regional, and local jurisdictions, the Clear Lake Basin Resource Management Committee (RMC) established planning processes addressing remediation of water quality impairments in Clear Lake. Incorporating academic and scientific studies funded by the US Environmental Protection Agency, California Department of Water Resources monitoring programs, and highly collaborative planning work group input, the RMC supported development of these guidance documents to assist the Lake County Board of Supervisors administration of Clear Lake responsibilities. The RMC formed several subcommittees to assist in development of guidance planning, which collectively provided the following plans for management of watershed responsibilities:

- Clear Lake Basin Management Plan (2000 *draft*)
- Clear Lake Integrated Aquatic Plant Management Plan (2004)
- Clear Lake Stormwater Management Plan (2004)
- Clear Lake Integrated Watershed Management Plan (2010)

The RMC is a standing committee assignment on the roster of Lake County Board of Supervisors committee assignments. However, in 2010, the RMC experienced a lack of interest in participation (partially due to tighter budgets making less funds available to agency employees for travel) and meetings have not been held since. It may be beneficial for the District's Board of Directors to spearhead the revival of this organization, given the extensive regional coordination that is necessary to meet minimum permit requirements and water quality standards established by the Central Valley Regional Water Quality Control Board. Several Local, State, and federal agencies, as well as the general public, are stakeholders in these projects and

programs, and greater collaboration could enable the District to better leverage limited resources. Use of a conference calling system or video meeting system could promote greater levels of participation.

At present, LCWPD has four Citizens' Advisory Task Force Committees that meet twice a year to review and advise staff on flood control facility maintenance activities needed within their specific benefit zones—Zone 1 (Adobe Creek); Zone 4 (Scotts Creek); Zone 5 (Kelsey Creek); and Zone 8 (Middle Creek). Also, the Big Valley Groundwater Management Zone Commission meets 10 times a year to assist/guide staff in implementation of the Big Valley Groundwater Management Plan.

### 3.3.3 Outreach

Information regarding the County Department of Water Resources (the department that staffs the District) is made available on the County website. The Department is encouraged to ensure clarity of the information available on its website for use by the general public. There is also a separate website specific to the Department's Invasive Mussel Program. The Department sends out mailers and newsletters regarding flood issues and invasive species, and issues a number of press releases on invasive species and water quality issues. The Department has made use of local media to increase exposure to the public about Clear Lake and the issues it faces. The Department participates in special events, such as local fairs, and the International Sports Expo, where it distributes information on invasive species and aquatic weeds. The Department has participated in and provided assistance at several lake clean-up efforts, and regularly makes presentations at local schools on Earth Day.

### 3.4 Management

The District was administered as part of the County Department of Public Works until the Department of Water Resources was separated and made into an individual department by the Board of Supervisors in 2010. The Department of Water Resources is responsible for all functions of LCWPD. The Department of Water Resources provides District services separately from Lakebed Management. Lakebed Management revenues and expenditures are tracked through separate funds in compliance with the State Lands Commission statutes of 1973.<sup>18</sup>

County Water Resources Department staff provides the personnel support to accomplish the various programs and activities of the District. The District is currently managed by the Public Works Director/Water Resources Director. A total of 6.75 full-time equivalent staff are allocated to the functions of LCWPD. Staffing for the District includes the Director of Public Works (25 percent), the vacant Deputy Water Resource Director, a water resources engineer, a water resources program coordinator, an invasive species coordinator, two water resources technicians, a senior account technician (50 percent),

<sup>18</sup> [http://www.slc.ca.gov/Granted\\_Lands/Lake.html](http://www.slc.ca.gov/Granted_Lands/Lake.html)

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and an office assistant II. All positions report to the Water Resources Director. The District also hires additional part-time help to assist with its Invasive Mussel Prevention Program. Through this sharing of resources with the County, the District is able to benefit from efficiencies and cost savings that might otherwise not be available (i.e., bulk purchasing, use of office space). Several volunteers provide assistance to the District for water quality monitoring (sampling and satellite imagery projects), ongoing multi-agency negotiations for restoration of the Middle Creek Marsh, and compliance with the NPDES Stormwater Management Permit requirements. The District would benefit from collection of volunteer hours as in-kind matching funds for future grant applications and development of broader stakeholder support for District programs.

As a dependent special district of the County, the County's other departments (outside the Water Resources Department) provide services to LCWPD, for example, the County's Auditor-Controller provides fiscal and auditing support. The District relies on contract service providers for maintenance of Highland Springs Recreation Area, preparation of various planning and analysis documents, vegetation and rodent control eradication for various flood works throughout the county, mowing of levees, and herbicide spraying.

All staff are evaluated annually by the director of the District. Staff workload is tracked in detailed times sheets by various tasks in a cost accounting management software.

Overall functions of the District are not regularly reviewed or evaluated by the agency itself in the form of evaluating success in meeting goals or standards for services. However, the District does submit annual reports to the State Water Resources Control Board on the Clean Water Program and steps taken to comply with the Stormwater NPDES Permit, and sends an annual financial report to the State Lands Commission. The District does not conduct benchmarking with other similar service providers. It is recommended that the District consider adopting standards by which to evaluate the success of its various projects and its effectiveness in achieving short- and long-term goals. Reviewing best management practices of other similar service providers could provide the District with useful tools to advance services.

The District has several documents to guide its various efforts and services, including:

- Lake County Groundwater Management Plan (2006)
- Clear Lake Integrated Watershed Management Plan (2010) –  
In conjunction with West Lake and East Lake Resource Conservation Districts
- Big Valley Groundwater Management Plan (1999)
- Lake County Water Inventory and Analysis (2006)
- Stormwater Management Plan (2004 – 2008)
- Clear Lake Aquatic Plant Management Plan (2004)
- Lake County Floodplain Management Plan (2000)
- Westside Integrated Regional Water Management Plan (2013)

For financial planning and accounting purposes, the District relies on the County's annual budget and annual financial audit, in which the District is included as a

component. Component units are included in the basic financial statements and consist of legally separate entities for which the County is financially accountable and that have substantially the same governing board as the County. Component units for the County include the Air Quality District, the Lake County Housing Commission, the Watershed Protection District, the County Service Areas, the Lighting Districts, and the Sanitation Districts. As such, LCWPD is included in the County's Comprehensive Annual Financial Report (CAFR) as a separate non-major special revenue fund and is reflected in the County's annual budget as a combination of several separate budget units. The District does not have a capital improvement plan. While the District is not required to publish its audited financial statements separately from the CAFR, it could consider compiling separate financial documents to make the financial statements more easily accessible, however the level of detail provided would not change from the current financial statements. Since the District's operations are divided among several different budget units that for financial reporting purposes in the audit statements are reported together, it may be unclear to the public which funds are used solely by the District. However, the County's annual budget book includes a narrative describing which budget units are administered by the District. Furthermore, the budget book includes actual revenues and expenditures for each budget unit for the two years immediately preceding the budget year. Having the financial statements published separately from the CAFR, not provide any more, transparency, and would be more costly than the current system.

### 3.5 Financial Adequacy

The Water Resources Department administers a total of nine budget units:

- Budget Unit 8107 – Water Resources Administration<sup>19</sup>

The County budget units are as follows:

- Budget Unit 1672 - Lakebed Management
- Budget Unit 1673 - Lakebed Special Programs

The Watershed Protection District budget units are as follows:

- Budget Unit 1674 - Flood Corridor Property Maintenance
- Budget Unit 8101 - Flood Zone #1
- Budget Unit 8104 - Flood Zone #4
- Budget Unit 8105 - Flood Zone #5
- Budget Unit 8108 - Flood Zone #8
- Budget Unit 8109 - Flood Control and Water Conservation

<sup>19</sup> This is considered a County budget unit and is responsible for the administration of both Lakebed Management activities and Watershed Protection District activities. For financial reporting purposes BU 8107 is shown as part of the Watershed Protection District (8109) due to the majority of funding coming from other District budget units as described herein.

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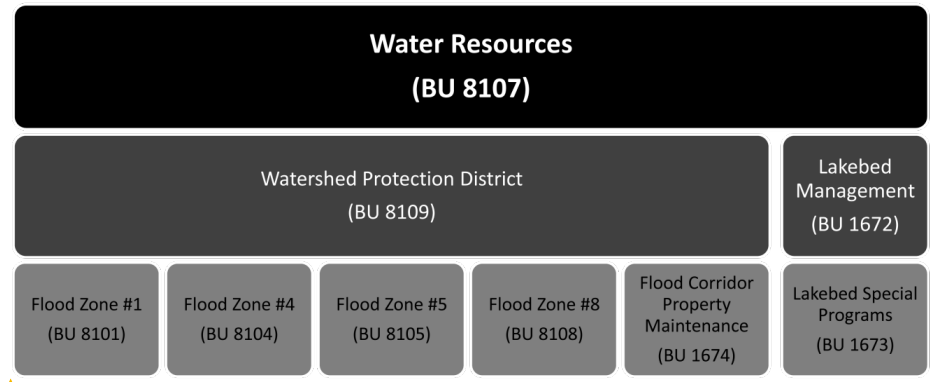
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Funding of the District's planning efforts is primarily from general property tax revenue that is distributed to the District. Most of the funds for special studies, or implementation of large projects, has been through grants obtained from State and/or federal funding sources or by developing partnerships with State and/or Federal agencies. Formation of project specific benefit assessment districts have been utilized by the District to fund ongoing operation and maintenance of flood control projects.



### Lakebed Management – Budget 1672 and 1673 (Funds 133 and 179)

The Department of Water Resources manages two types of programs: the Watershed Protection District and Lakebed Management). The responsibility to manage Clear Lake was delegated to the County of Lake by Chapter 639 of the Statutes of 1973.<sup>20</sup>

Budgets 1672 and 1673 are for Lakebed Management. Budget 1672 tracks revenues and expenditures for general lakebed services. Revenues in FY 13-14 were estimated to total \$166,092 and included fees for processing encroachment permits, interest, State and other government sources, aquatic plant management fees, and a transfer into the fund from Budget 1673. Expenditures from this budget unit totaled \$141,450 in FY 13-14. Administrative costs are cost allocated to the various budgets that fall within the department. These costs to each budget unit are identified as intra-division services under Services and Supplies and the revenues are collected in Budget Unit 8107 (discussed further below).

Budget 1673 is designed to track revenues from leases and permit fees for which uses are restricted to lake purposes. Revenues for this budget unit include permit fees (for new construction or alterations around the lake), interest, and contributions (lease payments from encroachments around Clear Lake). Revenues in recent years have reportedly fluctuated, due to foreclosures and closing of businesses around the lake. The only expenditure from this budget unit is an annual transfer to Budget Unit 1672.

Lakebed Management services are generally underfunded and would benefit from an additional sustainable funding source. The revenue that is generated solely for lake-related activities comes only from encroachment leases for piers, docks and landfill

<sup>20</sup> Letter dated September 17, 2014 to LAFCo from Matt Perry, Lake County Administrative Officer

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located at or below low lake level (lakeward of zero Rumsey). When those fees were originally established, programs like the Quagga Mussel Program, and weed and algae abatement did not exist, and as more and more responsibility was placed on the District, the revenues to support additional programming were not equivalent to the costs of providing those services. In FYs 10-11 and 11-12, the District's staff expenditures on lake-related programs more than doubled revenues for those services, with the excess coming from the County's general fund. Contributions from the General Fund to support the District's operations for water quality programs (i.e. aquatic weed, algae, and quagga mussel prevention) continued in FY 12-13 and FY 13-14. These expenditures are reported in County budget units: 1781 Special Projects, 1918 Geothermal Resource Royalties, 1892 Economic Development & Marketing. The District is searching for additional financing sources and as a result the Board of Supervisors placed a ½ cent sales tax measure on the ballot on three occasions from 2013 to 2014. All of these measures have been unable to obtain the super-majority (66.7%) required for approval by the voters. Revenues from the sales tax would have been dedicated to the District for lake-related and watershed-related programs. The District will continue to research additional sources of funding in order to provide a broader array of services.

#### **Flood Corridor Property Management – Budget 1674 (Fund 204)**

Budget 1674 is used to track funds associated with Middle Creek Restoration Project. Funds for this project were originally received via a State grant for the Flood Protection Corridor Program to purchase privately-owned properties that are protected by levees in poor condition and transition the properties to open space and agricultural lands. Regular annual revenues into the budget unit consist of interest, lease revenue for agricultural activities on properties owned by the District, and annual grant contributions from the State for improvements and maintenance of the properties. Total revenues in FY 13-14 were \$250,448. Expenditures in that year were \$19,799. Expenditures in excess of revenues are covered by a roll-over fund balance. In this case expenditures were less than the \$241,171 received from the state for disaster relief.

#### **Flood Zone #1 - Budget 8101 (Fund 201)**

Flood Zone #1 activities include maintenance and operations of the Highland Springs Dam, the Adobe Creek retention structure, and Adobe Creek, and the Adobe Creek watershed. Revenues in FY 13-14 for Flood Zone #1 from property taxes and interest totaled \$23,696. Expenditures in the same year totaled \$24,239, with a majority of expenses going to services and supplies.

#### **Flood Zone #4 - Budget 8104 (Fund 204)**

Flood Zone #4 activities include improvements to Scott's Creek. This activity began as a result of a planned State structure on the creek. Funds generated are used for clearing and debris removal to ensure conveyance capacity in Scott's Creek. Revenues from property taxes and interest to Budget Unit 8104 in FY 13-14 totaled \$8,743. Expenses in this year were entirely attributed to intra-division services and totaled \$52. This budget includes appropriations for staff support and a Fish and Game water quality certification permit.

#### **Flood Zone #5 - Budget 8105 (Fund 205)**

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Budget Unit 8105 provides for the operation and maintenance of the Kelsey Creek Detention Structure. This budget unit includes funding for staff support and maintenance of structures. Like the other flood zone budget units, the primary revenues of Budget Unit 8105 consist of property taxes and interest. Revenues in FY [13-14](#) totaled \$[7,004](#); while expenses of \$[10,534](#) exceeded revenues in that year. Of total expenses, intra-division services comprised 60 percent.

#### **Flood Zone #8 - Budget 8108 (Fund 208)**

Funding in this budget unit is used for operation and maintenance of the Upper Middle Creek [Flood Control Project \(Flood Zone #8\)](#). Activities include gravel and brush removal and levee maintenance in locations where the District has easements. Contractors provide some of the activities in this budget unit, as well as the County Road Department and district staff. These activities are funded by benefit assessments for the Upper Middle Creek Basin, property taxes, fines and penalties, and the [Watershed Protection District's](#) fund [\(BU 8109\)](#). Revenue's totaled \$[43,173](#) in FY [13-14](#). Maintenance and intra-division services, which comprised \$[101,057](#) in expenditures, were the only expenses in that year.

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**Water Resources Administration - Budget 8107 (Fund 207)**

Budget Unit 8107 combines the salaries and administrative expenses for employees previously budgeted separately for Flood Control, watershed protection, and Lakebed Management and was created to provide efficient utilization of personnel with greater flexibility in work assignments. This fund is used to cost allocate the numerous administrative functions of the District to its various functions that are tracked in separate funds for transparency purposes. Programs administered through this budget unit serve both incorporated and unincorporated areas of Lake County. The Water Resources Department has two main divisions: 1) Lakebed Management, which is under the County of Lake and governed by the Board of Supervisors; and 2) the Lake County Watershed Protection District, which is governed by the Board of Supervisors sitting as the *ex officio* Board of Directors of the Watershed Protection District. The intra-division services, which are reported as expenditures in the other budget units, act as the primary revenues in the form of “auditing and accounting” charges for services in Budget Unit 8107. A breakdown of the auditing and accounting charges for services by budget unit for FY 13-14 is provided in the following table. Revenues to this budget unit totaled \$578,071 in FY 13-14. Expenditures in that same year, which totaled \$535,417, were largely for employee salaries and benefits and some services and supplies.

Budget Unit	Intra-division Transfer	%
Budget Unit 1672 - Lakebed Management	<u>\$141,450</u>	<u>24%</u>
Budget Unit 1673 - Lakebed Special Programs	\$0	0%
Budget Unit 1674 - Flood Corridor Property Maintenance	<u>\$2,234</u>	<u>0.003%</u>
Budget Unit 8101 - Flood, Zone #1	<u>\$5,403</u>	<u>0.009%</u>
Budget Unit 8104 - Flood, Zone #4	<u>\$52</u>	0.6%
Budget Unit 8105 - Flood, Zone #5	<u>\$7,843</u>	<u>1%</u>
Budget Unit 8108 - <u>Flood Zone #8</u>	<u>\$44,274</u>	<u>7%</u>
Budget Unit 8109 - <u>Watershed Protection District</u>	<u>\$381,319</u>	<u>65%</u>
Total	<u>\$581,701</u>	

Because revenues reported into this fund are from other budget units, these funds may be more appropriately tracked as a transfer, as opposed to revenues. Because these charges for services are categorized as revenues and the related expenditures are further itemized within this budget unit, the funds are considered additional revenues and expenditures to the District when reporting totals. As an accounting mechanism, this strategy is a common practice. However, when reporting aggregates for the purposes of the audited financial statement and the State Controller’s Office, it may be appropriate to exclude the revenues and expenditures attributed to this budget unit in order to clearly depict actual district resources for the public.

**Watershed Protection District - Budget 8109 (Fund 200)**

Funding in Budget Unit 8109 is used for programs such as the National Flood Insurance Program, master drainage planning for all communities, compliance with water quality TMDL, watershed support programs, and the operation of the Highland springs recreational area, which was constructed as part of the Adobe Creek flood management program.

Primary revenues into this fund in FY 13-14 include property taxes, interest, and State grant funds, which totaled \$1,253,700. The primary expenditures are for flood protection, flood prevention, and enhancement/protection of water quality. Expenditures in the same year were \$1,234,674 and were primarily attributable to capital improvements, intra-division services, and professional services.

The following table summarizes the District's total revenues and expenditures for each of the individual budget units in FY 13-14. Note that the Water Resources Administration (Budget Unit 8107) is not included here to give a more accurate representation of the District's actual resources.

Budget Unit	Revenues	Expenditures
Budget Unit 1672 - Lakebed Management	\$ <u>166,092</u>	\$ <u>141,450</u>
Budget Unit 1673 - Lakebed Special Programs	\$ <u>0</u>	NA <sup>2</sup>
Budget Unit 1674 - Flood Corridor Property Maintenance	\$ <u>250,448</u>	\$ <u>241,171</u>
Budget Unit 8101 - Flood, Zone #1	\$ <u>23,696</u>	\$ <u>24,239</u>
Budget Unit 8104 - Flood, Zone #4	\$ <u>8,743</u>	\$ <u>52</u>
Budget Unit 8105 - Flood, Zone #5	\$ <u>7,004</u>	\$ <u>10,534</u>
Budget Unit 8108 - <u>Flood Zone 8</u>	\$ <u>43,173</u>	\$ <u>101,057</u>
Budget Unit 8109 - <u>Watershed Protection*</u>	\$ <u>1,253,700</u>	\$ <u>1,234,764</u>
Total	\$ <u>1,744,856</u>	\$ <u>1,753,267</u>

Notes: 1) A primary revenue source of Budget Unit 1672 is a fund transfer from Budget Unit 1673. In order to properly reflect actual revenues into the District, these transferred funds are not included here.  
 2) All expenditures for Lakebed Management are accounted for in Budget Unit 1672. The transfer of funds to 1672 is not included here as an expenditure in order to prevent duplication of district expenditures.

### 3.6 Nature of Services

The Water Resources Department administers a variety of programs and provides a broad range of services, including the activities of the LCWPD. Since its formation, LCWPD has developed five principal and distinct service activities with respect to water conservation and flood control, the overarching categories of which include:

1. Flood control and floodplain management
2. Stormwater management
3. Groundwater management
4. Water quality protection and water supply management
5. Watershed stewardship

The District provides several programs in each of these categories. Specific projects and programs often fulfill multiple district objectives by benefitting more than one area of focus. For example, restoration of a creek may improve water quality, promote habitat protection/restoration/enhancement, and improve water supply reliability.

As is often the case with agencies that provide resource management services, the full extent and scope of the District's services is often unclear to the general public. There is no central source available on the District's website that outlines and describes each specific program and the separate projects used to support those programs. It is recommended that the District make available a simple summary of all services provided to enhance transparency. For clarity, the specific programs offered by LCWPD and a brief explanation of the purpose of each program are listed in the following table.

#### FLOOD CONTROL/FLOODPLAIN MANAGEMENT

##### 1. Project/Service Name: Flood Control/Floodplain Management

Category: Flood Control

Description: The LCWPD serves as the local agency implementing the NFIP for the unincorporated County. Implementation includes working with the County Building and Safety Department to enforce minimum construction standards for new construction, enforcing standards on new development in the floodplain, providing information on the program to the public, and administering the Community Rating System program, which lowers NFIP premiums by 15 percent in the unincorporated areas of the County. Budget unit 8109 (Fund 200)

##### 2. Project/Service Name: Upper Lake Levees [Flood Zone #8]

Category: Flood Control

Description: The District provides maintenance for approximately 11 miles of levees (3.5 miles of levees were returned to State responsibility in 2000) broken down into three zones of benefit. The levees were designed to provide protection from 50-200 year flood events, depending on location. Levee maintenance is overseen by the State (California Department of Water Resources) and the U.S. Army Corps of Engineers (USACE). Maintenance is done by LCWPD, with some services contracted to private companies (i.e. mowing, herbicide application).

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Levee maintenance is funded by a benefit assessment approved in 1999 and is included in Budget 8108.

3. **Project/Service Name: Middle Creek Marsh Ecosystem Restoration and Flood Damage Control Project**

**Category:** Flood control, watershed restoration activities

**Description:** This project has been ongoing since 1995 in cooperation with the State CDWR/Central Valley Flood Protection Board and the USACE. Project costs are shared between cooperators. Property acquisition was begun using CDWR Flood Protection Corridor (FPCP) funds. The project was designed to eliminate flood risk to 18 residential structures, numerous outbuildings and approximately 1,650 acres of agricultural land, as well as restore damaged habitat and the water quality of the Clear Lake watershed by decommissioning substandard levees. LCWPD owns and maintains approximately 367 acres of property purchased for the Middle Creek Restoration Project. Budget Unit 8108 (Fund 208)

4. **Project/Service Name: Highland Springs Reservoir**

**Category:** Flood control, watershed stewardship, recreation

**Description:** Highland Springs Reservoir was constructed circa 1964 to reduce flooding from Adobe Creek. Project capital costs were funded by the National Resource Conservation Services (NRCS). Project operation and maintenance is funded by property taxes through Budget 8101. A park was developed adjacent to the Highland Springs Reservoir in the late 1960's in cooperation with the California Wildlife Conservation Board for recreation purposes. While not included in the defined powers of LCWPD, it is ancillary to LCWPD facilities. Maintenance is the responsibility of a caretaker and assistant caretaker who are residents contracted by and under the direction of LCWPD. Costs associated with the facility are paid through Budget Unit 8101 (Fund 201).

5. **Project/Service Name: Adobe Creek Reservoir**

**Category:** Flood control

**Description:** Adobe Creek Reservoir was constructed circa 1964 to reduce flooding from Adobe Creek. Project capital costs were funded by the NRCS. Project operation and maintenance is funded by property taxes through Budget Unit 8101. Property surrounding the reservoir is owned by LCWPD, but the property is not accessible to the public and is not regularly maintained. Budget Unit 8101 (Fund 201)

6. **Project/Service Name: Adobe Creek Channel**

**Category:** Flood control

**Description:** This flood control project (channel enlargement and straightening) was constructed circa 1964 to reduce flooding from Adobe Creek. Project capital costs were funded by NRCS. Operations and maintenance are funded by property taxes through Budget Unit 8101-Flood Zone #1 (Fund 201).

7. **Project/Service Name: Culvert Maintenance**

**Category:** Flood control

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Description: LCWPD only participates in culvert maintenance on District projects/property. LCWPD cooperates with the County Road Department (DPW) in upgrading inadequate culverts and bridges, by reviewing designs and providing input. Culverts are also upgraded within development projects if they are impacted. Budget Unit 8109 (Fund 200)

8. Project/Service Name: **Lake County Clean Water Program - Stormwater**

Category: Stormwater management, water quality

Description: Contract administration of a joint effort between the County of Lake, City of Clearlake and City of Lakeport to comply with NPDES permit requirements by reducing the damage caused by polluted stormwater runoff and impacts of increases in peak flows from development. Specific activities conducted by the District in order to fulfill this function include overall coordination of the program, and annual reporting. The actual programs are implemented by different staff members in several departments in each entity. Budget Unit 8109 (Fund 200) paid to 8107 (Fund 207)

9. Project/Service Name: **Development Review**

Category: Stormwater management, floodplain management

Description: LCWPD staff review of plans for parcel maps, subdivision and major developments (i.e. commercial facilities). Review ensures that designs are in accordance with the Lake County Hydrology Design Standards, mitigation of drainage impacts is addressed, erosion issues are addressed, and the plan includes proper floodplain management. Budget Unit 8109 (Fund 200) paid to 8107 (Fund 207)

**GROUNDWATER MANAGEMENT**

10. Project/Service Name: **Kelsey Creek Detention Facility**

Category: Groundwater management

Description: This is a groundwater recharge facility constructed to mitigate for geothermal development by the State in the upper watershed. Capital costs were funded by CDWR, as were annual maintenance costs. When CDWR sold the Bottle Rock geothermal power plant, maintenance funding ceased. Maintenance funds are now funded by property taxes through Budget 8105 Flood Zone #5 (Fund 205).

11. Project/Service Name: **Groundwater Data Collection**

Category: Groundwater management

Description: The District monitors groundwater levels on a regular basis. The District monitors 82 wells in the major groundwater basins in cooperation with CDWR. Several of these wells were added to the CASGEM monitoring network. Semi-annual groundwater level data is submitted to CDWR-Northern District for input into the CDWR Water Data Library. This data is made available to the public on CDWR's website. The District monitors 14 (of the 82) wells in Big Valley on a monthly basis. There is no funding specific to a groundwater quality monitoring program (Budget Unit 8107 (Fund 207)).

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**WATER QUALITY PROTECTION**

**12. Project/Service Name: Aquatic Plant Management**

Category: Water quality protection

Description: Monitoring of applications of aquatic herbicides by licensed applicators, and provision of annual report to the Central Valley Regional Water Quality Control Board. Implementation of the approved "Clear Lake Integrated Aquatic Plant Management Plan" (2004) requires annual review and five-year updating.

Budget Unit 1672 (Fund 133 moved to Budget Unit 8109 Fund 200)

**13. Project/Service Name: Clear Lake Clean Water Program – "Clear Lake TMDL Compliance"**

Category: Water quality protection

Description: LCWPD interfaces with the Central Valley Regional Water Quality Control Board (CVRWQCB) on implementation of the nutrient TMDL. As program manager LCWPD is responsible for program management and administration, permit management, and technical program management. Implementation is through projects like the Middle Creek Restoration Project (above) and implementation of County regulations (frequently in cooperation with other County departments) Budget Unit 8107 Fund 207).

**14. Project/Service Name: Water Quality Monitoring Program**

Category: Water quality protection

Description: Water quality monitoring has been dependent on availability of grant financing. Mercury hotspot monitoring has been conducted in the Clear Lake watershed (2009 Clear Lake Watershed Mercury and Nutrient Assessment (TMDL Monitoring Program). Watershed loadings of mercury and nutrients were estimated for the Clear Lake watershed based on a previous monitoring program (1994 and 2009 assessments). Monitoring has not been conducted in the Putah Creek watershed, due to lack of funding. LCWPD cooperates with CDWR on their Clear Lake water quality monitoring program throughout the Lakebed Management budget (Budget Unit 8107 (Fund 207).

**15. Project/Service Name: Algae Management**

Category: Water quality protection

Description: Program consists of crisis management, as well as mitigation and cleanup of nuisance algae when necessary, depending on climate conditions. Budget Unit 8109 (Fund 200)

**16. Project/Service Name: Water Rights**

Category: Water supply management

Description: LCWPD monitors the operation of Clear Lake by Yolo County Flood Control and Water Conservation District to ensure compliance with operating criteria as established/endorsed by the courts. Yolo County Flood Control and Water Conservation District's predecessors obtained the water rights for Clear

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Lake between 1853 and 1912. In addition, LCWPD applied for water rights for additional water storage within the Middle Creek Restoration Project area. LCWPD is actively pursuing these water rights. Budget Unit 8109 (Fund 200)

- 17. **Project/Service Name: Westside Integrated Regional Water Management Plan**  
**Category:** Water quality protection, water supply management  
**Description:** The Westside Sacramento IRWM Plan, a 20-year water management and implementation plan, was completed in 2013. The LCWPD is one of the coordinating committee members for implementation of the IRWM plan. Budget Unit 8107

**WATERSHED STEWARDSHIP**

- 18. **Project/Service Name: Watershed Planning**  
**Category:** Watershed stewardship  
**Description:** The Clear Lake Integrated Watershed Management Plan is anticipated to be updated in 2014, with the project led by the District. Budget Unit 8107

- 19. **Project/Service Name: Review and Revision of Ordinances and Policies**  
**Category:** Watershed stewardship  
**Description:** LCWPD works with other departments to develop ordinances and regulations that reduce erosion and sediment delivery to protect water quality. Specifically, LCWPD has reviewed the Wetlands Policy and has developed a model wetland management plan, revised the Shoreline Ordinance to include recommendations from the Wetlands Policy, and revised the Grading Ordinance to address erosion and habitat protection issues. Budget Unit 8107

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### Collaboration

In addition to working with other county departments, LCWPD coordinates its various programs with Yolo County Flood Control and Water Conservation District, Lake County Vector Control District, California Central Valley Flood Protection Board, California Department of Water Resources, State Lands Commission, State Water Resources Control Board, Central Valley Regional Water Quality Control Board, California Department of Fish and Game, U.S. Army Corps of Engineers, U.S.D.A. Forest Service, U.S. Bureau of Reclamation, Natural Resources Conservation Service, Bureau of Land Management, West Lake and East Lake Resource Conservation Districts, Federal Emergency Management Agency, and Cities of Clearlake and Lakeport.

Most recently, the District participated in the development of an Integrated Regional Water Management Plan (IRWMP) as part of the Westside Regional Water Management Group (WRWVG). WRWVG consists of LCWPD, Napa County Flood Control and Water Conservation District, Solano County Water Agency, and Water Resource Association of Yolo County, representing Yolo County and portions of Lake, Napa, and Solano Counties. As stated in the memorandum of understanding, these agencies joined together with the intent of developing an IRWMP that will:

- *Foster coordination, collaboration, and communication among entities responsible for water-related issues and interested stakeholders to achieve greater efficiencies, provide for integration of projects, enhance public services, and build public support for vital projects; and*
- *Assist in the development of a comprehensive plan to facilitate regional cooperation in providing water-supply reliability, water recycling, water conservation, water-quality improvement, stormwater capture and management, flood management, wetlands enhancement and creation, and environmental and habitat protection and improvements, and other elements and to obtain funding for plan development.*<sup>21</sup>

The IRWMP was adopted in 2013. At the end of the planning process, the completed IRWM Plan described the water resources challenges and opportunities of the Westside Region and described an approach to addressing those challenges and opportunities. The Plan has also supported efforts to solicit state and federal grant funding to implement priority projects. State funding sources included Proposition 84 grants, awarded to projects that improve water supply reliability and quality (particularly in disadvantaged communities); improve flood management practices; and eliminate or reduce pollution in sensitive habitat areas.

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<sup>21</sup> Westside SAC IRWM, Kennedy Jenks Consultants, June 2013, Pages 1-9, 1-10.  
[http://www.westsideirwm.com/documents/Implementation%20MOU/A-112B\\_WESTSIDE\\_MOU\\_IRWMP\\_signedfinal.pdf](http://www.westsideirwm.com/documents/Implementation%20MOU/A-112B_WESTSIDE_MOU_IRWMP_signedfinal.pdf)

### 3.7 Infrastructure

The District is responsible for maintaining 11 miles of levees and 13 miles of creeks and drainage ditches (does not include Historic Clover Creek through Upper Lake) in four zones of benefit and a groundwater recharge structure on Kelsey Creek. The District also operates and maintains the Adobe Creek Reservoir, the Highland Springs Reservoir, and the Highland Springs Recreation Area.

In total LCWPD owns approximately 2,700 acres of property in the Adobe Creek Watershed, which includes reservoirs, open space property, and recreation areas. LCWPD owns property in the vicinity of the Highland Creek and Adobe Creek Reservoirs (approximately 2,400 acres), which is maintained for watershed protection and passive recreational use. LCWPD also owns property purchased for the Middle Creek Restoration Project (approximately 367 acres).

A continued infrastructure need is the Adobe Creek Conjunctive Use Project, which would implement modifications of the primary spillway of Highland Creek Reservoir to permit additional storage in the spring. The additional storage would be released during the summer and fall to recharge the groundwater. Increased water supply would improve reliability and water quality by helping to reduce overdraft during peak demand periods. This project is on hold, due to lack of funding (a benefit assessment was voted down in 2005). CEQA approval and a water rights permit must be obtained before the project can proceed.

In times of extreme drought conditions, the District must truck in water to allow for recreational uses at the Highland Springs Reservoir. In light of the historic drought and low water conditions, modification of water supply system would be ideal to eliminate the need to truck in water during periods of low lake conditions.

Additionally, the District reported that ramp control is necessary at Clear Lake in order to have an effective invasive species control program. As it exists presently, the Lake has several boat launch sites where access is not controlled. All water craft must be inspected and hold a permit prior to entering the lake; however, there is no way to ensure that the craft does not visit another water body and return to Clear Lake after the original inspection. Any substantial advancements of the current invasive species control program will require a sizeable sustainable funding source. The District has indicated that a top priority of additional funding, such as a sales tax measure, will be the advancement of this program.

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#### **4 MUNICIPAL SERVICE REVIEW DETERMINATIONS**

##### **4.1 Growth and Population Projections in Lake County**

- 1-1) As of 2014, Lake County Watershed Protection District (LCWPD) has an estimated population of 64,524.
- 1-2) Population growth throughout Lake County has slowed significantly and most likely will not rebound significantly for some time. Over the long term, the Department of Finance projects 59 percent growth over the 50-year period from 2010 until 2060, or approximately one percent average annual growth.
- 1-3) While LCWPD is not directly responsible for land use planning, which impacts future growth and development, the District makes recommendations regarding, and takes part in, the development of land use planning policies, documents and development reviews. As a county-wide program coordinator, the District should likewise participate in City planning processes. The District should continue to coordinate watershed-related activities and requirements with applicable County and City Agencies for new development as well as in the development of land use policies to encourage consistency with LCWPD plans and objectives.
- 1-4) Services offered by the District are necessary and in demand regardless of the rate of population growth experienced in the County. The District's core services are mandated by federal, State, and local regulatory instruments, which ensures a continued need for the District's operations. Demand for services is also impacted by other factors, such as presence of pollution sources, introduction of non-native or invasive species into local habitats, evolution of regulations, condition of infrastructure, and weather patterns.

##### **4.2 The Location and Characteristics of Disadvantaged Unincorporated Communities Within or Contiguous to the Agency's SOI**

- 2-1) There are 10 disadvantaged unincorporated communities within the District's bounds and SOI based upon mapping information provided by the State of California Department of Water Resources. The identified communities are Upper Lake (population 1,213), North Lakeport (population 3,541), Nice (population 2,267), Lucerne (population 2,680), Clearlake Oaks (population 1,498), Lower Lake (population 1,247), Clearlake Riviera (population 3,193), Soda Bay (population 945), Kelseyville (population 3,126), and Middletown (population 1,646).
- 2-2) There may be additional smaller communities that meet LAFCOs definition of a disadvantaged unincorporated community, which were not identifiable with the Department of Water Resources' data.

**4.3 Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs and deficiencies**

- 3-1) The District appears to have a limited financial capacity to handle present demand for services and support District operations.
- 3-2) It is recommended the District Board of Directors complete various enabling tasks, including adopting operational bylaws, policies, standards and procedures specific to District operations, as well as to prepare and maintain a Master Service Plan to guide district staff and to inform the public of district activities.
- 3-3) It appears that the District is providing limited services given financial constraints, based on the breadth and quality of services provided, and professional management practices; however, several improvements could be made to enhance the level of services offered, including 1) greater outreach and coordination with stakeholder groups, 2) Development of a District website to enhance clarity to the functions the District performs, and 3) implementation, to the extent practicable, of successful invasive mussel prevention practices as demonstrated by other agencies.
- 3-4) The District's workload has increased significantly with the passage of SB-1136 in 2005, adding responsibility for the County's National Pollutant Discharge System (NPDES) permit requirements and establishing its revenue generating authorities to fund NPDES-mandated stormwater management actions. The District could improve upon long-term planning by developing a strategic plan, which establishes goals to guide its efforts and identifies measures of effectiveness in meeting these program objectives. Correspondingly, the District should regularly evaluate its success in meeting its goals outlined in the strategic plan.
- 3-5) The District could further capitalize on the use of volunteers to enhance the capacity of the services it offers.
- 3-6) The District is responsible for maintaining 11 miles of levees and 13 miles of creeks and drainage ditches (does not include Historic Clover Creek through Upper Lake) in four zones of benefit, a groundwater recharge structure on Kelsey Creek, two reservoirs, and a recreation area.
- 3-7) A continued infrastructure need is the Adobe Creek Conjunctive Use Project, which would implement modifications of the primary spillway of Highland Springs for groundwater recharge. This project is on hold, due to lack of funding.
- 3-8) Additional infrastructure needs include water supply modifications at the Highland Springs Reservoir and controlled boat ramps at Clear Lake.
- 3-9) National Flood Insurance ratings and Floodplain Management funding is derived from all residents in the Clear Lake Basin lowlands, including those located within incorporated areas that also pay property taxes that in part fund the

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LCWPD but whose incorporated areas are also responsible for flood protection services. District inter-jurisdictional responsibilities are unclear.

3-10) The County's Groundwater Management Ordinance protects from exportation of groundwater supplies out of the county boundaries. This ordinance needs to be updated in concert with recent groundwater legislation and for compliance with the District's NPDES permit.

3-11) The Shoreline Protection Ordinance was last revised in 2003, at the time of the first Stormwater Management Permit issuance, and requires updating along with all authorities respective to implementation of the permit. A Habitat Conservation Plan in accordance with related ordinances and the approved Wetlands Policy should be considered.

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#### 4.4 **Financial ability to provide services**

- 4-1) While watershed and flood control services benefit from State and federal grant funds, lakebed management and clean water program services are constrained by limited revenue streams. Historical lakebed management service levels are not sustainable without an additional reliable continuous revenue stream to fund additional programs that have been initiated since the inception of permit and lease fees shoreline structures.
- 4-2) The District would greatly benefit from a new regular revenue source, such as the new sales tax that is being pursued. Should the voters pass the sales tax measure, the District would be able to significantly enhance the services that it presently offers.
- 4-3) It is recommended that the District's budget be described in a complete, detailed, integrated budget plan encompassing all plan spending, revenues, assets and liabilities and unfunded budget requirements be summarized as a separate agency within the County budget in order to clearly depict actual district resources for the public.

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- 4-4) While not legally required, the Board may consider conducting budgets and audits of the District's finances separate from the County's other departments to improve clarity for the lay reader. As a first step towards enhancing understanding of the District's funds, an improved summary of revenues and expenditures could be included in the County's budget.

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#### 4.5 **Status of, and opportunities for, shared facilities**

- 5-1) The District presently practices facility and resource sharing by being located at the County facilities and being operated by staff of a County department. Through this arrangement, the District is able to benefit from efficiencies such as bulk purchasing and sharing of staff resources.
- 5-2) While no other opportunities to share facilities were identified for LCWPD, the District could benefit from enhanced collaboration among stakeholder agencies. It may be beneficial for the District to spearhead the revival of the Resource Management Committee, given the extensive regional coordination that is necessary to maximize impact of any watershed-related programming. Several local, State, and federal agencies, as well as the general public, are stakeholders in these projects and programs, and greater collaboration could enable the District to better leverage limited resources. Use of a conference calling system or video meeting system could promote greater levels of participation.

#### 4.6 **Accountability for community service needs, including governmental structure and operational efficiencies**

- 6-1) Accountability is best ensured when contested elections are held for governing body seats, constituent outreach is conducted to promote accountability and to ensure that constituents are informed and not disenfranchised, and public agency operations and management are transparent to the public. LCWPD appears to generally be accountable to the public based on these indicators; however, certain improvements could be made to enhance constituent understanding of the District and its services, including 1) making available a clear list of all services presently provided by the District, including relevant regulating policies and purposes, as part of a strategic plan, 2) reorganization of the District's website to align with the structural organization of the District and clearly define functions, funding, accountability, and programs, and 3) including in the County's budget a clear summary of the District's budget units.
- 6-2) The District's advisory committees and venues for public input could be enhanced with additional leadership and staff support, including re-activating the multi-jurisdictional Resource Management Committee (and several of its long standing subcommittees, Clear Lake TMDL Stakeholders Committee -- responsible for compliance with the Central Valley RWQCB water quality protection requirements -- and the Clear Lake Advisory Committee. The District should determine cost of services needed to implement required multi-jurisdictional coordination and stakeholder participation processes to meet its regulatory mandates and public service program requests.
- 6-3) Currently the efficiencies achieved through the District's organization as a dependent district administered by the Department of Water Resources provides significant cost savings which are critical to responsible utilization of the District's limited resources. Another governance structure option would be the transformation of LCWPD into an independent special district with a governing body separate from the Board of Supervisors. This option has several advantages and disadvantages. Further study of this option could be considered to determine if it would be cost effective and beneficial to the programs and services offered as the District's responsibilities continue to expand.
- 6-4) The District may benefit from a local enabling ordinance that defines LCWPD's policies, services, resources, management structure and statutory regulations under its authority. An example of such an ordinance was enacted by the County of Ventura in 2012.
- 6-5) The District should consider creating a work plan component that clarifies its obligations for state and federal compliance requirements. District priorities are currently a continuation of previously established workloads for the Flood Control & Water Conservation District.

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**Comment [6]:** There does not appear to be a basis upon which we can determine that further study of this is warranted. In fact based on information provided herein this recommendation would provide for a less efficient structure based on the current resources and work load.

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**Comment [7]:** This is already covered I think, but if it is to remain the opinionated tone should be removed.

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**Comment [8]:** This recommendation needs to be deleted. The District Board will give direction to the Advisory Council, not the other way around as suggested here. The new permit generally eliminates the need for the Advisory Council to exist.

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## 5 APPENDICES

### 5.1 Acronyms and Abbreviations

<b>AB</b>	Assembly Bill
<b>CKH Act</b>	Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
<b>DOF</b>	Department of Finance
<b>DUC</b>	Disadvantaged Unincorporated Community
<b>DWR</b>	California Department of Water Resources
<b>EPA</b>	Environmental Protection Agency
<b>FY</b>	Fiscal Year
<b>LAFCO</b>	Local Agency Formation Commission
<b>LCCWP</b>	Lake County Clean Water Program
<b>LCFCWCD</b>	Lake County Flood Control and Water Conservation District
<b>LCWPD</b>	Lake County Watershed Protection District
<b>MCMs</b>	Minimum Control Measures
<b>MS4s</b>	Municipal Separate Storm Sewer Systems
<b>MSR</b>	Municipal Service Review
<b>NFIP</b>	National Flood Insurance Program (NFIP)
<b>NCFC&amp;WCD</b>	Napa County Flood Control and Water Conservation District
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>CCRCD</b>	Colusa County Resource Conservation District
<b>RWMG</b>	Regional Water Management Group
<b>SCWA</b>	Solano County Water Agency
<b>SOI</b>	Sphere of Influence
<b>TMDLs</b>	total maximum daily loads
<b>USDA</b>	United States Department of Agriculture
<b>USDI</b>	United States Department of the Interior

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**WRA**      Water Resource Association (Yolo County)

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Novotny, Vladimir, PhD, PE, BCEE, ph. 617-2404918 E-Mail: [v.novotny@comcast.net](mailto:v.novotny@comcast.net),  
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### **4.** Committee Members

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[Betsy Cawn](#)  
[Suzanne Lions](#)  
[Ed Robey](#)  
[Maurice Taylor](#)

### **5.4** Committees, Subcommittees and Boards (Descriptions)

1. The Board of Directors of the Lake County Watershed Protection is the Lake County Board of Supervisors, as ex officio ("by right of office" -- see [http://en.wikipedia.org/wiki/Ex\\_officio\\_member](http://en.wikipedia.org/wiki/Ex_officio_member)) members, by passage of SB 1136 in 2004.
2. The Board of Supervisors created the multi-jurisdictional, multi-disciplinary resource management committee called the "LC Coordinating Resource Management Committee" on the Board of Supervisors list of annual committee assignments

(<http://www.co.lake.ca.us/Assets/BOS/docs/2014+Committee+Assignments.pdf?method=1>),

and commonly called the "Resource Management Committee" (RMC) -- not to be confused with the California Department of Conservation's "Coordinated Resource Management Plan" (CRMP) committees, which functioned to develop the three separate "Watershed Assessments" included in the "Clear Lake Integrated Watershed Management Plan."

3. The original "Coordinating Resource Management Committee" was formed in 1990.[1] Six standing subcommittees were created to serve the CRMC: Steering Subcommittee; Database Management Subcommittee; Algae Subcommittee; Fish & Wildlife Subcommittee; Land Resources Subcommittee; and Water Resources Subcommittee. Pages 9 and 10 of the attachment describe the general duties of each standing subcommittee.
4. The "**Algae Subcommittee**" became the "**Clear Lake Advisory Committee**" around 1993. The documentation is found in the CRMC records in the Water Resources Department. Records should be scanned for archival purposes. Many of the issues of the days in the late 80s and all during the 90s were brought to the table in the "Clear Lake Basin Management Plan" (2000), produced by the CRMC's "Clear Lake Advisory Committee."
5. The **Clear Lake Advisory Committee** was designated as the "citizen advisory group" recommended (but not required) by the NPDES stormwater permit (WQO 2003-0005-DWQ), in its January 2012 meeting (approved minutes available). The role of the Committee members for support of the Lake County CLEAN WATER PROGRAM was thereby adopted as the extension of the Public Education & Outreach and Public Involvement & Participation (permit "minimum control measures") work group. Members agreed to pass on news and upcoming events related to the CLEAN WATER PROGRAM to their constituent organizations.
7. The **Clear Lake Advisory Committee's** role is likewise a current permit requirement of the Clear Lake Aquatic Plant Management Plan (2004), submitted to the State Water Board for implementation of the new Water Quality Order, in 2013.
8. The **Lake County CLEAN WATER PROGRAM Advisory Council** was created by approval of all three jurisdictional legislative bodies (County, City of Clearlake, City of Lakeport) creation of the Stormwater Program Agreement,

(<http://www.co.lake.ca.us/Assets/CDD/Stormwater+Mgt/Clean+Water+PDFs/Stormwater+Program+Agreement.pdf>)

which includes the assignment of program management to the "Lake County Flood Control & Water Conservation District."

9. The **Advisory Council's established bylaws** are not available separately from the CLEAN WATER PROGRAM webpages ([http://www.co.lake.ca.us/Government/Directory/Water\\_Resources/cwp.htm](http://www.co.lake.ca.us/Government/Directory/Water_Resources/cwp.htm)), but are found in the 2008/2009 Annual Report, Appendix 1-4 (PDF Page 120).[2]



"Section 110.1 Voting membership of the Advisory Council [consists] of four (4) individuals as follows: one (1) voting representative from the Lake County **Watershed Protection District** (DISTRICT), one (1) voting representative from the County of Lake, one (1) voting representative from the City of Lakeport, and one (1) voting representative from the City of Clearlake."

"Section 110.2 An alternative voting representative for each of the PARTIES voting representatives as provided in Section 110.1 shall be appointed by each PARTY and submitted to the Advisory Council in February of each year."

"Section 120.1 The official office and mailing address of the Advisory Council shall be as shown on Attachment I ."

"Section 120.2 Copies of all correspondence to the Program shall be provided to the Chair of the Advisory Council."

"Section 130 Meeting of the Advisory Council

". . . Except as otherwise may be provided by co-permittees, the regular meeting time and place of the Advisory Council shall be: Third Thursday of February, May, August, November; 8:30 a.m. - 10:30 a.m.; Lake County Courthouse, Conference Room C; 255 North Forbes Street, Lakeport, California 95453."

"Section 132 Chair/Vice Chair of the Advisory Council

"The Chair and Vice Chair of the Advisory Council shall be selected at the first meeting each calendar year from among any of the voting representatives. The Chair and Vice Chair shall be nominated and voted for annually at the first meeting of the calendar year in separate motions by the Advisory Council."

"Section 136 Representation of Program

"The Advisory Council may designate the Program Manager or any of the PARTIES to represent the Program at meetings and organizations as needed."

The designated PARTY shall be responsible for making the necessary reports to the Advisory Council."

10. Clean Water Program Advisory Council agenda and meeting minutes are found, beginning with September 9, 2010, on the Clean Water Program web page

([http://www.co.lake.ca.us/Government/Directory/Water\\_Resources/cwp/Advisory\\_Info.htm](http://www.co.lake.ca.us/Government/Directory/Water_Resources/cwp/Advisory_Info.htm)).

11. The Local Agency Formation Commission created its "Municipal Service Review" [Committee](#) in May, 2008; the committee was expanded in March 2013 for the purpose of supporting development of the Watershed Protection District MSR, chaired by Executive Officer John Benoit.

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