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**Fwd: Kimtu Waterline Humboldt LAFCo Resolution 14-06**

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Fri, Feb 17, 2023 at 8:16 PM

Please include me into the Humboldt LAFCo Commission meeting agenda for March 15, 2023, I wish to address the Humboldt LAFCo Commission, concerning the email below.

Thank you,  
Ed Voice

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**From:** "Ed Voice"  
**To:** "Colette Metz [REDACTED]"  
**Cc:** "administrator [REDACTED]" "redwaycsd [REDACTED]"  
"ggradin rcsd [REDACTED]" "ccox rcsd [REDACTED]" "Ralph Emerson"  
"[REDACTED]" "Jennie Short [REDACTED]"  
**Sent:** Wednesday, February 15, 2023 10:30:23 PM  
**Subject:** Kimtu Waterline Humboldt LAFCo Resolution 14-06

Dear Humboldt LAFCo Commission,




I wish to address the Humboldt LAFCo Commission at your next regular scheduled meeting on March 15, 2023; concerning the Garberville Sanitary District (GSD) construction of a new waterline lateral to the Southern Humboldt Community Park (SHCP) property on February 2, 2023, from the Kimtu Waterline, in Sprowel Creek Road, that needs approve, beforehand, from the Humboldt LAFCo Commission, as per LAFCo Resolution 14-06. And that this new waterline lateral and location, was not approved where it was analyzed and adopted, under CEQA, in the 2019 LAFCo Addendum IS/MND by Humboldt LAFCo, which was stated and indicated in a completely different location and waterline.

Please see attachments, which gives a good background of the Kimtu Waterline and approval needed by Humboldt LAFCo in Resolution 14-06 (From July 16, 2014, agenda item 7B item 6 [http://humboldtlafo.org/wp-content/uploads/7B\\_Annexation-of-GWC-Serviced-Properties-to-GSD.pdf](http://humboldtlafo.org/wp-content/uploads/7B_Annexation-of-GWC-Serviced-Properties-to-GSD.pdf) ). Also see attachment Exhibit A, where it shows the CEQA adopted location of the new waterline connection to the SHCP, not where GSD has now installed it!

Thank you,  
Ed Voice

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**3 attachments**

-  **Exhibit A – Proposed Connection and Service Areas for SHCP.pdf**  
622K
-  **14-06 Amendment of Kimtu Meadows Conditions.pdf**  
1282K
-  **L FCo Annexation Staff Report July 16, 2014, agenda item 7B.pdf**  
30K



## RESOLUTION NO. 14-06

### AMENDING THE CONDITIONS INCLUDED IN RESOLUTION 10-06 FOR THE EXTENSION OF WATER SERVICES TO THE KIMTU MEADOWS SUBDIVISION BY THE GARBERVILLE SANITARY DISTRICT

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," is responsible for authorizing a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundaries pursuant to the California Government Code Section 56133; and

WHEREAS, the Commission approved the extension of water services to the Kimtu Meadows Subdivision in response to an impending threat to public health and safety on July 21, 2010 (Resolution No. 10-06); and

WHEREAS, the Commission's approval included conditions to assure that extending the waterline would not induce growth; and

WHEREAS, the Commission approved the installation of two stub-outs on the Kimtu waterline on May 16, 2012 (Resolution No. 12-07) prior to Humboldt County's paving project on Sprowel Creek Road; and

WHEREAS, the Commission approved a Municipal Service Review and Sphere of Influence Update for the District on March 20, 2013 (Resolution No. 13-02 and 13-03, respectively), which included adding the Kimtu Meadows Subdivision into the District's Sphere of Influence; and

WHEREAS, the Garberville Sanitary District adopted a Final Initial Study and Mitigated Negative Declaration on September 24, 2013 (GSD Resolution No. 13-008), which evaluated the proposed transfer of services from dilapidated waterlines to the new Kimtu waterline for the properties along Leino Road and Sprowel Creek Road; and

WHEREAS, the Garberville Sanitary District submitted an annexation application to LAFCo on April 28, 2014, requesting that the Commission revisit the conditions adopted for the Kimtu Waterline in Resolution No. 10-06, thereby allowing the District to connect specific APNs to the Kimtu Waterline.

**NOW, THEREFORE, BE IT RESOLVED** by the Humboldt Local Agency Formation Commission as follows:

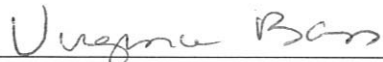
1. The Commission affirms that conditions 1, 3, and 4 of Resolution No. 10-06 have been satisfied.
2. The Commission reaffirms condition 2 and modifies it as follows:

Any future connections to the Garberville Sanitary District waterline extended to serve the Kimtu Meadows Subdivision shall be submitted to Humboldt LAFCo for review and approval, in conjunction with an application for a change of organization or reorganization or an application for a new or extended service by contract or agreement pursuant to California Government Code Section 56133, prior to the connection being made.

3. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)("CEQA"). Pursuant to the State CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.)(the "Guidelines"), the Commission has determined that the approvals given by this Resolution are not a project under CEQA and that the adoption of this Resolution is exempt therefrom because it is an organizational or administrative activity that will not result in direct or indirect physical changes to the environment (Guidelines section 15378(b)(5)).

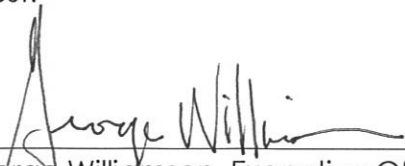
**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 16<sup>th</sup> day of July, 2014, by the following roll call vote:

AYES: Commissioners: Fennell, Losey, McPherson, Newman, Nicolini, Rupp, Bass  
NOES: Commissioners: None  
ABSENT: Commissioners: None  
ABSTAIN: Commissioners: None



\_\_\_\_\_  
Virginia Bass, Chair  
Humboldt LAFCo

Attest:



\_\_\_\_\_  
George Williamson, Executive Officer  
Humboldt LAFCo

Figure No. <b>2</b>	Scale	1:4,500
	Date	08/04/19
Client Name:	Drawn By	J. SHORT
Figure Title:	Client Name:	GSD
SHCP Water Service Areas		
4fs Consulting P.O. Box 653, Blue Lake, Ca 95525		



**Exhibit A – Proposed Connection and Service Areas for SHCP**

parcels are undevelopable and 4 parcels are vacant with development potential (each could support a single family residence). In addition, APN 222-091-011 has the potential for 3 additional single family residences.

The APNs on Leino Road are currently served off an existing 2-inch water main that starts at the end of Riverview Drive and comes down the slope, under Sprowel Creek Road, through a pressure reducing valve, and down Leino Road. This line is old and operations staff has to make repairs on a regular basis. APNs 032-171-015, 032-171-017 and 032-171-025 are served off a small waterline that comes from the end of Riverview Drive. APN 032-211-020 is served from a private waterline that comes from the main water tank on the east side of Hwy 101.

*Area 5 Recommendation:* Staff recommends the Commission approve the annexation of Area 5, as proposed. Discussion about transferring the connections in Area 5 to the Kimtu waterline are discussed below.

#### **6) Background on Kimtu Waterline Extension and Stub-out Approvals by LAFCo (Exhibit A, Figure 13)**

There are 13 APNs within the Leino Road/Sprowel Creek Road Area (Area 5) that are currently served from old waterlines (see Figure 13). GSD proposes to install new laterals and meters to connect these APNs to the existing LAFCo-approved Kimtu waterline stub-outs. The District must obtain LAFCo approval of this transfer due to the conditions that were placed on the approval of the Kimtu Waterline Project in Resolution 10-06 (discussed below).

#### Background on Kimtu Waterline

At the time that LAFCo was considering the Kimtu waterline extension request, LAFCo had not yet completed the GSD Municipal Service Review and Sphere of Influence Update, nor had environmental review been completed for the annexation project. At that time the most recent adopted system-wide planning documents for the District were from 1986.

The LAFCo minutes for the May 2010 and July 2010 public hearings for the Kimtu request indicate that the Commission was concerned with the installation of the waterline in an area for which there was no current planning documents that addressed the growth potential of an unrestricted waterline. With a lack of current planning documents, the Commission decided that their approval needed to contain conditions to assure that extending the waterline would not induce growth. The conditions that were included in Resolution 10-06 are:

- 1. Prior to funding or construction of the proposed project, the Garberville Sanitary District shall provide documentation to Humboldt LAFCo that District policies have been adopted sufficient to ensure that no future connections to the proposed water line outside of the District Boundary will be approved by the District for any purpose, other than to correct an existing threat to public health and safety (as described in Government Code Section 56133(c)). Such policies shall not be amended, except with LAFCo approval to ensure that future proposals for Sphere of Influence*

*amendments and/or annexations would be considered under the assumption that the water line is not available for purposes other than its specified intent of correcting a public health threat to the existing residents of the Kimtu Meadows Subdivision, or until such time that the Garberville Sanitary District completes their Municipal Service Review update and Sphere of Influence expansion and the Community Humboldt County Plan and General Plan for the area is adopted.*

*2. Any future connections to the Garberville Sanitary District water line extended to serve Kimtu Meadows Subdivision shall be submitted to Humboldt LAFCo for review and approval prior to the connection being made; and*

*3. Garberville Sanitary District will notify Humboldt LAFCo when service to the Kimtu Meadows Subdivision has been established and provide a description of the constructed water system.*

*4. Garberville Sanitary District will adopt an ordinance dedicating the Kimtu Meadows Subdivision line to serve only existing Kimtu connections and prohibiting future connections to the line.*

Following the Kimtu waterline approval, the District adopted Resolution 10-007 and a subsequent amendment to Resolution 10-007 (based upon LAFCo staff review comments) asserting that no additional requests for service along the proposed facilities shall be approved by the District without LAFCo's approval prior to the completion of the planned comprehensive review of water service throughout the community. The District notified LAFCo staff when the Kimtu line construction was completed and the ownership of the waterline had transferred to the District. The District also provided a copy of the Water Permit Amendment issued by CDPH. Since then, a municipal service review (MSR) and updated SOI was adopted by LAFCo, which included adding the Kimtu Meadows Subdivision into the SOI. Furthermore, a comprehensive CEQA analysis was completed for the annexation project.

#### Background on Kimtu Stub-outs

In May 2012, the District requested that the Commission allow the installation of two stub-outs on the Kimtu waterline prior to Humboldt County's paving project on Sprowel Creek Road. On May 16, 2012, the Commission approved the District's request and soon thereafter the stub-outs were constructed.

Following the stub-out approval, the District's IS/MND for the Annexation Project evaluated the properties and existing water services that are adjacent to the Kimtu Waterline on Sprowel Creek Road for which service was being requested. The document further describes the District's desire to transfer the services for these parcels from the old waterlines to the new Kimtu line. The Final IS/MND adopted by the District Board on Sept 24, 2013 in Resolution 13-008 and the Notice of Determination filed with the State Clearinghouse and Humboldt County Clerk discusses the growth inducing impacts of the project. These documents fulfil the intent of the requirements of the "until such time that" in condition 1.

Approval of connection within the Leino Road/Sprowel Creek Road annexation area will require an amendment by LAFCo to the conditions in Resolution 10-06. The amendment to the District's water permit from CDPH also contains conditions for minimum fire flow at the Kimtu Meadows Subdivision hydrant that must be satisfied, prior to the District receiving approval by the California Department of Public Health for any connection to the Kimtu waterline. The permit conditions read:

*“Garberville Sanitary District shall not allow new service connections to the 8-inch transmission main, constructed as part of Kimtu Meadows Mutual Water Company's Proposition 50 project, that will reduce the design fire-flow at the Kimtu Meadows subdivision hydrants to below 750 gallons per minute at adequate pressure.”*

The required fire flow condition of at least 750 gpm at the Kimtu hydrant has been achieved as of November 2013. The District contracted with LACO Associates for flow testing and determined the fire flow capacity of 775 gpm in the Kimtu Meadows Subdivision. Therefore, it is anticipated that the District can add a limited number of residential 5/8-inch connections to the Kimtu waterline and not adversely impact the available fire flows at the Kimtu Meadows Subdivision. As noted above, any connection to the Kimtu waterline would be evaluated and approved by the California Department of Public Health to determine whether the connections can be made without adversely affecting the fire flow at Kimtu.

Connection to Kimtu Waterline Recommendation: Staff recommends the Commission adopt Resolution No. 14-06, thereby amending the conditions included in Resolution No. 10-06 for the Kimtu Waterline. This resolution states that conditions 1, 3, and 4 of Resolution No. 10-06 have been adequately satisfied and condition 2 is recommended to be modified as follows:

*Any future connections to the Garberville Sanitary District waterline extended to serve the Kimtu Meadows Subdivision shall be submitted to Humboldt LAFCo for review and approval, in conjunction with an application for a change of organization or reorganization or an application for a new or extended service by contract or agreement pursuant to California Government Code Section 56133, prior to the connection being made.*

This resolution provides that the Garberville Sanitary District shall have the authority to serve parcels located within their jurisdictional boundary, including the 13 APNs within the Leino Road/Sprowel Creek Road Area (Area 5) to enhance continuation of service and to transfer the service from the old infrastructure to the newer Kimtu waterline via the stub-outs. After LAFCo approves connection of these parcels, the Garberville Sanitary District shall inform CDPH of their intention to make the connections to the stub-outs.

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## GSD connecting to the Kimtu Waterline and inducing growth with the Southern Humboldt Community Park

1 message

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**Ed Voice**

Thu, Feb 23, 2023 at 4:44 PM

To: Colette Metz 

Cc: administrator , krystle 

Dear Humboldt LAFCo Commission Staff,

Please see attached Commission meeting minutes from May 19 and July 21 2010, where the Kimtu Waterline Extension was discussed and why Resolution 10-06 was adopted, which then lead to Resolution 14-06 four years later, e.g. to keep the Kimtu Waterline from inducing growth!


Please see page 4, item C for May 19, 2010 and page 5, item B for July 21, 2010. I will reference both of these documents when I address the Humboldt LAFCo Commission on March 15, 2023, including Resolution 14-06.


Thank you,  
Ed Voic

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### 3 attachments

 **14-06 Amendment of Kimtu Meadows Conditions.pdf**  
1282K

 **LAFCo Kimtu May 19, 2010 Approved Minutes.pdf**  
200K

 **LAFCo Kimtu July 21, 2010 Approved Minutes.pdf**  
140K



## RESOLUTION NO. 14-06

### AMENDING THE CONDITIONS INCLUDED IN RESOLUTION 10-06 FOR THE EXTENSION OF WATER SERVICES TO THE KIMTU MEADOWS SUBDIVISION BY THE GARBERVILLE SANITARY DISTRICT

WHEREAS, the Humboldt Local Agency Formation Commission, hereinafter referred to as the "Commission," is responsible for authorizing a city or district to provide new or extended services by contract or agreement outside its jurisdictional boundaries pursuant to the California Government Code Section 56133; and

WHEREAS, the Commission approved the extension of water services to the Kimtu Meadows Subdivision in response to an impending threat to public health and safety on July 21, 2010 (Resolution No. 10-06); and

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WHEREAS, the Commission approved a Municipal Service Review and Sphere of Influence Update for the District on March 20, 2013 (Resolution No. 13-02 and 13-03, respectively), which included adding the Kimtu Meadows Subdivision into the District's Sphere of Influence; and

WHEREAS, the Garberville Sanitary District adopted a Final Initial Study and Mitigated Negative Declaration on September 24, 2013 (GSD Resolution No. 13-008), which evaluated the proposed transfer of services from dilapidated waterlines to the new Kimtu waterline for the properties along Leino Road and Sprowel Creek Road; and

WHEREAS, the Garberville Sanitary District submitted an annexation application to LAFCo on April 28, 2014, requesting that the Commission revisit the conditions adopted for the Kimtu Waterline in Resolution No. 10-06, thereby allowing the District to connect specific APNs to the Kimtu Waterline.

**NOW, THEREFORE, BE IT RESOLVED** by the Humboldt Local Agency Formation Commission as follows:

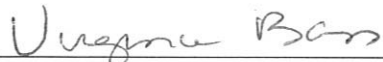
1. The Commission affirms that conditions 1, 3, and 4 of Resolution No. 10-06 have been satisfied.
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3. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)("CEQA"). Pursuant to the State CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.)(the "Guidelines"), the Commission has determined that the approvals given by this Resolution are not a project under CEQA and that the adoption of this Resolution is exempt therefrom because it is an organizational or administrative activity that will not result in direct or indirect physical changes to the environment (Guidelines section 15378(b)(5)).

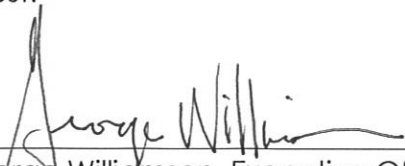
**PASSED AND ADOPTED** at a meeting of the Humboldt Local Agency Formation Commission on the 16<sup>th</sup> day of July, 2014, by the following roll call vote:

AYES: Commissioners: Fennell, Losey, McPherson, Newman, Nicolini, Rupp, Bass  
NOES: Commissioners: None  
ABSENT: Commissioners: None  
ABSTAIN: Commissioners: None



\_\_\_\_\_  
Virginia Bass, Chair  
Humboldt LAFCo

Attest:



\_\_\_\_\_  
George Williamson, Executive Officer  
Humboldt LAFCo

**ATTACHMENT 4B - MINUTES FOR JULY 21, 2010 MEETING**

**COMMISSIONERS PRESENT:** Commissioners Clif Clendenen, Jill Duffy, Jeff Farley, Kenneth Zanzi, Kevin McKenny, Jeff Pauli, Marty McClelland, and Alternate Commissioners Bob McPherson and Michael Winkler.

**COMMISSIONERS ABSENT:** Commissioner Bonnie Neely and Alternate Commissioner Mike A. Harvey.

**STAFF PRESENT:** George Williamson, Executive Officer, Merle Anderson, Contract Executive Officer, Alisha Oloughlin, Contract LAFCo Staff, and Jeff Guttero and Krista Sanford, Legal Counsel Staff.

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

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **ALTERNATE PUBLIC MEMBER ACTION VOTE**

**Marty McClelland** announced Commissioner Bob McPherson as the Alternate Public Member candidate selected by the Alternate Public Member Selection Committee and asked for comments.

**THE MOTION WAS MADE** by Commissioner Duffy, and seconded by Commissioner McKenny, to re-appoint Commissioner McPherson as the Alternate Public Member.

**THE MOTION PASSED BY A VOTE OF 7-0-0.**

**Marty McClelland** welcomed and congratulated Commissioner McPherson on being selected for an additional term on the Commission.

**5. STAFFING SERVICES AGREEMENTS: PLANWEST PARTNERS AND PMC**

**Jeff Guttero**, Legal Counsel, stated that the Staffing Services Agreement alternative language that was originally proposed would remove the for-compensation element of automatic recusal once a meritorious objection is raised. He added that although he originally proposed this alternative language, he is satisfied with either language alternative. The reason that the original for-compensation alternative was proposed was because the financial interest element is a statutory requirement regarding conflict of interest, in the context of the statute. The proposed provision could be with or without the financial interest element and still be satisfactory for LAFCo's purposes. The only difference is that automatic recusal, under that provision, would be less restrictive without the language for-compensation that it would be if the for-compensation language is included. He noted his indifference, for LAFCo's purposes, to the two alternatives.

**Jill Duffy** asked if conflict of interest is restricted to the preparation and response for specific projects or if LAFCo is also responsible for the administrative responsibilities associated with the LAFCo activities.

**George Williamson**, Executive Officer, responded that on those matters, all activities are handled by PMC, including all administrative functions. Any correspondence received is also directed toward PMC. Planwest Partners is taking a complete hands-off approach for any actions of Humboldt LAFCo where there is a declared conflict.

**Jill Duffy** added that she is concerned about consistency and insuring that the proper administrative procedures are followed.

**George Williamson** stated that Planwest can continue to handle the administrative functions if directed to do so, or staff can continue to consult and coordinate with legal counsel, who currently guides staff's actions in regards to this matter.

**Marty McClelland** asked Mr. Guttero if a split between project administration and processing is a possibility.

**Jeff Guttero** responded that while he is unaware of any problems arising from a split, he would prefer that a split did not occur. The concern may be alleviated as a function of time. If the potential conflicts are identified earlier in the process than the one currently at hand, perhaps the Commission could get more complete and consistent service from the alternate contractor. A clean break is preferred, which should occur as early in the process as possible.

**Jeff Pauli** asked what affect the split of duties would have on the LAFCo budget and the sub-contracting expenses incurred.

**George Williamson** responded that utilizing a sub-contractor would have zero impact on the budget. Conflicts only exist when an application comes before LAFCo in which Planwest Partners may have some prior relationship with a party associated with the application. In all cases of application, the applicant pays all costs associated with application processing. The applicant makes a deposit and when PMC is handling the application processing, PMC submits their invoices to the County Auditor and the Auditor draws from that account, resulting in zero impact on LAFCo's budget.

**Clif Clendenen** asked if it would be feasible to have a checklist or floating procedural document in place to insure consistency and a seamless transition in administrative procedures between PMC and Planwest Partners staff.

**George Williamson** responded that there is a series of procedural checklists already in place, including an application processing checklist. There was a recent glitch in noticing, but staff and PMC have resolved that issue. Staff will continue working with Mr. Guttero and PMC to put together a detailed checklist for noticing requirements that be added soon. Staff believes to have the majority of the procedural checklists already in place that PMC can follow.

**Jill Duffy** stated that Planwest has been handling the bulk of daily administrative functions. When a conflict arises, LAFCo consults-out those functions. Commissioner Duffy asked how an oversight mechanism could be put in place to ensure that all administrative steps are met in an efficient and timely manner.

**George Williamson** responded that staff will develop a clear checklist to ensure administrative efficiency and consistency, making the process manageable and cost effective.

**Kevin McKenny** stated that PMC should have internal processes in place for their portion of application processing. Essentially, if there is a conflict of interests present, when an application is submitted, two different paths could be taken- processing by Planwest staff or processing by PMC. It should be clearly delineated when this occurs. The applicant would be in touch with PMC regarding timelines. In that regard, PMC would be responsible for noticing and for having their portion of the agenda prepared for their portion of the meeting.

**George Williamson** responded that it is staff's intention to ensure that regardless of who prepares the staff reports, they are completely consistent. Staff will also provide PMC with all procedural processing guidelines, as currently utilized by Planwest Partners staff, ensuring consistency between the two agencies.

**Frank Bacik**, Town of Scotia LLC Vice President of Legal Affairs, stated that from an applicant's point of view, it costs anything to avoid a conflict that can haunt you years from now. All matters should be handled by the consultant. For example, the Town of Scotia LLC has been trying to schedule a hearing for Scotia Community Services District (CSD) for several months and there have been noticing errors. If these noticing errors originated with Planwest and at the same time, Planwest represents Rio Dell, who has been asking for delay, then the implication is clear that that administration could have contributed to delay. It is best to be clear, if there's a conflict, no participation at all.

**THE MOTION WAS MADE** by Commissioner Zanzi, and seconded by Commissioner Duffy, to keep the for-compensation third-party conflict of interest language in the modified Staffing Services Agreement.

**THE MOTION PASSED BY A VOTE OF 7-0-0.**

**THE MOTION WAS MADE** by Commissioner McKenny, and seconded by Commissioner Duffy, to approve the extension of LAFCo's Staffing Services Agreement with Planwest Partners and PMC Consultants for a period of two years.

**THE MOTION PASSED BY A VOTE OF 7-0-0.**

## **PUBLIC HEARINGS**

### **A. Town of Scotia LLC. Community Services District Formation**

**THE MOTION WAS MADE** by Commissioner Duffy, and seconded by Commissioner McKenny, to open the hearing and receive public comment on the Town of Scotia CSD Formation, but, as a result of a public noticing error, continue the public hearing to the

September 15, 2010 meeting, and move the item up on the agenda, allowing those currently present from the public an opportunity to speak.

**THE MOTION PASSED BY A VOTE OF 7-0-0.**

*Planwest Partners Staff recused themselves for public hearing item 6A, Town of Scotia LLC. Community Services District Formation.*

**Merle Anderson**, PMC Consultants, apologized for the public noticing mix-up and explained that the noticing requirements in the current LAFCo Procedures Manual do not reflect the current 21-day noticing requirement to registered voters in the affected project area. Mr. Anderson added that he does not feel the delay should impact the timeline of the project because there are still issues regarding the financial viability and merit of the project that need to be resolved and recommended that the Commission continue the item to the September 15, 2010 meeting. PMC staff will be providing a supplemented staff report at that meeting.

**Marty McClelland** opened the item for public comment and suggested continuing the Town of Scotia CSD Formation public hearing to the September 15, 2010 meeting. Commissioner McClelland added that correspondence has been received regarding mediation between the Town of Scotia LLC and the City of Rio Dell and a 30-day extension request has been received by LAFCo from the City. He added that it is hope that the Town of Scotia and the City can resolve their differences without mediation. The 30-day extension request will be met as a result of the continuance of this item to September.

**Clif Clendenen** asked how potential mediation may overlay with the dual presentation given at Waimea Theatre on April 21, 2010, which was intended to provide a side-by-side comparison of the two projects.

**Marty McClelland** responded that the City and the Town of Scotia now have an opportunity to resume discussions and projects comparison. He added that the public now has all of the materials necessary to make an informed decision and additional 30-days to provide PMC with written comments.

**Kevin McKenny** asked for clarification regarding the Scotia CSD Formation Staff Report. In the documentation provided from Town of Scotia, regarding streets, one table illustrated that the Town of Scotia was planning to own and maintain some of the streets, with the County assuming responsibility of the others, while in the narrative, the County was identified to be assuming responsibility of all streets. In addition, when new street infrastructure is proposed, a one inch overlay was mentioned. He asked if in order for LAFCo to rule on this matter, the County should be in agreement in regards to the streets.

**Clif Clendenen** responded that the streets and roadways currently maintained by the County will continue be so, while those in and out of the County system will not change.

**Jeff Guttero** advised the Commission that he would speak to staff regarding any potential inaccuracies in the LAFCo Procedural Manual.

**Jeff Pauli** asked for clarification regarding the Town of Scotia LLC and the City of Rio Dell's projects comparison request and what information is still needed by PMC so the Commission can make an informed decision and take action, if so desired, at the September 15, 2010 meeting.

**Marty McClelland** responded that if materials are omitted, such materials should be requested and if available, will be provided by staff at the September hearing.

**Merle Anderson** asked if PMC should provide the side-by-side projects comparison or if the Town of Scotia and City of Rio Dell would each provide their own projects comparison.

**Clif Clendenen** responded that the Town of Scotia and the City of Rio Dell should each provide their own project information which would then be assembled by staff in a format that the Commission could use for comparison purposes.

**Kevin McKenny** added that the Town of Scotia recently updated some information, which the Commission has been provided. Also, the staff report has some discussion regarding the difference between Scotia CSD formation vs. annexation to the City. Those differences should be provided in a table format and discussed by staff.

**Marty McClelland** added that he does not believe the proposed County property tax assumptions to be valid and the County should be addressed on this matter. In addition, a reserve for existing utilities and equipment replacement should be discussed, to be transferred to the District if created. This would not be a capital improvement program, but anything in reserves that should be available to the District as if they had been accumulating reserves for infrastructure replacement.

**Jill Duffy** stated that in regards to the City of Rio Dell's request for mediation, she is not aware of LAFCo having the authority to compel two parties to come together and appoint a mediator and that this is an issue best left to the Town of Scotia and the City of Rio Dell.

**Jeff Farley** concurred with Commissioner Duffy and added that he hopes to see that both the Town of Scotia and the City of Rio Dell have submitted their comparisons prior to the next meeting to ensure that the Commission has all facts necessary to take action if desired.

**Merle Anderson** added that one of the challenges is that both projects comparisons are based on assumptions, such as cost estimates and which resources that will be obtained upon CSD formation or annexation, and these assumptions may differ greatly. When staff prepares a table of projects comparisons, it will be reflective of these assumptions.

**Marty McClelland** requested PMC staff to meet with the project proponents for further clarification if need be of the costs and benefits of each proposal. The matter is scheduled for the September 15, 2010 meeting.

**Jeff Farley** added with regards to Scotia streets ownership and maintenance, there's a difference in the aspects of how the work and development is actually going to occur, such that the people actually have something once it's finished. When comparing a City that's already formed vs. formation of a new CSD, it needs to be noted whether the new CSD will be formed after subdivision or prior to. If formed prior to, the CSD would have some inspection of the facilities being constructed.

## **B. Garberville Sanitary District (GSD) Water Services Extension Application**

**George Williamson** stated that the California Department of Public Health (DPH) has completed their CEQA review process and a Notice of Determination (NOD) and Mitigated Negative Declaration (MND) has been filed. For the purposes of LAFCo's discretionary review, the physical effects of the line must be considered. Staff is using the DPH CEQA document for this purpose. In addition, staff commented on the Draft Initial Study and participated in discussions with GSD, DPH, and the County to address both LAFCo's and the County's

comments and proposed changes to the project description. LACO and Associates, the firm providing environmental services to the applicant, has revised the project description and a summary of the changes has been provided on page 4 of the GSD Water Services Extension Staff Report. These changes were a result of requests by both County and LAFCo staff to address the project's potential growth-inducing aspects. Staff is in agreement that these matters were addressed, which has allowed us to make findings. Mr. Williamson identified the current GSD boundary and SOI, the Kimtu Meadows Subdivision, the GSD's actual current service area, which differs from the District's current boundary, and the draft SOI planning area currently under study. Staff has met with GSD staff, which has been extremely helpful in sharing draft information regarding the District's plans and potential future service boundaries. Mr. Williamson added that these are only draft boundaries, but do show the District's intent to eventually serve these areas. Staff intends to continue working with the District to bring this item back to the Commission before the end of the year. Approval of this project would result in an out-of-area water service extension, per State Government Code Section 56133, for documented health and safety reasons. To ensure that this line does not create growth pressures, three conditions were proposed and are included in the Resolution. First, GSD shall provide documentation to LAFCo that the District has adopted policies prohibiting further connections to the water line. Second, any future connections must first be approved by LAFCo. Third, GSD shall notify LAFCo once service has been established and provide a description ensuring that what has been applied for is what is actually built and put into service. Subsequent to this project, the District's Draft MSR will be brought back to the Commission and all specific matters regarding development potential, such as in the Community Park area, in which there is a General Plan petition on file with the County, will be addressed in the proper context, which is through the MSR and County General Plan Update processes, that together will accurately portray the area's growth potential.

**Jill Duffy** stated that several organizations have policies in place requiring that if a water or wastewater line runs within a certain distance from a property, the CSD is mandated to connect the property to those services. If the GSD has such policies, a change in the District's ordinances would be required to ensure that this line would not result in future growth inducing impacts.

**George Williamson** stated that the GSD has no such policy in place and Chairman McClelland and Mark Bryant, GSD District Manager, concurred.

**Jeff Pauli** asked if because the County General Plan Update is not yet complete and the County has not yet determined where potential growth may occur, could the County's future findings override the Commission's decision.

**George Williamson** responded that the LAFCo action is complete and should stand on its own. If the County should decide to propose development in the SOI area, then by the Commission's own policies, any change in the District's boundary or SOI would first require the Commission's approval, which would be considered in light of the General Plan Update. A full description and analysis of the proposed boundary change, including growth potential, would be presented in the form of an MSR, which would include a District Boundary and SOI Land-Use Map, providing the Commission with all the tools necessary to make an informed decision.

**Marty McClelland** stated that he recalled that the County accepted the petition for the project and required an Environmental Impact Report (EIR). Mr. McClelland asked if the project would be evaluated as part of the overall General Plan Update and it was determined that it would be.

**Kenneth Zanzi** stated during the May meeting, the Commission discussed the extension of services outside of a City's boundary, under Government Code 56133, due to a documented health and safety issue. As per the Commission's own policy, an application for an extension of services outside of a City's boundary, even when to respond to a present health and safety issue, should be accompanied by an application for annexation or evidence of implied intent of future annexation. Mr. Zanzi asked if the same policy applies to District's and if the Kimtu application should include evidence of implied intent to annex.

**George Williamson** responded that because there is a General Plan Update process underway that will look more closely at land use in the area and because staff is currently working actively with the District on the GSD MSR update, than in this particular case, because it's a health and safety matter, staff is relying on the District's current Draft SOI Boundary Map, which includes Kimtu, as implied intent.

**Mike Nelson**, LACO Associates Planning Director, presented the Kimtu project location map, identifying the proposed water line and the location of the original two "T's" in the line, one intended for future connection to supply emergency fire flow and the other intended to connect to the future District water treatment plant. Both T's were removed from the project description to eliminate concerns regarding their potential growth inducing effects. Mr. Nelson concurred with staff's recommendations and conditions of project approval, as presented in the Kimtu Project Staff Report, and supported adoption of the resolution as proposed. Mr. Nelson added in regards to the overall project purpose, the Kimtu water system serves 20 residences, currently withdrawing from the Eel River, that have been on a boil water notice for several years based on the quality of their intake and treatment system. The proposed project would give residents a connection to a safe secure water source provided by GSD. By ensuring that the project is "shovel ready" through completion of the CEQA documentation preliminary design phase and because the project supports consolidation and is the result of a well documented health and safety risk, it is more likely to be selected for very competitive grant funding. A preliminary engineering report, prepared by Spencer Engineering, identified the problem and all available options and alternatives to alleviate the problem. The Report identified the CDPH's preference for consolidation. It is a state policy of CDPH to try and consolidate and/or reduce the number of small mutual and independent water companies, ensuring a greater regulatory compliance and sufficient availability of funding and resources. GSD currently meets their water quality and quantity standards and are also concurrently pursuing water system reliability improvements. This project would consolidate the intakes of GSD and Kimtu, of which, the existing Kimtu intake is not properly documented/permitted through the state, and would allocate a portion of the GSD's water right to bring in the existing development at Kimtu. CDPH sees this as especially advantageous because they can retire an existing non-conforming water right, abandoning the existing intake in place. This project would replace existing Kimtu transect lines within the project area that are prone to failure, difficult to repair, and have resulted in past service outages for several days, and would replace existing hydrants within the subdivision. Looking at the available alternatives, the main alternative considered was rehabilitating the existing system and intake. However, no documented water right for the current source exists and this alternative would not meet the states consolidation goal. As a result, the project may not secure the necessary permits and funding. Land based wells were considered, but because of the proximity to the river, would still likely be considered a withdrawal from the river, would not meet the consolidation goals, and would be unable to secure the necessary permits and funding. A smaller line with an onsite storage tank was also considered, but was determined unfeasible in terms of GSD's increased and long-term operation costs. A CEQA document was circulated last

September in which numerous comments were received with the over-arching concern being around growth inducement. Revisions to the Initial Study were made. The NOD was filed on July 16th, which closed the CEQA process. Regarding the concerns addressed in the CEQA document, the 8-inch diameter pipe size was chosen because it is the smallest diameter line possible to supply residents with domestic water supply and to meet fire flow needs; the Project Description was revised to clarify that no additional connections to the line are planned for, or are authorized, by the funding agency; and the pre-positioned T's in the line were removed. The GSD passed a resolution last year clarifying that it is not the GSD's intent to allow future connections to the line. Both the County and LAFCo can adopt a policy prohibiting future development or connections along the line. Mr. Nelson concluded that LACO believes the conditions, as proposed in the Staff Report, adequately cover the growth potential concerns.

**Bob McPherson** asked if the 8 inch line would be adequate for the proposed water treatment project or if the line would be need to be replaced at a future date and asked how removing the T connection at the bridge prohibited future growth.

**Mike Nelson** responded that the line would suffice, but an additional 10 inch raw water line, paralleling the 8 inch treated water line from the river to the Plant, would be necessary. In addition, there are numerous residences across the bridge near the airport, in addition to another small mutual water company, that could possibly benefit from connecting to the line at the pre-positioned T connection. The GSD is approaching its limitation on existing water rights and although the District has enough water to serve Kimtu, to serve the development across the bridge would far exceed that right.

**Jill Duffy** asked if an above ground storage tank was considered as an alternative. She added that due to the long length of the line, water lying in the line may have a low chlorine residual, requiring an increase in chlorination and disinfection that could be problematic for other water customers.

**Mike Nelson** responded that there is not a sufficient location or enough space, with only 20 lots, to accommodate a large storage tank. The GSD has an existing 250,000 gallon storage tank and plans to expand this storage capacity. An additional chlorine booster and injector will be installed at the end of the line to ensure proper chlorination.

**Jeff Pauli** asked if the proposed treatment plant would include plans to provide a water tank near the former proposed location of the T connection. Mr. Pauli added that it seems unwise not to include the T connection for fire purposes if there's appropriate language in place that clearly identifies that the purpose of connection is for fire purposes only.

**Mike Nelson** responded that the new tanks would be located on top of the hill using a gravity feed system and that while he agreed that it may have been more efficient to include the T connection as part of this project, the potential growth inducing concerns were such that it was necessary to remove the connections from the project description.

**John LaBoyteaux**, Redway resident, stated that he's a long-time resident, with a farm located in Redcrest. He added that the Big Flat is the single largest contiguous area of prime farmland on the South Fork of the Eel River. Mr. LaBoyteaux approached the map, identifying two GSD out of district service connections, serving the Goldeen and Southern Humboldt Community Park properties. He stated that it's his belief, according to discussions with Mr. Williamson, that under the proposed agreement, the GSD would not be able to increase the service through those connections. Mr. LaBoyteaux stated he would like to know what the current capacity is. The

existing line is quite small and was only intended for a residential connection, although there has been reference to a commercial connection. This matter needs to be further investigated, should the existing connections create a precedent for further expansion or use. As Mr. Nelson described, the pipeline out to Kimtu has about 20 units of excess capacity, of which the DPH discussed in their EIR. One of the reasons that the DPH gave as to why the project would not be growth inducing, is based upon the rate at which the GSD can remove water from the river, at about 267 gallons per minute (gpm). However, he added, the rate at which the District can remove water from the river has no relevance to the available capacity of the proposed pipeline. Mr. LaBoyteaux stated that he would like to know the GSD's maximum daily allocation from the river, if the District has any other sources of water other than the river, such as a spring system, and what Garberville's average daily use is to determine how much surplus capacity exists in the entire system. Also, several years ago the Southern Humboldt Community Park applied to the Department of Fish and Game (DFG) for an agricultural well. The Park told the DFG they needed 40-50 gpm and then installed a very large under-river collection system, with the capacity of many hundreds gpm, in addition to an extended a pipeline. The Board of the Park has discussed the possibility of sharing water with the town of Garberville and/or for emergency water. Mr. LaBoyteaux asked if there's any way that the GSD could end up receiving additional water from the Park source beyond what they could get from their regular collection system. Lastly, the GSD intends to build a new water treatment plant in this area. In May, Mr. LaBoyteaux wrote a letter to the GSD regarding the Negative Declaration adopted for the project. He added that the letter, dated May 30th, was sent to LAFCo. The concerns addressed in the letter include that the proposed pipeline is a pressurized treated pipeline that is also the conveyance for the new treatment plant water into town and to the GSD system. The Kimtu and GSD projects are not functionally or economically separate. In fact, what is part of the Kimtu extension, being paid for by DPH, is also part of the water treatment plant project, and is how the GSD will deliver the new treated water into town. In the letter, Mr. LaBoyteaux argued that by separating the two projects, the DPH and the GSD are piece-mealing the environmental review process and the combined growth inducement impacts have not been addressed. The area between the actual location of the new treatment plant and the short pipeline that joins the remainder of the 8-inch pipeline is a source of immediate service to the locations on both sides of the line. The location of the entire treatment plant, as well as that short section of pipeline, have growth inducing impacts as great, or greater, than the Kimtu extension. Mr. LaBoyteaux feels it's inappropriate for the GSD to be considering expansion in this area when there are other areas that are much more suitable for development.

**Donald Courtemanche**, Garberville resident, stated that the GSD Board of Directors and Developers recently had a meeting and the public was not notified or invited. Mr. Courtemanche added that Kimtu water line is designed to deliver 2,160,000 gallons of water to Kimtu's 20 households in a 30-day cycle, equating to 3,600 gallons of water per day per household, not counting water for fire suppression. This much surface water being available on tap, will further facilitate depletion of the South Fork Eel River. In LACO's Initial Study for the proposed project, it is falsely stated that the County requires an 8-inch line for this project. An 8-inch line is only required for new development, which will be the ultimate result of installing the proposed line. The entire existing Kimtu subdivision runs on a 6-inch line. Mr. Courtemanche referenced a letter from the Department of Fish and Game (DFG) noting that the South Fork Eel River is was flowing at 13 cubic feet per second (cfs) in 2008, the lowest level recorded in 69 years. He added that the GSD's new in-stream pump upgrade is designed to extract the District's entire allotted amount of 425 acre feet per year. At present, the GSD uses 187 acre feet per year, but as the June

26, 2010 Redwood Times article states, there appears to be big plans in the works. If the Kimtu project is started prior to the completion of the General Plan Update process, than once the Update is complete, all the caveats and protections placed on the Kimtu project can easily be changed. If these lines are in place and the water is there, development will occur.

**Kristin Vogel**, Garberville resident, stated that she has read the mitigations in the Kimtu I.S. Mitigated Negative Declaration. She stated that she appreciates the efforts that have taken place to ensure that new development will not be induced as a result of the construction of the proposed Kimtu 8-inch pipeline, however, these efforts may not be enough to prevent determined Southern Humboldt developers. Ms. Vogel encourages that a restrictive easement be required, with a respected third party organization- such as the Natural Resources Conservation Service, to further protect the Kimtu pipeline from new development.

**George Williamson** stated, in response to Mr. LaBoyteaux's question, staff does not have the GSD data at hand, but that information is available in the materials that LACO and GSD provided as part of the project application. Mr. Williamson added that the critical component of the discussion is regarding the District boundary, which is the only area that an extension of services may occur, except in specific circumstances such as this, in which there is a health and safety issue present. However, the current issues being presented are within the District SOI. There are safe guards in place, both with the conditions placed on this application and in LAFCo's operation policies, which restrict the District from extending services beyond the District boundary. The fact that the Commission is proceeding with the MSR and SOI review, gives staff the opportunity to look at the SOI in greater detail, including taking a closer look at the SOI as it pertains to prime agricultural land.

**Marty McClelland** suggested that if approved by the Commission, the project should be conditioned on the prohibition of any connection, whether it's the existing out of service lines or the new line, so that the prohibition becomes legally enforceable, creating a policy specific to this particular organization and that particular location.

**Jill Duffy** concurred with Mr. McClelland and added that while the CSD has adopted a resolution for the proposed project, it is not nearly as binding as an ordinance. Ms. Duffy stated that a recently published media article noted that the GSD would limit water delivery until the completion of the County General Plan Update. Regardless of its accuracy, this statement has created angst amongst the Community. An adopted GSD ordinance in place, stipulating that the line serving Kimtu is a dedicated line, would further ensure no future connections along the line. Ms. Duffy added that the use of a restrictive easement should be further considered, which would restrict the use of that water line. However, an ordinance would likely give the parameters necessary to clearly establish that the line would be a dedicated line.

**Clif Clendenen** stated that in the letter written by Mike Zanolli, the GSD system's capacity was discussed as a limiting withdrawal factor. Commissioner Clendenen asked for clarification as to how the District's withdrawal rate relates to existing usage and/or pumping time.

**Mark Bryant** responded that during the hot weather period, the GSD was pumping over 200,000 gpd to provide services, which is approximately half of the District's water allocations. In reality, through communications with the DFG the GSD Board has identified water resource limitations and as such, is involved in water conservation efforts and is very conservative with that resource.

**Kevin McKenny** asked how the approval conditions for the Kimtu project would relate to the GSD's water treatment plant approval process and the connection of the plant to the new line, as

it relates to LAFCo. He then asked if the three areas already receiving water service from GSD, mentioned by Mr. LaBoyteaux, would be changed or would continue to exist as-is today. Lastly, Commissioner McKenny stated that he does not understand what affect the new General Plan Update will have on this project. The public should be well informed of what is occurring in regards to the Update and where future growth is planned for in the County. The concept should be transparent to the public, including the potential provision and locations of affordable and/or high density housing.

**George Williamson** responded that if the District wanted to connect to the line as part of the water treatment project, the connection would require the Commission's approval. This is primarily because when the GSD bought the water company, the new areas served were located slightly outside of the District's boundaries. As such, these areas will be investigated as part of the GSD's MSR and SOI review that is currently underway. The capacity issue and the water treatment facility will be looked at further when the MSR update is before LAFCo.

**Mark Bryant** stated that the adopted resolution specifies no *new* connections are to take place. The two existing residential services are inaccessible for repairs due to the elevation change. The optimum place to handle repairs would be through the new main, via service connections for the *existing* service laterals. In addition, the District will be addressing the SOI update and proposed SOI through a series of open public hearings. In regards to the provision of affordable housing, that area is not currently served by wastewater and this is also the location of the District's drinking water aquifer, therefore, it is not likely that the District Board will support high-density residential development in that area.

**THE MOTION WAS MADE** by Commissioner Clendenen, and seconded by Commissioner Farley, to APPROVE Resolution 10-06, the extension of GSD's water service to serve the Kimtu Meadows Subdivision, with the added condition that the GSD will adopt an ordinance dedicating the line to serve only existing Kimtu connections and prohibiting future connections to the line.

**THE MOTION PASSED BY A VOTE OF 7-0-0.**

**7. FISCAL YEAR-END BUDGET REPORT FOR 2009-10**

**BY ORDER OF THE CHAIR**, with the concurrence of the Commission, the End of Fiscal Year 2009-10 Budget Report was received and filed as presented by staff.

**8. PUBLIC APPEARANCES**

**9. ADJOURNMENT: 11:07 a.m.**

**ATTACHMENT 4A - MINUTES FOR MAY 19, 2010 MEETING**

**COMMISSIONERS PRESENT:** Commissioners Kevin McKenny, Jeff Pauli, Kenneth Zanzi, Bonnie Neely, Marty McClelland, Clif Clendenen, Jeff Farley, and Alternate Commissioner Bob McPherson.

**COMMISSIONERS ABSENT:** Alternate Commissioners Jeff Leonard and Jill Duffy.

**STAFF PRESENT:** George Williamson, Contract Executive Officer, Alisha Oloughlin, Contract LAFCo Staff 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.

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL**
4. **APPROVAL OF DRAFT MARCH 17, 2010 MINUTES**

**THE MOTION WAS MADE** by Commissioner Pauli, and seconded by Commissioner Neely, to approve the March 17, 2010 Minutes with noted corrections.

**THE MOTION PASSED BY A VOTE OF 6-0-1.**

**5. PUBLIC HEARINGS**

**A. California Department of Forestry and Fire Protection (CAL FIRE) Water Service Extension-Trinidad**

**George Williamson** stated that staff has been working with CAL FIRE to determine the best of or all possible solutions to provide CAL FIRE Trinidad Station with potable drinking water. Rather than apply for a service extension with one of the districts or municipalities directly, staff recommended to CAL FIRE that they apply directly to LAFCo to assist them in determining all available options. The department has documented health and safety concerns based on water quality tests regarding the present contaminated supply from Martin Creek. Prior to applying to LAFCo, the department exhausted many other options, including onsite treatments and digging a well, all of which have proved unsuccessful. Mr. Williamson appeared before the City of Trinidad City Council on two occasions and the City stated interest in serving the Station. However, they were very clear that they do not want to expand their Sphere of Influence (SOI). Given that there was a potential service provider, staff asked Winzler and Kelly Consulting Engineers (W&K) to perform a feasibility study assessing the City of Trinidad's available water supply and the feasibility of City providing water to the Station. The study indicates there is sufficient water available to serve the Station and makes recommendations about the minimum size line necessary, determined to be 1". Staff then had several conversations with County staff regarding County Service Area Four (CSA4) in which County staff expressed concerns about the growth inducing potential of the service expansion and about getting involved in water service. They requested any/all other options be explored. Staff consulted the Cortese-Knox-Hertzberg Act and conferred with other LAFCo Executive Officers who have dealt with similar situations and found an exemption. This exemption is presented as a staff recommendation. The Commission would need to find that CAL FIRE operates a public system, which our research found minimally qualifies as such. They are not in the water business, but everything that they own and operate that serves water, is public. Therefore, this is merely a staff interpretation. If the Commission concurs, then the exemption is applicable in this particular case- the benefit being that it would not apply to any other entity, this being the only public entity on Patrick's Point Drive. According to the engineering study, the 1" line would supply sufficient water. If the exemption is approved, CAL FIRE would negotiate directly with the City of Trinidad to be the water purveyor. CAL FIRE would be responsible for all studies, reviews, and costs for extending the water line and all ongoing and future service costs associated with the service.

**Kenneth Zanzi** stated that the exemption proposed is a stretch of the intent of the provision. CAL FIRE is not in the water delivery business. Their water service is a public service, but they are the only entity that receives service from Martin Creek. They are under contract with the County to provide fire prevention and suppression services, not water delivery services.

**George Williamson** concurred. He added that the exemption minimally qualifies. In addition, this exemption was included in the CSA4 Municipal Service Review (MSR) as a means to clarify that CSA4 is not in the water business. If people seeking water service begin to contact the District or the City, there is a record of action in the MSR and in the Resolution clearly noting this exemption is only applicable to a public service provider.

**Jeff Guttero** stated that in checking the Code for Definition, he was unable to find one regarding a *Public Service Provider*, but did find one in the broadest sense of terms for a *Public Agency* (Government Code 53101) which would include this circumstance. He added that, the department owns the water source and the pipe that runs under the highway, and therefore, he believes the definition to fit and has so advised the staff.

**Marty McClelland** opened the Public Hearing for this item.

**Ronnean Lund**, California Department of Public Health, stated that she does not know if the CAL FIRE Station system fits the definition of a *Public Water System*, serving more than 25 people more than 60 days of the year, but it sounds as if there is nothing preventing them from putting treatment on their source.

**Kenneth Zanzi** noted that in both the W&K Report and the staff report there is no indication of a DHS finding of contaminated water supply. It is stated in one report that the well is contaminated and it is stated in the other report that they have existing contamination problems, but there is no DHS finding that the system is actually contaminated.

**Mike Riso**, CAL FIRE Area Forester, clarified that CAL FIRE does not intend to abandon the existing water source. What the Station is seeking is a limited supply for the purposes of potable drinking water and for personal hygiene. The Station has a source, a tributary of Martin Creek. CAL FIRE is concurrently seeking to maintain that and has gotten a notice of exemption that has been approved and have a 1600 Series Stream Alteration Agreement in place with the California Department of Fish and Game (DFG). CAL FIRE has expended the balance of funds remaining to the Station for this fiscal year trying to improve onsite treatment facilities. CAL FIRE does not feel that that is going to resolve the potability issue. Those waters from Martin Creek are devoted to fire suppression and limited on-grounds maintenance. Currently, bottled water has to be imported for drinking water and personal hygiene is limited to the contaminated source. CAL FIRE is looking to secure a supply that meets health and safety codes for limited use, consumption and personal hygiene.

**Marty McClelland** asked Mr. Riso how the cost of on-site water treatment of the existing source compares to extending a water line from the City to the Station.

**Mike Riso** responded that he is not aware of how the costs compare. He added, to the best of his knowledge, the Station had an allotment of \$100,000 to do the system upgrades and that was inadequate for any reasonable on-site treatment. The expenditures were: digging a well, although given local geography that was not going to pan out, or improving the existing draw facility and on-site treatment. In testing to do so, fecal coliform was discovered and the water continues to have heavy sedimentation. The treatment facility that currently exists is a simple filtration and chlorination. CAL FIRE has used the remainder of that \$100,000 to purchase additional equipment to be installed on-site at the existing facility and have expressed that they are not confident that will be enough to do what is required.

**Marty McClelland** asked what the department's budget is to extend the 1 inch line.

**Mike Riso** replied that they had anticipated they would be able to do everything required with the \$100,000 appropriation. Much of those funds would be expended to pay other agencies and

contractors. In regards to labor and environmental document preparation, CAL FIRE has those in-house capabilities.

**Marty McClelland** asked who would be doing the construction to extend the line.

**Mike Riso** replied that he was unsure as to who would be involved in the construction of the line, which dependent upon the result of the engineering study. His understanding is that the procedure of laying a limited diameter line is not complex and there is machinery that will dig and lay line simultaneously.

**Kenneth Zanzi** asked what documentation exists, and by whom, regarding the contamination present at both water sources- the well and the surface supply from Martin Creek.

**Mike Riso** clarified that there is no well and confirmed that the information in the W&K Report pertaining to a well being present is erroneous. CAL FIRE did a test well on-site and at 20 feet of depth, encountered an inclusive clay layer and was unable to secure a subsurface supply. CAL FIRE submitted water samples to North Coast Labs who performed tests at varying times of the year. The results came back confirming contamination.

**Clif Clendenen** asked John Miller if he could confirm that CSA4 provides fire service that augments CAL FIRE's summer service, thus putting the County in the fire business during that time and asked if having a water line to serve the Station, would put the County in position of new responsibility.

**John Miller**, County Planning Department, replied he had a discussion with the County Administrators Office about opportunities available to provide limited water service within CSA4 and that it may not be the best approach. If the extension is the most feasible engineering alternative to address the problem, it would be best to leave CSA4 as only a fire service provider.

**George Williamson** concurred and added that after conversations with County Administrative Office staff and Legal Counsel, staff doesn't feel that CSA4 should be in the water service business. The way that staff has presented this to you and if you concur, you would find that an exemption is appropriate in this particular case to exempt both CSA4 and this water hook-up. As presented in the MSR, no water service is proposed for CSA4. It strictly acknowledges an exemption in place for this single use to serve the one station actually providing the fire service.

**Clif Clendenen** stated that he is unsure of the level of technology out there, chlorination, ultraviolet, and/or others; it seems that given the ramifications of putting in this line and the ongoing maintenance costs associated, on-site treatment should be looked at.

**George Williamson** responded that prior to presenting this option to the Commission, staff confirmed with CAL FIRE that all other options were exhausted and this was the only viable option available. Staff is under the impression that it is, but is prepared to pursue a study independent of what is being told by CAL FIRE.

**Bonnie Neely** stated that it has been indicated that LAFCo has the authority to grant out of district water service extensions pursuant to State GC §56133 and under GC §56133(e) LAFCo can also grant an exemption, given that the service in question involves a public service provider and the level of service to be provided is consistent with that already being provided. I feel that the Commission can move for approval of staff's recommendation and of Resolution 10-07.

**Kevin McKenny** concurred with Commissioner Neely and added that if you consider what LAFCo is supposed to be doing in regards to discouraging overlapping services and other issues, none relate to running a 1" water line to the Station. He added, as an engineer, I have a problem with too small of a line and believe that the motion should condition a 1.5" line, opposed to a 1" line which would create additional pumping costs in the future, using unnecessary energy. A 1" or 1.5" line can be placed with a trencher, leaving only a 2" pavement patch. It's an economical solution to CAL FIRE's problem, much more so than trying to pursue water treatment and the ongoing expense of having to use chemicals repeatedly year after year. When fecal coliform is

present, it must be dealt with forever, whereas, if you have domestic water from the City of Trinidad, the problem is solved.

**Ronnean Lund** stated that every entity and water system along Patrick's Point Drive uses surface water and all have the same contamination issues. If LAFCo allows a line to be extended to the CAL FIRE Station from the City, the Commission is providing preferential treatment to the Station.

**Clif Clendenen** asked about some of the treatment options employed and annual costs associated with different options/entities.

**Ronnean Lund** responded that surface water requires filtration and disinfection. There are different filtration and disinfection methods. All the users along Patrick's Point Drive have to have a water treatment operator onsite to run their system. The treatment has to be designed appropriately for the quality and quantity of the water desired. An entirely new treatment system would likely cost more than \$100,000.

**THE MOTION WAS AMENDED** by Commissioner Neely, and seconded by Commissioner Farley, to approve Resolution 10-07 with the conditions that: the water line be 1.5" diameter; CAL FIRE and the City of Trinidad will be responsible for all negotiations and the provision of said service; CAL FIRE will assume all present and future financial responsibilities associated with the water line extension and said service; the City of Trinidad has the right to locate the line in the County right of way, subject to County approval; and this motion is not precedent setting and is unique to this situation only.

**THE MOTION PASSED BY A VOTE OF 4-3-0** (Ayes: Commissioners Neely, Farley, Pauli, McKenny, and McPherson; Nays: Commissioners Clendenen, Zanzi, and McClelland).

#### **B. MSR & Spheres of Influence (SOI) Update Hearing and Resolution for Garberville Sanitary District (GSD)**

**George Williamson** stated that this is one of two separate items regards the GSD. This item is an update of the District's MSR and SOI. Staff is very close to completing all of the mandated MSR updates and while this update was prompted by the GSD water line extension application, it is no different than any other MSR and SOI update. Staff has been working very cooperatively with GSD staff and consultants and have had a couple of meetings regarding the District's SOI update. During one of those meetings yesterday, staff was informed that as a result of the District purchasing a water company in 2004, it is currently providing water service outside of the District boundary and SOI. The District's staff has committed to working with LAFCo staff to provide the mapping information necessary to properly evaluate the SOI. In addition, staff would like the opportunity to further evaluate the SOI in relation to existing land uses and is requesting a continuance to continue working with the GSD staff and consultants on these matters.

**Marty McClelland** requested that the MSR include mapping of the existing water system, especially in those areas that the District is providing service outside the District boundary, and that the MSR clearly addresses this matter.

#### **C. Garberville Sanitary District Water Services Extension Application**

**George Williamson** stated that the Commission will be unable to take action on this item, as the CEQA review process is not yet complete. The review process is expected to be complete within the next few weeks and therefore, this item can be continued until June.

**Marty McClelland** stated that the CEQA document, under the Land Use section, should address the proposed changes and cumulative impacts to the Tooby Park area. It can't be ignored; it's been discussed with the District and the community and has been accepted, as I understand, by the County as part of the General Plan Update process. In addition, the alternative smaller line and storage needs to be further addressed. There were comments about impacts to cultural

resources. Those affects have been mitigated, yet that's the basis for being unable to provide storage.

**George Williamson** responded that both LAFCo staff and County staff commented during the draft review period on that environmental document and those concerns were included in the comments and are in the record. Staff will bring back to the Commission- LACO's responses to LAFCo and the County's comments, with the notice of determination and the complete environmental document.

**Marty McClelland** opened the item for public testimony.

**Donald Courtemanche**, Garberville resident, stated that the entire town of Garberville is served by an 8" water line which serves 400-500 customers and is used for fire suppression. The Meadows Subdivision, currently supplied by a 6" line, has far more housing, commercial, and fire suppression needs than Kimtu Meadows Subdivision. The Surface Water Treatment Plant (SWTP) must be considered in conjunction with the Kimtu water line, which has been linked to the GSD's SWTP site since at least February, 2005. The copy of the GSD's Board minutes shows a link to the Southern Humboldt Community Park Board (SHCPB), concerning water issues. These minutes show that Kimtu and the SWTP project were conceived with development along the pipeline. Also, the CEQA document does not identify the Eel River as Wild and Scenic, which needs to be addressed. The DFG wants the District to stay at its current level of water withdrawal and not increase the demand on the South Fork. I live and work on this river and see its ever-changing flows. The river is dying before our eyes. The SHCPB has big development plans, in addition to private development plans on the Goldeen and Dazey properties. The solution for safe drinking water for Kimtu residents should not be a vehicle for leap-frog development and the taking of more water from the Eel.

**John LaBoyteaux**, Redway resident, requested to approach the map. Mr. LaBoyteaux identified land below the freeway, out to the River, as the former Tooby Ranch, which he stated was not included in the litigation because it was not enrolled in the Williamson Program. Instead, there was a community campaign to purchase most of this property as a park. As part of that transaction, Mr. Dazey acquired about 70 acres in this location. In a letter that Mr. Dazey sent to the GSD in 2008, he mentioned his subdivision and then wrote, the GSD expects to connect his parcel in the process of developing the water line to Kimtu. Secondly, Mr. LaBoyteaux identified a hillside on the map. He identified all the land from the base of the hill on a flat, out to the River as prime agricultural land, as is a portion of Mr. Dazey's property. The private non-profit that controls the community park is proposing to rezone the area around the top of the flat. If you visit their website they include a description of what they intend to do- which is to construct a centralized recreational complex, including four ball fields, an Olympic size swimming pool, a clubhouse, indoor athletic pavilion, community center, hospital facilities, a conference center, and a senior multi-generational housing project. Finally, in this area, below the freeway, but not part of the community park, Mr. McKee, who was the purchaser of the ranch, retained a large parcel, 80-90 acres, and he has a partner in this parcel, Sanford Goldeen, a Marin County hillside condominium developer. That parcel is already served by public water; however the pipeline is quite small and was intended to serve a single residence. This is an 8" diameter, 2-mile pipeline running from town past all these properties to the Kimtu Subdivision. People of Kimtu have been getting along with their water system for over 30 years. The problems that the system has can be fixed at Kimtu, including fire flow. I believe that the Department of Health Services has been taken for a ride and that this pipeline has massive growth inducing potential. The owners have already stated their intentions.

**Virginia Graziani**, Redway resident, stated that she wanted to second what Mr. LaBoyteaux and Mr. Cortemanche said. She added that as a member of the Redwood Community Services District Board, she has a great deal of respect for the amount of work that the GSD has done working with the Department of Health Services. However, she added, I do feel that this project is growth-inducing. It has been stated by GSD that it is up to the County and LAFCo to determine what those land uses are going to be. In my opinion, this is a circular argument



because when the County decides how much growth is going to occur in an area, they ask the service district about their capacity, infrastructure, and need for growth, and they are very much

guided by the information that they receive from the District. If there is a desire for growth in the area, if there's a desire for areas in the County for housing allocation needs, and if there's infrastructure and capacity to serve that growth, then it will occur. A critical question is whether there's enough water in the Eel River to serve this growth. The State Water Resources Control Board has given the GSD all the water allocation that they need, so that's not really a constraint, regardless of whether the water is physically there or not. Also, because the Mitigated Negative Declaration (MND) was prepared on behalf of the State Department of Public Health (DPH), there was not a copy available to the local public in Garberville. The public had to obtain a copy through either LACO or the County. Lastly, LACO Engineering has been the engineer in GSD's water treatment plant project in addition to being the engineer preparing the MND for the DPH. I would feel more comfortable with the conclusion that there is no other way to alleviate the health and safety problem in Kimtu, other than extending this line, if an independent study was performed by another engineering firm that supported that conclusion.

**Clif Clendenen** asked, if the project is approved, would the water right currently existing for Kimtu Subdivision, be extended to the GSD, or would it be extinguished all together.

**Ronnean Lund** responded that Kimtu has no legal water rights, except for the parcels adjacent to the river, which have riparian rights. In 2002, the DPH sent Kimtu a boil water notice because they were using unfiltered surface water out of the Eel River. After further research, the conclusion was that they did not have any rights for the water they were using. Other options were looked into, including drilling a well. The Division of Water Rights, of the Department of Water Resources, determined that a new well would withdrawal ground water that is tied into the surface water of the river, and would require water rights, which the Department does not wish to allocate because there's not enough water. Thus, it was determined that the only feasible option was to consolidate the GSD and Kimtu water systems, with GSD taking over the Kimtu system once the new facilities were installed.

**Randy Rouda**, LACO Associates, clarified that LACO is before LAFCO representing Kimtu Meadows Mutual Water Company (KMWC). LACO has many clients, but regarding this project, KMWC, is the client. LACO has been working with KMWC for quite some time to find a remedy for the existing boil water notice. LACO prepares draft environmental studies for review by public agencies. For this one, the lead agency is the DPH. Also, in regards to the 8" line, with a 2.5 mile lone dead end line the friction loss is extraordinary. In regards to the Mitchell easement, Kimtu Camp Road, was never fully dedicated to the County. When LACO looked into putting in a water line, there was no obvious right, so an easement from the adjacent property owner was looked at. That arrangement has no offer, guarantee or notion that a connection would be permitted for that adjacent property. Lastly, KMWC would be happy to accept potentially any future restrictions to that line which allows them to move forward in alleviating their water quality concerns.

**Marty McClelland** asked Mark Bryant, GSD Manager, what the water line cost estimate is.

**Mark Bryant** responded, approximately \$80 per foot for approximately 10,000 feet (2 miles), which includes asphalt reconstruction. At 20 connections, that's roughly \$40,000 per connection.

**Marty McClelland** asked if the District has a fee schedule for reimbursement.

**Mark Bryant** responded, fee rates will be within the District's current pressure zone for downtown. Recovery costs associated with that are on the shoulders of CDPH and Kimtu. The 20 property owners of Kimtu Meadows Subdivision signed a petition requesting service from the District, specifically stating they will cover costs incurred by the District, which can be recovered in several different ways, including a tax assessment applied by the County or an increase in the fee schedule above current base rates. Mr. Bryant added that there is confusion

because the GSD is looking at two projects: GSD's major capital improvement project, which is currently partially funded, and the Kimtu project by CDPH. There is some alignment between the GSD's participation and Kimtu. GSD's participation is limited to the physical and correspondence requests from CDPH and Kimtu to supply water. There are issues regarding the SOI. Our community would need to look at the implications of any growth and would need to provide our board with input, through a series of public hearings, before decisions regarding the SOI are made. In the past the District has dedicated a series of 5 public hearing for those comments. GSD wants the community's input on where and how they want to grow. There has been discussion about letters from specific property owners and ambitious goals to develop in that area. The GSD has yet to receive any of those letters and there has been no cross-communication between the District, Community Park, or Steve Dazey. There's nothing official in our record or minutes that relate to any discussion.

**Clif Clendenen** asked Mr. Bryant to identify on the map, the areas where the District currently provides water service which are outside of the GSD boundary.

**Mark Bryant** responded that the current SOI was approved in 1986, which borders the Kimtu area. In 2004, the community purchased a privately owned water company which was having financial difficulty meeting current water regulatory requirements. When GSD bought the water company, our SOI expanded because the water district served outside the District service area and SOI. Years ago there was a development out on Connick Creek, 7-8 parcels that the County permitted with the stipulation that the development would have to get water from the community's water system, then privately owned. So, GSD inherited that pre-existing out of service area pipeline. GSD worked with LAFCo at the time of the purchase because the District was undergoing a major rehabilitation project for our wastewater system. As part of that process, GSD was requested by the County to serve their county yard facility, along with a series of houses that had been identified with failed septic systems. That area was annexed as part of that project along with other areas within the service area that had never officially been annexed. The service area has significantly expanded; portions of our current treatment area and the wastewater treatment plant are not within the service area. CalTrans and the new Blue Star distribution facility are within the service area. There are a lot of changes that need to be reflected in the SOI and the service area. This is a lengthy process and it's very important that the GSD gets the community's input before areas are identified for future growth. That's part of the reason that when the GSD made the commitment to the DPH to supply water to Kimtu due to the health and safety concern, we specifically specified that the line is only to be used for the Kimtu residents. Some of the options that we looked into for restricting that line included deeding that line to a conservation organization. Another stipulation that was put on the agreement with CDPH and Kimtu was that all water rights for any one tied to that water line will be given to the GSD because the resources in the South Fork Eel are extremely challenged. GSD has been working with agencies to address these challenges. But, as it is now, the flows will not sustain the people and fish life in the South Fork area. So, there may not be a growth issue.

**Kevin McKenny** asked Mr. Bryant if the existing treatment facility, located across the highway, has a deep well.

**Mark Bryant** responded that the GSD has two primary sources of water, a shallow well in town, used when the turbidity in the river is too high to produce water, and primary summer intakes in the river. The water rights that the District has now are at the same volumes as given to the Hurlbutt family operation. GSD has not enhanced them. The District's concerns are the adequacy of that resource.

**Kevin McKenny** asked is the new treatment facility is to be built on the McKee property.

**Mark Bryant** responded that initially it was on the McKee property, but the property has since changed hands a few times. The property is located off of the County Road, Tooby Ranch Road, approximately 200 feet up, tucked behind some redwood trees. The District plans to tie into the 8" line off of Sprowel Creek Road to charge the town at the base elevation. From there, water would go through a series of four other pumping tiers within the District.

**Jeff Pauli** asked Mr. Bryant if Kimtu residents would be required to relinquish their riparian water rights, resulting in no net gain of water from the river.

**Mark Bryant** responded, yes, the GSD does not want a net or gross impact.

**Ronnean Lund** clarified that Kimtu has been on a boil water notice for years and separately and coincidentally, the GSD treatment plant isn't sized appropriately and has been working with the DPH for a number of years to upgrade their plant. Both systems have had trouble coming up with the monies. Kimtu was offered a 100% grant (Prop 50) to pursue their project, but then those monies were frozen. Coincidentally, the best site for the GSD's plant was where identified earlier. The fact that this location is on the way to Kimtu is completely coincidental. DPH is a third-party agency with no interest in the local politics and has been overseeing both projects.

**THE MOTION WAS MADE** by Commissioner Neely, and seconded by Commissioner McKenny, to continue the GSD water service extension application to the July 21 meeting, with a status report to be provided at the June meeting.

**THE MOTION PASSED BY A VOTE OF 7-0-0.**

**D. Hearing to Adopt Fiscal Year 2010-11 Budget**

**George Williamson** commented that staff presented the Preliminary Fiscal Year 2010-11 Budget for the Commission's review at the May meeting. He noted that the Draft Budget was mailed to all member organizations for comments and none were received. The Fiscal Year 2010-11 budget proposed represents a further reduction in the budget. Staff asks you to consider this budget for adoption.

**THE MOTION WAS MADE** by Commissioner Farley and seconded by Commissioner Pauli, to approve Resolution 10-04, adopting the FY 2010-11 Budget as presented.

**THE MOTION WAS PASSED BY A VOTE OF 7-0-0.**

**6. BUDGET & STAFFING**

**A. Budget Status Report Fiscal Year 2009-10.**

**BY ORDER OF THE CHAIR**, with the concurrence of the Commission, the May 2010 Budget Status Report was received and filed as presented by staff.

**B. Planwest Partners Staffing Services Agreement Extension.**

**Frank Bacik**, Town of Scotia LLC Vice President of Legal Affairs, stated that he has approached the Commission about this matter before, which regularly arises in the public record, regarding the conflict of interest that currently exists with the Executive Officer (EO). I am an applicant before LAFCo and have a matter on the agenda for next month. The City of Rio Dell proposes an alternative approach and Mr. Williamson represents that party as well. The conflict of interest is not new, I've addressed it before you in the past when staff reports have come out that shouldn't bear Mr. Williamson's name and organization, but do. Yesterday I received calls from Scotia and Rio Dell residents about this matter; staff reports for LAFCo, on LAFCo letterhead, submitted by LAFCo's EO, will recommend that LAFCo take favorable treatment in connection with an application by someone else paying Mr. Williamson to bring and argue an application before LAFCo. As of today, there's a staff report before you by Mr. Williamson. That staff report says that you should consider hearing from Rio Dell, his other client, so that they can give you updates on the preparation of an application before LAFCo, an annexation application. That staff report tells of all good things being done by the City to advance that application. He's being paid by the City at the same time to prepare and present that application. Your EO is hired by people because he's your EO, to prepare and present applications to you. Those conditions are unfair and intolerable to us, probably because the contract that exists doesn't address those circumstances adequately. The only clause in the proposed contract that

addresses conflict, Section 3, says that it will essentially be self policed. Mr. Williamson will decide if there is a potential conflict and will bring the matter to the Chairman, who will ask an

alternate staff member to do the staffing instead. There should be a clause that absolutely prohibits Mr. Williamson from then presenting to you as someone else's staff member, applications. There should be a provision that requires recusal of participation before LAFCo as an advocate for an application, or as an advocate on behalf anyone else, for an action from LAFCo. There is a staff report before you that advocates for favorable action, hearing additional testimony from his client, as he's the paid advocate for Rio Dell. This has been brought to your attention five times and can be considered a violation of due process rights. It has been brought to your attention in order to exhaust administrative remedies in order to preserve our rights, lest they be waived. The Town of Scotia LLC asks you to write a contract provision which requires recusal on behalf of your EO so that he does not solicit activity to represent people before you; he's your EO and as long as there's a contract, he shouldn't be appearing before you as an advocate for other people.

**Marty McClelland** stated that the item before the Commission is the contract extension for Planwest. When written, conflict of interest was a specific issue. Each time it has been raised, George hasn't acted alone and has been in consultation with Mr. Guttero about the conflict and how to approach it. It appears the provision in the contract regarding conflict needs to be reviewed and brought back to the Commission with any modifications of language. Mr. McClelland suggested the Commission direct counsel and staff to review the provisions on conflict.

**Kevin McKenny** stated he recalled being on the Committee that originally worked on the contract. The subcontractors, Pacific Mutual Consultants (PMC), were supposed to do everything with regard to Scotia and would have to be present for anything regarding Scotia. They should be writing and be present for the staff reports.

**Bonnie Neely** stated that if it's just a status report, it should be prepared by, but need not be presented by PMC, if the contact information is on the written report and it can be received and filed or if PMC can be contacted to answer any questions.

**Jeff Pauli** stated that even on the issue of annexation of the old Eel River Sawmill property, it causes him concern to know that there are two roles being played within the same organization.

**THE MOTION WAS MADE** by Commissioner Zanzi and seconded by Commissioner Clendenen, to approve the extension of the contract for Planwest Partners' to provide LAFCo services and to direct staff and counsel to report back on alternative conflict language, as suggested by Mr. Bacik.

**THE MOTION WAS PASSED BY A VOTE OF 4-0-3.**

## **7. COMPLIANCE WORK PLAN**

**BY ORDER OF THE CHAIR**, with the concurrence of the Commission, the May 2010 Compliance Work Plan was received and filed as presented by staff.

## **8. PENDING APPLICATIONS**

### **A. Scotia CSD Formation– Status Report**

### **B. Rio Dell Scotia Annexation Application – Status Report**

**BY ORDER OF THE CHAIR**, with the concurrence of the Commission, the Scotia CSD Formation and the Rio Dell Scotia Annexation Application status reports were received and filed as presented by staff.

## **9. INQUIRIES CORRESPONDENCE, REFERRALS**

### **A. Commissioner term expirations in May, 2010**



# HUMBOLDT

*Local Agency Formation Commission*

**Marty McClelland** requested staff research the bylaws regarding Commissioner term expirations and staff agreed to do so. In addition, Mr. McClelland requested the Commission member roster be updated to ensure that there are no additional disjointed expiration terms.

**Marty McClelland** asked the Commission for volunteers to serve on the Alternate Public Member Selection Committee- Commissioners' Neely, Pauli, and Zanzi volunteered to do so.

## **B. CALAFCO University – Fire District Organization and Reorganization**

**George Williamson** commented that CALAFCO hosted a Fire District Organization / Reorganization workshop. A panel of experts specializing in fire district reorganizations and formations were present. Representatives from County Staff, Arcata Fire Protection District, and Commissioner Farley attended. A complete binder from that workshop, full of very valuable information, is available for review.

### **10. PUBLIC APPEARANCES**

### **11. ADJOURNMENT: 10:47 a.m.**