

**AGENDA ITEM 5A**

**JANUARY 18, 2023  
DRAFT MEETING MINUTES**

**1. CALL TO ORDER**

The meeting was called to order at 9:00 a.m. via Zoom video conference with Vice Chair Lake presiding.

**2. FLAG SALUTE**

**3. ROLL CALL**

Members Present: Michelle Bushnell, Debra Lake, Ali Lee, Steve Madrone, and Troy Nicolini  
Members Absent: Mike Losey  
Alternates Present: Heidi Benzonelli  
Alternates Absent: Mike Wilson  
Staff: Colette Santsche, Executive Officer  
Krystle Heaney, Clerk  
Ryan Plotz, Attorney

**4. PUBLIC COMMENT** – None

**5. CEREMONIAL ITEMS**

**A) Recognition of Incoming and Outgoing Members**

Executive Officer Santsche introduced the staff report and provided an overview of the outgoing and incoming regular and alternate members of the Commission as of January 2023.

**B) Certificate of Appreciation for Virginia Bass**

A Certificate of Appreciation was provided for former Commissioner Bass in recognition of twelve years of service as Regular County Member, including six years as chair of the Commission.

**C) Certificate of Appreciation for Stephen Avis**

A Certificate of Appreciation was provided for former Commissioner Avis in recognition of four years of service on the Commission as Regular City Member.

**D) Certificate of Appreciation for Gordon Johnson**

A Certificate of Appreciation was provided for former Commissioner Johnson in recognition of two year of service as Alternate City Member (2021-2022) and four years as Regular City Member (2015-2018) on the Commission.

**E) Certificate of Appreciation for David Couch**

A Certificate of Appreciation was provided for former Commissioner Couch in recognition of four years of service as Alternate Special District Member on the Commission.

## 6. CONSENT CALENDAR

### A) AB 361 for Continued Remote Meetings

### B) Approval of September 21, 2022 Regular Meeting Minutes

### C) Meeting Calendar for 2023

A member of the public asked for clarification on item 6A and if this included information on AB 2449. Executive Officer Santsche explained that item 6A was for continuation of remote meetings under AB 361 for the January 18, 2023 meeting only and that AB 2449 would be discussed later under agenda item 7C. **Motion Bushnell/Madrone** to approve the consent calendar including adoption of Resolution No. 2023-01 for continuation of remote meetings. Motion passed by 5-0-0 roll call vote.

## 7. BUSINESS ITEMS

### A) Designation of Chair and Vice Chair for 2023

Executive Officer Santsche introduced the staff report which included a list of the past Chair and Vice Chair appointments over the last five years. Commissioners Bushnell and Madrone expressed interest in both the Chair and Vice Chair positions. Minimal discussion was held during which other commissioners expressed support for Commission Bushnell as Chair and Commissioner Madrone as Vice Chair.

**Motion Nicolini/ Lake** to appoint Commissioner Bushnell as Chair and Commissioner Madrone as Vice Chair for the 2023 calendar year. Motion passed by 5-0-0 roll call vote.

### B) Mid-Year Financial Report for Fiscal Year 2022-23

Executive Officer Santsche introduced the staff report and provided an overview of the financial standing of LAFCo as of December 31, 2022. To date almost all expenses are on track to be under or at the budgeted amount. The only exception is for conferences and travel expenses due to the CALAFCO conference held in October 2022. However, it is not expected that the overall budget will be exceeded.

Commissioners held a brief discussion on the current financial status of LAFCo and thanked Executive Officer Santsche for her good work on keeping expenses down. Commissioners also asked if there was enough room in the budget for potential expenses associated with hybrid meetings. Executive Officer Santsche indicated that there should be enough room in the budget to accommodate any minor unforeseen expenses for hybrid meetings. By order of the Chair, the Commission received and filed the report.

### C) AB 2449 for Remote Meeting Access and Meeting Location

Executive Officer Santsche introduced the staff report and provided an overview of current legislation regarding remote participation in meetings. Since the start of the pandemic in 2020, the Commission has been conducting meetings by two-way video conference (Zoom). Since October 2021, the Commission has been operating under AB 361 which remains in effect while a Governor declared state of emergency exists. However, the state of emergency is set to expire at the end of February 2023 at which point the Commission will transition to AB 2449. AB 2449 allows less than a majority of voting members to attend remotely under specified circumstances.

Since the Commission will need to return to primarily in-person meetings, Executive Officer Santsche provided an overview of different meeting spaces that are available for use including the Board of Supervisors Chambers in Eureka, the City of Eureka Council Chambers, the Humboldt Bay Municipal Water District Board Room in Eureka, and the City of Fortuna Council Chambers. The Commission was invited to discuss the potential options and provide direction to staff.

Commissioners held discussions on the various locations and asked for clarification on the staffing needs for running audio/visual equipment during meetings. It was clarified that the Board of Supervisor Chambers requires county staff to run the Granicus system which allows two-way video conference and separate presentation capabilities such as power point slides. Discussion was also held about the desire for other accessibility options including proximity to transit. Commissioners emphasized that they would like to continue using two-way video conference during meetings to provide more accessibility to the public who may not be able to commute to in-person meetings. It was also suggested that the Commission could remain flexible regarding meeting location in order to find the best option for on going in-person meetings. However, this would require Commission action each time the meeting location was changed.

Lastly, Commissioners asked for clarification on remote meeting participation under AB 2449 and asked if the language could be expanded to include hazardous conditions such as flooding and earthquakes. Executive Officer Santsche and Legal Counsel Plotz clarified that AB 2449 only allows for remote participation due to 'just cause' or 'emergency circumstances' as outlined in the law. Other provisions in the Brown Act pertain to additional emergency circumstances such as natural disasters.

The Commission opened the item up to public comment; however, no comments were received.

**Motion Madrone/Bushnell** to begin attending Commission meetings in person at the City of Eureka Council Chambers located at 531 K Street in Eureka with the addition of Zoom for remote two-way audiovisual platform for public participation and commissioner accordance in accordance with AB 2449. Motion passed by 5-0-0 roll call vote.

## **8. PUBLIC HEARING ITEMS - None**

## **9. INFORMATIONAL AND CONTINUING ITEMS**

### **A) Status of Expiring Commissioner Terms**

Executive Officer Santsche introduced the staff report and provided an overview of staff efforts to fill Commission vacancies. Since the city terms of office for former Commissioners Avis and Johnson ended December 31, 2022, the City Selection Committee will need to meet again to appoint one regular member and one alternate member to the Commission. Staff sent a request to the City Selection Committee and the Clerk of the Board of Supervisors on January 3, 2023. The special district election ended and resulted in Commissioner Nicolini being re-appointed for the Regular Special District seat and Commissioner Benzonelli appointed for the Alternate seat.

To date, staff has received two applications for the vacant alternate public member seat with an anticipated third coming in soon. As such, the selection committee will

need to meet in late February or early March to review and potentially interview the candidates. It was requested that the Commission appoint a new county member to the selection committee since former Commissioner Bass will not be participating. Commissioner Madrone volunteered to be on the committee.

**Motion Bushnell/ Lake** to appoint Commissioner Madrone to the Alternate Public Member Selection Committee. Motion passed by 5-0-0 roll call vote.

## **B) Status of MSR Preparations**

Executive Officer Santsche introduced the staff report and provided a brief overview of what a Municipal Service Review (MSR) is and how they are typically utilized by agencies. She also explained that staff chose to do a regional water/ wastewater MSR for Southern Humboldt County to help identify regional needs as it relates to service provision.

Commissioners held a robust discussion on the overall MSR process and the benefits of conducting an MSR. It was asked that this and future MSRs include discussion of sustainable financial practices and governance options as many of the small districts are now facing decreasing volunteerism and relying more on financial aid from outside sources. It was noted that districts in smaller communities often find it hard to find volunteers to participate on boards or other district activities. It can also be hard to fund paid positions.

Clerk Heaney provided an update on the status of the South County MSR and discussed that the themes previously mentioned are coming up in the agency reviews for this MSR. She also stated that MSRs are intended to be a tool to help educate agencies about various items including state regulations and how district operations can potentially be improved.

Commissioners discussed the need for certain MSRs to be conducted soon including Orick CSD. The community was recently highlighted in a national article and has struggled with adequate services such as wastewater in the community which has limited growth and prosperity in the area. It was also noted that Rio Dell has been struggling with its infrastructure due to the recent natural disasters in the area. Executive Officer Santsche stated that these requests will be taken into consideration as staff develops the work plan for the upcoming fiscal year and that it would be beneficial to conduct the Orick CSD MSR soon.

Commissioner Nicolini provided a summary of the struggles that Peninsula CSD has experienced over the years which led to their reorganization from a fire district to a community services district. One of the approaches they are taking is to cross train individuals on different operations so that the District can provide paid staff positions. They were recently able to hire their long-time volunteer fire chief as a wastewater operator so that he can be paid to respond to calls. They are also looking into the possibility of sharing a general manager with another district so that one individual can have a full-time job operating two small districts.

Additional discussion on the MSR process included praise for ongoing fire coordination efforts in the region and that Humboldt LAFCo strives to complete approximately eight MSRs per year.

### **C) Status of Current and Future Proposals**

Executive Officer Santsche presented the staff report for Current and Future Proposals. Staff recently prepared impartial analysis for several ballot measures concerning Salmon Creek and Garberville FPD. Fire services coordination is continuing in the Trinidad area and staff will be meeting with CSA 4 to further discuss provision of services. Willow Creek CSD will be requesting activation of wastewater services since their new collection system will be built this year.

Commissioner Lee requested that staff look into mapping prior annexations within the County to help visualize the impact on agricultural land in the county as a whole. Commissioner Madrone volunteered to reach out to county staff to look at potential mapping options on the County's GIS web map.

Commissioners also commented on the usefulness of infrastructure and boundary mapping in planning for new development and/or expansion of services. Executive Officer Santsche noted that it would be best to look at water and wastewater annexations as those are the main drivers for development. It was also noted that it may be a good practice to begin gathering annexation data as part of the MSR process moving forward so that it can be gathered into a more comprehensive mapping program at a later date.

### **10. EXECUTIVE OFFICER'S REPORT**

#### **A) CSDA Calendar**

#### **B) CALAFCO Quarterly (December 2022)**

#### **C) CALAFCO Daily Legislative Report (January 2023)**

Executive Officer Santsche introduced the attachments included as part of the Executive Officers Report. Including the current CALAFCO calendar for 2023, the current CALAFCO quarterly, and the CALAFCO daily legislative update. Commissioner Lake noted that CALAFCO will be seeking legislation to include indemnification language to help protect LAFCoS from high legal fees.

Commissioner Madrone noted his appreciation for the Commission's participation in legislative matters. He expressed an interest in pursuing legislation that would make it more practical for communities to pursue incorporation. Executive Officer Santsche offered to follow up and further discuss legislative options.

### **11. WRITTEN CORRESPONDENCE - None**

### **12. ADJOURNMENT**

Public comment from Stephen Avis – enjoyed the discussion today on MSR including the new ideas from Commissioners.

The meeting was adjourned at 10:39 a.m. The next regular meeting of the Commission will be held on Wednesday, March 15, 2023, at 9:00 a.m. at the City of Eureka Council Chambers located at 531 K Street, Eureka, CA 95501.