



## AGENDA ITEM 5A

SEPTEMBER 16, 2020  
DRAFT MEETING MINUTES

### 1. CALL TO ORDER

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

### 2. FLAG SALUTE

### 3. ROLL CALL

Members Present: Stephen Avis, Virginia Bass, Estelle Fennell, Debra Lake, Ali Lee, Troy Nicolini, and Paul Pitino  
Members Absent: None  
Alternates Present: David Couch  
Alternates Absent: Skip Jorgensen, Sue Long and Mike Wilson  
Staff: Colette Santsche, Executive Officer  
Ryan Plotz, Legal Counsel  
Krystle Heaney, Clerk/Analyst

### 4. PUBLIC COMMENTS – none

### 5. CONSENT CALENDAR

#### A) Approval of July 15, 2020 Regular Meeting Minutes

The Commission received correspondence from Mr. McPherson regarding the July 15, 2020 draft meeting minutes. He felt the minutes did not accurately reflect the public member selection proceedings that took place. The commission discussed the suggested edits and proposed adding the letter as an attachment to the minutes.

A member of the public, Elaine, inquired if there was any substantive discussion about the written correspondence received at the July 15<sup>th</sup> meeting regarding McKinleyville CSD and potential McKinleyville incorporation. Executive Officer Santsche replied that the letters were provided to the commission and introduced during the meeting but no further discussion was held.

#### B) Certificate of Appreciation to former public member Bob McPherson

A Certificate of Appreciation has been granted to Mr. McPherson for his many years of excellent service to Humboldt LAFCo.

**Motion Nicolini/Bass** to approve consent calendar including the minutes as written with Mr. McPherson's letter as an attachment. Motion passed by 7-0-0 roll call vote.

## 6. BUSINESS ITEMS

### A) Appointment of Vice Chair

Executive Officer Santsche introduced the staff report on the appointment of a new Vice Chair. Mr. McPherson was serving as the Vice Chair for the 2020 calendar year but is no longer seated on the commission. As such, a new Vice Chair should be appointed. Commissioner Lake volunteered to serve as Vice Chair.

**Motion Nicolini/Avis** to appoint Commissioner Lake as Vice Chair of the commission for the remainder of the 2020 calendar year. Motion passed by 7-0-0 roll call vote.

### B) Palmer Creek CSD Out of Agency Service Request for 722 Tompkins Hill Road

Executive Officer Santsche introduced the staff report for the Palmer Creek CSD out of agency service request. The request includes provision of water for the Goselin Major Subdivision which is currently within the SOI for the Palmer Creek Community Services District (CSD) but outside of its jurisdictional boundary. The subdivision would be served by a separate State Small Water System that would be overseen by the Humboldt County Department of Environmental Services. The request is limited to four (4) new residences in addition to the two (2) residences already served on the parcel. Each parcel will be served by individual on-site wastewater systems and will not need wastewater service from the CSD. The CSD Board is requesting an out of agency service connection due to the limited service and additional cost burden to the District if the parcel were annexed.

The commission received the report and discussed the validity of processing an out of agency request as opposed to an annexation. Commissioner Nicolini asked for clarification on the condition requiring property owner consent to annexation included as part of approval. Executive Office Santsche stated that this condition is being included to document the landowner consent to future annexation so that it can be recorded with the property. This will help ensure that if the District applied to annex the parcel the process could be completed without property owner protest as has previously occurred with the City of Arcata.

Commissioner Avis asked about potential other uses including accessory dwelling units and whether or not there was potential for additional growth if each parcel put in more structures. Chair Fennell invited Louis Goselin to comment on the request and the subdivision process. He stated that he hoped the request would be approved and that mother in law units (accessory dwelling units) are not allowed per conditions of approval for the subdivision. As such, he is only requesting service for four (4) connections with no potential for additional connections. Commissioner Avis asked Mr. Goselin about fire access to the area. Mr. Goselin explained that as part of the subdivision approval he worked with CALFIRE to design turnouts and additional improvements to ensure adequate emergency access to the subdivision.

Commissioner Nicolini expressed his concern for approval of an out of agency service request and stated that while these requests are generally supported when there is a clear health and safety need, staff should push more for annexations that provide for clear and definite boundaries as a long term goal. In addition, the commission would like to see a more rigorous analysis of annexation vs out of agency service requests in order to support the Commission's actions. Commissioners Lee, Avis, and Lake also agreed with this statement.

**Motion Nicolini/ Bass** to adopt Resolution 20-06 adopting the Goselin Subdivision IS/MND. Motion passed by 6-1-0 roll call vote.

**AYES:** Commissioners Avis, Bass, Lake, Nicolini, Pitino, and Fennell

**NOES:** Commissioner Lee

**ABSTAIN:** None

**Motion Nicolini/Bass** to adopt Resolution 20-07 approving the out of agency service request for 772 Tompkins Hill Road. Motion passed by 5-2-0 roll call vote.

**AYES:** Commissioners Bass, Lake, Nicolini, Pitino, and Fennell

**NOES:** Commissioners Avis and Lee

**ABSTAIN:** None

## **7. PUBLIC HEARING ITEMS**

### **A) Municipal Service Review and Sphere of Influence Update for the City of Arcata**

Clerk Heaney provided the staff report and a presentation on the MSR and SOI Update. She provided an overview of the City services and highlighted the status of the water and wastewater systems. She also provided minor details about stormwater drainage, parks and recreation, police, and City finances. Clerk Heaney then provided an overview of the proposed sphere of influence changes which included reduction of the City's sphere in the Jacoby Creek area.

Commissioner Nicolini asked if sea level rise and tsunami hazards was considered during discussions with the City. Clerk Heaney responded that sea level rise was not specifically addressed but should be included as part of the wastewater facilities section. Chair Fennell and Commissioner Lee also expressed their concerns about sea level rise and potential impacts to the Arcata Wastewater Treatment Plant. Commissioner Lake stated that fire services were not adequately covered in the MSR. Executive Officer Santsche responded that the Arcata FPD was assessed in the Humboldt Bay Regional Fire Services MSR conducted previously but that it should be further referenced in the shared services section. Commissioner Lee also inquired about overall emergency preparedness and whether or not it was appropriate to include in the MSR.

Commissioner Pitino clarified that the City of Arcata has considered sea level rise in regard to the wastewater treatment plant and that they have been working with designers and engineers to ensure the plant can continue operations for the next several decades. He also clarified that the Pacific Manor subdivision, located along Janes Road, is currently served by individual septic systems. Several parcels adjacent to Janes Road have been hooked up to City wastewater due to failing septic systems but that the rest of the subdivision is not proposed for annexation at this time. He then clarified that the Arcata FPD is not managed by the City and it actually covers a much larger area.

Due to the additional discussion items brought up by the Commissioners, Executive Officer Santsche recommended that the public hearing be continued to the next regularly scheduled meeting in November. This will provide staff time to add in discussion about sea level rise, emergency preparedness, and the effects of COVID-19.

Commissioner Lake excused herself from the rest of the meeting at 10:30am before action on the Arcata MSR was considered.

**Motion Bass/Pitino** to continue the Public Hearing for the Arcata MSR/SOI Update to the next regular commission meeting on November 18, 2020. Motion passed by 6-0-0 roll call vote.

**B) Municipal Service Review and Sphere of Influence Update for the Jacoby Creek County Water District**

Clerk Heaney provided the staff report and a presentation on the Jacoby Creek CWD MSR and SOI Update. She provided an overview of the District and its relationship with the City of Arcata which currently manages the water system and provides water for the District. The existing agreement between the City of the District is set to end when the outstanding Davis-Grunsky loan is paid off. It is unclear who will take on management of the system at that time. She then provided an overview of the proposed sphere of influence changes which includes a large reduction in the southern portion of the District in order to better represent the areas actually served and to better align with Humboldt County General Plan policies for the area.

Executive Officer Santsche provided an overview of the conditions that are being attached to the Jacoby Creek CWD SOI. These conditions include future detachment of portions of the District that are within the City of Arcata boundary after payoff of the loan, consideration of the noted Future SOI Study Area around Buttermilk Lane, and development of a plan of succession with the City of Arcata for long term management of the water system after the loan is paid off.

The commission discussed the proposed sphere reduction including the potential need for water service in the southern portion of the District along Old Arcata Road. Executive Officer Santsche stated that while there have been some requests for the water in the area, the City has indicated it will not be providing service beyond where the existing lines are due to the high cost of infrastructure. Commissioner Nicolini mentioned the importance of succession planning for district.

**Motion Nicolini/Avis** to adopt Resolution 20-08 approving the Jacoby Creek CWD MSR and SOI Update. Motion passed by 6-0-0 roll call vote.

**8. INFORMATIONAL AND CONTINUING ITEMS**

**A) Status of MSR Preparations**

Clerk Heaney presented the staff report for MSR preparations. Staff is continuing to push forward on FY2019-20 MSRs including City of Trinidad, City of Fortuna, and Westhaven CSD. Staff has been working closely with City of Fortuna staff and

received information on city services which will be incorporated into an administrative draft for City review. Work is also continuing on the FY2020/21 MSRs. Several information requests have been sent out to agencies and staff is hoping to get responses in the next 2-3 weeks. Big Lagoon CSD has provided a substantial amount of information so far and staff will begin drafting the MSR soon.

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

Executive Officer Santsche presented the staff report for Current and Future Proposals. There are two active proposals including the Rio Dell FPD Annexation and the Palmer Creek out of agency service request which was considered previously. Upcoming applications will include Creekside and McDaniel Slough for the City of Arcata. Additional future applications include two for Humboldt CSD covering North McKay Ranch and Mid McKay Ranch.

Commissioner Nicolini commented that Rio Dell FPD may be changing their name to be more representative of the now larger district boundary. He offered to assist with navigating the name change process since he just went through that process with the Peninsula Community Services District. Executive Officer Santsche will look into the details of changing the name and offer any assistance needed.

## **C) Status of Commissioner Terms**

Executive Officer Santsche presented the staff report for the Status of Commissioner Terms. The special district and public member vacancies were filled previously. The Mayor Special Selection Committee met in August and reappointed Commissioner Pitino for the 2020-2024 term. The next round of vacancies will occur in 2022.

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

## **A) CALAFCO Calendar of Events**

Executive Officer Santsche stated that the CALAFCO calendar has been updated for the remainder of 2020 and that the annual CALAFCO conference has been cancelled for this year. CALAFCO has been hosting several virtual workshops which have proven useful to staff and commissioners.

## **B) CALAFCO July 24, 2020 Board of Directors Meeting**

Executive Officer Santsche introduced the agenda for the July 24, 2020 CALAFCO Board Meeting and stated that Commissioner Couch attended the meeting. Commissioner Couch asked how voting for the annual business would be conducted. Executive Office Santsche stated that a voting delegate should be determined and recommended Chair Fennell act as the delegate. It is currently unclear how the voting process will be conducted but it will likely be done by mail. The commission agreed to have Chair Fennell act as the voting delegate.

## **C) CALAFCO Daily Legislative Report (September 2020)**

Executive Officer Santsche introduced the legislative report which is also available online.

## **10. WRITTEN CORRESPONDENCE**

Executive Officer Santsche provided a brief introduction of correspondence received since the last commission meeting. Correspondence was received from Bob McPherson regarding the July 15, 2020 draft meeting minutes.

## **11. ADJOURNMENT**

The meeting was adjourned at 11:05 a.m. The next regular meeting of the Commission will be held on Wednesday, November 18, 2020, at 9:00 a.m. via Zoom webinar.

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