

**JULY 15, 2020
MEETING MINUTES**

1. CALL TO ORDER

The meeting was called to order at 9:01 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: Skip Jorgensen* and David Couch

Alternates Absent: Sue Long and Mike Wilson

Staff: Colette Santsche, Executive Officer
Ryan Plotz, Legal Counsel
Krystle Heaney, Clerk/Analyst

* Alternate seated as voting member until appointment of Regular Public Member

** Appointed Regular Public Member and seated for voting after Agenda Item 6A.

4. PUBLIC COMMENTS - None

5. CONSENT CALENDAR

A) Approval of May 20, 2020 Regular Meeting Minutes

Motion Bass/Nicolini to approve consent calendar. Motion passed by 7-0-0 roll call vote.

6. BUSINESS ITEMS

A) Status of Commissioner Terms and Appointment of Regular Public Member for 2020-2024 Term

Executive Officer Santsche introduced the staff report on the status of commissioner terms. She began with an overview of the City Member selection process and stated that the Mayor's City Selection Committee will meet on August 20, 2020. Commissioner Pitino will continue to serve until a successor is appointed. For the Special District selection process, Commissioner Lake has been re-appointed to another four-year term and will serve as the Regular Special District Member until 2024.

As for the Regular Public Member open seat, a notice of vacancy was advertised in local news publications and attracted several candidates. LAFCo staff received four applications of which one was withdrawn. The ad hoc public member selection committee (Chair Fennell, with Commissioners Lake and Avis) met via Zoom to review application materials and conduct interviews with all candidates. As a result, the

committee recommended Ali Lee be appointed the Regular Public Member for the 2020-2024 term.

Executive Officer Santsche informed the commission that candidates Lee and McPherson were both available for questions and comment and provided time for the selection committee to discuss their recommendation. Chair Fennell stated that the decision process was difficult because all candidates were well qualified and because Mr. McPherson has served on the commission for such a long time. However, after robust discussion, the committee decided to recommend Ms. Lee.

The Commission heard comments from the selection committee and discussed the recommendation. Ms. Lee was asked several clarifying questions about her work background and approach to LAFCo responsibilities. Mr. McPherson's dedication to LAFCo and long tenure was also discussed.

Chair Fennell asked for additional comments from either Ms. Lee or Mr. McPherson and hearing none brought the discussion back to the commission. There was motion and second before further discussion. Commissioner Jorgensen commented on Mr. McPherson's commitment to LAFCo and felt he could have carried on for another four years. However, he supported the hard work of the selection committee and their recommendation. Chair Fennell commented that she enjoys LAFCo and the thoughtful people who participate. She also spoke of Mr. McPherson's excellent service on the commission.

Legal Counsel Plotz commented that the item needed to be officially opened for public comment and Chair Fennell opened the discussion for public input. Hearing none a roll call vote was taken.

Motion Pitino/Avis to appoint Ali Lee as Regular Public Member for the 2020-2024 term. Motion passed by 7-0-0 roll call vote.

Chair Fennell again thanked Mr. McPherson for his service on the Commission. Executive Officer Santsche informed the Commission that Mr. McPherson rejoined the meeting and wished to speak. Mr. McPherson indicated that he wished to speak before the vote was taken but was unable to do so due to technical issues. He voiced his frustration with the process and let the commission know he wished to continue his work with LAFCo.

Chair Fennell provided clarification on the process and Legal Counsel Plotz advised that any commissioner has the right to call for a vote to rescind the previous decision. Commissioner Lee moved to reconsider the vote, however, since she was not a part of the initial vote, Legal Counsel Plotz advised that she was unable to make the motion. He also advised that the Commission could reconsider the vote rather than rescind it. It was so moved and seconded (Nicolini/ Avis). Chair Fennell opened the item for discussion again.

Mr. McPherson provided additional comments and expressed his desire to continue on the commission. The selection committee provided additional comments on their

selection process including Commissioner Lee's social science background which may provide for more varied discussions of LAFCo items.

Chair Fennell called for a roll call vote with clarification that a 'No' vote means the previous decision appointing Ms. Lee as the Regular Public Member would stand and a 'yes' vote would support reconsideration.

Motion Nicolini/Avis to reconsider the prior action appointing Ali Lee as Regular Public Member. Motion failed by 1-4-1 roll call vote. The prior action appointing Ms. Lee as the Regular Public Member stands.

Aye: Commissioner Nicolini

No: Commissioners: Bass, Pitino, Avis, Fennell

Abstain: Commissioner Lake

B) Approval of Conducting Authority Proceedings for Annexation of Fire Service Areas Served by Scotia, Redcrest, and Shively Volunteer Fire Companies to the Rio Dell Fire Protection District and Divestiture of Power to Provide Fire Protection Services by Scotia Community Services District

Executive Officer Santsche provided a brief staff report on the protest proceedings for the Rio Dell FPD Annexation. The protest hearing was held via Zoom and there was good attendance from proponents and affected agencies. It was determined by the close of the hearing that there were not enough protests received to call for an election or terminate proceedings. As part of next steps, staff will continue to work with Rio Dell FPD to satisfy conditions of approval and file the certificate of completion for the annexation.

Chair Fennell invited public members to provide comment and hearing none brought the item back to the Commission for a potential motion. Commissioner Avis commented that there has been a lot of good discussion and support for this annexation. Chair Fennell also commented on the great deal of work put into this project and thanked everyone involved for moving this process forward.

Motion Avis/Nicolini to adopt Resolution 20-04 approving conducting authority proceedings for the Annexation of Fire Service Areas to the Rio Dell Fire Protection. Motion passed by 7-0-0 roll call vote.

7. PUBLIC HEARING ITEMS

A) Municipal Service Review and Sphere of Influence Update for the Palmer Creek Community Services District

Chair Fennell clarified the process for commenting on the public hearing item and Executive Officer Santsche stated that Kevin Farmer, the Palmer Creek CSD Manager, was in attendance and available for questions and comment. Clerk Heaney provided the staff report and a presentation on the MSR and SOI Update. She provided an overview of the District including current levels of service and capacity of both the water and wastewater systems. Clerk Heaney then provided an overview of the proposed sphere of influence changes which included an approved major subdivision to the north of the District where the District's water tank is located.

Commissioner Nicolini commented that while everything looked good in the MSR he was concerned about potential future out of agency service requests for the major subdivision due to failing septic systems. Clerk Heaney commented that the newer septic systems are built to a higher standard and are not anticipated to cause pollution concerns for some time and also that the parcel sizes in the subdivision should be adequate to accommodate the onsite treatment systems. Executive Officer Santsche commented that a water service connection will be established for the subdivision which is anticipated to be an out of agency service request.

Commissioner Nicolini understood the explanations provided but was worried that not including the parcel in the boundary would not align with the mission of LAFCo. Chair Fennell invited Mr. Farmer to comment on the issue. Mr. Farmer commented that providing wastewater service to the major subdivision would require a new lift station and other infrastructure which would require continued maintenance and could be potentially very costly for the District.

Commissioner Avis asked what the source of water was for the District tank. Mr. Farmer stated that water comes from two wells located along Highway 101 near a gravel pit. Commissioner Couch asked why a new water provider was being set up instead of being annexed to the District. Mr. Farmer stated that if the District annexed, they would be responsible for providing all services to the parcel which would include wastewater as mentioned before. Commissioner Nicolini asked about creating a zone of service instead of providing out of area service. Executive Officer Santsche stated that is an option but that the Commission does not have authority to set those zones and that it is at the discretion of the District. Mr. Farmer stated that all the homes in the major subdivision will have individual storage tanks which will be required to maintain specific chlorination residuals. This could become an additional financial burden on the District as well.

Commissioner Avis asked for clarification of what the expansion of the SOI will accomplish. Clerk Heaney clarified that expanding the SOI will bring the District into conformance with current Humboldt LAFCo policies and will also allow for potential annexation of those areas with options for defining zones of service as discussed.

Motion Pitino/Bass to adopt Resolution 20-05 approving the proposed Palmer Creek MSR and SOI Update. Motion passed by 6-0-1 roll call vote.

Aye: Commissioners Bass, Pitino, Avis, Lake, Nicolini, Fennell

Nay: None

Abstain: Commissioner Lee

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 Arcata, City of Trinidad, City of Fortuna, Jacoby Creek CWD, and Westhaven CSD. MSRs for FY2020-21 will start off

with Humboldt Bay Municipal Water District and continue on with others as outlined in the approved work plan.

B) Status of Current and Future Proposals

Executive Officer Santsche presented the staff report for Current and Future Proposals. The only active proposal is for the Rio Dell FPD Annexation which was discussed previously. Upcoming applications will include Creekside and McDaniel Slough for the City of Arcata. Additional future applications include several for Humboldt CSD covering North McKay Ranch, Mid McKay Ranch, and possible activation of recreation powers.

Commissioner Bass commented that several parks have been talked about for the Humboldt CSD area. A community member asked her if the Commission could make a District activate latent powers. Executive Officer Santsche stated that activation of those powers would likely need to be initiated by a resolution of application by the District. However, she would look into the CKH Act for clarification of the process in regard to petition by landowners.

Commissioner Lee recommended looking at how the Manila CSD activated their powers for recreational services. Commissioner Couch stated that McKinleyville CSD was able to activate recreation powers but that the big issue was how to fund the parks and recreation division. McKinleyville CSD has tried to make the parks self-funding but since they are not receiving any funds due to closures from COVID-19, they are having trouble funding them right now. Chair Fennell asked about the potential for Districts to cover parks and recreation services with funds from other sources. Commissioner Couch stated that revenues from water and wastewater are enterprise funds and cannot be used for other services which can make things more difficult.

9. EXECUTIVE OFFICER'S REPORT

A) CALAFCO Board Nominations and Election

Executive Officer Santsche stated there is a new nomination and election process for the CALAFCO Board. Currently Commissioner Couch is on the Board.

B) CALAFCO Quarterly Report (June 2020)

Executive Officer Santsche introduced the report and also highlighted that Pamela Miller will be staying on as the Executive Officer. Commissioner Couch quoted Ms. Miller by saying that now is not a good time for a change in leadership. He also stated that the annual meeting will now be held online.

C) CALAFCO Annual Conference Update

Executive Officer Santsche let the Commission know that the CALAFCO annual conference will likely be held virtually and that CALAFCO is looking for input on how the conference should be held. She then reviewed the survey questions and gathered input from the Commission. Based on Commission input, Executive Officer

Santsche will be responding to the survey stating that sessions should be limited to 90 minutes and that there were various opinions for overall length of the conference with an emphasis on regular scheduling and an avoidance of Tuesdays due to county supervisor board meetings.

D) CALAFCO July 24, 2020 Board of Directors Meeting

Executive Officer Santsche provide a brief overview of the upcoming CALAFCO Board meeting.

E) CALAFCO Daily Legislative Report (July 2020)

Executive Officer Santsche provide a brief overview of the latest legislative report available on the CALAFCO website.

10. WRITTEN CORRESPONDENCE

Executive Officer Santsche provided a brief introduction of correspondence received since the last commission meeting. Correspondence was received from the McKinleyville CSD and Linda Doerflinger, a McKinleyville resident, regarding LAFCo staff discussions about the potential incorporation of McKinleyville.

11. ADJOURNMENT

The meeting was adjourned at 11:08 a.m. The next regular meeting of the Commission will be held on Wednesday, September 16, 2020, at 9:00 a.m. via Zoom video conference.

Attachment A – Correspondence from Bob McPherson dated 9-15-2020

Attachment A

Suggested edits to LAFCO draft minutes 7.15.20

I read the draft minutes for the 7.15.20 meeting online and I submit to you that reading the minutes does not reflect what actually occurred as to how the public member election process unfolded. In reading the minutes, one is left with the incorrect implication that I had the opportunity to speak before any action was taken, and nothing could be farther from the truth.

First of all, please correct in the draft minutes the list of people attending because I was present in the meeting for the first 45 minutes. I was muted and my camera was turned off, not by my choice, but by whoever was running this meeting. I had no buttons nor any control, and apparently an unstable connection.

Second, please reword the statement: "Chair Fennell asked for additional comments from either Ms. Lee or Mr. McPherson and hearing none brought the discussion back to the commission", so it does not mislead anyone reading these minutes. This statement implies "McPherson" had nothing to say, and he chose not to speak. This is blatantly wrong and far from truth. The fact of the matter was that I had much to say regarding the misconceptions of my intentions and feelings that I heard while I listened to others misspeak for over one half hour.

Prior to this meeting I informed our Executive Officer that I would like to have an opportunity to speak to everybody before any motion was made pertaining to my future. That never happened. Also, the night before the meeting the Chairperson phoned me and said that I would have a chance to speak before any action, for the committee was recommending a change, and after discussion a vote would be made. That never happened either. So that sentence quoted from the draft minutes above is misleading to say the least. I was not included in the discussion prior to the commission's taking action on the public member's vote.

What happened next when no one questioned where I was? The motion was made based on misinformation and without any discussion with me. How could this be fair if I was not allowed to speak??? This would have never happened in a public setting. If there was a discussion as the draft minutes imply, and you chose

Ali, I would accept the commission's vote, no problem. But there was no discussion with me.

Lastly, I am asking you all to change the draft minutes to reflect reality: Bob was there to speak, and unfortunately for "technical reasons", he was not afforded that chance. This is unbelievable: I question the legitimacy of this whole process!

I hope you rewrite the minutes to reflect what really happened.

RCM Pherson

9/15/2020