



## MINUTES FOR DECEMBER 5, 2007 MEETING

**COMMISSIONERS PRESENT:** Commissioners Marty McClelland, Patrick Whitchurch, Richard “Bud” Leonard, Roy Curless, Bonnie Neely, Roger Rodoni and Public Alternate Bob McPherson.

**COMMISSIONERS ABSENT:** Commissioner Kevin McKenny, Commissioner Alternate Jeff Leonard, Commissioner Alternate Virginia Graziani; and Supervisor Alternate Jill Geist.

**STAFF PRESENT:** George Williamson, Contract Executive Officer; Amber Jamieson, Contract LAFCo Administrator; and Jeff Guttero, Legal Counsel.

The meeting was called to order at 9:00 a.m. in the Humboldt County Board of Supervisors Chambers, Chairman McClelland presiding.

### **APPROVAL OF MINUTES FOR SEPTEMBER 26, 2007**

**THE MOTION WAS MADE** (Neely/Curless) to approve the September 26, 2007 minutes as submitted.

**THE MOTION PASSED BY A VOTE OF 5-0-1.** (Commissioner Rodoni abstained).

### **PUBLIC HEARING**

#### **5A. Staff Report and Resolution for the consideration of the Municipal Service Reviews for the Manila, Westhaven, Palmer Creek and Riverside Community Service Districts;**

**George Williamson**, Executive Officer, summarized Agenda Item 5A to adopt resolutions 07-41 to 07-44 approving Municipal Service Reviews for the Manila, Westhaven, Palmer Creek and Riverside Community Service Districts (CSDs), which contain the 9 required determinations set forth in the Cortese Knox Hertzberg Act §56425, and affirming with no service area extensions or changes the Sphere of Influence boundaries. Mr. Williamson recommended that the Commission review the staff report and take an action to adopt the resolution for each CSD.

**Marty McClelland**, Chairman, asked if Fortuna was considering annexation to the north that could potentially include the Palmer Creek CSD. Chairman McClelland also noted that the Manila CSD had additional wastewater treatment capacity and asked if Manila is anticipating service extension to the Samoa/ Fairhaven area.

**Mr. Williamson** explained that Fortuna had no plans to annex the Palmer Creek CSD and that the Manila CSD has not reported any service area extensions.

**THE MOTION WAS MADE** (R. Leonard/ Neely) to adopt resolutions 07-41 through 07-44 as recommend by staff.

**THE MOTION WAS PASSED BY A VOTE OF 6-0.**

#### **5B. Staff Report and Resolution informing member organizations without current MSRs that no annexations will be considered until MSRs are updated.**

**George Williamson** presented resolution 07-40 as a temporary measure to notify agencies that the Commission will not consider annexations or sphere changes until their MSRs are updated.



All agencies in need of an MSR update are scheduled to be updated and adopted at the next three LAFCo meetings. Staff was directed to send a copy of the adopted resolution to the affected agencies.

**Marty McClelland** directed staff to review files for previous LAFCo actions affirming agency boundaries before scheduling MSR updates in 2008.

**THE MOTION WAS MADE** (Whitchurch/ Neely) to adopt resolution 07-40 as recommended.

**THE MOTION WAS PASSED BY A VOTE OF 6-0.**

### **NEW BUSINESS:**

#### **6. Status Report on Proposed Scotia CSD Formation Application and Municipal Service Review**

**Chairman McClelland** notified the Commission that the Pacific Lumber Company (PALCo) has submitted an annexation application for the Scotia CSD formation to LAFCo, but an EIR was not included. He suggested that the Commission schedule a workshop on the Scotia CSD formation at an upcoming meeting. At the workshop, the petition and CSD formation documents may be reviewed, but no formal actions would be taken.

**Jeff Guttero**, legal counsel, notified the Commission and staff that PALCo contacted commissioners to meet 1 or 2 at a time at their Scotia office. Mr. Guttero explained the legal parameters of the Brown Act to the Commission. Mr. Guttero advised the Commission that outside of the public meetings, the commissioners can not discuss the status of pending applications with each other or with the applicant, that there should be no discussion of how to vote on an application, and no discussion among the commission about meetings prior to action on the application.

**Commissioner Roy Curless** noted that he met with the PALCo representatives and that the conversation mostly focused on hunting and the rodeo.

**BY ORDER OF THE CHAIR**, with the concurrence of the Commission, the report was received and accepted as presented by Marty McClelland and Jeff Guttero.

#### **7. Budget Progress Report**

**George Williamson** provided a status report on the LAFCo budget item notifying the commission that the LAFCo account has a positive balance, and that additional revenue from agency assessments will be collected and deposited into the LAFCo account before the January 23, 2008 meeting.

**BY ORDER OF THE CHAIR**, with the concurrence of the Commission, the report was received and accepted as presented by staff.

#### **8. Compliance Work Plan**

**George Williamson** informed the Commission that about two thirds of the LAFCo member agencies have an updated MSR or do not need to update their MSR and that the remainder of the agencies will be current by the end of the fiscal year.



**BY ORDER OF THE CHAIR**, with the concurrence of the Commission, the report was received and accepted as presented by George Williamson.

**9. Schedule for 2008 Commission meetings**

**George Williamson** notified the commission that staff has secured the Board of Supervisor's chambers for LAFCo commission meetings through the remainder of the current fiscal year. The meetings are scheduled for January 23, March 26, and May 28, 2008.

**Marty McClelland** noted that a budget should be tentatively approved in March and adopted at the May meeting.

**Commissioner Patrick Whitchurch** notified the commission that he would be out of the country during the January meeting and asked staff to request his alternate (Jeff Leonard) to attend the meeting.

**BY ORDER OF THE CHAIR**, with the concurrence of the Commission, the report was received and accepted as presented by George Williamson.

**10A. Garberville Sanitary District expansion inquiry**

**George Williamson** reported that the Garberville Sanitary District has contacted LAFCo staff requesting the necessary information and associated paperwork to expand services to the KimTu Subdivision. It was also suggested that the District coordinate its efforts with the County and the update of the General Plan as it concerns Urban Service Areas.

**BY ORDER OF THE CHAIR**, with the concurrence of the Commission, the report was received and accepted as presented by George Williamson

**11. Public Appearances**

There were no public appearances.

**12. Correspondence**

**Chairman McClelland** announced that this will be his last term serving as a public member on the Commission, and his term will expire June 30, 2008. He suggested that the Commission elect a different chair at the next appointment of chair and vice chair, which usually takes place in January. Marty then directed staff to research the process to appoint another public member for the LAFCo commission.

**13. Adjournment**

The meeting was adjourned at 9:33 AM.