

REGULAR MEETING AGENDA

Del Norte Local Agency Formation Commission
Board of Supervisors Chambers
981 H Street, Suite 100, Crescent City, CA 95531
August 22, 2016 4:00 pm

1. Call to Order/Roll Call
2. Closed Session

Public Comment on Closed Session items only

Conference with Legal Counsel- Existing litigation pursuant to Government Code 54956.9(d)(1) *Bertsch-Ocean View Community Services District v. Del Norte LAFCo et. al* CVPT 16-1124
3. Public Hearings

None
4. Regular Business
 - A. Approval of May 23, 2016 Draft Minutes (ATTACHMENT 4A)
 - B. Approval of June 22, 2016 Draft Minutes (ATTACHMENT 4B)
 - C. Acknowledge and Receive Tribe's Consent to Annexation ("Consent MOU") Martin Ranch and Ocean Way Motel Properties into City of Crescent City ... related to LAFCO resolution 16-01 (ATTACHMENT 4C)
 - D. FY 2016-17 MSR/SOI Update Compliance Work Plan (ATTACHMENT 4D)
 - E. Report on CALFIRE Meeting – Amador Program
5. Inquiries, Correspondence, Application Status and Referrals
 - A. Staff - The Executive Officer will provide a report of current projects, issues of interest, and pending legislation.

CALAFCO Little Hoover Commission Testimony (copies provided at meeting)

CALAFCO Executive Director Visit/ Presentation September 19
 - B. Commission - On their own initiative, Commission members may make brief announcements or reports on their own activities. They may ask questions for clarification, make a referral to staff or request a business matter for a future agenda per Government Code Section 54954.2 (a).
 - C. Public - Public comment on items of interest within LAFCo subject matter jurisdiction, and not otherwise appearing on the agenda. No action may be taken on any item not appearing on the agenda.
6. Adjournment

REGULAR MEETING MINUTES

**Del Norte Local Agency Formation Commission
May 23, 2016 4:00 pm**

Members present: Kathryn Murray (Vice-Chair), Roger Gitlin, Chairman Gerry Hemmingsen, Sparky Countess, Darren Short (City Alternate)

Members absent: Blake Inscore (City Member)

Others present: Executive Officer George Williamson, County Counsel Elizabeth Cable, and Nicole Burshem, PS Business Services, Margaret Caldwell, Klamath CSD Board Member, and Sandy Moreno Klamath CSD Bookkeeper

1. Call to Order/Roll Call

Chairman Hemmingsen called the meeting to order at 4:00 p.m.

2. Public Hearings

A. South County CSDs MSR & SOI Update – Hunter Valley CSD, Klamath CSD, Redwood Park CSD (ATTACHMENT 2A)

Discussion was held in regards to South County CSDs MSR 7 SOI update. Hearing opened at 4:00 p.m.

Mr. Williamson commented that Commission review had been completed for two of the three CSDs and were still waiting for some Klamath CSD information for the main Klamath town site. Mr. Williamson expressed appreciation for the help of Klamath CSD Board member Margaret Caldwell and Klamath CSD Bookkeeper Sandy Moreno. They were able to provide the information necessary for a complete South County MSR and SOI Update.

LAFCo staff had a phone call this morning with Sandy Moreno, who reported that the Klamath CSD board had reviewed the Draft MSR and SOI Update and have asked for just a couple of revisions. They concur with the proposed SOI. These updates are important so that we can reconcile our records with those of the districts. They also offered clarification that there are no oxidation ponds. In terms of population and land use the Klamath CSD projects population at approximately 260. For wastewater they acknowledged the CSD has been operating on a cease and desist order. They feel it's their responsibility to locate an alternate wastewater disposal method. Mr. Williamson expressed that MSRs need the support and assistance of CSD staff and boards. With Commission action on this MSR and SOI Update, this MSR cycle is complete and if Commission concurs staff recommends taking an action on Resolution 16-04.

Commissioner Gitlin asked in regards to Table 7 on the upcoming budget there is a \$53,000 loss and previous years there was a surplus of \$2,685. Mr. Williamson responded they have been below budget prior two fiscal years and are projecting to accomplish some repairs. Commissioner Gitlin asked if Klamath CSD is anticipating a rise of rates. Ms. Moreno responded that in fiscal year 14/15 some Yurok Tribe water connections were added and Klamath CSD received \$90,000 in connection fees and the system has been in repairs. In 15/16 Klamath CSD has been really trying to address administration and operation issues. The District is applying for a RCAC grant to conduct a rate study and that's going to include a wastewater study because wastewater is underfunded. Commissioner Murray asked if they might be able to collaborate with Hunter Creek CSD.

Ms. Caldwell responded she thinks it's a possibility and the District could get the cease and desist order taken away currently because we have done a lot of work the last couple of years. With the new grant coming in we want our engineer to talk about it.

Closed public hearing at 4:10 p.m.

On a motion by Commissioner Gitlin, seconded by Commissioner Short, and unanimously carried on a polled vote the Del Norte Local Agency Formation Commission Board of Supervisors Chambers approved and adopted Resolution 16 04 Approving South County CSDs MSR & SOI Update.

B. Del Norte LAFCO FY 2016-17 Final Budget (ATTACHMENT 2B)

Discussion was held in regards to DNLFCO FY 2016-17 Final Budget.

Open hearing at 4:10

Mr. Williamson reported we had a favorable action on the draft budget and we sent the budget as is. We sent it to the Interim City Manager and the CAO; they both acknowledged and received. City Manager showed appreciation on savings. The Commission has satisfied their entire hearing and notice obligation. Mr. Williamson Recommends adopting Resolution 16-05

Closed hearing at 4:12 p.m.

On a motion by Commissioner Murray, seconded by Commissioner Countess, and unanimously carried on a polled vote the Del Norte local Agency Formation Commission Board of Supervisors Chambers approved and adopted Resolution 16 05 Adopting a Final Budget for Fiscal year 2016-17.

3. Regular Business

A. Approval of April 25, 2016 Draft Minutes (ATTACHMENT 3A)

Discussion was held in regards to April 25, 2016 Draft minutes.

Commissioner Gitlin commented there was an error in those listed in attendance at the April 25, 2016 meeting. Chairman Hemmingsen clarified that Martha McClure was not in attendance.

On a motion by Commissioner Gitlin, seconded by Commissioner Countess, and unanimously carried with Commissioner Short abstained, the Del Norte Local Agency Formation Commissioners Board of Supervisors Chambers approved the minutes of April 25, 2016, as presented.

B. Executive Officer Staffing Contract Extension (ATTACHMENT 3B)

Discussion was held in regards to Executive Officer Staffing Contract Extension. Mr. Williamson reported he would like to continue services with the Commission. Mr. Williamson noted this clarifies as an independent contractor and to work within the budget to conduct your businesses as you direct. There is a service extension contract and scope of services that follows.

On a motion by Commissioner Countess, seconded by Commissioner Gitlin, and unanimously carried on a polled vote the Del Norte Local Agency Formation approved the Executive Officer Staffing Contract Extension.

Commissioner Murray thanked Mr. Williamson for his work.

C. Countywide Fire Services MSR & SOI Resolution (ATTACHMENT 3C)

Discussion was held in regards to Countywide Fire Services MSR & SOI Resolution. Mr. Williamson reported we had this for you last time and there was action on the MSR, but not for SOI Resolution. Commissioner Inscore asked if we could have the entire MSR/SOI update in the record and part of the reason we delayed in finishing this is because we were waiting for information from Klamath Fire Protection District in regards to improve operations.

At the end of the packet there is an addendum. It documents there has been a number of actions that have taken place. There were two conditions placed one was that Klamath Fire Protection District shows progress on staffing and also you had conditioned to help with staffing and response in Hiouchi area. On May 3rd Smith River Fire Protection District approved and signed the Del Norte Auto Agreement. We feel that is going to help with the Hiouchi response. With that we can recommend approval of Resolution 16-06. Chairman Hemmingsen commented he thinks this is great Mr. Williamson put all this together and a great addition in coordinating all these departments together.

Commissioner Murray commented next agenda item comforts her even more with the Amador plan because there is so many of the little areas left vulnerable. This keeps everything with a back up plan and she appreciates all the work that is done. Mr. Williamson acknowledged John McFarland for all his help. Commissioner Short asked if Fort Dick FPD is signing the Auto Aid Agreement. Mr. Williamson responded they are still not signing the Auto Aid Agreement. One of the positive outcomes is all Del Norte District signed with exception to Fort Dick FPD. Also Klamath has taken it to the next step by taking an agreement with Orick, Gasquet has reached out to Illinois valley, and Smith River reached out to Harbor. We just have to keep working on it. Commissioner Short asked if it was just Smith River and Gasquet. Mr. Williamson responded no Crescent City, Smith River, and Gasquet.

On a motion by Commissioner Gitlin, seconded by Commissioner Countess, and unanimously carried on a polled vote, the Del Norte Local Agency Formation Commission Board of Supervisors Chambers approved and adopted Resolution 16 06 Approving the Countywide Fire Services MSR and SOI Update and Addendum.

D. Amador Plan for Fire Staffing Services (ATTACHMENT 3D)

Discussion was held in regards Amador Plan for Fire Staffing Services. Mr. Williamson reported John McFarland has had conversation and they have just staffed their fire department for seasonal support. He wants to go an initiate a meeting, but didn't want to do that without direction to participate. This is just so Mr. Williamson can start putting this package together. Chairman Hemmingsen has an issue with CALFIRE hiring for seasonally, with the assumption of everyone in the Klamath area pays the SRA fee. Mr. Williamson responded this has been debated since the fee has been in effect and agreed he raised a very good point. Chairman Hemmingsen commented if they are not going to be there to staff then maybe those people shouldn't have to pay the entire fee. Mr. Williamson reported the objective is to get their SRA fee lowered, but then have a fee for the year round fire protection. The residents wouldn't get a break and would pay the same amount, but better service for their money. Commissioner Gitlin asked if they need direction and report back in the next meeting. Mr. Williamson responded yes just looking for direction. Chairman Hemmingsen commented we have seen the proposals and they are pretty high. Commissioner Murray commented it could help the homeowners with their homeowner/fire insurance. Chairman Hemmingsen responded that it would not help.

4. Inquiries, Correspondence, Application Status and Referrals

A. Staff - The Executive Officer will provide a report of current projects, issues of interest, and pending legislation.

Mr. Williamson reported he doesn't have anything else at this time

C. Commission - On their own initiative, Commission members may make brief announcements or reports on their own activities. They may ask questions for clarification, make a referral to staff or request a business matter for a future agenda per Government Code Section 54954.2 (a).

The following Commissioners commented on the following: none

D. Public - Public comment on items of interest within LAFCO subject matter jurisdiction, and not otherwise appearing on the agenda. No action may be taken on any item not appearing on the agenda.

The following person(s) addressed the Commission: Elizabeth Cable commented there might be a legal liability that needs to be addressed and if that's the only thing on the agenda we may not have to have Mr. Williamson come up here. Commissioner Gitlin asked if the Commission would not have a meeting on June 20th. Mr. Williamson commented that we might have a meeting on June 20th. Elizabeth Cable commented there's a filed case to deal with Bertch Oceanview and LAFCO. Chairman Hemmingsen directed legal council to let the Commission know and we can do a special meeting.

4. Adjournment

There being no further business to come before the Commission, the Chairman adjourned the meeting at 4:34 p.m. until the next regularly scheduled meeting on June 27, 2016.

Respectfully submitted,

Nicole L. Burshem, Recording
Secretary

MEETING MINUTES

Del Norte Local Agency Formation Commission

June 22, 2016

Members present: Blake Inscore, Kathryn Murray (Vice-Chair), Roger Gitlin, Chairman
Gerry Hemmingsen

Members absent: Sparky Countess

Others present: County Counsel Elizabeth Cable, and Sabrina Valentine, PS Business Services

1. Call to Order/Roll Call

Chairman Hemmingsen called the meeting to order at 2:00 PM

2. Closed Session:

Public Comment on Closed Session items only

The following person(s) addressed the Commission: Eileen cooper commented I am a part of the Bertsch Track, our water system we have been paying for, we have our own pumps that are going to be worn out. Our whole system will be so stressed. This is a huge volume of water and the Bertsch Track has not been considered and compensated, Thank you for considering us. Marsinah Murakami commented I live in the Bertsch Track; the water bill has been straining my budget. I feel we've been paying excessively for having water out in the Bertsch Track and what I'm wondering is when you put in the new casino and like she said it's hard on our pumps, are the citizen payers going to have it stuck to them or is the casino going to take a fair share to pay for the excess and not keep adding more on our water bills? That's my concern.

Conference with Legal Counsel- Existing litigation pursuant to Government code 54956.9(d)(1) *Bertsch-Ocean View Community Services District vs. Del Norte Local Agency Formation Commission et. al* CVPT 16-1124

Chairman Hemmingsen closed open session and immediately reconvened in closed session.

There was nothing to report out of closed session

3. Review and Take Action on Common Interest and Joint Defense Contract regarding *Bertsch-Ocean View Community Services District vs. Del Norte Local Agency Formation Commission et. al* CVPT 16-1124

Discussion was held regarding the Joint Defense Contract regarding Bertsch-Ocean View Community Services District vs. Del Norte Local Agency Formation Commission. Eileen Cooper commented I would like to know what the Joint Defense Contracts is. I hope it is in consideration of our district. The amount of water that is being used is incredibly high

Attachment 4B

and the integrity of our system is at stake and we have paid for years to keep them in good shape. I hope everything is going to be negotiated fairly. I fully support the actions that the Bertsch Track district has done. I hope that our engineer has had time to adequately assess what the impacts will be and I know that the district will be compensated, because anything short of that will not be accepted. Chairman Hemmingsen asked if legal council would like to explain a little bit about the document so that no one gets confused. Elisabeth Cable explained this contract that is on the agenda is entitled combine president and Joint Defense agreement. What it will do is there are several parties to this action; LAFCO is one, the City is one and the Tribe is one. It will allow the attorneys for each of those entities to talk freely together under the Joint Defense Privilege. So that when there are communications they will be attorney client privilege so that the defenses can be combined rather than everybody going at it on their own. Which is a lot more cost efficient, so that's the extent of this agreement. Commissioner Gitlin commented I understand your concerns about the Bertsch Track but today we are not talking about this issue, we are just talking about LAFCO being a part of a process. Which if we don't go ahead and acknowledge this we are left out of the loop. I think it's important that LAFCO remain a part of the process, as an opportunity to way in. That's what we are doing today with the Joint Defense Contract; it has almost nothing to do with water. Commissioner Murray asked if the Joint Defense Agreement will be a public document and Legal Counsel confirmed that it would be.

4. Public comment on items of interest within LAFCo subject matter jurisdiction, and not otherwise appearing on the agenda. No action may be taken on any item not appearing on the agenda.

The following person(s) addressed the commission: None

5. Adjournment

There being no further business to come before the Commission, the Chairman adjourned the meeting at 2:35 p.m. until the next regularly scheduled meeting on July 25, 2016.

Respectfully submitted,

Nicole L. Burshem, Recording
Secretary

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

County of Del Norte
Local Agency Formation Commission
1125 16th Street, Suite 202
Arcata, CA 95521

Space above for Recorder's use

**CONSENT TO ANNEXATION ("CONSENT MOU") OF THE MARTIN RANCH AND OCEAN WAY
MOTEL PROPERTIES INTO THE CITY OF CRESCENT CITY SHOULD ANNEXATION BECOME
FEASIBLE IN THE FUTURE**

RECITALS

- A. The Elk Valley Rancheria, California, a federally recognized Indian tribe (the "Tribe"), and beneficial owner of the Martin Ranch (APN 115-020-28) and Ocean Way Motel (APN 115-020-20) properties (collectively, the "Properties");
- B. On February 15, 2016, the Tribe offered to provide a Consent MOU to the City of Crescent City and the Del Norte County Local Agency Formation Commission in furtherance of the City's application for approval of an out of area service agreement for water wheeling to the Properties; and
- C. The Del Norte County Local Agency Formation Commission approved the out of area service agreement for water wheeling to the Properties; and
- D. The Notice of Completion was mailed on or about March 15, 2016 and a Notice of Determination was filed with the California Clearinghouse on or about March 21, 2016.

AGREEMENT

- 1. The Elk Valley Rancheria, California, a federally recognized Indian tribe (the "Tribe"), and beneficial owner of the Martin Ranch and Ocean Way Motel properties (collectively, the "Properties") hereby consents to annexation of the Properties into the City of Crescent City should annexation become feasible in the future.
- 2. The Tribe's consent provided in this Consent MOU is irrevocable.
- 3. The Tribe will provide all reasonable cooperation to the City in the annexation proceedings, if any.
- 4. This Consent MOU can be recorded.

Executed this 27th day of May 2016.



Dale A. Miller
Chairman

**DEL NORTE
LOCAL AGENCY FORMATION COMMISSION**
1125 16th Street, Suite 202
Arcata, California 95521
TEL (707) 825-9301 FAX (707)825-9181
eo@delnortelafo.org

AGENDA ITEM 4D
Compliance Work Program for 2016-17

Agency Name	SOI & MSR Status	Contact Information	Next Update
CITIES			
City of Crescent City	MSR & SOI Approved May 2011	377 J. St, Crescent City, CA 95531; David VanDermark; City Manager; (707) 464-7483, dvandermark@crescentcity.org	2017
COMMUNITY SERVICE DISTRICTS			
Bertsch-Ocean View	MSR & SOI Approved August 2010	159 Club Drive, Crescent City, CA 95531; Carol Leuthold Secretary/ Treasurer; H: 707-458-4702, Contact 2: David Weeks, Manager, H: 464-5586	2017
Big Rock	MSR Approved Nov 2015 & SOI Approved April 2016	P.O. Box 453, Crescent City, CA 95531; Craig Bradford; (707) 458-9933	2021
Church Tree	MSR & SOI Approved May 2009	251 Church Tree Road, Crescent City, CA 95531; Tim Criteser; (707) 465-1753	2016
Gasquet	MSR & SOI Approved 2016	P.O. Box 86, Gasquet, CA 95543; Michael Morgan (707)457-3450 or (707)457-3107; gcsd1@outlook.com	2021
Hunter Valley	MSR & SOI Approved 2016 Part of Regional So. County	25 Del Ponte Drive, Klamath CA, 95548; Paul Crandall; (707) 482-0369	2021
Hussey Ranch (HRC)	MSR & SOI June 2009	159 Club Drive, Crescent City, CA 95531; Carol Leuthold Secretary - Treasurer; H: 707-458-4702	2016
Klamath	MSR & SOI Approved 2016 Part of Regional So. County	P.O. Box 430, Klamath, CA 95548; Margaret Caldwell, (707) 482-0245 or (707)482-1375	2021
Redwood Park	MSR & SOI Approved 2016 Part of Regional So. County	P.O. Box 650, Klamath, CA 95548; Gordon Karnes; (707) 482-9295	2021
Smith River	MSR & SOI Approved January 2009	241 W. 1 st Street, Smith River, CA 95567; Venus Thomas; (707) 487-5381; vmmyers@srwater.net	2016

Agency Name	SOI & MSR Status	Contact Information	Next Update
FIRE DISTRICTS			
Crescent FPD	MSR & SOI Approved 2016 Part of Countywide Fire MSR	255 W. Washington, Crescent City 95531; Steve Wakefield; (707)464 2421; admin@crescentfire.com	2021
Fort Dick FPD	MSR & SOI Approved 2016 Part of Countywide Fire MSR	P.O. Box 369, Fort Dick, CA 95538; Randy Crawford; (707) 487-8185; FDFD81@aol.com	2021
Gasquet FPD	MSR & SOI Approved 2016 Part of Countywide Fire MSR	P.O. Box 85, Gasquet, CA 95543; Fire Chief, (707) 457-3332; gasquetvfd@charter.net	2021
Klamath FPD	MSR & SOI Approved 2016 Part of Countywide Fire MSR	P.O. Box 369, Klamath, CA 95548; Eloisa Gaboni Board Chair & Lonnie Levi Fire Chief 482-3311	2021
Smith River FPD	MSR & SOI Approved 2016 Part of Countywide Fire MSR	P.O. Box 187, Smith River, CA 95567; Glen Hill, Fire Chief; (707) 487-5621; Darrell Moorhead smithriverfireprotectiondistrict@smithriverfire.com	2021
OTHER DISTRICTS			
County Service Area (CSA) No.1	MSR & SOI Approved November 2015	Mary Jo Duncan, Del Norte County Engineering Division, 981 H Street, Suite 110, Crescent City, CA 95531, (707) 464- 7229	2020
Crescent City Harbor District	MSR & SOI Approved August 2015	101 Citizens Dock Road, Crescent City, CA 95531; (707) 464-6174; Charles Helms, CEO; Wilma Madden wilma@ccharbor.com	2020
Del Norte Co. Health Care District	MSR & SOI Approved August 2012	P.O. Box 2064, Crescent City, CA 95531; Peggy; (707) 464-9494; dnhcd@delnortehealth.com	2017
Del Norte Co. Library District	MSR & SOI Approved October 2012	190 Price Mall, Crescent City, CA 95531; (707) 464-9783	2017
Del Norte Co. Resource Conservation District	MSR & SOI Approved February 2015	241 1st Street, Unit B, Smith River, CA 95567; Brian Ferguson, Board Chair; (707) 487-7630; delnorteRCD@yahoo.com	2020
Smith River Cemetery District	MSR & SOI Prepared June 2014	P.O. Box 762, Smith River, CA 95567; Colleen Luttrell; (707) 487-6705	2019
Del Norte Fairgrounds Recreation and Park District	District Formed/ MSR Approved April 2014	421 Hwy 101 North, Crescent City, CA 95531 - 41st District Agricultural Association Randy Hatfield (707) 464-9556; r.hatfield@charterinternet.com	2019