

AGENDA ITEM 5A

**NOVEMBER 15, 2023
DRAFT MEETING MINUTES**

1. CALL TO ORDER

The meeting was called to order at 9:05 a.m. in the City of Eureka Council Chambers and via Zoom video conference with Chair Bushnell presiding remotely.

2. FLAG SALUTE

3. ROLL CALL

Members Present: Michelle Bushnell*, Steve Ladwig, Ali Lee, Mike Losey, Steve Madrone, and Troy Nicolini
Members Absent: Debara Lake
Alternates Present: Heidi Benzonelli**
Alternates Absent: Gordon Johnson, Jack West, and Mike Wilson
Staff: Colette Santsche, Executive Officer
Krystle Heaney, Clerk
Rus Ganz, Attorney (Alternate)

*Chair Bushnell attended remotely for "just cause" in accordance with AB 2449 (travel while on official business for the county) and confirmed that no individuals 18 years of age or older were present in the room at the remote location.

**Commissioner Benzonelli seated as voting member for duration of meeting.

4. PUBLIC COMMENT

A member of the public asked for clarification on Zoom settings to ensure they could be heard. No further comment was received.

5. CONSENT CALENDAR

A) Approval of July 19, 2023 Regular Meeting Minutes

Commissioner Nicolini asked legal counsel for clarification on whether or not they could approve the prior meeting minutes if they were not in attendance. Legal Counsel advised that a Commissioner is not required to abstain from the vote if they were not present at the prior meeting.

Motion Madrone/Losey to approve the consent calendar. Motion passed by 5-0-2 roll call vote (Ladwig and Losey abstained).

6. BUSINESS ITEMS

A) Proposed Out of Agency Service by the Southern Humboldt Community Healthcare District (SHCHD)

Executive Officer Santsche introduced the staff report and noted that this extension of services is different from more common water and wastewater extensions because it is for healthcare services (optometry) outside of the District boundary. Optometry

services are not like water, wastewater, or road facilities or services that may enable new adjacent development by virtue of their extension. The SHCHD is looking to establish an optometry office in Fortuna at the existing site of Fortuna Optometry (APN 040-184-002), which is outside the District's jurisdictional boundary and sphere of influence. As part of the staff report, LAFCo staff also documented the new mobile eye care unit that would be operated through the Southern Humboldt Community Clinic in Garberville once established. Through the application process staff took a look at the broader need for optometry services and access to health care for those living in more rural areas, and recognized that although Fortuna is distant from Garberville, where most District services are centered, it is nearby the northern portion of the District and the journey to the Fortuna office may be just as, or more, convenient for many District residents that the trip to Garberville. Staff is recommending approval of the application with the condition that SHCHD provide a status update in one year to see how the practice is doing.

Commissioners held discussion regarding the proposed application and asked if there was any reason why they should not approve the extension of services. Executive Officer Santsche replied that staff has not identified any policy inconsistency issues or other reasons to reject the application. This would be a new service for SHCHD and they are partnering with an existing practice to learn and expand services which would be beneficial for the community.

Commissioner Losey indicated that he spoke to Dr. Alan French who operates the current practice in Fortuna, and he is in favor of the collaboration and that it would likely increase efficiency of services. Chair Bushnell also noted that mobile services would also be welcome since southern Humboldt, including Shelter Cove is largely a retirement community and travel may be difficult for some.

Motion Nicolini/Lee to adopt Resolution No. 23-05, authorizing the Southern Humboldt Community Healthcare District to provide Optometry Services outside the District Boundary and Sphere of Influence. Motion passed by 7-0-0 roll call vote.

B) Fiscal Year 2022-23 Year-End Financial Report

Executive Officer Santsche introduced the staff report. Insurance costs for FY 22-23 were incorrectly posted to FY 21-22. Staff will work with the County Auditor to see if this can be corrected (fiscal year has been closed so no change can be made). The Commission saw a surplus in FY 21-22 which increased the commission's fund balance.

Commissioners asked if the surplus funds could potentially be utilized for the online mapping project and also expressed gratitude for responsible and clear management of LAFCo funds.

7. PUBLIC HEARING ITEMS

A) South County Water/ Wastewater Municipal Service Review and Sphere of Influence Update

Clerk Heaney introduced the staff report and provided an overview of changes that have been made to the agency profiles since they were last reviewed by the Commission. She also provided an overview of the proposed Sphere of Influence changes for Alderpoint County Water District, Brice Land Community Services District,

Miranda Community Services District, Redway Community Services District, and Weott Community Services District.

Chair Bushnell opened the public hearing and invited comments from Commissioners. Discussion was held regarding the general process for extending services outside of an agency's boundary since many of the proposed sphere changes are for areas already receiving services. Staff clarified that these out of agency service connections are historical and predate the LAFCo approval process. Typically, the District would ask for extension of services as part of an annexation process. The MSR process helps clarify the role of LAFCo for agencies and cities and is also a way to document these out of agency service areas so that they can be included within the SOI.

Commissioners noted that the LAFCo annexation process does not always work due to emergency service extensions or property owners that disagree with the process and decline to annexed after extension of services. Executive Officer Santsche noted that due to prior issues with completing annexation after services are provided, LAFCo now requires a signed recorded agreement that stays with the property and consents to annexation.

Additional discussion was held on the tax implications of annexations, the limited capacity for rate payers in small districts to fund capital improvements, the meaning and purpose of a SOI, and the level of collaboration between agencies in the southern Humboldt region. It was also clarified that Redway CSD provides wastewater services only to the Eel River Conservation Camp that is located within their SOI and that the 1964 major flood event was not caused by a rain on snow event.

Chair Bushnell opened the public hearing and invited public comment. Susan Sack from Resort Improvement District No. 1 noted that the island parcel within their District may be seeking services in the future. RID No. 1 is aware of the LAFCo process and will reach out if extension of services/annexation is requested.

Jennie Short from Garberville Sanitation District noted it is great to work with LAFCo staff. She also stated that she appreciates that Redway CSD provides wastewater services to the Conversation Camp. However, she asked why Redway would not provide water services to the camp during major wildfire events which resulted in GSD having to provide water even though they are operating under a cease and desist order from the State Waterboard. It would be beneficial for GSD if Redway CSD would agree to provide emergency potable water service to the camp in the future.

Cody Cox from Redway CSD responded to Ms. Short's comments stating that Redway CSD does provide the camp with emergency water services when necessary. However, they do not allow the camp to dump excess sewage in their wastewater treatment ponds. He also noted that the Redway agency profile needs some minor technical corrections but is otherwise accurate.

Cheryl March from Alderpoint CWD asked for clarification on which parcels are currently included in the District boundary and which are being proposed for inclusion in the expanded SOI. Executive Officer Santsche also offered to follow up with Ms. March after the meeting.

Motion Losey/Nicolini to adopt Resolution No. 23-06, approving the South County Regional Water and Wastewater Municipal Service Review and Sphere of Influence

Update with minor technical corrections, declaring the action exempt from CEQA, and amending the Sphere of Influence for Alderpoint County Water District, Briceland Community Services District, Miranda Community Services District, Redway Community Services District, and Weott Community Services District as described in the staff report. Motion passed by 7-0-0 roll call vote.

8. INFORMATIONAL AND CONTINUING ITEMS

A) Meeting Location for LAFCo Meetings

Executive Officer Santsche introduced the staff report. The current meeting location seems to be working well with minor technical difficulties but would like input and direction from the Commission. Commissioners commented that the current location offers good access to technology for hybrid meetings, windows for natural light, a nearby bus stop, and good parking so they would like to continue with the current location.

B) Status of Expiring Commissioner Terms

Executive Officer Santsche introduced the staff report and provided a brief summary of expiring commissioner terms in 2024. It was also noted that Regular City Member Steve Ladwig expressed his intent to resign from his position on LAFCo but agreed to continue to serve until a city selection committee meeting is scheduled in July. It was asked if it is possible to stagger the terms of office a little more to prevent major turnovers in the Commission. Executive Office Santsche will investigate that possibility and follow up with the Commission.

C) Status of Municipal Service Review Preparations

Clerk Heaney introduced the staff report and provided an overview of current MSR preparations. Staff have begun work on the Orick Community Services MSR/SOI Update and previously met with the District to discuss the MSR process and information needs. Staff are also starting work on the Orleans Community Services District and City of Eureka updates.

Commissioners noted that the review of Orick CSD is very timely because they are working on some major studies right now for wastewater services. Due to the topography of the area and proximity to wetlands and the ocean, they may end up constructing septic mounds. These upgrades would allow Orick to develop into a real entrance to the national park. Commissioner Nicolini offered to speak with Orick CSD representatives about potential funding opportunities for wastewater treatment systems instead of a septic type of system.

It was also noted that Orleans recently experienced a major wildfire and a lot of effort went into protecting the water system and that these MSRs are a good opportunity to involve the tribes that also have proposed projects in these areas.

D) Status of Current and Future Proposals

Executive Officer Santsche introduced the staff report and provided a brief summary of current applications. She noted that Salmon Creek FPD and Garberville FPD just received acceptance letters from the Board of Equalization and are officially complete. Anticipated applications include annexations to Arcata FPD and Keeland FPD, and to Humboldt CSD. These will be brought to the Commission once they are

filed. LAFCo is also working closely with fire services agencies in the Trinidad area including the Trinidad Rancheria, City of Trinidad, CSA #4, and representatives from Westhaven, Big Lagoon, and Orick.

Staff was also anticipating an application for activation of wastewater powers from Willow Creek CSD but the General Manager recently sent over information indicating wastewater powers were activated in 1978. Executive Officer Santsche is working closely with the District to determine the best course of action since the District's prior MSR's have indicated that wastewater is a latent power.

Commissioners held discussion regarding the anticipated applications. It was noted that the study of fire services is important as it is becoming more difficult to financially support numerous volunteer agencies in the county. There are also gaps in services such as the area between Blue Lake and Willow Creek where accidents are frequent but there is no dedicated emergency response area. Volunteer companies are also finding it more difficult to recruit and retain volunteers.

Commissioners noted that approximately 80% of calls are for medical emergencies, wellness checks, and community-based needs. A lot of this data is included in the Fire Chiefs Association Annual Report which helps support many decision making bodies. Commissioners asked if it would be possible to do something similar for water providers in the county. Staff will look into this and bring it back as a future agenda item along with an update on the web mapping project.

9. EXECUTIVE OFFICER'S REPORT

A) CALAFCO Annual Conference Report Out

B) CALAFCO "The Sphere" Journal (2023)

C) CALAFCO Daily Legislative Report (November 2023)

Executive Officer Santsche introduced the staff report and provided an overview of the annual CALAFCO conference that took place in October in Monterey. All items are on the CALAFCO website under member materials and she has a hard copy of "The Sphere" if anyone is interested.

10. WRITTEN CORRESPONDENCE - None

11. ADJOURNMENT

The meeting was adjourned at 10:34 a.m. The next regular meeting of the Commission will be held on Wednesday, January 17, 2024 at 9:00 a.m. at the City of Eureka Council Chambers located at 531 K Street, Eureka, CA 95501.